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PPLAAF

PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA

WHISTLEBLOWERS IN NIGER:

Overview of the Legal Framework and
Practices

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NIGER

Whistleblowers in Niger: Overview of the legal framework and practices

The publication of this report was funded by the [European Union](#) as part of the [OCWAR-M](#) project, the West African response to money laundering and the financing of terrorism. The 5-year project started in 2019 and covers ECOWAS Member States and Mauritania. Its main objective is to contribute to the understanding and effective implementation of international anti-money laundering and countering the financing of terrorism (AML/CFT) standards.

To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

LIST OF ACRONYMS

AML/CFT: Anti-Money Laundering/ Countering the Financing of Terrorism

ANLC: Nigerien Association for the fight against corruption

BAGRI: Agricultural Bank of Niger

BIR/LCTI: Information, Complaints and Anti-Corruption Bureau

CENTIF: Financial Intelligence Unit

CENOZO : Cellule Norbert Zongo for Investigative Journalism in West Africa

CODDHD: Collective of Human Rights and Democracy Defense Organizations

CNSP: Conseil National pour la sauvegarde de la patrie

FATF: Financial Action Task Force

FINCEN: Financial Crime Enforcement Network

GI-TOC: Global Initiative against Transnational Organized Crime

HALCIA: High Authority for the fight against corruption and related offenses

ICIJ: International Consortium of Investigative Journalists

IMF: International Monetary Fund

MFWA: Media Foundation for West Africa

NGO: Non-Governmental Organization

OCWAR-M: Organised Crime, West African Response to money laundering and the financing of terrorism

PPLAAF: Platform to Protect Whistleblowers in Africa

RSF: Reporters Sans Frontières

WAEMU: West African Economic and Monetary Union

WAMU: West African Monetary Union

Introduction

In West Africa, transnational organized crime, including financial crime, poses a threat to the stability and security of states. Whistleblowers are essential in combating these crimes. They are individuals who disclose information about illegal, illicit, or contrary-to-public-interest activities that they have witnessed, particularly in the course of their duties, in order to stop them and bring about change. However, these disclosures can put their careers, freedom, and even lives at risk, and whistleblowers are often threatened or prosecuted by the individuals or organizations implicated by their revelations.

Although they play a key role in fighting financial crime, there are few laws in Africa protecting whistleblowers. To date, only about ten out of the continent's fifty-four states have enacted legal instruments to protect these actors, and even those may not always be effective.

Furthermore, to encourage whistleblowing and ensure its effectiveness, it is necessary to have robust laws governing several key areas, such as combating financial crime, freedom of the press, and access to information.

In the field of combating financial crime, the adoption and implementation of specific laws are necessary to enable authorities to rely on whistleblower disclosures to conduct investigations, prosecute offenders, and prevent future offences. The existence of strong legislative mechanisms for fighting financial crimes enhances the credibility and legitimacy of whistleblowers.

Laws guaranteeing media freedom and freedom of expression are also essential to create an environment conducive to whistleblowing. These disclosures can only have a significant impact if they are disseminated to the public by free and independent media. The establishment of laws protecting media freedom creates an environment conducive to the dissemination of critical information and raises public awareness of the issues raised by whistleblowers.

Finally, laws guaranteeing access to information play a crucial role in promoting transparency and enabling whistleblowers to legally share the information they possess. Access to reliable and relevant information is essential for whistleblowers to document their allegations and provide tangible evidence of the wrongdoings they expose.

The purpose of this report is to assess the legal framework in Niger in all these areas and analyze the whistleblowing environment in the country. It provides a detailed and critical legal analysis and proposes ways to improve existing legislation.

Through this report, PPLAAF also emphasizes the need for African states to establish progressive laws on whistleblowers to protect them and encourage potential whistleblowers to come forward.

This work is intended for whistleblowers, journalists, civil society organizations, anti-corruption agencies, lawyers, magistrates, professionals in the sector, and all stakeholders concerned or interested in whistleblowing and the fight against financial crime.

The Niger report is one of fourteen reports drafted and published by PPLAAF as part of the OCWAR-M project.

