United Nations CAT/C/NER/2

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

Distr.: General
14 August 2025
English
Original: French
English, French and Spanish only

Committee against Torture

Second periodic report submitted by the Niger under article 19 of the Convention, due in 2023*, **

[Date received: 20 March 2025]

* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State Party to the Committee's list of issues prior to reporting (CAT/C/NER/QPR/2).

I. Introduction

1. Since 26 July 2023, the Niger has been living through a new era in its history, marked by the seizure of power by the National Council for the Safeguarding of the Homeland. The Council has reaffirmed its attachment and commitment to respecting human rights as defined by the treaties and conventions to which the Niger has freely subscribed. As part of this commitment, the Ministry of Justice has been elevated to the status of the Ministry of Justice and Human Rights.

2. Being committed to respecting human rights, the Niger has ratified almost all the relevant legal instruments and is working tirelessly to implement them. These instruments include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which the Niger ratified on 5 October 1998.

3. Pursuant to article 19 of the Convention, the Niger presented its initial report in 2019. Its next periodic report was due in 2023, but could not be submitted on time.

4. The present report has been drawn up in accordance with the guidelines on the form and content of periodic reports and the simplified procedure, which the Niger has accepted and which involves replying to a list of issues drawn up by the Committee. This report is the result of an inclusive and participatory approach in which all stakeholders were involved in the various stages of the drafting process, namely State bodies, civil society organizations, specifically those working in the field of human rights, and regional and international technical partners.

5. It provides information on the progress made in implementing the recommendations contained in the concluding observations on the initial report. The State of Niger has carried out several reforms and transformations of its legal and political framework in recent years, with a view to promoting and protecting human rights in general and preventing and punishing torture in particular. While the Government is pleased to report on this progress, it is aware that challenges still lie ahead.

6. The preparation of this report was coordinated at every stage by the national mechanism for reporting and follow-up on the recommendations of treaty bodies and the universal periodic review. This body, which reports to the Ministry of Justice and Human Rights, is made up of representatives from several sectoral ministries and other government bodies.

7. In accordance with the Committee’s guidelines on the preparation of State Party reports contained in document HRI/GEN/2/Rev.6, the purpose of this periodic report is to present, in the context of the implementation of the Convention, the changes that have occurred in the country’s laws, policies, programmes and practices between 2019 and 2024.

8. The draft report was approved at a workshop held from 26 to 30 August 2024 in Niamey that was open to all stakeholders, including representatives of State bodies (sectoral ministries, defence and security forces, and others) and non-State bodies (civil society organizations, international organizations and others). It was then submitted to the Government and adopted by the Council of Ministers on 18 March 2025, pursuant to Decree No. 2025-150/P/CNSP/MJ/DH.

II. Replies to the list of issues (CAT/C/NER/QPR/2)

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

1. Issues identified for follow-up in the preceding concluding observations

Reply to the issues raised in paragraph 2

9. The Niger took a significant step forward in the protection of human rights through the adoption of Act No. 2020-05 of 11 May 2020 on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The Act strengthens the legal framework governing the criminal liability of public officials or any other natural or legal person, including in the context of the fight against terrorism. By incorporating the Convention against Torture into its domestic law, the Niger has demonstrated its commitment to respecting fundamental rights and combating torture. This progress has been welcomed by the international community and helps to strengthen the protection of individuals against all forms of cruel, inhuman or degrading treatment.

10. Offences covered by the Act are classified as serious and less serious offences in proportion to their severity. The Niger has not opted to systematically criminalize all acts of torture or to make perpetrators of such acts ineligible for amnesty and nor has it decided not to make such acts subject to any statute of limitations. Other equally serious offences are included in national legislation and are nevertheless subject to statutes of limitations and to amnesty.

11. Amnesty and non-applicability of statutes of limitations are criminal policy measures decided upon by politicians in response to social imperatives and mainly for the purposes of national reconciliation. These are issues that have more to do with actual needs than with normative or institutional matters.

12. Through Act No. 2020-05, the Niger has given serious assurances of its willingness to domesticate the Convention, by going beyond what is provided for in the latter, particularly with regard to the definition of acts of torture and their potential perpetrators. The Act criminalizes all acts of torture. In addition to this law, various acts similar to torture have already been criminalized in the Criminal Code. These include battery, assault and battery, the administration of harmful substances, poisoning, castration, female genital mutilation and threats.

13. In addition, acts of torture constitute an aggravating circumstance for certain offences, increasing the penalty above the maximum provided for the basic offence. Appropriate penalties are applied according to the seriousness of the offence. Penalties range from 3 months' to 30 years' imprisonment, to life imprisonment and even the death penalty.

14. Acts of torture under ordinary law are subject to the ordinary statute of limitations for less serious offences, that is, three years for prosecution and five years for enforcement of the sentence. For serious offences, the statute of limitations is 10 years and 20 years, respectively. However, these acts, when committed with a specific aim in mind, may be given the more serious classification of acts of terrorism or international crimes.

15. In terrorism cases involving less serious offences, the statute of limitations is extended to 10 years for prosecution and 15 years for enforcement of the sentence. For serious offences, these periods are extended to 20 and 30 years, respectively.

16. Acts of torture can also be classified as international crimes, such as genocide (Criminal Code, art. 208.1, and Code of Military Justice, art. 317), crimes against humanity (Criminal Code, art. 208.2, and Code of Military Justice, art. 319) and war crimes (Criminal Code, art. 208.3.2 and Code of Military Justice, art. 321). These crimes are not subject to any statute of limitations (Criminal Code, art. 208.8, and Code of Military Justice, art. 326).

Reply to the issues raised in paragraph 3

17. The Code of Criminal Procedure sets out all the fundamental safeguards to which persons in police custody or detention are entitled. In the preliminary investigation phase, during questioning, accused persons are informed by the criminal investigation officer of the complaints or reports filed against them and of the existence of serious and consistent evidence that could lead to charges being brought against them. Before the investigating judge, the accused are informed of the charges against them in the most detailed manner possible, and of their right to remain silent, failing which the proceedings may be declared null and void. The same applies to persons appearing before the public prosecutor pursuant to an arrest warrant or a warrant to bring them before the court.

18. During the investigation, suspects are notified of their right to appoint a lawyer after 24 hours in police custody under ordinary law and after 48 hours in terrorism cases (Code of Criminal Procedure, art. 605.5), failing which the proceedings will be declared null and void. They have the right to be assisted by a lawyer of their choice from the moment of their arrest, in accordance with article 5 of Regulation No. 5/CM/UEMOA on the harmonization of the rules governing the legal profession in the West African Economic and Monetary Union.

19. The right to be accompanied by a lawyer when brought before the public prosecutor is guaranteed by articles 39.2, 64 and 65 of the Code of Criminal Procedure. Once the suspect has chosen a lawyer, he or she may only be heard in the presence of that lawyer. The investigating judge, whether civilian or military, informs the accused of their right to choose a lawyer when they first appear before the court, failing which the proceedings will be declared null and void.

20. From the preliminary investigation stage onwards, legal aid is available to all accused persons who have a disability, minors, individuals referred to the military courts, defendants, women and indigent persons. In the case of minors, this right is established as an obligation incumbent upon the investigating and prosecuting authorities. The criminal investigation police is required to inform the minor’s parents or guardian or the person or service responsible for the minor’s care. After prosecution, this obligation falls to the juvenile judge (Act No. 2014-72 of 20 November 2014, art. 15). No such mechanism exists for adults, but all these concerns have been taken into account in the draft Code of Criminal Procedure, which is currently in the process of being adopted.

21. During the preliminary investigation stage, all police custody measures are to be recorded in registers kept specifically for this purpose. The National Police uses the register of persons in police custody, introduced in accordance with article 103 of Decree No. 404 /MI/D/DGPN/DPAF of 1 October 2004 on the general disciplinary regulations for the personnel of the National Police.

22. For the National Gendarmerie, this register is provided for in article 128 (4) of Decree No. 68-86/PRN/MDN of 21 June 1968 on the regulations of the National Gendarmerie.

23. The offices of the investigative branch of the National Guard established pursuant to Order No. 0508/MI/S/D/AR/HC-GNN of 9 August 2010 are subject to the same obligations.

24. During the judicial phase, all detention orders are received and transcribed by the head of the prison in the prison register that is kept in accordance with article 667 of the Code of Criminal Procedure and article 15 of Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system. This obligation is explained in articles 14 and 18 of Decree No. 2019-609/PRN/MJ of 25 October 2019 on the regulations for the implementation of the Act.

25. Violations of this obligation are punishable under article 18 of the Decree, which states that: “The head of the establishment may not, on pain of prosecution for arbitrary detention, admit or detain any individual until the document authorizing the detention has been received and entered in the prison register. This document consists of a warrant to bring the suspect before the court, a detention order or an arrest warrant, a committal order, a final judgment, an extradition arrest warrant, or an order for imprisonment for debt”.

26. The length of police custody varies depending on the suspect’s personality, the nature of the offence and the reasons for the deprivation of liberty. Minors under 13 years of age

may not be held in police custody. For persons arrested for investigative purposes, the maximum period of police custody is 48 hours, which is non-renewable in all cases. For suspects, the period is 48 hours under ordinary law. This may be renewed once only for the same amount of time, with the written authorization of a judicial authority, either the public prosecutor or the investigating judge.

27. In terrorism cases, this period is extended to 15 days, renewable once for the same duration, in the same form as before. For military offences, this period is 10 days, with the possibility of a written extension by the public prosecutor. In wartime, the duration is extended to 15 days, but may not exceed 30 days, including extensions.

28. Article 128 (1) of Decree No. 68-86/PRN/MDN of 21 June 1968 on the regulations of the National Gendarmerie establish that the criminal investigation police may only keep one or more persons at its disposal in the cases and under the conditions provided for in articles 59 and 71 of the Code of Criminal Procedure. The time limits stipulated in these articles must not be exceeded under any circumstances, but they do not include the time required to bring people before the public prosecutor.

