



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

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Committee against Torture

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Item 4 of the provisional agenda

**Consideration of reports submitted by States parties
under article 19 of the Convention**

List of issues in relation to the third periodic report of Benin*

Addendum

Replies of Benin to the list of issues**

[Date received: 19 February 2019]

* Adopted by the Committee at its sixty-fifth session (12 November–7 December 2018).

** The present document is being issued without formal editing.



Issues identified for follow-up in the previous concluding observations

1. **In its previous concluding observations (CAT/C/BEN/CO/2, para. 33),¹ the Committee requested the State party to provide information on action taken in response to the Committee's recommendations on:**
 - (a) **The adoption of a legislative framework regulating expulsion, refoulement and extradition in a manner consistent with article 3 of the Convention;**
 1. The extradition procedure is regulated by Title XIII of Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure. With regard to refoulement and expulsion, no new legislative framework has been adopted to date. The 1975 law remains in force.
 - (b) **The adoption of measures to bring conditions in detention centres into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (paras. 11 and 18). The Committee regrets that the State party has not provided the information requested, despite the reminder letter addressed to the State party on 6 May 2009 by the Rapporteur for follow-up to concluding observations. The Committee is of the view that the recommendations set out in paragraphs 11 and 18 of its previous concluding observations have not yet been fully implemented (see paras. 7 and 14 below).**
 2. The Government of Benin has made efforts to ensure that new prisons are built in accordance with international standards (Abomey-Calavi, Abomey, Savalou). In addition, some prisons have been renovated (Parakou, Lokossa, Cotonou, Porto-Novo).
 3. As a result of the establishment of the Prisons Agency pursuant to Decree No. 2017-572 of 13 December 2017, initiatives are now under way to improve prison conditions in terms of health, hygiene, food, transport, bedding, etc.

Articles 1 and 4

2. **In view of the adoption, in 2018, of Act No. 2018-15 on the Criminal Code, please indicate whether the bill that was finally adopted defines torture as a separate offence and in accordance with article 1 of the Convention, as stated in the State party's report.² Please indicate when the above-mentioned law will enter into force.**
 4. Act No. 2018-15 of 28 December 2018 on the Criminal Code includes a definition of torture in its article 465. This definition is in line with article 1 of the Convention. The law was published in the Official Gazette (*Journal Officiel*) on 4 January 2019.

Please also describe the measures that have been or will be taken to incorporate the absolute and non-derogable character of the prohibition of torture into law and to amend the Code of Criminal Procedure to specify that statutes of limitations and amnesties do not apply to the offence of torture.³
 5. The absolute character of torture is asserted in national law under articles 18 and 19 of the Constitution of 11 December 1990 and articles 465 and 523 of the Criminal Code. There are no plans to specify that statutes of limitations and amnesties do not apply to the offence of torture.

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.

² See CAT/C/BEN/3, para. 55.

³ Article 7 of the Code of Criminal Procedure.

Article 2⁴

3. **In the light of the Committee's previous concluding observations (para. 12), please provide information on the measures that have been or will be taken to reduce the maximum duration of police custody to ensure that it does not exceed 48 hours, which may be extended once for a similar period if there are exceptional circumstances duly justified by tangible evidence.**

6. As the period of police custody is specified in the Constitution, there are no plans to change it.

Please specify the number of detentions that have been declared unlawful or arbitrary by judges over the past five years.

7. In a number of cases filed by individuals, the Constitutional Court found that the detentions in question were unlawful and arbitrary. Statistical data on such decisions will be transmitted in due course.

4. **In view of the provisions governing police custody in the Code of Criminal Procedure (Act No. 2012-15) and the information provided in the State party's report,⁵ please indicate the measures taken to ensure that, in practice, as soon as deprivation of liberty occurs:**

- (a) **Detainees are informed of their rights, the reasons for their arrest and the charges against them in a language that they understand;**

8. Officers of the Criminal Investigation Police receive initial training and continuous capacity-building on the information to be given to persons who are deprived of liberty. These officers communicate through interpreters if they do not speak the same language as the detainee.

