



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

29 September 2021

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the initial report of Niger, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 68th session held from 11 November to 6 December 2019, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/NER/CO/1, para. 39) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 10 (f), 16 (c), 22 (e) and 24 (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 19 July 2021 providing your Government's response to the above-mentioned paragraphs (CAT/C/NER/FCO/1) and to make the following comments:

Fundamental safeguards (para. 10 (f) of the Committee's concluding observations)

The Committee regrets that the follow-up replies did not indicate whether the State party has taken measures to ensure, in law and in practice, that detainees have the right to request and obtain a medical examination by a doctor of their choice and that medical reports are never used as evidence that a person has not been subjected to torture. Moreover, the State party has not provided the requested information on the number of cases in which a medical report has not been issued and on the investigations carried out in these circumstances (0/D).

.../...

H. E. Mr. Laouali Labo
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of the Republic of Niger to the United Nations Office and other international organizations in Geneva
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Pretrial detention (para. 16 (c) of the Committee's concluding observations)

The Committee observes with concern that the follow-up replies did not indicate whether the State party has taken any concrete measures to release all persons who have been detained awaiting trial for a period exceeding the maximum sentence impossible for the offence of which they stand accused. In this regard, the Committee would appreciate receiving information on the State party's efforts to guarantee that detained persons are brought promptly before a judge and entitled to challenge the legality of the detention (0/D).

Conditions of detention (para. 22 (e) of the Committee's concluding observations)

The Committee regrets not having received any information regarding the measures taken by the State party to bring conditions of detention in prisons and police custody facilities into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please also indicate what the situation is with regard to administrative immigration detention (0/D).

National Human Rights Commission and national mechanism for the prevention of torture (para. 24 (b) of the Committee's concluding observations)

The Committee takes note of the designation of the National Human Rights Commission as the national preventive mechanism under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It regrets, however, not having received detailed information regarding the allocated budget and resources, including staffing, of the national preventive mechanism. In this regard, the Committee calls on the State party to ensure that this mechanism has the necessary resources to fully carry out its mandate effectively and independently, in conformity with the provisions of the Optional Protocol to the Convention (1/B2-D).

Implementation plans (para. 39 of the Committee's concluding observations)

Lastly, while taking note of the adoption of Law No. 2020-05 of 11 May 2020 introducing the crime of torture as specific offence, the Committee notes that the State party has not provided information about its plans for implementing, within the coming reporting period, the other recommendations included in its concluding observations (C).

The Government of Niger is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the initial report of Niger or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Niger on the implementation of the Convention.



Accept, Excellency, the assurances of my highest consideration.

p.p.

A handwritten signature in black ink, appearing to be 'LGP', is written over a faint rectangular stamp.

Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture