



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: Follow-up/CAT

20 August 2018

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the second periodic report of Namibia (CAT/C/NAM/2) by this Committee, at its 59th session, held from 7 November to 7 December 2016. At the end of that session, the Committee's concluding observations (CAT/C/NAM/CO/2) were transmitted to your Permanent Mission. In paragraph 46 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 7 December 2017, further information regarding areas of particular concern identified by the Committee in paragraphs 9, 17(b)(c) and 27(c). It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of Namibia on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture

H.E. Mr. Sabine Böhlke-Möller
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Namibia
to the United Nations Office at Geneva
E-mail: info@missionofnamibia.ch

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/NAM/CO/2)

NAMIBIA

(...)

C. Principal subjects of concern and recommendations

(...)

Definition of torture and cruel, inhuman or degrading treatment

(...)

9. The State party should expedite the adoption of the bill on prevention and combating of torture, ensuring that the definitive version of the law includes a definition of torture that is in accordance with the provisions of the Convention, and that the acts of cruel, inhuman or degrading treatment are fully considered in the law.

(...)

Conditions of detention

(...)

17. The State party should strengthen its efforts to improve prison conditions and ensure that they are in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), by:

(...)

(b) Separating pretrial detainees from convicted detainees;

(c) Putting in place mechanisms and measures to effectively prevent and control the further spread of HIV in correctional facilities, while respecting the human rights of affected detainees;

(...)

Non-refoulement

27. The Committee recommends that the State party:

(...)

(c) **Repeal any removal orders (exit notices) that have been issued to asylum seekers from the eastern region of the Democratic Republic of the Congo and allow those asylum seekers to remain in Namibia until the situation in the Democratic Republic of the Congo is favourable for repatriation on a voluntary basis;**

(...)

Follow-up procedure

46. **The Committee requests the State party to provide, by 7 December 2017, information on follow-up to the Committee's recommendations on the adoption of the bill on prevention and combating of torture, conditions of detention and respect for the principle of non-refoulement (see paras. 9, 17 (b) and (c) and 27 (c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.**

(...)