- **Legal sources**

[Constitution of November 25, 2010](#)

[Penal Code](#)

[United Nations Convention against Corruption \(2003\)](#)

[African Union Convention on Preventing and Combating Corruption](#)

[Protocol on the Fight against Corruption of the Economic Community of West African States](#)

[Law No. 2016-33 of October 31, 2016, on the fight against money laundering and the financing of terrorism](#)

[Law No. 2016-44 of December 6, 2016, on HALCIA](#)

[Ordinance No. 2010-35 of June 4, 2010, on the regime of press freedom](#)

[Law No. 2019-33 of July 3, 2019, on the repression of cybercrime in Niger](#)

[Law No. 2012-45 of September 25, 2012, on the Labor Code](#)

[Ordinance No. 2011-22 of February 23, 2011, on the charter of access to public information and administrative documents](#)

- **Executive summary**

Niger has ratified the [United Nations Convention against Corruption](#) and other regional conventions that commit it to incorporate tools to combat financial crime into its legislation, particularly in favour of protecting whistleblowers. However, to date, no Nigerien text explicitly refers to whistleblowing.

On the other hand, Niger has adopted a number of legislative provisions to combat financial crime and has set up bodies to monitor and combat it. Despite these advancements, financial crime, including corruption, seems to persist.

Freedom of expression and media rights are regularly restricted in Niger. This is now a major challenge for the country in a security context marked by political instability and the fight against terrorism.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 Whistleblower laws and policies

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Niger to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

□ **Ratification of international and regional conventions on the fight against corruption and the protection of whistleblowers**

Niger has ratified a number of international and regional conventions that, while not using the term "whistleblower," provide protection for individuals who may be considered as such.

At the international level, Niger ratified the [United Nations Convention against Corruption of 2003](#). In Article 32, the Convention requires State parties to take "appropriate" measures to protect "witnesses, experts, or victims" from acts of retaliation or intimidation they may face as a result of their statements. The Convention also includes an article dedicated to the "Protection of persons reporting information" (Article 33).

Furthermore, the [African Union Convention on Preventing and Combating Corruption of 2003](#), ratified by Niger, states in Article 5 that parties to the Convention undertake to "adopt legislative and other measures to protect informants and witnesses in cases of corruption and related offences, including their identity," but also to "adopt measures to ensure that citizens report cases of corruption, without potentially fearing retaliation."

At the regional level, Niger ratified in 2006 [the Protocol on the Fight against Corruption of the Economic Community of West African States \(2001\)](#). According to this protocol, the establishment of laws or measures aimed at effectively and adequately protecting any person who provides, in good faith, information on acts of corruption constitutes a preventive measure against corruption and money laundering. Indeed, even if the concept of whistleblowing is not explicitly used, there seems to be an indirect obligation on the part of the States parties, including Niger. Furthermore, Article 8 "Protection of witnesses" requires States parties to implement measures aimed at effectively protecting witnesses against any form of retaliation or intimidation in the context of judicial proceedings. This protection also extends to family members and any other close associates of the witnesses.

Thus, by ratifying these international and regional texts, Niger has formally committed to implementing effective protection for whistleblowers who play an essential role in the fight against financial crime.

□ **Limited protection for whistleblowers in national legislation**

At the legislative level, the [Penal Code](#) does not provide any provisions for the protection of whistleblowers, but it does penalize slanderous accusations under Article 220. In this regard, this article states that "anyone who, by any means whatsoever, makes a slanderous accusation against one or more individuals to administrative or judicial police officers, or to any other competent authority, or to the hierarchical superiors or employers of the denounced, shall be punished by imprisonment from six months to five years and a fine of 50,000 to 500,000 francs."

Article 221 of the same code sanctions the disclosure of secrets and applies to healthcare personnel and "to all other persons entrusted, by status or profession or by temporary or permanent functions, with the secrets entrusted to them." Thus, "persons listed in this present article who have disclosed secrets shall be punished by imprisonment from two months to one year and a fine of 10,000 to 200,000 francs, or by one of these two penalties, except where the law obliges or authorizes them to act as informants."

The Labor Code contains no provisions protecting whistleblowers; however, [Article 78 of Law No. 2012-45 of September 25, 2012, on the Labor Code](#) states that "the following shall not constitute legitimate grounds for dismissal: - the fact of having lodged a complaint or participated in proceedings brought against an employer for alleged breaches of its obligations, or lodged an appeal with the competent administrative authorities."

