



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### List of issues prior to submission of the second periodic report of the Niger\*

#### Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee's previous recommendations

##### Issues identified for follow-up in the preceding concluding observations

1. In its previous concluding observations,<sup>1</sup> the Committee requested the State party to provide information on its implementation of the Committee's recommendations on safeguards related to the issuance of medical certificates, as provided for under article 71 (5) of the Code of Criminal Procedure, the release of persons who have been remanded in custody, the prevention of deaths in detention and the establishment of a national preventive mechanism (paras. 10 (f), 16 (c), 22 (e) and 24 (b), respectively). Noting that a reply was received from the State party on 19 July 2021, and with reference to the letter dated 29 September 2021<sup>2</sup> sent to the State party by the rapporteur for follow-up to concluding observations, the Committee considers that the recommendation included in paragraph 22 (e) of its previous concluding observations has not been implemented. In addition, the information provided with regard to the recommendations included in paragraphs 10 (f), 16 (c) and 24 (b) of its previous concluding observations is considered insufficient to assess implementation. The Committee takes note of all additional information received from the State party regarding the follow-up to the concluding observations on its initial report on 18 November 2021<sup>3</sup> and takes it into consideration in preparing the present list of issues prior to the submission of the State party's second periodic report.

##### Articles 1 and 4

2. In the light of the information provided on Act No. 2020-05 of 11 May 2020, amending and supplementing Act No. 61-27 of 15 July 1961 establishing the Criminal Code,<sup>4</sup> please indicate what further measures are envisaged to address the concerns raised by the Committee in its previous concluding observations,<sup>5</sup> in particular with a view to the alignment of the legislation in force with article 4 (2) of the Convention to ensure that all acts of torture, including acts that do not result in the death of the victim, are punishable by appropriate penalties that take into account their grave nature.<sup>6</sup> In addition, please specify the legislative measures taken or envisaged to ensure that neither statutes of limitation nor amnesties may apply in the case of an offence of torture, indicating the relevant provisions.

\* Adopted by the Committee at its seventy-fifth session (31 October–25 November 2022).

<sup>1</sup> CAT/C/NER/CO/1, para. 39.

<sup>2</sup> CAT/C/NER/FCO/1.

<sup>3</sup> CAT/C/NER/FCO/1/Add.1.

<sup>4</sup> CAT/C/NER/FCO/1, paras. 16–33.

<sup>5</sup> CAT/C/NER/CO/1, para. 7.

<sup>6</sup> A/HRC/48/5, para. 122.44; and A/HRC/48/5/Add.1.



**Article 2<sup>7</sup>**

3. Having regard to the Committee's previous concluding observations,<sup>8</sup> please explain the measures and procedures in place to ensure that all persons taken into custody, including those detained for offences related to national security and terrorism, are in law and in practice afforded all fundamental legal safeguards from the outset of their deprivation of liberty, including specifically:

(a) The right to be informed of their rights, the reasons for their arrest and the charges against them;<sup>9</sup>

(b) The possibility to benefit from the services of a lawyer of their choice or from access to legal aid from the outset of deprivation of liberty and whenever required in the interests of justice;<sup>10</sup>

(c) The right to inform a person of their choice of their arrest or detention;<sup>11</sup>

(d) The systematic recording of their deprivation of liberty in the custody register of their place of detention;<sup>12</sup>

(e) The right to be brought before a judge as soon as possible, especially for those placed in police custody on suspicion of terrorist activities or links with terrorist organizations,<sup>13</sup> and, in this regard, please describe the measures taken to ensure that the maximum duration of police custody does not exceed 48 hours and is renewable only once in duly justified exceptional circumstances and taking into account the principles of necessity and proportionality,<sup>14</sup> in accordance with article 71 of the Code of Criminal Procedure, and indicate what measures are envisaged to guarantee the right of detainees to challenge the lawfulness of their detention before a judicial authority;<sup>15</sup>

(f) The possibility of imposing disciplinary or criminal sanctions on public officials for failure to comply with fundamental safeguards for convicted and remand prisoners. Please also provide information on the number of complaints received in this respect and their outcome.