Please indicate whether the State party has enhanced training and awareness-raising for the police and gendarmerie in this regard;

9. Members of the police and gendarmerie receive continuous training, access to a lawyer and legal aid in all regions.⁶

- (b) **Detainees enjoy access to a lawyer and legal aid in all regions;**

Please provide information on the existing legal aid mechanism and indicate whether there are plans to allocate the necessary resources to provide legal aid at all stages of criminal proceedings and for all persons in need;⁷

10. All persons who have been deprived of liberty may avail themselves of the services of a lawyer of their choosing if they have the means to do so.

11. The Code of Criminal Procedure provides for the assignment of counsel in certain proceedings if the accused does not have sufficient means to pay for a lawyer.

⁴ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 by States parties, the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent such ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of the same general comment.

⁵ CAT/C/BEN/3, paras. 96–100.

⁶ CCPR/C/BEN/CO/2, paras. 30 and 31.

⁷ CCPR/C/BEN/CO/2, paras. 30 and 31; CRC/C/BEN/CO/3-5, para. 69; A/HRC/WG.6/28/BEN/3, para. 32.

12. Legal aid is governed by Decree No. 73-53 of 2 August 1973 on legal aid in Benin and Act No. 2004-20 of 17 August 2007 on the procedural rules applicable to different types of proceedings before the Supreme Court.

13. A study on the feasibility of legal aid is currently being conducted and should lead to the development of a new legislative framework. It involves all relevant stakeholders.

(c) Detainees have the right to contact a person of their choosing to inform that person of where they are being detained;

14. The right of detainees to contact a person of their choosing is recognized (Code of Criminal Procedure, art. 59). Officers of the Criminal Investigation Police are under an obligation to inform persons in police custody of this right and to include, in the record of the preliminary investigation, an indication that this measure was carried out.

(d) Arrests are immediately, systematically and comprehensively recorded in standardized registers in all places of detention and in a computerized central register;

15. The units have a standardized register for recording arrests. However, there is as yet no computerized central register.

(e) Detainees have the right to be informed that they may request and receive a free, confidential medical examination by an independent doctor, or a doctor of their choosing, and are effectively able to exercise this right;

16. Persons who are deprived of liberty are informed of their right to a medical examination. However, there is no mechanism for the provision of free medical care.

Please indicate whether there is a mechanism whereby medical staff can report any signs of torture or ill-treatment identified during a medical examination to an independent investigating authority without risk of reprisals.

17. There is no specific mechanism through which medical workers can submit such information to an independent authority.

5. In the light of the Committee's previous concluding observations (para. 20) and the adoption of Act No. 2012-36 on the establishment of the Benin Human Rights Commission, please state when the members of the Commission will be appointed and the approximate date on which its activities will begin. Please also describe the measures taken to guarantee the independence of the Commission, in accordance with the Paris Principles,⁸ and to provide it with adequate funding.⁹

18. The members of the Benin Human Rights Commission were nominated democratically by their peers before being appointed by Decree No. 2018-541 of 28 November 2018.

19. They were formally invested on 3 January 2019, after being sworn in before the Constitutional Court.

20. They enjoy such privileges and immunities as are necessary for the independent exercise of their functions (arts. 29 and 30 of Act No. 2012-36 on the establishment of the Commission).

21. The institution's funding is governed by article 16 of Decree No. 2014-315 of 6 May 2014 on arrangements for the implementation of Act No. 2012-36 of 15 February 2013, which provides that "the Commission shall propose an annual budget for inclusion in the general State budget. The Commission's proposed budget shall be prepared by its Bureau and approved by its General Assembly."

⁸ E/C.12/BEN/CO/2, paras. 8 and 29.

⁹ CCPR/C/BEN/CO/2, paras. 8 and 9.

6. **In the light of the Committee’s previous concluding observations (para. 17) and the information provided in the State party’s report,¹⁰ please state the measures envisaged to accelerate the process of adopting the bill on the establishment of a national preventive mechanism. In the absence of such a mechanism, please indicate whether the State party intends to grant all non-governmental organizations permanent access to detention facilities, pursuant to the undertaking given by the delegation during the consideration of the second periodic report of Benin.**

Article 3

22. To expedite the establishment of a national mechanism for the prevention of torture, Benin plans to entrust this mandate to the Benin Human Rights Commission. Discussions in that regard are under way with the different stakeholders involved.

23. Non-governmental organizations (NGOs) that work in the field of human rights and meet the conditions for access to civilian prisons and remand centres are normally authorized to conduct visits and to report thereon to the Minister of Justice.

7. **In the light of the Committee’s previous concluding observations (para. 11) and the information provided in the State party’s report,¹¹ please indicate whether the State party has adopted a legislative framework that regulates the expulsion of undocumented aliens, extradition and asylum and that fully implements the principle of non-refoulement, in accordance with article 3 of the Convention. Please indicate in particular whether the State party intends to amend the Code of Criminal Procedure in order to include the danger of torture as one of the grounds for the refusal of extradition.**

24. There is a legislative framework regulating the expulsion of undocumented aliens, extradition and asylum (Act No. 86-12 of 26 February 1986 on the regulations governing foreign nationals in Benin).

25. For the moment there are no plans to amend the Code of Criminal Procedure in order to include the danger of torture as one of the grounds for the refusal of extradition.

Please also state whether the procedures and practices currently implemented in respect of the expulsion of undocumented aliens, asylum and extradition are based on a court decision taken after a careful assessment of the risk of torture in each case and whether such decisions are subject to appeal with suspensive effect.

26. Decisions on extradition are taken through a judicial process. Decisions on asylum and expulsion are taken administratively.

8. **Concerning the State party’s assertion that some cooperation agreements are not in line with the Committee’s recommendations,¹² please specify what measures will be taken to revise those agreements in such a way as to ensure that the transfer of detainees to other signatory States is carried out under a judicial procedure and in strict compliance with article 3 of the Convention.**

27. All of the cooperation agreements on mutual legal assistance that Benin has concluded with neighbouring countries specify that the transfer of detainees or convicted persons to either party will, as appropriate, be effected under a judicial procedure carried out by the competent authorities of the States concerned in accordance with their national legislation.

28. These agreements were concluded in full compliance with article 5 of the Economic Community of West African States (ECOWAS) Convention on Extradition (ratified by Benin), which provides that “extradition shall not be granted if the person whose

¹⁰ CAT/C/BEN/3, para. 52.

¹¹ CAT/C/BEN/3, paras. 84–92.

¹² CAT/C/BEN/3, para. 95.

extradition is requested has been, or would be, subjected to torture or cruel, inhuman or degrading treatment or punishment in the requesting State ...”.

9. Please provide statistical data for the past five years, disaggregated by year and country of origin, concerning:

- (a) **The number of asylum applications registered;**
- (b) **The number of applications in respect of which asylum, refugee status or other forms of humanitarian protection were granted;**

29. The following table summarizes the data requested.

<i>Year</i>	<i>Refugees</i>	<i>Asylum seekers</i>
At 31 December 2014	413	68
At 31 December 2015	530	178
At 31 December 2016	809	226
At 31 December 2017	1 061	267
At 31 December 2018	1 174	320

(c) **The number of persons extradited, expelled or returned and the countries to which they were sent;**

30. No extradition measures have been registered. However, there have been a few cases of expulsion or return.

(d) **Cases where requests were refused because the individual concerned was in danger of being subjected to acts of torture.**

31. No data are available.

Articles 5–9

10. Please indicate whether the State party has rejected, for any reason, a request from another State for the extradition of an individual suspected of having committed acts of torture and has started its own criminal prosecution as a result. If so, please provide information on the status or outcome of the proceedings.

32. No request for extradition has been rejected for any reason.

11. In the light of the Committee’s previous concluding observations (para. 16), please specify what measures will be taken to review the terms of the agreement between Benin and the United States of America whereby United States nationals in the territory of Benin cannot be transferred to the International Criminal Court to be tried for war crimes or crimes against humanity, including acts of torture.

33. There are no plans to review the terms of this agreement.

Article 10

12. **In the light of the Committee's previous concluding observations (para. 26) and the information provided in the State party's report,¹³ please indicate whether all persons involved in the custody, interrogation or treatment of persons deprived of their liberty receive regular training on:**

(a) **The provisions of the Convention;**

34. There is as yet no specific training on the provisions of the Convention for persons involved in the custody, interrogation or treatment of persons deprived of their liberty.

(b) **Non-coercive investigation techniques and the principle that force may be used only as a last resort;**

35. Specific training on non-coercive investigation techniques and the principle that force may be used only as a last resort are part of the initial training provided to police personnel.