● **Law on Anti-Money Laundering and Combating the Financing of Terrorism and its Protection for Whistleblowers**

Niger also has [Law No. 2016-33 of 31 October 2016 on the fight against money laundering and the financing of terrorism](#), which grants protection against civil and criminal proceedings for breach of professional secrecy to persons or managers who make reports of suspicions in good faith, declared "exempt from all penalties for breach of professional secrecy" (Article 83). Article 95 of the same law enshrines the protection of witnesses and anonymous testimony.

● **Limited protection for whistleblowers under the High Authority for the Fight against Corruption and Related Offenses (HALCIA) Law**

[Law No. 2016-44 of December 6, 2016, on HALCIA](#) provides protection that can apply to whistleblowers. Article 23 states that HALCIA "may be seized by any person for dated and signed denunciations concerning acts of corruption or related offences." This article allows any citizen who witnesses illicit acts to seize this institution to sound an alarm. However, there is no guarantee of anonymity in the transmission of denunciations.

Article 27 of this law is also of great importance, as it ends with the following positive obligation: "The State ensures the protection of witnesses, experts, and whistleblowers in cases of corruption and related offences." This article expressly enshrines the protection of

"whistleblowers" in cases of corruption and related offences. However, no details are given regarding the nature of the protection granted or its implementation modalities or deadlines.

1.2 Laws and measures related to combating financial crime

This section focuses on the measures taken by the Nigerien government to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Niger.

□ Fight against corruption

"Corruption is widespread and deeply rooted in Niger": this is the conclusion of a [2019 report by the International Monetary Fund \(IMF\)](#)¹. The report specified that "the customs administration, taxes, the police, and the services responsible for public procurement were considered the most corrupt."

In his [inaugural speech](#) in 2021, President Mohamed Bazoum promised to vigorously combat corruption and denounced a mentality "not always in line with the values of the rule of law and its requirements regarding the primacy of law." [On July 26, 2023](#), the armed forces of Niger overthrew President Mohamed Bazoum, citing the worsening security situation due to jihadist violence, corruption, and economic difficulties in this uranium-rich country. It is now General Abdourahmane Tchiani who heads the National Conseil National pour la sauvegarde de la patrie (CNSP), the military junta that took the power.

The preamble of the 2010 Nigerien [Constitution](#) asserted an "absolute opposition to corruption and arbitrariness." As this Constitution was [suspended by the military junta](#), it is likely that it will be amended in the future.

The offence of corruption is also severely punished in the [Penal Code](#). In this regard, Sections IV (Articles 121 to 123), V (Articles 124 to 128), and VII (Articles 130 to 133) deal with embezzlement by public officials, bribery, corruption and trading in influence.

In its [2022 report on the Corruption Perceptions Index \(CPI\)](#) worldwide, Transparency International² ranks Niger 123rd out of 180 countries with 32 points out of 100.

¹ The International Monetary Fund (IMF) is an international organization created to promote international monetary and financial cooperation, facilitate economic exchange, stabilize exchange rates, and provide financial assistance to member countries facing economic problems.

² Transparency International is a non-governmental organization (NGO) dedicated to combating global corruption. Founded in 1993 and based in Berlin, Germany, the organization advocates for transparency, accountability, and integrity in both public and private sectors. It conducts research, publishes reports, and promotes policy changes to address corruption worldwide. Transparency

□ **High Authority for the Fight against Corruption and Related Offenses (HALCIA)**

Niger does, however, have anti-corruption legislation and national institutions specialising in preventing and combating corruption, such as [HALCIA](#), which was set up in 2016. The HALCIA, which reports to the President of the Republic, was set up as part of the national anti-corruption strategy. Its mission is to prevent and combat corruption and related offences. In the interests of efficiency, it has been given a large number of powers defined in [Law No. 2016-44 of 6 December 2016 on the HALCIA](#).

Among other things, it can carry out investigations, as the law provides it with judicial police officers and agents, and its investigations can be conducted even when the matter has already been referred to the courts (Article 24). It may request the production of banking, financial or commercial documents that have been used or intended for use in committing the offences under investigation without the principle of banking secrecy being invoked being opposed to it (Article 25), and it is authorized to carry out searches in accordance with the provisions of the Code of Criminal Procedure (Article 26).

In his [speech on the occasion of the International Anti-Corruption Day](#) in 2022, the President of the HALCIA indicated that during the period 2012-2022, 323 complaints and denunciations had been recorded. Of these 323 complaints, 197 were retained for processing, after which 50 reports were submitted to the President of the Republic and the competent prosecutors. However, it is necessary to question the follow-up given to these cases.

● **Information, Complaints and Anti-Corruption Bureau (BIR/LCTI)**

In addition to HALCIA, the [Information, Complaints and Anti-Corruption Bureau \(BIR/LCTI\)](#) was established by Order No. 0056/MJ/GS/PPG of August 2, 2011 (not available online to date). Also known as the "Green line," the BIR/LCTI is a department of the Ministry of Justice responsible for implementing the government's strategy to combat corruption in the judiciary sector. The powers of the BIR/LCTI are limited: it can only receive complaints and reports from citizens regarding acts of corruption within the judiciary. Moreover, the anonymity of complaints is not guaranteed. Following its investigations, the BIR/LCTI prepares reports that are transmitted to the Public Prosecutor if there is any evidence that could lead to prosecution. The Bureau also enjoys only limited independence, as its administrative and financial management is provided by the State.

The BIR/LCTI also suffered from a lack of effectiveness in the years following its establishment in 2011. According to [Karimou Haladou](#), Coordinator of the Green Line, the BIR/LCTI's activities were slowed down by the abandonment of certain institutional players. It was not until a

International is renowned for its Corruption Perceptions Index (CPI), which ranks countries based on perceived levels of corruption within their public sectors.

decree was passed by the Council of Ministers in 2019 that the Line was relaunched and democratised.

● **Obligation to Declare Assets for the President and Government Members**

The 2010 Nigerien [Constitution](#) (currently suspended) requires the President and government members (Prime Minister and Ministers) to declare their assets at the beginning and end of their terms, as stipulated in Articles 51 and 78. The Court of Auditors is responsible for monitoring asset declarations. Article 79 specifies that any inaccurate or false declaration of assets exposes its author to prosecution in accordance with the provisions of the Penal Code.

□ **Fight against money laundering and terrorist financing**

The fight against money laundering and terrorist financing (AML/CFT) has been strengthened by [Law No. 2016-33](#) (see box).

On 2 July 2015, the Council of Ministers of the WAMU zone adopted the draft uniform law on the fight against money laundering and terrorist financing. The 8 member countries of WAMU and WAEMU had 6 months to internalise the law into their domestic legal order. In fact, internalisation took place in various countries between December 2015 and December 2018.

The 2015 Uniform Act, which replaced the previous 2008 Uniform Act, incorporated the new 2012 revisions of the FATF standards.

The new law made it possible to merge the texts relating to the fight against money laundering and terrorist financing and to take into account aspects relating to the proliferation of weapons of mass destruction.

Furthermore, the current law introduced the prohibition of cash transactions for amounts exceeding 10 million francs and expanded the category of designated non-financial professional entities (DNFPEs), which are essentially non-financial institutions that could be used for money laundering or terrorism financing purposes due to their nature.

The AML/CFT law requires the country to establish a national AML/CFT framework covering several aspects, including the following:

1. The country must conduct its national risk assessment and identify vulnerabilities to money laundering (ML) and terrorist financing (TF).
2. Obligated entities (financial institutions and DNFBPs) must conduct their risk assessments.
3. Obligated entities must implement an effective AML/CFT framework to significantly mitigate ML/TF activities and submit suspicious transaction reports to the financial intelligence unit (CENTIF).

4. Obligated entities failing to meet their obligations must face administrative and disciplinary sanctions.
5. CENTIF must be autonomous, operational, and adequately resourced with technical, financial, and human resources to fulfil its missions. CENTIF is an independent administrative authority under the supervision of the Minister of Finance. Its mission includes processing and transmitting information for the fight against ML and TF. CENTIF also handles suspicious transaction reports and can oppose the execution of a transaction based on serious, consistent, and reliable information. When operations reveal facts that may constitute the offence of money laundering or terrorist financing, CENTIF submits a report to the Public Prosecutor, who must refer the case to the investigating judge.
6. The country must establish mechanisms to freeze the assets of terrorist individuals and organizations.
7. Both individuals and legal entities can be held criminally liable for offences related to money laundering and/or terrorist financing.
8. The country establishes mechanisms to seize, manage, and confiscate the assets of criminals.

1.3 Media rights and freedom of expression

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

□ Constitutional and Legislative Framework on Press Freedom

Articles 30 and 31 of the 2010 [Constitution](#) (currently suspended) enshrines the right to freedom of thought, opinion, expression, conscience, religion and worship and the right to information held by public services (under conditions determined by law).

In addition, since [Ordinance no. 2010-35 of 04 June 2010 on the freedom of the press](#), press offences have been decriminalised. Former imprisonment penalties have been replaced by fines, and preventive detention has been abolished. This ordinance also outlines the conditions for professional journalism activities and offences against freedom of the press and communication.

In 2019, the country adopted [Law No. 2019-33 of July 3, 2019, on the repression of cybercrime](#) in Niger. The main purpose of this law appears to be initially related to the need to regulate illicit practices using new digital technologies. However, associations have feared its misappropriated and abusive use, particularly its Article 31 on the dissemination of false news, which states: "Anyone who produces, makes available to others, or disseminates data likely to disrupt public order or undermine human dignity through an information system shall be punishable by imprisonment for six months to three years and a fine of one to five million CFA francs."

Furthermore, certain articles of the law grant extensive search powers to the public authority and may infringe upon privacy, freedom of expression, and media rights.

Article 42 provides that the examining magistrate or the judicial police officer may access stored computer data or a data storage medium. Under Article 44, computer data may even be collected in real-time and recorded by the examining magistrate or the judicial police officer "when the needs of the investigation or information require it." Article 45 allows for the interception of data when the penalty incurred is equal to or greater than two years' imprisonment. This interception decision is moreover not subject to any appeal as it is considered non-jurisdictional.

□ **Persistent Threats to Press Freedom in Niger**

Despite the existence of protective constitutional and legislative provisions, attacks on freedom of expression and media rights remain a major challenge for Niger today. In the months following the adoption of [Law No. 2019-33 of July 3, 2019, on the repression of cybercrime](#) in Niger, associations noted an increase in the number of arbitrary arrests. In May 2020, [Amnesty International](#) condemned the abusive and intrusive use of the law by the government aiming to muzzle anyone who criticized its management of the health crisis. Nigerien journalist [Mamane Kaka Touda](#) was arrested in March 2020 after posting on Facebook about a possible case of COVID-19 contamination in a hospital in the capital.

In recent years, several journalists have been arbitrarily arrested and media outlets suspended. In 2022, Moussa Aksar, a renowned Nigerien investigative journalist and editor of the newspaper "L'Evènement," was sued for defamation for his revelations on [financial mismanagement at the Ministry of Defense](#). This investigation is based on reports of suspicious activities from the U.S. Treasury Department's Intelligence Unit and the Financial Crime Enforcement Network called "FinCEN." It was carried out as part of the international investigation project called "FinCEN Files," which brought together journalists from nearly 90 countries under the coordination of the International Consortium of Investigative Journalists (ICIJ) based in Washington. [Civil society and several international media outlets](#) have denounced judicial harassment and a deliberate attempt to intimidate the journalist.

Also in 2022, Moussa Aksar and Samira Sabou, a freelance journalist, were sentenced to suspended prison terms for reproducing in May 2021 an investigation into corruption in Niger produced by the [Global Initiative Against Transnational Organized Crime \(GI-TOC\)](#). This

document portrayed Niger as a "nerve centre" for hashish trafficking in the region and denounced the close links between traffickers and parts of the Nigerien political and military class. [Reporters Sans Frontières \(RSF\)](#)³ denounced "completely unjustified convictions that send a dramatic signal about the state of justice and the fight against corruption in the country."

Moussa Aksar's case and those of other journalists are glaring examples of the threats facing investigative journalism in Niger.

In 2023, Niger ranked 61st out of 180 countries in [RSF's World Press Freedom Index](#). However, following the military coup on July 26, 2023, RSF expressed [concerns](#) about the fate of journalists in Niger and feared a deterioration in press freedom.

Niger is considered "[partly free](#)" according to Freedom House's⁴ annual report for 2022. The country scored 51 out of 100, dropping three places compared to 2021 when it scored 48 out of 100. However, the recent coup could potentially affect this score.

Thus, in the current regional security context marked by the fight against terrorism and the recurrence of military coups, media rights, as well as freedom of expression and information, could face further challenges in Niger. These potential restrictions could impact the fight against corruption and, consequently, the protection of the public interest.