4. Please describe the measures and procedures put in place to ensure that all persons in detention have, in law and in practice, the right to immediate access to an independent medical doctor,<sup>16</sup> irrespective of the charges brought against them.<sup>17</sup> In this respect, please indicate in particular the measures aimed at guaranteeing that such medical examination is free of charge, and that detainees can be examined by a doctor of their choice if they so request.<sup>18</sup> Please also provide information on the guarantees of independence of the physicians or medical personnel involved.<sup>19</sup> In addition, provide clarification of the possibility for medical personnel to inform the public prosecutor, in strict confidence, of

<sup>7</sup> The questions raised in relation to article 2 could also touch on other articles of the Convention, in particular article 16. As indicated in paragraph 3 of the Committee's general comment No. 2 (2008) on implementation of article 2, the obligation to prevent torture is wide in scope. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. Please see also section V of the aforementioned general comment.

<sup>8</sup> CAT/C/NER/CO/1, paras. 9–10.

<sup>9</sup> CAT/OP/NER/1, paras. 38–41 and 57–58.

<sup>10</sup> *Ibid.*, paras. 42–45.

<sup>11</sup> *Ibid.*, paras. 51–52.

<sup>12</sup> *Ibid.*, paras. 59–64; and CED/C/NER/CO/1, para. 30 (c).

<sup>13</sup> CAT/C/NER/CO/1, para. 10; and CAT/OP/NER/1, paras. 54 and 56.

<sup>14</sup> CAT/OP/NER/1, paras. 53–56. See also the communication AL NER 1/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26372>.

<sup>15</sup> CAT/OP/NER/1, paras. 55–56.

<sup>16</sup> *Ibid.*, para. 49.

<sup>17</sup> CAT/C/NER/FCO/1/Add.1, paras. 10–11.

<sup>18</sup> CAT/OP/NER/1, paras. 47 and 50.

<sup>19</sup> *Ibid.*, paras. 46 and 49.

medical reports indicating that injuries are likely to be the result of torture or other inhuman treatment.<sup>20</sup> In this respect, please also indicate the measures that ensure that medical certificates, which have the probative value of *prima facie* written evidence according to the information provided by the State party,<sup>21</sup> are never used as proof that the person has not been subjected to torture.<sup>22</sup>

5. In the light of the enactment of Act No. 2020-02 of 6 May 2020, which provides for the establishment of the national mechanism for the prevention of torture and the assignment of its mandate to the National Human Rights Commission,<sup>23</sup> please indicate the time frame within which the State party intends to notify the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the official designation of this mechanism. Furthermore, please indicate the measures envisaged to address the concerns raised by the Subcommittee<sup>24</sup> and to ensure that the Commission enjoys in practice the independence, budget and human resources necessary to fully execute its mandate.<sup>25</sup> In particular, please indicate whether the State party intends to align the provisions of article 19 of Act No. 2012-44 of 24 August 2012 with the guarantees required under article 18 of the Optional Protocol.<sup>26</sup> Lastly, please indicate whether the Commission has the possibility in practice to carry out unannounced visits to all places of deprivation of liberty,<sup>27</sup> and provide information on the frequency of visits carried out or envisaged.

6. Having regard to the Committee's previous concluding observations,<sup>28</sup> please provide information on the legislative or other measures to counter all forms of violence against women, especially harmful practices,<sup>29</sup> in particular in cases where the public authorities or other entities are alleged to have committed acts or omissions engaging the State party's international responsibility under the Convention. In particular, specify the measures taken to ensure the rigorous application of article 232.2 of the Criminal Code, criminalizing the practice of female genital mutilation,<sup>30</sup> and article 270.2 of the Code and Order No. 2010-86 of 16 December 2010, criminalizing the practices of trafficking in persons and slavery, especially in order to fight against the persistence of the practice of *wahaya* as a form of slavery.<sup>31</sup> Please provide statistical data, disaggregated by the victims' age and ethnic origin or nationality, on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence since the consideration of the State party's initial report.

7. Please provide information on the efforts made by the State party to ensure the accessibility of effective remedies and protection mechanisms and the availability of reparation, compensation and rehabilitation measures for all victims of trafficking in persons, including children.<sup>32</sup> Please provide up-to-date information on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of trafficking in persons. Please also provide information on the efforts to strengthen mechanisms for combating slavery, particularly as regards financial and human resources allocated to relevant institutions such as the National Agency to Combat Trafficking in Persons.<sup>33</sup> Please also indicate the measures envisaged for the design of standard operating procedures for the

<sup>20</sup> CAT/C/NER/FCO/1/Add.1, para. 11.

<sup>21</sup> Ibid.

<sup>22</sup> CAT/C/NER/CO/1, para. 10 (f).