29. During the preparatory investigation phase, the designated criminal investigation officer must bring the suspect before the investigating judge at the end of the 48 hours of police custody. An extension for a further 48 hours can only be granted after the suspect has been heard by the judge, except in exceptional circumstances (Code of Criminal Procedure, art. 147).

30. The judicial authority is required to ensure compliance with the legality, necessity, proportionality and duration of police custody by ordering the person in police custody to appear at any time or by refusing to grant an extension.

31. Detainees can challenge the legality of their detention before a judicial authority in two ways. First, they can challenge the legality of police custody by having any procedural acts carried out in violation of the law annulled. Proceedings are deemed null and void if, for example, the acts prosecuted do not constitute a criminal offence or if essential formal requirements have not been observed, such as notification of the right to legal counsel. Detainees can also lodge a complaint against investigators for arbitrary arrest or detention (Criminal Code, art. 108) with the public prosecutor or by bringing a civil action before the investigating judge.

32. All these guarantees and many others have been improved in the draft Code of Criminal Procedure through the following provisions:

- Article 63 of the draft Code of Criminal Procedure:
    - Police custody is carried out under the supervision of the public prosecutor, without prejudice to the prerogatives of the investigating judge with regard to the execution of letters rogatory.
    - The public prosecutor and, in the case of letters rogatory, the investigating judge, are responsible for safeguarding the rights of the person in police custody.
    - Depending on the nature of the investigation, the public prosecutor or investigating judge may order that the person in custody be brought before him or her or released at any time.
- Article 64 of the draft Code of Criminal Procedure: If the person in police custody has been apprehended or has been subject to any other coercive measure, the period of police custody begins to run from the time of arrest.
- Article 65 of the draft Code of Criminal Procedure: If the person has not been subjected to any coercive measure and is placed in police custody after his or her hearing, the period of police custody begins to run from the time of the beginning of the hearing. The person in police custody shall be immediately informed by the criminal investigation officer, in a language he or she understands:

    (a) Of his or her placement in police custody, the duration of the measure, and any extension of the measure that may be ordered;

(b) The nature of the offence he or she is suspected of having committed or attempted to commit, and the reasons why he or she is being placed in police custody;

(c) His or her rights, namely:

- The right to be assisted by a lawyer of his or her choice or, at his or her request, a court-appointed lawyer
- The right to notify a family member and, in the case of foreign nationals, the consular authorities of the country of which he or she is a national
- The right to be examined by a doctor
- Persons who do not understand French must be informed of their rights through an interpreter.
- If the person in police custody wishes to be assisted by a lawyer, the lawyer may communicate with the person in police custody for up to 30 minutes, under conditions that guarantee the confidentiality of the interview.
- A person suspected of having committed or attempted to commit an offence may request to be assisted by the lawyer of his or her choice or a court-appointed lawyer during his or her hearing/interrogation or confrontations.
- At the request of the criminal investigation officer, the public prosecutor may decide to delay informing the person of his or her right to notify a family member or not to inform them of that right if, in view of the circumstances, doing so might prejudice the ongoing investigation.
- Notification of police custody and related rights is recorded in a report drawn up by a criminal investigation officer, in the form prescribed by the present Code.
- The person will be notified of the extension of the period of police custody and the lifting of the measure by means of a report, under the conditions set out above.
- Failure to give notice of the right to legal counsel will invalidate the proceedings.
- When persons in police custody are brought before the court, a medical certificate attesting that they have not suffered abuse must be produced.

33. This draft of the new Code of Criminal Procedure was officially submitted to the Government by the drafting committee in June 2024. The adoption process is still under way.

34. Public officials who violate prisoners' fundamental safeguards are liable to criminal and/or disciplinary sanctions. Criminal penalties are provided for public officials, agents, administrative officials, prison directors, members of the judiciary and criminal investigation officers suspected of having committed any infringement of liberty punishable under articles 108–113 of the Criminal Code. Disciplinary sanctions, either in addition to or independently of criminal sanctions, are incurred by the main actors in the sector.

35. With regard to judicial personnel, article 68 of Act No. 2018-36 of 24 May 2018 establishing the regulations governing the judiciary provides that: "Any breach by a judge of the propriety of his or her position, honour, tact or dignity and professional obligations constitutes a disciplinary offence ... The initiation of disciplinary proceedings does not preclude criminal prosecution."

36. With regard to prison staff, this principle is stated in articles 17 and 28 of Decree No. 2019-609/PRN/MJ of 25 October 2019 on the regulations for the implementation of Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system. Article 27 reads:

"All employees and persons with access to places of detention are prohibited from engaging in acts of torture or violence against inmates." Article 28 reads: "Any violation of the preceding article or of the provisions of the prison rules shall be punishable by the following disciplinary measures, without prejudice to any criminal proceedings".

37. With regard to police personnel, article 120 of Act No. 2020-57 of 9 November 2020 on the autonomous status of officers of the National Police, as amended by Order No. 2024-013 of 17 April 2024, provides that: "Any misconduct committed by an officer of the National Police in the course of or in connection with the performance of his or her duties shall render him or her liable to disciplinary action, without prejudice to any criminal proceedings that may be brought." Article 3 of Decree No. 2011-164/PCSRD/MIS/D/AR of 31 March 2011, adopting the code of ethics for the National Police, states: "Any breach of the duties defined in this Code shall render the perpetrator liable to disciplinary action, without prejudice, where applicable, to the penalties provided for by criminal law".

38. Article 221 of Decree No. 68-86/PRN/MDN of 21 June 1968 on the regulations of the National Gendarmerie states that: "Any unlawful violence or assault committed by gendarmerie personnel in the course of or in connection with their duties constitutes abuse of authority and is punishable by both disciplinary and criminal sanctions."

39. Article 70 of Ordinance No. 2010-61 of 7 October 2010 on the status of autonomous personnel of the National Guard provides that: "Officers, non-commissioned officers, enlisted personnel and National Guard members may be punished for offences committed on or off duty". Article 80 of Decree No. 257/MI/SP/D/AR/GNN of 3 April 2015 on the general disciplinary regulations for the autonomous personnel of the National Guard sets out these penalties.

Reply to the issues raised in paragraph 4

40. Persons placed in police custody do not systematically undergo a medical examination, except in cases involving minors or drug abuse. However, when they are brought before the public prosecutor, a medical certificate must be presented attesting that the individual has not suffered ill-treatment. For any other consultation relating to their state of health, they have the right to be taken to see a doctor.

41. For persons in pretrial detention, access to a doctor is on two levels: the first is provided by the State and the second is guaranteed by the State. It should be noted that prisoners are examined by the prison doctor upon admission (implementing decree on the prison system, art. 177). To ensure access to healthcare, the Minister of Justice, on the recommendation of the Minister of Public Health, draws up each year a list of doctors, nurses and midwives attached to each prison. In addition, prisons are equipped with medical centres and receive budget allocations for their operation. An infirmary is set up in each prison to provide inmates with routine and emergency care. Nurses are employed by prisons on a full-time or part-time basis.

42. Consultations take place in the prison infirmary. Where the care required by inmates who are ill cannot be provided on site, they are to be taken to regional or departmental hospitals and clinics. Medical consultations and treatment are covered by the State.

43. The medical certificate required by law (new Code of Criminal Procedure, arts. 71 and 605.5) is issued upon request or by order of the judicial authorities. It is free of charge for the inmate and paid for using criminal court fees (Code of Criminal Procedure, art. 738). This principle has been reiterated in several circulars issued by the Minister of Justice, the Minister of Defence and the Minister of Public Health (circular No. 4269/MSP/LCE/DGSP/DOS of 8 December 2006 concerning the termination of the collection of fees for medical reports).

44. Article 171 of the decree on the implementation of the Prison System Act reaffirms the principle of free medical care: "Inmates who are ill are to receive, at no charge, the care they need, as well as food and medicines normally provided in public hospitals". The State also guarantees prisoners access to their own doctors, either locally or abroad. A number of prisoners have been authorized to travel abroad for tests and treatment by their regular doctor, at their own expense. This fundamental right to health is reiterated in article 8 of Act

No. 2017-08 of 31 March 2017 on the basic principles of the prison system: “Except for the restrictions made necessary by their incarceration, all inmates continue to enjoy the human rights and fundamental freedoms enshrined in the international legal instruments duly ratified by the Niger and other regional and national instruments in force.”

45. Furthermore, it should be noted that patients are free to choose their doctor and that this entails direct payment of fees by the patient to the private practitioner (Decree No. 88-206/PCMS/MSP/AS of 9 June 1988, adopting the Code of Medical Ethics, art. 8). Doctors and medical staff called upon to issue medical certificates, examine, treat or assess inmates all belong to the medical or paramedical profession (Code of Criminal Procedure, arts. 55 and 150, draft Code of Criminal Procedure, art. 55, and Code of Military Justice, art. 89). Whether they are from the public or private sector or the civil, military or paramilitary sector, they are registered with the Order of Doctors, Dental Surgeons and Pharmacists and are independent, sworn in and authorized to practise in accordance with the law. Article 9 of Decree No. 88-206/PCMS/MSP/AS of 9 June 1988, adopting the Code of Medical Ethics, stipulates that doctors may not compromise their professional independence in any way or for any reason.

46. Doctors who examine people in police custody draw up medical certificates in all good conscience. The medical certificates required under articles 71 and 605.5 of the Code of Criminal Procedure are submitted to investigators, who must attach them to the reports addressed to the public prosecutor, regardless of their content. However, if the suspect has been examined by a doctor of his or her choice or requested by a judicial authority, the certificate may be given directly to the client or in a sealed envelope to the public prosecutor or the requesting authority. Article 51 of Decree No. 88-206/PCMS/MSP/AS of 9 June 1988, adopting the Code of Medical Ethics states that: “When carrying out their duties, medical experts must only disclose information that provides answers to the questions raised in the decision requesting them to provide their opinion. Beyond this, medical experts must keep confidential anything they may have learned in the course of their work.”

47. Under national legislation, there is no obligation on medical staff to report cases of torture they may detect during examinations. Medical confidentiality is protected by article 221.1 of the Criminal Code. An exception to this rule exists in relation to abortion (Criminal Code, art. 221.2).

48. In criminal matters, articles 417 and 421 of the Code of Criminal Procedure establish the principle of freedom of evidence. The results of medical certificates are taken into consideration until proven otherwise. They are for information purposes only. Interested parties can therefore challenge the results and request a second opinion.

Reply to the issues raised in paragraph 5

49. The national mechanism for the prevention of torture was established by Act No. 2020-02 of 6 May 2020 and attached to the National Human Rights Commission. The official designation of this mechanism was notified to the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by note verbale dated 5 June 2021.

50. The National Human Rights Commission, which has been dissolved since the events of 26 July 2023, had the independence, budget and human resources needed to fully carry out its mandate. The Commission had been granted category A status in accordance with the Paris Principles. In addition to the government budget allocation, it received technical and material support from numerous partners. It exercised its powers with complete independence and did not hesitate to denounce human rights violations wherever they arose.

51. During the current transition period, the Commission will be replaced by the National Observatory for Human Rights and Fundamental Freedoms, which will enjoy the same benefits and prerogatives. It has not yet been made operational but the process is under way.

52. The members of the national preventive mechanism regularly visited places of detention. The State had ensured that members of the mechanism could carry out regular visits to all places of detention at any time and without any restrictions. They could undertake

scheduled or unannounced visits, day or night, to all places where people deprived of their liberty were being held, to ensure that they were not being tortured.

Reply to the issues raised in paragraph 6

53. Combating violence against women and girls is one of the priorities of the State and its partners working in this area. A number of programmes have been developed and implemented for this purpose, including a programme conducted under the Spotlight Initiative by four United Nations entities: the United Nations Children's Fund, the United Nations Population Fund (UNFPA), the United Nations Entity for Gender Equality and the Empowerment of Women and the United Nations Development Programme (UNDP).

54. Judges, prosecutors, gendarmes, police officers, National Guard members, social workers and traditional leaders receive regular capacity-building training on the rights of girls and women. There are currently five holistic care centres for survivors of gender-based violence throughout the country, in Tillabéri, Zinder, Maradi, Tahoua, Sanam and Konni, which provide medical, psychosocial and legal care and support.

55. Pursuant to Act No. 2003-025, the Niger amended the Criminal Code to combat violence against girls and women by making female genital mutilation a criminal offence. As part of the ongoing general reform of the Criminal Code, this Act is being amended to make its application more effective.

56. At the institutional level, the Niger has adopted the National Gender Policy and associated strategies such as the National Gender-based Violence Prevention and Response Strategy and the National Strategy for the Economic Empowerment of Women. A communication strategy on violence against women and girls and harmful practices, together with an action plan for its implementation, was developed and adopted on 2 June 2021.

57. The efforts made over the past 10 years to combat forced marriage and child marriage have produced some notable results, including the adoption of the National Child Protection Policy; the development of a national strategic plan to end child marriage with the main objective of delaying marriage until the age of 18; the adoption of Decree No. 2019-369/PRN/MPF/PE of 19 July 2019 on the establishment, responsibilities, organization, composition and working methods of child protection committees; the revision in 2017 of the National Gender Policy to take into account environmental, security and migration-related challenges; the adoption in 2017 of the National Gender-based Violence Prevention and Response Strategy and the accompanying action plan; and the development of a community-based approach to child protection.

58. The definition of female genital mutilation has been changed in the draft of the new Criminal Code to take into account new forms and methods of mutilation, and the associated penalties have been increased. Acts of female genital mutilation committed on a child under 18 years of age or a woman who is particularly vulnerable due to her physical or mental condition, or by medical or paramedical personnel, are now punishable by a term of imprisonment of 15–20 years.

59. In a further step taken as part of the ongoing reform of the Criminal Code, all provisions relating to the fight against slavery, including the practice of *wahaya*, have been reviewed to take account of the shortcomings noted in the implementation of the 2003 law and the recommendations made the former Special Rapporteur on contemporary forms of slavery, including its causes and consequences, during her last visit to the Niger. The practice of *wahaya* has been specifically defined and criminalized in the following terms: "Anyone who acquires a woman as a *wahaya* shall be liable to a term of imprisonment of 10–20 years.

- The term of imprisonment shall be increased to one of 15–30 years if the victim is under 18 years of age.
- *Wahaya* is the institution by which a woman considered to be a slave is acquired by any means whatsoever for the purposes of sexual, domestic or other exploitation.
- *Wahaya* is also the term used for a woman who has been placed in this situation."

60. Disaggregated statistical data on the number of complaints, investigations, prosecutions, convictions and sentences recorded in cases of gender-based violence since the

consideration of the initial report of the Niger are not available. However, the table below provides an overview of trends in gender-based violence indicators.

Table 1
Gender-based violence indicators

Proportion (%)	*2015*	*2021*
Proportion of women who have experienced gender-based violence at least once in their lifetime	60.1	38.2
Proportion of women who experienced gender-based violence at least once in the 12 months preceding the survey	33.5	7.8
Overall prevalence of gender-based violence in the 12 months preceding the survey	28.4	4.8
Proportion of women who have experienced psychological abuse in their lifetime	32.6	21.8
Proportion of women who have experienced psychological abuse in the previous 12 months	16.6	5.8
Overall prevalence of psychological abuse in the 12 months preceding the survey	16.7	4.8
Proportion of women who have experienced physical abuse in their lifetime	28.1	11.9
Proportion of women who have experienced physical abuse in the previous 12 months	12.9	2.3
Overall prevalence of physical abuse in the 12 months preceding the survey	13.9	1.7
Proportion of women who have experienced sexual assault in their lifetime	12.9	5.1
Proportion of women who have experienced sexual assault in the previous 12 months	7.3	0.5
Overall prevalence of sexual assault in the 12 months preceding the survey	6.6	0.3
Proportion of women who have experienced rape in their lifetime	_	1.7
Proportion of women who have experienced rape in the previous 12 months	7.1	0.4

Source: Extent and determinants of gender-based violence in the Niger, 2021 and 2015.

61. This table shows an overall downward trend in all gender-based violence indicators between 2015 and 2021. In the case of physical abuse, almost no victims file a complaint. Only 1.2 per cent do so. Furthermore, according to the gender-based violence survey, only 0.5 per cent of acts of physical abuse are reported to the courts.

62. The study on the extent and determinants of gender-based violence demonstrates that violence exists in many forms, the prevalence of which varies according to certain sociodemographic variables such as sex, age, level of education, economic activity, place of residence, sex of the head of household and household size. The national prevalence of gender-based violence, all forms and sexes combined, is 29 per cent – 38.2 per cent among women and 16.3 per cent among men – according to the study on the extent and determinants of gender-based violence conducted in 2021 by the National Statistics Institute.

63. According to the 2022 Statistical Yearbook of the Ministry of Justice and Human Rights, between 2015 and 2021, 709 cases of rape, including incestuous rape, were reported to the public prosecutor's office, with the details as follows:

Table 2
Number of cases of rape referred to the public prosecutor's office

2015	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*
56	113	86	93	101	118	142

Source: Statistics Department/Ministry of Justice and Human Rights.

64. According to the Statistical Yearbook of the Ministry of Justice and Human Rights, the number of cases of female genital mutilation referred to the public prosecutor's office is as follows:

- 2015: 10 cases
- 2016: 2 cases
- 2017: 2 cases
- 2019: 16 cases
- 2020: 1 case

Reply to the issues raised in paragraph 7

65. Ordinance No. 2010-86 of 16 December 2010 on combating trafficking in persons provides for the creation of a special compensation fund for victims of trafficking, although it is not yet operational. Similarly, articles 36–45 and 50–55 of the Ordinance contain a number of provisions that protect the rights of victims, including children.

66. Between 2017 and 2022, 417 people were prosecuted for trafficking, 111 were tried and 57 were convicted.

67. A reception and protection centre for victims of trafficking has been built in Zinder and has been taking in victims since 2019. A total of 271 victims received assistance at the centre between 2019 and 2022.

68. Decree No. 2015-182/PRN/MJ of 10 April 2015 establishing the National Day of Mobilization against Trafficking in Persons was amended and supplemented by Decree No. 2020-736/PRN/MJ of 25 September 2020 to take into account the fight against slavery. In addition, qualified and diverse personnel have been made available to the National Agency for Combating Trafficking in Persons.

69. In 2020, a national referral mechanism for victims of trafficking was developed and publicized. In early 2024, a consultant was recruited with the support of the International Organization for Migration (IOM) to develop standard operating procedures for the application of the mechanism.

Reply to the issues raised in paragraph 8

70. Various measures have been taken to strengthen the prevention of harmful practices against children. In the legal domain, these include:

- Ratification of almost all international and regional legal instruments for the protection of children, including, in particular, the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and conventions of the International Labour Organization such as the Worst Forms of Child Labour Convention, 1999 (No. 182) and the Minimum Age Convention, 1973 (No. 138)
- Accession, on 24 May 2018, to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, signed at The Hague on 29 May 1993

71. Measures taken at the institutional level include the development of:

- The national framework document for child protection
- The draft national action plan to combat child labour
- The 2024–2028 National Strategic Plan to End Child Marriage
- The 2014–2018 National Action Plan to Combat Trafficking in Persons
- The draft second national action plan to combat trafficking in persons
- The Judicial and Youth Policy for Child Protection
- Standard operating procedures for the protection of vulnerable children

72. Several committees on child protection and community-led child protection organizations have also been established and/or re-established. They are involved in preventing and responding to acts of violence, abuse and exploitation against children. The measures taken to strengthen the prevention of harmful practices against children also include capacity-building on children's rights for child protection actors.

73. In the context of a number of programmes, including the ILLIMI programme supported by UNFPA and the NER 123 programme run by Plan Niger, it has been observed that some village leaders have changed norms to favour marriage from the age of 18 years. Since June 2017, several civil society organizations of the Niger, international non-governmental organizations (NGOs) and United Nations entities have joined forces with the Government to end child marriage in the country. The overall aim of the "Towards the End of Child Marriage in the Niger" platform is to create a framework for pooling knowledge and approaches to help prevent child marriage. More specifically, the platform is intended to serve as a framework for exchanging and sharing knowledge and best practices and to provide a space for coordinating measures and messages relating to the issue of child marriage and pursuing opportunities in this area in a way that makes full use of the platform's holistic and multisectoral nature.

74. To address the issue of child recruitment in the Tillabéri region, community-based organizations such as the Regional Civic Oversight Committee are conducting a wide-ranging awareness-raising and advocacy campaign aimed at parents. Children victims of recruitment are cared for by social workers in all the departments and communes in the region, or by the transit and orientation centres set up for such situations.

75. In its fight against the recruitment of children by armed groups, the State, in accordance with its international commitments in relation to the involvement of children in conflicts, the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups and the memorandum of understanding of 15 February 2017 signed by the ministry with responsibility for foreign affairs and the representatives of the United Nations system in the Niger, considers children associated with armed forces or armed groups to be victims and not perpetrators. Juvenile court judges routinely open protection cases with a view to ordering the placement of children in transit and orientation centres before they return to their families.

76. Other measures taken to combat child recruitment include:

- The strengthening of community-based protection programmes
- The strengthening of the capacities and accountability of stakeholders
- The work done in the Tillabéri region by the High Authority for Peace Consolidation
- The development of a disarmament, demobilization and reintegration policy by the Ministry of the Interior and Decentralization

77. As far as descent-based child slavery is concerned, although this shameful practice persists in certain regions, it remains clandestine and rare because it is formally prohibited by law.

Reply to the issues raised in paragraph 9

78. To facilitate access to justice for vulnerable people, particularly women, the National Agency for Legal Aid and Assistance has set up a local office at the headquarters of each of the 10 regional courts. Their main task is to receive and register applications for legal assistance from vulnerable and disadvantaged people, including women, children and persons with disabilities. Persons with disabilities are often released on bail pending trial.

79. The National Agency for Legal Aid and Assistance was established with a view to improving the services provided by court-appointed defence lawyers, by encouraging professional lawyers, all of them based in Niamey, to join other bar associations and collaborate with them while providing them with guidance. The Agency has the resources to cover the entire country through its local offices at the regional courts.

80. To provide better care for women and child victims of violence, the Agency implemented the Spotlight programme with the support of UNDP. Under the programme, the local offices of the Agency referred victims of violence for effective care.

81. The table below provides statistics on women's access to justice for the period 2017–2021.

Table 3
Access to justice for vulnerable persons

Year	*2017*	*2018*	*2019*	*2020*	*2021*	*Total*
Legal aid	1 771 (overall non-disaggregated statistics)	7 796 (overall non-disaggregated statistics)	6 873 (women)	2 248 (women)	1 537 (women)	20 225
Legal assistance	905 (overall non-disaggregated statistics)	916 (overall non-disaggregated statistics)	322 (women)	296 (women)	300 (women)	2 739
Total	**2 676**	**8 712**	**7 195**	**2 544**	**1 837**	**22 964**

Source: Ministry of Justice and Human Rights/National Agency for Legal Aid and Assistance.

82. To further facilitate access to justice for the most disadvantaged, the Niger has begun a programme to build and open new courts. A number of courts have been set up thus far, including the district courts of Ingall and Iferouane in the Agadez region, Falmey in the Dosso region, Torodi in the Tillabéri region, and Damagaram Takaya and Belbedji in the Zinder region. As a result, the proportion of the country covered by the courts increased from 59.70 per cent in 2018 to 70.15 per cent in 2024.

83. To ensure effective access to justice, the conditions of access to the legal profession are now more flexible, as they are based on a competitive examination. Young graduates who aspire to this profession can rely on their own merit. In 2024, 22 student lawyers will complete their training at their centre.

Reply to the issues raised in paragraph 10

84. 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.

85. The Niger has put in place strict procedures for assessing asylum applications and ensuring that applicants are not sent back to countries where they risk being subjected to torture or inhuman treatment. Training programmes have been conducted for government officials and law enforcement officers with a view to raising their awareness of the international obligations of the Niger in respect of non-refoulement and the protection of human rights.

86. The Niger has worked with organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and IOM to improve reception and processing conditions for refugees and asylum-seekers. These measures demonstrate the commitment of the Niger to respecting and protecting the fundamental rights of individuals, in particular by upholding the principle of non-refoulement.

87. Act No. 97-016 of 20 June 1997 on the status of refugees provides for the protection of refugees and also guarantees respect for the principle of non-refoulement (arts. 6–8).

Article 8 of the Act provides that: “Applicants for refugee status and recognized refugees may not be expelled, returned or extradited from the Niger except for reasons of national security or public order.

- No refugee may be expelled, returned or extradited to the frontiers of a territory where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinions.”

88. Article 7 of the Act provides that the expulsion of a refugee lawfully admitted to the Niger may take place only in pursuance of a decision reached in accordance with the procedure set out in the Act.

- Except for reasons of national security or public order, a refugee may only be expelled after the commission referred to in article 5 has issued an opinion and all remedies have been exhausted
- Under the same conditions, the decision to expel a refugee should allow him or her a reasonable period to seek legal admission to another country

89. Decisions to grant a person refugee status or to revoke or terminate refugee status are taken by the National Commission on Eligibility for Refugee Status. UNHCR attends meetings of the Commission as an observer. The UNHCR representative may comment on each case. The Commission’s decisions may be appealed before the Minister of the Interior and Decentralization, without prejudice to other remedies available before the competent courts. No expulsion order against a refugee who has been lawfully admitted to the Niger may be executed during the time allowed for appeal or, in the event that an appeal is filed, before the conclusion of the proceedings. The same provisions apply to persons who are the subject of a decision to revoke or terminate their refugee status until the time limits for filing an appeal have lapsed.

90. Act No. 2015-36 of 26 May 2015 on migrant smuggling was repealed pursuant to Ordinance No. 2023-16 of 25 November 2023. The question relating to its revision is therefore not applicable.

Reply to the issues raised in paragraph 11

91. As of July 2024, the Niger was hosting 580,838 persons of concern, 48 per cent of whom were internally displaced persons, 43 per cent refugees, 6 per cent returnees and 2 per cent asylum-seekers and other persons of concern (mainly nationals of Burkina Faso). Most of the refugees come from Nigeria (73 per cent) and Mali (21 per cent). The population is predominantly young (58 per cent), with women accounting for 53 per cent.

92. Due to the continuing deterioration of the security situation at its borders, the Niger has been dealing with a growing number of situations of forced displacement (exit and entry) since 2012, including the most recent waves from Burkina Faso, Mali and northwest Nigeria.

93. The Niger is the first country to authorize the establishment of an emergency transit mechanism for vulnerable refugees from Libya. The Niger is a party to most of the relevant international and regional legal instruments protecting refugees and displaced and stateless persons and has adopted national laws transposing its international commitments.

94. The Niger shares more than 5,700 km of borders with Burkina Faso, Mali, Algeria, Libya, Chad, Benin and Nigeria. It lies on complex migration routes and is affected by the violence that has spread to Burkina Faso, Mali and Nigeria, displacing hundreds of thousands of people. In addition, many migrants on their way to or from North Africa, as well as refugees, find themselves stranded in the desert, with some exploited by trafficking networks, and in urgent need of humanitarian aid.

95. The following tables provide information on applications for refugee status and their outcome.

Table 4
First-instance sessions

Description	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*
Number of sessions held	01	08	03	3	3	2	2
Number of cases studied	10	437	593	568	224	252	123
Number of positive decisions	06	355	406	511	195	230	87
Number of negative decisions	04	82	183	53	41	21	33
Adjourned	00	00	04	04		01	3
Cases of refoulement	00	00	00	00	00	00	00

Source: National Commission on Eligibility for Refugee Status/Ministry of the Interior and Decentralization.

Table 5
Appeal sessions

Description	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*
Number of sessions held	00	00	01	01	00	01	00
Number of cases studied	00	00	20	58	00	112	00
Number of positive decisions	00	00	11	01	00	00	00
Number of negative decisions	00	00	00	55	00	112	00

Source: National Commission on Eligibility for Refugee Status/Ministry of the Interior and Decentralization.

Reply to the issues raised in paragraph 12

96. The State of the Niger is committed to respecting its international commitments and adapts its legislation to ensure their implementation. To incorporate the relevant provisions of the Convention, particularly article 4, into its domestic law, the Niger revised its Criminal Code pursuant to Act No. 2020-05 of 11 May 2020.

97. To prevent and punish the most serious offences, including torture, the national authorities can request the cooperation of their foreign counterparts and, in return, respond to their requests. The Niger has signed and ratified a number of conventions and agreements on police and judicial cooperation. Examples include:

- The Agreement on Judicial Cooperation between the Republic of the Niger and the Federal Republic of Nigeria, signed in 1990
- The Agreement on Judicial Cooperation between the Ministry of Justice and Human Rights of the Republic of the Niger and the Supreme People’s Procuratorate of the People’s Republic of China, signed in 2001
- The Agreement on Judicial Cooperation in Criminal Matters between the Republic of the Niger and the Socialist People’s Libyan Arab Jamahiriya, signed in 2008
- The Agreement on Extradition between the Government of the Republic of the Niger and the Government of the French Republic, signed in Paris on 5 June 2018
- The Agreement on Mutual Assistance in Criminal Matters between the Government of the Republic of the Niger and the Government of the French Republic, signed in Paris on 5 June 2018

- The Convention on Judicial Cooperation in Civil, Commercial and Administrative Matters between the Kingdom of Morocco and the Republic of the Niger, signed in Rabat on 23 December 2018
- The Cooperation Agreement between the United Nations, represented by the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, and the Government of the Republic of the Niger, signed in Niamey on 30 April 2019
- The Judicial Cooperation Agreement between the Niger and Senegal, signed in December 2022
- The Judicial Cooperation Agreement between the Niger and Algeria, signed in January 2023
- The Quadripartite Agreement between the Niger, Mali, Burkina Faso and Chad, signed in May 2023

98. In a recent example of an extradition case, a Chadian national was returned pursuant to Decree No. 2022-209/PRN/MJ of 8 March 2022 to be prosecuted and tried by the Chadian judicial authorities in accordance with international principles and standards for an offence committed in the Niger.

Reply to the issues raised in paragraph 13

99. For some years, the Ministry of Justice and Human Rights has held training and awareness-raising sessions on the Convention against Torture, the Optional Protocol thereto and national laws adopted in implementation of those instruments for judges and prosecutors, members of the defence and security forces (police, gendarmerie, National Guard and prison personnel), civil society actors and human rights defenders. Hundreds of officers from the aforementioned bodies have been made aware of, and received training on, non-coercive interrogation methods and the absolute prohibition of torture during workshops held in the various regions.

100. Missions to monitor the treatment of persons deprived of their liberty are conducted by the Ministry of Justice and Human Rights and by the national mechanism for the prevention of torture. During these missions, personnel from these bodies visit people in police custody and in detention to enquire about their conditions of detention and to make them aware of their rights and duties. The State has not put in place a method for assessing the results and effectiveness of training programmes in reducing the number of cases of torture and ill-treatment.

101. Law enforcement personnel are taught about the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials as part of the training curricula. Similarly, in training sessions organized by the Ministry of Justice and Human Rights, such personnel receive a presentation on arrest and detention standards.

102. As previously mentioned, training sessions on the fight against torture are held for magistrates (judges and prosecutors) to help them master the provisions of the Convention, the Protocol thereto and national laws. This will enable them to establish whether acts of torture have in fact taken place in cases brought before them and to exclude confessions obtained through the use of torture.

103. Training sessions on these instruments are also held for healthcare professionals generally with a view to raising their awareness of torture and other cruel, inhuman and degrading treatment or punishment.

Reply to the issues raised in paragraph 14

104. Interrogation methods and the cases in which a person may be deprived of his or her liberty are governed by law. The involvement of the legislature is an important guarantee. All use of torture is prohibited under the Criminal Code and specific laws. For example, article 17 of Decree No. 2019-609/PRN/MJ of 25 October 2019 on the implementation of Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system provides that

it is forbidden for any employee or person with access to places of detention to engage in acts of torture or violence against inmates.

105. Judicial investigations are carried out under the direction of public prosecutors or investigating judges, who can travel to and attend interrogations. Lawyers have access to interrogations from the moment that a person is arrested. The use of an interpreter is mandatory when the suspect does not speak or understand French.

106. As regards judicial interrogation practices, in general, the main guarantee stems from the fact that accused persons can only be questioned by a judge or prosecutor in the presence of a clerk of the court. Interrogations are preferably conducted at the headquarters of the service concerned (court or police), in the presence of an interpreter if necessary.

107. The method of interrogation before an investigating judge is broadly described in the law: the lawyer is summoned 48 hours before each interrogation, the case file is made available to him or her 24 hours beforehand, counsel is present during the interrogation and can ask questions, and the records of interrogations are immediately reviewed and signed. It is good practice to mention the times at which questioning and breaks take place.

108. Foreign nationals have the right to communicate with their country's consular authorities, who are informed in advance of the charges and the place of detention.

109. Minors are heard in the presence of a specially trained professional, in an appropriate environment. Another good practice is for minors to be interviewed in the presence of a family member or qualified person.

110. National legislation on torture goes beyond the scope of the Convention by punishing any person, whether an official or otherwise, who is guilty of acts of torture or similar practices.

111. Article 232.11 of the Criminal Code provides that no statement obtained as a result of acts of torture or related practices may be used as evidence in any proceedings, except to establish the liability of the perpetrator of the offence. Article 232.8 of the Code establishes that the prohibition of torture is non-derogable by providing that no exceptional circumstances whatsoever, whether a state of war or threats of war, internal political instability or any other public emergency, may be invoked as a justification of torture or related practices.

112. With regard to institutional measures to combat torture, the national preventive mechanism was established and attached to the National Human Rights Commission pursuant to Act No. 2020-02 of 6 May 2020. With the creation of the National Council for the Safeguarding of the Homeland, the Commission was dissolved. The National Observatory for Human Rights and Fundamental Freedoms is in the process of being made operational, in reflection of the National Council's desire to reaffirm its attachment and commitment to respecting human rights as defined by the treaties and conventions to which the Niger has freely subscribed.

113. No new measures relating to interrogation rules, instructions, methods or practices, or to custody, have been adopted since the consideration of the country's initial report. However, the national committee for the review of the Criminal Code and the Code of Criminal Procedure, which was established pursuant to Decree No. 0024/MJ/GS/SG/ of 26 January 2022, has proposed new amendments to the provisions on police custody and pretrial detention, in addition to the introduction of a new measure – court supervision – which better ensure respect for the rights of persons deprived of their liberty. It should be recalled that these amendments are in the process of being adopted.

Reply to the issues raised in paragraph 15

114. Article 112 of the Criminal Code provides that prosecutors, judges and criminal investigation officers who detain a person or cause him or her to be detained without a valid committal order at a location other than those specified by the Government or the public authorities is liable to imprisonment for a term of 1 to 5 years. Article 113 provides for the punishment of public officials responsible for policing or criminal investigation who refuse

or neglect to comply with a lawful request to report an unlawful or arbitrary detention, either at a detention facility or elsewhere.

115. Article 265 provides that any person who arrests, detains or confines another without being ordered to do so by the competent authorities is liable to 1 to 10 years' imprisonment, except in cases in which the law requires that the suspect be detained. Whoever provides a place for carrying out the detention or confinement will be liable to the same penalty.

116. Article 102 of the Code of Military Justice provides that if a detention order or arrest warrant has been issued, the suspect or accused person will be taken to a military prison, or, if this is not possible, to a facility designated by the authority with powers of prosecution in respect of the case. Furthermore, article 108 of the Criminal Code provides that any public official or government agent or employee who orders or commits an arbitrary act or an act that violates the personal liberty or civic rights of citizens is liable to imprisonment for a term of 1 to 5 years.

117. Act No. 2022-22 of 30 May 2022 criminalizes and provides for the punishment of any act of enforced disappearance, defined as the arrest, detention, abduction or any other form of deprivation of liberty of a person or group of persons by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such a person outside of the protection of the law.

Reply to the issues raised in paragraph 16

118. The exceptional nature of pretrial detention is reaffirmed in article 131 (1) of the Code of Criminal Procedure. Pretrial detention may only be ordered in criminal cases and for offences that carry a prison sentence. The detention order is always preceded by an interrogation, which gives the accused person the opportunity to know the charges brought against him or her and to present his or her defence.

119. Any pretrial detention order must be specially reasoned in the light of the cases listed exhaustively in article 131 of the Code of Criminal Procedure and the elements of the case, and its duration is limited in time. For less serious offences, when the maximum applicable penalty is less than or equal to 3 years' imprisonment, an accused person who is resident in the Niger may not be detained for more than 6 months unless he or she has previously been sentenced to more than 3 years' imprisonment either for a serious offence or for a less serious offence. This period may not be extended. In other cases, article 132 (2) of the Code of Criminal Procedure provides for the possibility of extension for another 6-month period by reasoned order:

- In the case of terrorist acts, pretrial detention may not exceed a total of 2 years. For minors, this period is limited to 3 months, renewable once for a further 3 months.
- In the case of serious offences, pretrial detention may not exceed 18 months, with the possibility of a 12-month extension. In the case of terrorist acts, pretrial detention may not exceed a total of 4 years. For minors, this period is limited to 12 months, renewable once for a further 6 months.

120. As part of the reform of the Code of Criminal Procedure, the preliminary draft of the new version of which was officially submitted to the Minister of Justice and Human Rights on 20 June 2024, all of these time frames have been considerably reduced and better regulated. Failure to comply with them will result in disciplinary and/or criminal sanctions against those responsible.

121. The Ministry of Justice and Human Rights has issued several circulars reiterating the exceptional nature of pretrial detention and judges' obligation to respect its duration. When pretrial detention reaches the maximum duration of the applicable sentence, the accused is released, unless he or she is being held for another reason.

122. To monitor compliance with the provisions on pretrial detention, the presidents of indictment divisions visit prisons and receive reports on pretrial detainees that are prepared by investigating judges on a quarterly basis. Under article 215 of the Code of Criminal

Procedure, these presidents may refer the cases of pretrial detainees to the indictment division for a ruling. In the course of its inspection missions, the indictment division may, on its own initiative or at the request of a party, order the release of a pretrial detainee who has been unlawfully detained.

123. Under article 666 of the Code of Criminal Procedure and article 17 of Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system, the prosecution services also have oversight of prisons and ensure that no one is detained there illegally. The investigating judge and the district judge visit the prisons once a month.

124. Pretrial detainees and their lawyers can apply for release at any stage of the proceedings and can appeal against any refusal. This can be ordered ex officio by the judge at the request of the prosecutor's office.

125. In the event of ill-treatment or inhuman or degrading treatment, detainees or third parties acting on their behalf may file confidential complaints against personnel. A prompt, thorough and impartial investigation is carried out into all allegations of torture and other ill-treatment and into any suspicious death in custody.

126. The Inspectorate General of Judicial Services carries out visits to monitor pretrial detention every year. These inspections have led to the release of several persons who had been unlawfully detained.

127. Any person placed in pretrial detention is kept at a prison, a comprehensive list of which is established by law. Only a judge or prosecutor can issue a detention order. Persons in police custody are held at the premises of an investigation unit under the supervision of judges and prosecutors. Any other deprivation of liberty constitutes arbitrary detention, thereby entitling the victim to lodge a complaint.

128. As at 31 July 2024, the total number of inmates in the 41 prisons of the Niger was as follows:

- Capacity: 10,555
- Total inmates: 14,729, or an occupancy rate of 140 per cent
- Convicted prisoners: 5,165, or 35.07 per cent
- Pretrial detainees: 9,564, or 64.93 per cent

129. Regarding the Dosso, Tillabéri and Filingué prisons in particular, as at 31 July 2024:

- Tillabéri prison had a capacity of 150 and a total population of 211 inmates, 112 of whom were convicted prisoners and 99 of whom were pretrial detainees
- Dosso prison had a capacity of 100 and a total of 304 inmates, 133 of whom were convicted prisoners and 171 of whom were pretrial detainees
- Filingué prison had a capacity of 300 and a total of 252 inmates, 126 of whom were convicted prisoners and 126 of whom were pretrial detainees

130. As at the same date, Niamey prison, which had a capacity of just 445 inmates, was the most overcrowded, with a total of 2,060 inmates, 1,061 of whom were pretrial detainees and 459 of whom were convicted prisoners.

131. The tables below provide more details on the three prisons.

Table 6
Number of pretrial detainees and convicted prisoners at Dosso prison as at 31 December, by year

	2017		*2018*		*2019*		*2020*		*2021*		*2022*	
Age of inmates	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*
Under 18 years	6	0	10	5	9	1	5	1	8	1	23	4
18–21 years	13	10	25	25	14	17	19	8	9	10	31	12

	2017		2018		2019		2020		2021		2022	
Age of inmates	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*
21–25 years	21	18	32	31	16	16	31	10	15	38	50	14
26–30 years	34	21	75	31	37	28	23	30	30	28	27	18
31–40 years	35	24	38	26	39	24	40	25	42	18	50	31
41 years and older	25	9	33	15	22	29	17	13	43	25	30	25
Not determined	0	0	6	0	0	1	2	0	17	0	8	1
Total	**134**	**82**	**219**	**133**	**137**	**116**	**137**	**87**	**164**	**120**	**219**	**105**

Source: Statistics Department/Ministry of Justice and Human Rights.

Table 7
Number of pretrial detainees and prisoners at Filingué prison as at 31 December, by year

	2017		2018		2019		2020		2021		2022	
Age of inmates	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*
Under 18 years	4	3	3	0	7	0	3	0	6	0	14	0
18–21 years	9	10	14	20	37	20	8	7	13	4	20	7
21–25 years	19	14	18	13	10	28	18	11	27	12	35	5
26–30 years	14	13	25	25	20	34	16	13	23	23	17	12
31–40 years	25	27	33	29	27	30	24	12	30	13	33	16
41 years and older	34	22	26	7	19	33	28	4	14	19	19	9
Not determined	0	0	0	0	0	1	0	1	4	1	1	0
Total	**105**	**89**	**119**	**94**	**120**	**146**	**97**	**48**	**117**	**72**	**139**	**49**

Source: Statistics Department/Ministry of Justice and Human Rights.

Table 8
Number of pretrial detainees and convicted prisoners at Tillabéri prison as at 31 December, by year

	2017		2018		2019		2020		2021		2022	
Age of inmates	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*
Under 18 years	2	3	9	2	9	2	9	2	12	1	12	0
18–21 years	13	15	6	7	20	16	6	15	5	11	9	9
21–25 years	5	25	10	18	32	11	12	20	15	18	8	15
26–30 years	27	32	24	21	11	33	6	25	10	19	6	23
31–40 years	23	34	31	32	14	36	20	26	13	25	7	25
41 years and older	12	10	7	13	26	23	9	12	11	9	10	9

Age of inmates	2017		2018		2019		2020		2021		2022	
	Pretrial detainees	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*	*Pretrial detainees*	*Convicted prisoners*
Not determined	0	0	0	0	0	1	1	2	0	0	0	0
Total	**82**	**119**	**87**	**93**	**112**	**122**	**63**	**102**	**66**	**83**	**52**	**81**

Source: Statistics Department/Ministry of Justice and Human Rights.

132. By law, inmates must be separated by category, namely, by sex, age, and according to whether they are pretrial detainees or convicted prisoners. While separation between men and women and between minors and adults is effectively enforced, convicted prisoners and pretrial detainees are not held separately at all locations.

Reply to the issues raised in paragraph 17

133. It should be kept in mind first of all that the Niger has embarked on large-scale reform of the administration of its prison system. Against that backdrop, and in accordance with Decree No. 2020-294 of 17 April 2020, the Government adopted the Prison and Rehabilitation Policy and an accompanying five-year action plan. The Policy has three priority areas of action. They are:

- reforming prison administration and strengthening prison governance
- humanizing conditions of detention
- reintegrating prisoners into society and making the prisons productive

134. The humanization of conditions of detention involves improving the material conditions with a view to ensuring that the detained person's dignity and rights are respected. It will necessarily involve work on the following issues:

Prison hygiene

135. Building hygiene and cleanliness are regulated in Decree No. 2019-609/PRN/MJ of 25 October 2019, in compliance with international legal instruments on prison matters. Article 179 of the Decree states that places of detention, those intended for accommodation in particular, must meet hygienic requirements, taking into account the climate, particularly with regard to lighting, ventilation and cubic content of air.

136. To deal with sanitation problems in places of detention, the Directorate General for Prison Administration and Security and Reintegration of the Ministry of Justice has encouraged prison directors to set up hygiene committees and ensure that they are active. The activities of these committees follow a defined schedule. The persons responsible for these activities and the persons responsible for follow-up have been appointed.

Table 8
Activities of the Hygiene Committee at Niamey Prison, room sector

Activities	*Period*	*Person responsible for the activity*	*Person responsible for follow-up*
Cleaning of the location of the slop bucket	Every morning	Room boss	Yard boss under the supervision of the chief guard
Sweeping of the room	At least three times a day (morning, midday, evening)	Room boss	Yard boss under the supervision of the chief guard

Activities	*Period*	*Person responsible for the activity*	*Person responsible for follow-up*
Cleaning and disinfection of the room	Twice a week	Room boss	Yard boss under the supervision of the chief guard

Source: Ministry of Justice/Directorate General for Prison Administration and Security and Reintegration.

Ventilation and light

137. The Prison and Rehabilitation Policy takes the lack of air and light into account by providing for measures to refurbish cells. These measures have already been taken in the prisons in Niamey, Say and Kollo as part of a UNDP prison support project launched with the support of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State of the United States of America. The ultimate aim is to bring conditions in places of detention into line with international standards.

Sanitary conditions, including the availability of personal hygiene items necessary to meet the specific needs of women prisoners

138. Ensuring sanitary conditions in prisons is first and foremost a legal obligation. Act No. 2017-08 of 31 March 2017 states that "the maintenance of inmates is covered by an allowance set by regulatory act. This allowance, which covers expenses for maintenance, food, health, clothing, bedding, hygiene and sanitation, and lighting, is paid on a quarterly, half-yearly or annual basis, as the case may be" (art. 42). It also states that "prisoners are required to observe the personal hygiene and dress regulations" (art. 43).

139. In practice, the specific needs of women in prison are increasingly taken into account, in particular by ensuring that sanitary napkins are provided and by raising awareness with the help of NGOs.

Nutrition

140. Since 2017, to prevent malnutrition in the prisons, avoid dietary deficiencies and give inmates the energy essential for their health and the work they are required to do, the number of balanced meals a day for each inmate has been increased to three (Act on the basic principles of the prison system, art. 40). With technical assistance from the International Committee of the Red Cross (ICRC), the Directorate General for Prison Administration and Security and Reintegration has begun developing standard menus for prisons. The aim is to provide each inmate with daily meals containing the recommended 2,400 kilocalories. Regional meetings have been organized, and prison directors have proposed menus based on local eating habits. NutVal, a software program that facilitates evaluation of the caloric value and cost of the proposed meals, was used. As a result, it was possible to develop a menu for each region at a reasonable cost. The food service supervisors of the prisons have been made aware of the practical measures to be taken to ensure that the planned meals are provided. Guidelines were drawn up for this purpose.

141. In addition, as it has observed that some inmates are already malnourished when they are admitted, the Directorate General has, with the technical assistance of ICRC, begun monitoring malnutrition. Each admitted prisoner is screened and, if found to be malnourished, placed in the support programme. This programme is in place in the prisons of Diffa, Kollo and Niamey. It involves giving the malnourished inmate supplementary rations as a form of treatment.

Healthcare and health personnel

142. The Government has taken legal steps to ensure that inmates' right to the best possible standard of heath is respected. Decree No. 2019-609 of 25 October 2019 states, for example, that inmates who are ill are to receive, at no charge, the care they need, as well as food and medicines normally provided in public hospitals (art. 171). Article 169 states that where the

care required by inmates who are ill cannot be provided on site, they are to be taken to regional or departmental hospitals and clinics.

143. In addition to these provisions, which are generally respected, financial resources are allocated under the heading “medical expenses” to enable prison directors to cover the cost of purchasing pharmaceutical products when ill inmates are prescribed medication. The health workers on duty in the prisons are members of the National Guard. However, as part of the work of the Interministerial Committee for the Promotion of Health in Prison Environments, the Ministry of Health has undertaken to integrate the prison population into its activities, including by instructing district medical officers to include consultations in prison infirmaries in their agendas. This undertaking is in line with another provision of the Decree, which states that, at the beginning of each year, the Minister of Justice, acting on a proposal from the Minister of Health, is to draw up a list of doctors, nurses and midwives attached to each prison (art. 167).

144. In practice, all prison personnel, as well as inmates, take the specific needs of persons with disabilities into account by providing all necessary assistance. This is the result of respect for national solidarity. In new prison facilities, however, in infirmaries in particular, consideration is given to some of the specific needs of persons with disabilities. This is the case of the prison in Niamey.

145. With regard to the lack of qualified prison staff, the process of redeploying specialized personnel trained at the Judicial Training Academy of the Niger is under way. These new members of staff, composed of an initial cohort of 40 prison inspectors, 92 controllers and 200 guards, have been transferred to the National Guard under Ordinance No. 2024-06 of 11 March 2024.

Reduction of prison overcrowding

146. Prison overcrowding is a constant concern for the relevant authorities. The measures that have been taken at the prison in Niamey consist of easing overcrowding as soon as the number of inmates reaches a given threshold. Transfers are ordered for this purpose. The construction of new places of detention in Niamey and in places such as Tchirozerine, Mirriah, Falmey, Ingal, Tassara and Banibangou will certainly help relieve overcrowding in some prisons.

147. Measures have been taken to raise awareness among the judiciary and thus to promote the use of alternatives to imprisonment and sentence reductions. In this context, the possibility of plea bargaining, a procedure provided for in articles 379.1–379.10 of the Code of Criminal Procedure following a 2007 amendment, was made effective starting in 2020. This procedure applies to offences punishable by a fine or by imprisonment of less than 10 years. The public prosecutor may, on his or her own initiative or at the request of the person concerned or his or her lawyer, resort to this procedure in respect of any person summoned for this purpose or brought before him or her when the person acknowledges his or her responsibility for acts of which he or she is accused.

148. Community service, which was made the main penalty for minors in the 2000s but has not been used by the courts, was extended to adults pursuant to Act No. 2017-005 of 31 March 2017. Community service is an excellent alternative to prison.

149. Decrees to commute sentences are issued regularly, usually on national holidays. As a result, conditional early release is granted by the Minister of Justice.

Reply to the issues raised in paragraph 18

150. Article 17 of Act No. 2017-08 of 31 March 2017 on the basic principles of the prison system provides that the Chief Public Prosecutor is to exercise oversight of the prisons and ensure that no one is detained unlawfully therein.

151. Under article 25 of the Act, prisoners may be subject to disciplinary sanctions in the event of a breach of the rules put in place to maintain order and discipline. Under that article, they may defend themselves or be defended by counsel of their choosing. Solitary confinement is regulated in Decree No. 2018-608/PRN/MJ of 25 October 2018, on the regulations to implement the Act on the basic principles of the prison system. In chapter VI

of the Decree, entitled “Prisoner discipline”, breaches of disciplinary rules are categorized as serious or less serious. Article 56 of the Decree states that disciplinary sanctions are to be imposed by the prison director and that a record of the sanctions is to be made in the inmate’s file. Under articles 57–59 of the Decree, the director is to decide on the sanction after examining the report from the officer who observed the rules violation and the chief station officer. The director has the inmate appear before him or her to hear the inmate’s account of the case against him or her.

152. The maximum duration of solitary confinement depends on the seriousness of the rules violation. It is 15 days if the rules violation is of the first degree and 30 days if it is of the second degree. A record of the disciplinary sanctions is entered in a register kept under the authority of the prison director. This register is used by judicial and prison inspectors to check the legality and proportionality of any sanctions imposed on an inmate.

153. The director is required to send a report to the Minister of Justice whenever disciplinary sanctions are imposed. Within five days of the imposition of the sanctions, the director must notify the Director of the Prison Service if the inmate is a convicted offender or the prosecutor responsible for the case if the detainee is awaiting trial.

154. The isolation cell must be furnished with bedding and what the inmate needs for his or her personal hygiene. The person in solitary confinement has access, for one hour a day, to an individual courtyard, and there are no restrictions on his or her right to written correspondence. In the event of a disciplinary sanction, inmates keep their clothes, are provided with a blanket if weather conditions so require and must be given sufficient food.

155. A medical team must examine each inmate in the cell at least twice a week. Solitary confinement is suspended if the doctor finds that it is likely to compromise the inmate’s health.

156. The General Inspectorate of Judicial and Prison Services, a monitoring, supervisory and advisory authority, verifies that the prisons and the reception and rehabilitation centres comply strictly with laws and regulations.

157. The rules on prison administration do not differentiate between ordinary prisoners and imprisoned terrorists. As a result, they are all subject to these rules in the event of disciplinary sanctions.

158. The Ministry of Justice has not received reports indicating that these rules have been violated.

Reply to the issues raised in paragraph 19

159. Although there are occasional deaths in custody, essentially from natural causes, statistical data on such deaths are unavailable. All deaths are reported to the Chief Public Prosecutor, the Minister of Justice and Human Rights and the deceased person’s next of kin. If the family considers the death suspicious, an investigation may be launched.

Reply to the issues raised in paragraph 20

160. The anti-torture law of the Niger is a recent law, as it dates from 2020. The officials responsible for enforcing the law as well as the persons answerable to the law are being familiarized with it. For this reason, there are no statistics available on the complaints that have been lodged or the action taken in follow-up thereto. Many perpetrators of acts of torture are still being prosecuted on charges of murder, assassination, fatal blows, intentional assault and battery with or without weapons, or violence and assault.

Reply to the issues raised in paragraph 21

161. In the event of suspicions of excessive use of force or extrajudicial and arbitrary executions, investigations are systematically launched, including by the judicial authorities, the National Human Rights Commission, the administrative authorities with supervisory powers, lawmakers undertaking parliamentary inquiries and civil society organizations.

162. Investigations have led to the opening of judicial inquiries into allegations that civilians have been subjected to enforced disappearance and extrajudicial killing. Three main incidents are being or have been investigated:

- The first occurred on 14 January 2021 in La Tapoa, Tillabéri, which had been declared a military zone. A driver of a public transport vehicle with six passengers aboard left Tamou for Niamey. He took a wrong turn and crossed two barriers of the military position Saki II at night. The soldiers on duty were ordered by the commander of their detachment to destroy the vehicle. Six people died, and one sustained a gunshot wound. The investigation was promptly conducted by the Saki II military police, and the results were forwarded to the Minister of Defence, who, on 19 February 2021, referred the matter to the public prosecutor attached to the military tribunal. The victims' family members were represented by a lawyer appointed on 15 February 2021.
- The second incident occurred in Banna/Chinégodar/Banibangou/Ouallam/Tillabéri on 28 April 2021. Two companies from Operation Almahaou were attacked in the Banna Valley while on a reconnaissance mission. Twenty-six assailants were captured by the military. One tried to disarm one of the two guards at around 4 a.m. The two guards opened fire and shot the prisoners. After an investigation by the Ouallam gendarmerie unit, the two soldiers were charged with murder and taken into custody on 21 May 2021. One benefited from a dismissal of the case by the investigating military judge on 29 November 2023. The second was indicted on 1 March 2024 and referred to the military tribunal, which sentenced him to 5 years' imprisonment in July 2024.
- In the third incident, which occurred on 27 November 2021, French forces from Operation Barkhane were pitted against the people of Téra. To force their way through in the face of the local population opposed to their passage, the French soldiers used firearms, killing three protesters and wounding several others. The investigation was opened on 27 November 2021 by the Téra territorial gendarmerie unit, and the findings were forwarded to the public prosecutor attached to the military tribunal. Compensation for the victims followed.

163. A judicial inquiry was opened into the allegations of the enforced disappearance and extrajudicial execution of civilians during counter-terrorism operations in Tillabéri Region in March and April 2020, which the National Human Rights Commission found the defence and security forces responsible for, and the conclusions were forwarded to the public prosecutor. The case is ongoing. In any event, the Commission had, on the basis of very flimsy evidence – the types of ammunition found at the scene, the military uniforms and the type of vehicle used by the assailants – concluded too hastily that State forces were to blame. In this insecure area, anyone can illegally wear the uniforms of State forces, and terrorists also use the weapons and vehicles that they capture in their battles with loyalist forces, thus sowing confusion. Only the competent court can determine who the perpetrators were.

164. Offences committed by defence and security forces in wartime fall within the jurisdiction of the military tribunal, which proceeds in accordance with Act No. 2003-010 of 11 March 2003, the Code of Military Justice.

Reply to the issues raised in paragraph 22

165. Victims of torture may also be victims of trafficking in persons. The compensation fund is still not making awards and the decree under which its operating activities are organized has not yet been adopted. The same is true of the fund meant to compensate victims of terrorism. Nonetheless, victims of trafficking in persons, torture and terrorism may, in accordance with the Code of Criminal Procedure and relevant special laws, such as the laws on terrorism and on trafficking in persons, sue for damages.

166. All victims of torture have the right to fair and adequate compensation. Such compensation includes the means necessary for their physical and mental rehabilitation. Victims have the right to lodge complaints and request prosecution of the perpetrators of acts of torture. The State ensures that legal proceedings are accessible, swift and effective. Victims have the right to know the truth about the circumstances of the torture they endured. As a result, investigations are impartial and transparent. Under the Code of Criminal

Procedure, the victim may initiate a public prosecution before the criminal courts and, at the same time, bring a civil action or choose to initiate the proceedings separately, before two different jurisdictions (civil and criminal).

167. Victims of torture are not discriminated against for being victims. They are entitled to protection and assistance regardless of their race, religion, gender, national origin and so on.

168. The demonstrations that took place in several localities in the Niger on 16 and 17 January 2015 were a reaction to the publication of a caricature of the Prophet Muhammad (*SAW*) by the French satirical magazine *Charlie Hebdo*. In Niamey, demonstrators gathered at the Grand Mosque to protest this caricature. Some threw stones at the police, who responded with tear gas to disperse the crowd. Others ransacked the Cultural Centre of France and the Niger, churches, drinking establishments, liquor stores and the headquarters of what was then the governing party. Three civilians and one gendarme were killed, and some 40 people were injured countrywide. The State took care of the injured and compensated the victims or their families. Dozens of people were prosecuted for their actions. Exact figures on the amounts of the compensation are unavailable.

Reply to the issues raised in paragraph 23

169. The statistical data requested are not available.

Reply to the issues raised in paragraph 24

170. No death sentences have been carried out in the Niger since 7 April 1976. Since then, all death sentences have been systematically commuted to life imprisonment by presidential decree. In May 2024, the Niger had only eight people on death row in its prisons: namely, five in Tillabéri, two in Say and one in Aguié. These figures change with the regular holding of hearings in criminal chambers.

171. Only the Head of State, who regularly avails himself of it on national or religious holidays, has the right to grant pardons. For example, Decree No. 2024-429/P/CNSP/MJ/DH of 4 July 2024, on sentence reductions on the occasion of the Eid al-Fitr and Eid al-Adha holidays in 2024, provides that any individual who, on the date of signature of the Decree, has been sentenced to death in a final judicial decision is to have his or her sentence commuted to life imprisonment.

172. To expedite the process of formally abolishing the death penalty, the Niger supports a moratorium, always voting in favour of it at the United Nations. The reasons for the country’s abstentions from both the vote in the Third Committee and the final vote on 16 December 2020 relate to a problem of communication between the delegation and Niamey, not to a change of position.

173. This issue has been addressed in the bill on amendments to the Criminal Code. Under article 6 (1) of this bill, the death penalty, which is to be replaced by a life sentence of which a prisoner must serve 30 years to become eligible for parole, is abolished.

174. In addition, there has been a call to revive the bill, already adopted at the 23 October 2014 meeting of the Council of Ministers, authorizing the Niger to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. This bill has twice been put to a vote, but each time it has been rejected by lawmakers.

Reply to the issues raised in paragraph 25

175. The right to personal freedom is defined in several legal instruments, both national and international. Some people, however, may find themselves in situations in which they are denied their right to freedom. A legal framework has been developed to mitigate the risk of violations of this right. There is a list of conditions under which deprivation of liberty is considered arbitrary, including when the reason for the arrest is illegal, when the victim has not been informed of the reasons for the arrest or when the victim’s procedural rights have not been respected.

176. The protection of human rights defenders was enshrined in Act No. 2022-27 of 20 June 2022, in which the rights and duties of human rights defenders in the Niger are set out. In this Act, provision is made for a number of measures to protect human rights defenders, including journalists, from attack. Articles 6 and 7, for example, provide that human rights defenders may not be prosecuted, investigated, arrested, detained or tried for the opinions they express or the reports of theirs that are published in the exercise of their activities.

177. Even in other contexts, human rights defenders may not be arrested or detained, except in cases of flagrante delicto, without the express consent of a public prosecutor. The headquarters and homes of human rights defenders are inviolable. Similarly, their work equipment cannot be seized or confiscated, except in cases of flagrante delicto, without the express consent of a public prosecutor.

178. To provide a better framework for the activities of NGOs and associations in the Niger, the number of which is increasing significantly, administrative measures have been taken, including the issuance of Decree No. 2022-182/PRN/MAT/DC of 24 February 2022, on the application of article 20.1 of Act No. 91-006 of 20 May 1991, on amendments to Ordinance 84-06 of 1 March 1984, under which associations are regulated. Provision is made for the institution of a national day for development NGOs and associations (16 June) in article 61 of the Decree.

179. Also worth mentioning is Ordinance No. 2024-28 of 7 June 2024, pursuant to which amendments were made to Act No. 2019-33 of 3 July 2019, on the repression of cybercrime in the Niger; the aim is to restore the balance between freedom of expression and the protection of individual rights and to maintain public order and security.

Reply to the issues raised in paragraph 26

180. Under Act No. 2006-16 of 21 June 2006, on reproductive health, and the decree pursuant to which it was implemented, Decree No. 2019-408/PRN/MSP of 26 July 2019, voluntary termination of pregnancy is authorized in the event of fetal malformation and danger to the mother’s health.

181. The Act, however, makes no provision for voluntary termination of pregnancy in cases of rape or incest, and for that reason abortion is first reclassified as voluntary termination of pregnancy in the new Criminal Code, the draft of which is currently awaiting adoption, and then made legal when the pregnancy is the result of rape or incestuous sexual relations.

182. In these cases, the termination of pregnancy is authorized by a panel of medical specialists, who must record their decision in a report laying out the reasons for the decision. A pregnancy may be terminated only by a doctor and only in a public or private establishment with the appropriate facilities.

2. Other issues

Reply to the issues raised in paragraph 27

183. The Niger has taken several measures, both domestically and internationally, to address the threat of terrorist acts. On the domestic front, the organization, preparation or commission of terrorist offences, or the purposeful and knowing provision of any form of support for the commission of such offences, including by supplying weapons or offering encouragement, is, pursuant to article 399.1.17 of the Criminal Code, punishable by a prison sentence of 10 to 30 years.

184. Under articles 399.1.17 and 399.1.18, advocating terrorism and incitement to terrorism, as well as the organization of terrorist acts, are made punishable offences. Terrorist financing, harbouring terrorists and recruitment are all covered by the Criminal Code.

185. The State has introduced safeguards to ensure that the counter-terrorism measures it has taken do not undermine human rights guarantees. Article 605.5 of the Code of Criminal Procedure, for example, provides that police custody may last up to 15 days, a period renewable once by written authorization from the prosecutor or the investigating judge attached to the anti-terrorist unit. The suspect is also informed of his or her right to representation by counsel after 48 hours in custody.

186. When persons in police custody are brought before the court, a medical certificate attesting that they have not been subjected to physical abuse must be produced.

187. The investigating officer is obliged to take all necessary steps in advance to ensure that professional confidentiality and due process are respected. In the event of a search, the investigating officer has the right, alone with the suspect or another person at whose home the search is taking place, or with the person's representatives, to examine papers, other documents or computer data before seizing them.

188. It has been pointed out in sufficient detail in the replies above that numerous training sessions on counter-terrorism and, above all, respect for the rights of terrorist suspects have been given to law enforcement officials.

189. According to the latest statistics available from the Ministry of Justice, the number of people charged with terrorist acts is as follows:

- 14 in 2017
- 472 in 2018
- 30 in 2019
- 38 in 2020
- 38 in 2021

190. The number of people convicted was 44 in 2017, 35 in 2018, 3 in 2019 and none in 2020.

191. The right of appeal is recognized in both the Code of Criminal Procedure and the law on the administration of justice. A person tried by the judicial unit specialized in counter-terrorism may therefore appeal to the judicial unit specialized in counter-terrorism of the Court of Appeal and even to the criminal division of the Court of State.

192. No complaints of failure to observe international standards in the application of counter-terrorism measures have, according to the results of research done for the present report, been filed.

Reply to the issues raised in paragraph 28

193. The coronavirus disease (COVID-19) pandemic did not have a major impact in the Niger. To prevent it from affecting detained persons, the Niger took a number of measures, including commuting sentences in order to reduce the number of inmates in prisons. In March and April 2020, for example, the President signed two decrees (Decree No. 2020-304/PRN/MJ of 23 April 2020) pursuant to which sentences were commuted, enabling the release of more than a thousand prisoners.

194. Hygiene measures (including systematic hand washing with sanitizer, mask wearing), physical distancing (including reductions in the number of visits, non-pharmaceutical preventive measures during visits, restrictions on access to courtrooms and staggering of hearing dates), health measures (screening and evacuation of sick persons, for example) and security measures (curfews, confinement) were taken in prisons. None of these measures derogates from the absolute prohibition of torture.

195. The State of the Niger supported the population, especially the poorest families, with social measures designed to alleviate the suffering caused by the restrictions on freedom. These measures included:

- Comprehensive patient care
- Free food distribution to vulnerable families
- Reduced rates on products such as electricity, water and medicines
- Cash support for some vulnerable families

Reply to the issue raised in paragraph 29

196. Correspondence has been sent by the Ministry of Justice to the Ministry of Foreign Affairs with a view to initiating the procedure to be followed to make the declaration under article 22 of the Convention. The Niger has already made analogous declarations for four other treaty bodies. Civil society organizations are calling for the country to recognize the competence of the Committee to receive and consider communications from individuals.

B. General information on other measures and developments relating to the implementation of the Convention in the State Party

Reply to the issues raised in paragraph 30

197. Since the consideration of its previous report, the Niger has adopted legislation intended to prevent torture and ill-treatment. That legislation includes the amendment to the Criminal Code to make torture a criminal offence, as well as several other texts, including Act No. 2020-02 of 6 May 2020, under which the national mechanism for the prevention of torture was established, Act No. 2022-22 of 30 May 2022, on the prohibition of enforced disappearance, Act No. 2022-27 of 11 June 2022, on the protection of human rights defenders, Act No. 2022-30 of 23 June 2022 amending Act No. 2019-33 of 3 July 2019, on cybercrime, which was itself amended by Ordinance No. 2024-28 of 7 June 2024, and Ordinance No. 2024-20 of 29 May 2024, on the fundamental principles of social protection for older persons.