1.4 The Access to Information Act and Secrecy Laws

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviours within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, thereby providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information

³ Reporters sans Frontières (RSF) is an international non-governmental organization founded in 1985 with the mission to defend press freedom, promote independent journalism, and protect journalists worldwide. The organization actively works to denounce censorship, repression, and infringements on freedom of expression. RSF yearly publishes a World Press Freedom Index, which assesses the state of media freedom in each country based on criteria such as pluralism of opinions, access to information, and safety of journalists.

⁴ Freedom House is an American non-governmental organization founded in 1941. Its main objective is to promote and defend democracy, human rights, and fundamental freedoms worldwide. Freedom House evaluates the state of political rights and civil liberties in each country and produces reports and indices to measure the degree of freedom and democracy.

□ **The provisions of the Penal Code: a strict framework for the disclosure of classified information**

The Nigerien [Penal Code](#) is very strict regarding the disclosure of "defence secrets." Under Article 64, "any Nigerien who delivers to a foreign power or its agents (...) information, object, document, or process that must be kept secret in the interest of national defense (...) shall be guilty of treason and punishable by death." Furthermore, under Article 66: "any Nigerien or foreigner who, with the intention of delivering them to a foreign power, gathers information, objects, documents, or processes whose collection and exploitation are likely to harm national defence shall be punished by life imprisonment."

According to Article 70 of the Penal Code, "any Nigerien or foreigner who, without the intention of treason or espionage, has brought to the attention of an unqualified person or the public military information not made public by the competent authority and whose disclosure is clearly likely to harm national defence shall be punished by imprisonment of one to five years."

□ **The ordinance on access to public information in Niger: between legal guarantees and persistent obstacles**

[Ordinance No. 2011-22 of February 23, 2011](#), establishes the general rules for access to public information and administrative documents. According to this ordinance, access to information is free, subject to the exceptions and deadlines provided by law (Article 4).

Article 13 of the ordinance specifies that the following information or administrative documents cannot be consulted or disclosed, particularly if their disclosure would harm: the secrecy of government deliberations and the authorities responsible under the executive branch; national defence secrets; the conduct of Niger's foreign policy; state security, public safety, or the safety of individuals; currency or public credit; the course of proceedings before the courts or preliminary operations to such proceedings unless authorized by the competent authority. The article specifies that this restriction applies to any public information whose disclosure is prohibited by specific legislative and regulatory provisions.

Article 28 of the ordinance states that the "Mediator of the Republic is the institution responsible for ensuring respect for the right of access to public information." When a citizen encounters difficulties in accessing information, he or she can refer the matter to the Mediator (Article 29). In his annual public report to the President of the Republic, the Mediator is required to highlight the difficulties encountered by citizens in exercising their right of access to public information (Article 30).

Regarding sanctions, the ordinance stipulates that any administrative authority or official who refuses to provide or obstruct public information and communicable administrative documents incurs sanctions as provided by current legislation and regulations and is required to redress the damage suffered (Article 32). Any official or administrative authority found guilty of

disseminating non-communicable information is liable to disciplinary sanctions without prejudice to the sanctions provided for by current laws (Article 33).

Article 33 specifies that "persons who have disseminated or reported acts constituting an offence, a breach of a legal obligation, a miscarriage of justice, or serious acts of negligence in the management of a public administration must be protected and immune from any judicial, administrative, or professional sanction." It seems that this ordinance, to some extent, enshrines protection for whistleblowers.

Despite the existence of this ordinance, the [Media Foundation for West Africa \(MFWA\)](#)⁵ asserts that "the provisions of this ordinance are not applied in practice and access to administrative sources remains a real obstacle course for journalists."

2. ANALYSIS OF THE FACTS: WHISTLEBLOWERS CASES

The objective of this section is to list known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

□ **Falamata Aouami**

[Falamata Aouami](#) denounced multiple irregularities she had noticed while employed at the Agricultural Bank of Niger (BAGRI). [PPLAAF](#) also issued a press release on the matter in 2017.