<sup>23</sup> CAT/C/NER/FCO/1/Add.1, para. 37.

<sup>24</sup> CAT/OP/NER/1, para. 20.

<sup>25</sup> A/HRC/48/5, para. 122.86; and A/HRC/48/5/Add.1.

<sup>26</sup> CAT/OP/NER/1, paras. 19–20.

<sup>27</sup> CAT/C/NER/FCO/1, para. 3; CAT/C/NER/FCO/1/Add.1, paras. 40–41; and CAT/OP/NER/1, para. 19.

<sup>28</sup> CAT/C/NER/CO/1, paras. 27–28.

<sup>29</sup> A/HRC/WG.6/38/NER/3, paras. 48–50; A/HRC/48/5, paras. 122.25, 122.33, 122.135, 122.201, 122.211–122.214 and 122.217–122.219; and A/HRC/48/5/Add.1.

<sup>30</sup> CEDAW/C/NER/QPR/5, para. 9.

<sup>31</sup> CAT/C/NER/CO/1, para. 27; and CEDAW/C/NER/QPR/5, para. 9.

<sup>32</sup> A/HRC/48/5, para. 122.154; and A/HRC/48/5/Add.1.

<sup>33</sup> CAT/C/NER/CO/1, paras. 27–28; and A/HRC/WG.6/38/NER/3, paras. 34–37 and 41.

implementation of a mechanism to identify and provide guidance, redress and compensation to all victims of trafficking.

8. Please provide information on measures to strengthen the prevention of harmful practices against children, such as certain descent-based child slavery practices<sup>34</sup> and early marriages.<sup>35</sup> Please also indicate what measures have been taken to combat the recruitment of children into armed groups in the Tillabéri region<sup>36</sup> and to refer them to institutions that can provide the support and rehabilitation that they require.<sup>37</sup>

9. Please provide information on the measures envisaged to overcome the geographical and economic barriers to access to justice and to tackle the shortage of lawyers outside Niamey. In particular, please provide information on the strengthening of institutions, especially as regards the financial and human resources allocated to institutions such as the National Agency for Legal and Judicial Assistance, which is responsible for facilitating access to justice for the most disadvantaged groups.<sup>38</sup>

### Article 3

10. In the light of the Committee's previous concluding observations,<sup>39</sup> please indicate what legislative or other measures have been taken during the period under consideration to ensure full respect for the principle of non-refoulement, according to which no one may be returned to a country where he or she is at risk of being tortured. Please describe the measures taken to ensure effective access to the refugee status determination procedure and see to it that removal decisions are subject to judicial review on a case-by-case basis and carry a right of appeal that has suspensive effect. In addition, please provide up-to-date information on the process of revision of Act No. 2015-36 of 26 May 2015 on migrant smuggling, article 30 of which authorizes the detention of trafficked migrants on unspecified grounds.<sup>40</sup>

11. Please provide statistical data, disaggregated by sex, age and country of origin, for the period since the examination of the State party's initial report on: (a) the number of asylum applications received, the number of applications granted and the number of persons whose applications were accepted because of a serious risk of torture or ill-treatment if returned to their country of origin; and (b) the number of persons removed, extradited or expelled, listing the countries to which they were sent. Please indicate the grounds on which these measures were taken, including the number of removals, extraditions or expulsions that the State party has carried out on the basis of diplomatic assurances or their equivalent. Please also specify what minimum assurances or guarantees are required and indicate what mechanisms are in place to monitor compliance with the assurances or guarantees given.

### Articles 5 to 9

12. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. Please provide information on any extradition agreements concluded with other States since the consideration of the State party's initial report and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such agreements. Please indicate what measures the State party has taken to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*). Please clarify what treaties or agreements on mutual legal assistance the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide examples.

<sup>34</sup> CAT/C/NER/CO/1, paras. 29–30; A/HRC/WG.6/38/NER/3, paras. 35–36; A/HRC/48/5, paras. 122.136, 122.145 and 122.251; and A/HRC/48/5/Add.1.

<sup>35</sup> A/HRC/WG.6/38/NER/3, paras. 49–50.

<sup>36</sup> A/HRC/48/5, paras. 122.238 and 122.248; and A/HRC/48/5/Add.1.

<sup>37</sup> CAT/C/NER/CO/1, para. 30 (c).

<sup>38</sup> CAT/OP/NER/1, paras. 44–45.

<sup>39</sup> CAT/C/NER/CO/1, paras. 17–18.

<sup>40</sup> *Ibid.*, para. 17; and CED/C/NER/CO/1, para. 26.

## Article 10

13. Having regard to the Committee's previous concluding observations,<sup>41</sup> please provide information about the training and awareness-raising programmes put in place by the State party to ensure that:

(a) All government officials, particularly members of the armed forces, the police and prison staff, are familiar with the provisions of the Convention<sup>42</sup> and the amendments to Act No. 2020-05 of 11 May 2020, including the absolute prohibition of torture and non-coercive interrogation methods, and systematically inform persons in police custody of all their rights in all places and under all circumstances, and, in this regard, please explain whether the State party has developed a methodology for assessing the results and effectiveness of these training programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide information on the methodology's content and application;

(b) Law enforcement officials, in particular those involved in policing public demonstrations, are familiar with and abide by the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(c) Judges, prosecutors, forensic doctors and health professionals dealing with persons deprived of their liberty can detect and document the physical and psychological consequences of torture and verify the admissibility of confessions, and specify whether these programmes provide for specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

## Article 11

14. Please describe the procedures put in place to ensure compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods and practices and custody-related provisions that have been adopted or revised since the consideration of the State party's initial report. Please indicate how often these are revised.

15. Furthermore, please provide information on the measures taken by the State party to ensure, in practice, that persons deprived of their liberty are only held in officially recognized places of deprivation of liberty and that all arrests and detentions, including of persons suspected of terrorist acts, are subject to judicial review.<sup>43</sup>

16. With reference to the Committee's previous concluding observations,<sup>44</sup> please describe the measures taken to reduce, in practice, the use of pretrial detention and its duration.<sup>45</sup> Please specify the measures and mechanisms of control put in place to ensure that detainees do not remain in pretrial detention beyond the maximum sentence that can be imposed. Please provide statistical data on (a) the number of persons in pretrial detention, particularly in the Filingué, Dosso and Tillabéri prisons, where several violations of the legal limit for custody in pretrial detention have been noted, and in places not provided for by law, such as the premises of the General Directorate for Documentation and External Security, the National Police Academy and certain military camps;<sup>46</sup> and (b) the number of sentenced prisoners, disaggregated by age, and the geographical location and occupancy rate of each place of detention. Please explain what measures are taken to ensure the separation of different categories of inmates, including pretrial and convicted inmates.<sup>47</sup>

17. With reference to the Committee's previous concluding observations,<sup>48</sup> please provide updated information on the measures taken to address concerns regarding the material conditions of detention, particularly unsanitary facilities, the lack of ventilation and

<sup>41</sup> CAT/C/NER/CO/1, paras. 35–36.

<sup>42</sup> CAT/OP/NER/1, para. 66.

<sup>43</sup> CED/C/NER/CO/1, paras. 29–30.

<sup>44</sup> CAT/C/NER/CO/1, paras. 15–16.

<sup>45</sup> CAT/C/NER/FCO/1/Add.1, paras. 18–27; and CAT/OP/NER/1, paras. 106–108.

<sup>46</sup> CED/C/NER/CO/1, paras. 29–30.

<sup>47</sup> CAT/OP/NER/1, paras. 70–71 and 79; A/HRC/48/5, para. 122.86; and A/HRC/48/5/Add.1.

<sup>48</sup> CAT/C/NER/CO/1, paras. 21–22.

light, poor hygiene conditions, including the lack of personal hygiene items necessary to meet the specific needs of women, malnutrition, and inadequate care and shortage of health personnel.<sup>49</sup> Please explain the measures taken to adapt prison facilities to the specific needs of persons with disabilities. Please provide information on the measures to address the lack of trained and qualified prison staff, leading in some places of detention to situations of self-management in prisons, which could give rise to abuse and corruption within the prison.<sup>50</sup> Please indicate the specific measures taken during the reporting period to address prison overcrowding in some prisons, notably the civilian prisons in Niamey and Tahoua and the prisons in Agadez and Tillabéri, and to promote the use of alternatives to detention.<sup>51</sup>

18. Furthermore, please provide information on the disciplinary system applicable in detention centres, particularly placement in solitary confinement, and clarify whether there is a procedure in place to ensure its lawfulness and whether the decision to place a prisoner in solitary confinement is subject to due process in order to establish the facts and provide the prisoner with an opportunity to defend himself or herself in an independent review. Please indicate: (a) what the maximum length of solitary confinement is in law and in practice; (b) whether a record is kept of disciplinary measures in all places of detention and whether the measures are monitored to ensure they are proportionate; and (c) what living conditions are like in solitary confinement cells. Please state whether this system of detention is subject to the control of a monitoring mechanism or outside body.<sup>52</sup> Furthermore, please indicate what measures are envisaged to ensure that exceptional rules are not applied, in particular in respect of persons accused of terrorism.