Falamata Aouami, who holds a Master's degree in audit and management control from Dakar, was Director of Audit and Inspection at BAGRI. She was dismissed in 2015 after raising internal alarms about her employer's fraudulent practices. Indeed, in her capacity as director, Falamata Aouami discovered multiple irregularities, including a discrepancy between equity and share capital, the granting of loans without minimum legal guarantees, and cash discrepancies.

Faced with these irregularities, Falamata Aouami decided to conduct an inspection and draft an audit report and recommendations on the bank's management. The report was suppressed to conceal irregularities from the Banking Commission of the West African Monetary Union, an external supervisory body.

The whistleblower was ultimately dismissed on May 29, 2015, for "serious misconduct." After long months of legal proceedings, Falamata Aouami finally obtained justice in January 2017.

⁵ The Media Foundation for West Africa (MFWA) is a regional non-governmental organization focused on promoting press freedom, freedom of expression, and democracy in West African countries. It was established in 1997 and is headquartered in Accra, Ghana. The MFWA aims to strengthen independent media, advocate for journalists' rights, and promote media accountability in West Africa. It works on journalist training, raising awareness about media rights, protecting journalists at risk, and combating censorship and restrictions on press freedom.

BAGRI was ordered to pay her the sum of 13 million CFA francs in compensation for dismissal and damages.

3. RECOMMENDATIONS: WEAKNESSES AND REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

- Increase awareness and access to corruption reporting procedures

A [May 2018 report](#) from the National Institute of Statistics national survey on corruption in the judiciary and other social phenomena reveals that only 10% of citizens surveyed are aware of procedures for reporting corruption to the relevant authorities. This situation, combined with a high perception of corruption, could constitute an obstacle to the fight against this phenomenon, as citizens may be less inclined to report illicit acts due to a lack of confidence in their judicial institutions.

- It therefore seems important for the Nigerien State to take measures to improve the confidence of Nigeriens in their judicial institutions, in particular by strengthening the application of laws already in force in this regard.

- Strengthening the Independence of HALCIA

The lack of independence of HALCIA is a problem. Indeed, this body is attached to the Presidency, which legitimately raises questions about its autonomy and raises concerns about possible government interventions.

- It would therefore be appropriate to take measures ensuring the independence of this important institution with significant powers.

- Security challenges and the preservation of individual freedoms in Niger

Finally, the state can face the challenges associated with terrorism while ensuring that certain individual freedoms are preserved, in particular freedom of expression and freedom of the press.

The current political and security context presents challenges in terms of preserving individual liberties and press freedoms. However, the emergence of a culture of whistleblowing requires an environment that guarantees these freedoms.

- In this regard, it would be beneficial for Niger to strengthen the freedom of expression of journalists and cyber-activists while protecting these actors and striving to put an end to attempts to muzzle and intimidate them. This could foster the establishment of an environment conducive to whistleblowing.

4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES:

In this section, we will explore the landscape of civil society organizations, NGOs, and citizen movements that actively engage in promoting good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

The [Collective of Human Rights and Democracy Defense Organizations \(CODDHD\)](#) is a group of organisations whose aim is to protect, promote and defend human rights and democracy in Niger. CODDHD strives to combat degrading and humiliating social practices, impunity and corruption. The collective is made up of more than 44 associations and organisations.

The actions of this collective consist of organizing national and international meetings, conducting training sessions on civil and political rights in schools, and organizing public conferences and seminars.

The [Network of Organizations for Transparency and Budget Analysis \(ROTAB Niger\)](#) is a collective of organizations, NGOs, and unions that have decided to pool their expertise to participate in the global campaign "Publish What You Pay"; this initiative is based on transparency in the extractive industry.

Among other things, the collective is working to promote transparency and good governance throughout the chain of activities related to the extractive industries and to influence, in favour of the people, the national policies and laws drawn up and implemented by the government in this area. The overall objective is to promote real transparency in this sector to contribute to the consolidation of democracy and good governance.

There is also the [Nigerien Association for the Fight Against Corruption \(ANLC\)](#), which is a non-political, non-profit association established in 2001. Its main objective is to fight against corruption by promoting reforms aimed at transparency in public and private management, committing to denounce and combat any act of corruption it becomes aware of in public and private management, and the emergence of an ethic aimed at promoting the moral integrity of citizens.

The association's activities include producing reports, observing elections, raising awareness of corruption in electoral matters and investigating corruption. It has regional branches and its actions are relayed at the local level by anti-corruption clubs.



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