19. With reference to the Committee's previous concluding observations,<sup>53</sup> please provide statistical data on deaths in custody, including deaths in police custody, during the reporting period, disaggregated by place of detention, sex, age, ethnicity or nationality of the victim and cause of death. Please include detailed information on the number of investigations carried out in these cases and the outcome of those investigations.<sup>54</sup> Please describe the preventive measures that are being taken to prevent similar events from occurring again and indicate whether the victims' relatives have been compensated in these cases.

### Articles 12 and 13

20. With reference to the Committee's previous concluding observations,<sup>55</sup> please provide updated statistical data on complaints of torture and ill-treatment filed since the examination of the State party's initial report, as well as additional information on the judicial follow-up to the numerous allegations of torture, particularly in police and gendarmerie stations and short-stay prisons. Please specify, in particular, whether the judicial and disciplinary actions taken resulted in a conviction, or dismissal or closure of the case and specify the convictions, sentences or disciplinary sanctions imposed. Furthermore, please provide information on the legislative or other measures intended to establish an independent, secure, confidential and accessible complaints mechanism for victims of torture and ill-treatment in all custodial facilities, prisons and other places of deprivation of liberty. Please explain the measures to ensure that investigations are systematically initiated in practice when there are reasonable grounds to believe that an act of torture or ill-treatment has been committed and see to it that those found guilty are sentenced to penalties commensurate with the gravity of their acts.

21. Please indicate what steps are being taken to initiate and complete investigations into allegations of excessive use of force and extrajudicial and arbitrary executions by the defence and security forces. In particular, please provide information on the investigation and prosecution, following the recommendations by the National Human Rights Commission, of

<sup>49</sup> CAT/OP/NER/1, paras. 72, 74–75 and 78–79.

<sup>50</sup> *Ibid.*, paras. 99–102.

<sup>51</sup> *Ibid.*, paras. 107–108.

<sup>52</sup> *Ibid.*, paras. 95–98.

<sup>53</sup> CAT/C/NER/CO/1, para. 32.

<sup>54</sup> CAT/C/NER/FCO/1/Add.1, paras. 28–36. CAT/OP/NZL/1, paras. 87, 90–91.

<sup>55</sup> CAT/C/NER/CO/1, paras. 19–20.



cases of enforced disappearances and extrajudicial killings of civilians allegedly committed by the State party's military forces during counter-terrorism operations in the Tillabéri region in March and April 2020.<sup>56</sup> Please provide an explanation of the mechanism in place for effective oversight of the investigation and prosecution of the personnel of defence and security forces.

#### Article 14

22. With reference to the Committee's previous concluding observations,<sup>57</sup> please indicate the legislative measures taken to ensure the establishment of specific programmes and the availability of specialized rehabilitation services for victims of torture or ill-treatment, their families or their defence counsel. Please also specify what legislative measures are taken to ensure that civil proceedings for compensation can be initiated by victims of torture, independently of any criminal proceedings. Please provide updated information on the measures to make available the "special funds" created for victims of terrorism and trafficking in persons<sup>58</sup> and indicate whether the mandate of these funds also includes victims of torture.<sup>59</sup> Furthermore, please provide information on redress and compensation measures, including rehabilitation, that have been ordered by the courts for victims of torture since the consideration of the State party's initial report, including as a result of the protests of 16 and 17 January 2015, or their families. This information should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case.

#### Article 15

23. In the light of article 232.11 of the Criminal Code Act No. 2020-05,<sup>60</sup> please provide updated statistics for the period since 2019 on the number of cases in which detainees have alleged that their confessions were extracted under torture, the number of cases in which confessions have been declared inadmissible, and the number of cases that have been investigated and the outcome of those investigations.

#### Article 16

24. With reference to the Committee's previous concluding observations,<sup>61</sup> please indicate the number of death sentences imposed and the number of death sentences commuted to prison terms since the consideration of the State party's initial report. Please provide information on the measures taken by the State party to accelerate the process of formal abolition of the death penalty in law, as well as on the progress of the bill authorizing the accession by the Niger to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which was approved by the Government of the Niger on 23 October 2014 and transmitted to the parliament.<sup>62</sup> Please also specify the legislative and other measures aimed at strengthening the legal safeguards that apply to the current capital punishment system, and that ensure that convicted persons and their defence counsel have full access to the case file and to information about their situation and rights.<sup>63</sup> Lastly, please explain the reasons for the State party's abstentions from voting in 2020, both in the Third Committee vote of 17 November 2020 and in the final vote for General Assembly resolution 75/183 of 16 December 2020, calling for a moratorium on the use of the death penalty.

25. Please indicate the measures taken to prevent and protect, investigate, prosecute and secure convictions for allegations of arbitrary arrests and detentions and judicial harassment

<sup>56</sup> CED/C/NER/CO/1, paras. 24–25 and 31–32; A/HRC/48/5, paras. 122.94, 122.98, 122.103–122.106 and 122.115; and A/HRC/48/5/Add.1.

<sup>57</sup> CAT/C/NER/CO/1, paras. 37–38.

<sup>58</sup> CED/C/NER/CO/1, para. 31.

<sup>59</sup> CAT/C/NER/CO/1, paras. 37–38; and A/HRC/WG.6/38/NER/3, para. 8.

<sup>60</sup> CAT/C/NER/FCO/1, para. 30.

<sup>61</sup> CAT/C/NER/FCO/1, paras. 33–34.

<sup>62</sup> A/HRC/48/5, paras. 122.4–122.13, 122.16, 122.42, 122.91 and 122.99; and A/HRC/48/5/Add.1.

<sup>63</sup> CAT/C/NER/CO/1, para. 34.

of human rights defenders, members of political parties, members of civil society and journalists for exercising their rights to freedom of peaceful assembly and association or to freedom of expression.<sup>64</sup>

26. Please specify the legislative measures taken or envisaged to decriminalize the voluntary termination of pregnancy, at least in cases of rape, incest, or threat to the life or health of the pregnant woman or severe fetal impairment.<sup>65</sup> Furthermore, please provide information on the efforts made by the State party to ensure that women and girls have access to safe abortion services and to post-abortion care, irrespective of whether the abortion performed was legal or illegal.

### **Other issues**

27. Please provide up-to-date information on the measures taken by the State party to address the threat of terrorist acts.<sup>66</sup> Please state whether these measures have affected human rights safeguards in law and in practice and, if so, in what way.<sup>67</sup> Please describe how the State party ensures these measures' compatibility with all its obligations under international law, in particular under the Convention. Please provide information on the training given to law enforcement officers in this area, the number of persons convicted under counter-terrorism law, the legal safeguards provided and the legal remedies available in law and in practice to persons affected by counter-terrorism measures. Please state whether any complaints of failure to observe international standards in the application of counter-terrorism measures have been filed and, if so, indicate the outcome thereof.

28. Given that the prohibition of torture is absolute and cannot be derogated from, including within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the coronavirus disease (COVID-19) pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty, including in places such as homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

29. Please indicate whether the State party has considered making the declaration under article 22 of the Convention recognizing the competence of the Committee to receive and consider communications from persons subject to its jurisdiction.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

30. Please provide detailed information on any relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report of the State party to implement the provisions of the Convention, including institutional reforms, plans or programmes. Please indicate the resources allocated and provide statistical data. Please also provide any other information that the State party considers relevant.

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<sup>64</sup> [A/HRC/WG.6/38/NER/3](#), paras. 27 and 30; [A/HRC/48/5](#), paras. 122.43, 122.116, 122.117, 122.120, 122.125 and 122.130; and [A/HRC/48/5/Add.1](#). See also communications AL NER 2/2021, AL NER 1/2021 and AL NER 1/2020, available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>65</sup> [CEDAW/C/NER/QPR/5](#), para. 19; [A/HRC/48/5](#), paras. 122.221, 122.178, 122.181, 122.185 and 122.205; and [A/HRC/48/5/Add.1](#).

<sup>66</sup> [CAT/C/NER/CO/1](#), paras. 31–32; and [A/HRC/WG.6/38/NER/3](#), para. 25.

<sup>67</sup> [CAT/C/NER/CO/1](#), paras. 31–32; [CAT/OP/NER/1](#), para. 65; and [A/HRC/WG.6/38/NER/3](#), paras. 19–20.