(c) **Guidelines for the detection of signs of torture or ill-treatment, reflecting the standards set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

36. There is as yet no specific training on guidelines for the detection of signs of torture or ill-treatment reflecting the standards set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

13. **Please indicate whether the State party has developed a method for assessing the effectiveness and impact of training and educational programmes for the reduction of cases of torture, violence and ill-treatment.**

37. Benin has not developed any method for assessing the effectiveness and impact of training and educational programmes on cases of torture, violence and ill-treatment.

Article 11

14. **In the light of the Committee's previous concluding observations (para. 18) and the information provided in the State party's report,¹⁴ please provide:**

(a) **Annual statistics for the past five years, disaggregated by place of detention and by the detainees' sex, age group (minor/adult) and nationality (Beninese/foreign), on the total capacity and occupancy rate of all detention facilities, stating the number of remand and convicted prisoners;**

(b) **Information on measures taken to ensure the separation of remand prisoners from convicted prisoners, minors from adults and women from men, and on the number of places of deprivation of liberty where detainees are not yet separated in this way;¹⁵**

38. Minors are separated from adults and women are separated from men in all civilian prisons and remand centres. However, there is as yet no separation between accused, indicted and convicted persons.

¹³ CAT/C/BEN/3, paras. 170–175.

¹⁴ CAT/C/BEN/3, paras. 133–139.

¹⁵ A/HRC/WG.6/28/BEN/3, para. 26.

(c) **Information on measures taken to prevent overcrowding in detention facilities,¹⁶ including by giving priority to alternatives to imprisonment and making more frequent use of parole for eligible inmates;**

39. The following measures are taken to prevent overcrowding in detention facilities:

- Remission of sentences;
- Inclusion of community service in the new Criminal Code (Criminal Code, arts. 122 et seq.);
- Presidential pardons;
- Parole (Code of Criminal Procedure, art. 210).

(d) **Information on the measures taken to:**

(i) *Give priority, as far as possible, to alternatives to pretrial detention,¹⁷ especially for children in conflict with the law;¹⁸*

40. In accordance with international standards relating to the detention of juveniles in conflict with the law, Benin has strengthened its legal framework and has developed several alternatives to prosecution and imprisonment.

41. Article 286 of Act No. 2015-08 of 8 December 2015 on the Children's Code makes provision for several forms of supervision or rehabilitation for children, namely:

- Return of the child to parents or relatives, after a warning;
- Placement with a trustworthy person or an institution for juveniles;
- Placement with an individual or in a State-run or private vocational school for the purpose of learning a trade;
- Placement in a State-run or private boarding school;
- Placement in a juvenile rehabilitation centre;
- Reparation measures;
- Judicial supervision;
- Community service; etc.

42. All these measures are applied by the State in Benin.

(ii) *Take the financial situation of prisoners into account when setting bail;*

43. Bail is set with due regard to the financial situation of the prisoner, the gravity of the offence and the interests of the victim (Code of Criminal Procedure, art. 160).

(iii) *Expedite investigations and ensure that the time limits on pretrial detention are respected;¹⁹*

44. Article 147 of the Code of Criminal Procedure establishes the time limits on pretrial detention.

45. In order to improve the enforcement of those provisions, the Government recruited additional judicial personnel (77 junior magistrates and 100 registrars) in the course of 2018.

46. This recruitment has changed the ratio of judges to population from one judge per 58,842 inhabitants to one judge per 41,873 inhabitants.

47. The ratio of registrars to population has also improved, from one registrar per 68,170 inhabitants to one registrar per 42,349 inhabitants.

¹⁶ CCPR/C/BEN/CO/2, paras. 26 and 27.

¹⁷ CCPR/C/BEN/CO/2, para. 27, and A/HRC/WG.6/28/BEN/3, para. 28.

¹⁸ CRC/C/BEN/CO/3-5, para. 69.

¹⁹ A/HRC/WG.6/28/BEN/2, para. 22.

- (e) **Information on the measures taken to renovate prisons and to improve accommodation, hygiene and sanitation conditions in detention facilities²⁰ (police custody centres and prisons);²¹ provide police stations and gendarmeries with a budget for purchasing food; and increase the quality and quantity of food²² and provide access to drinking water, toilets and showers in all places of detention;**

48. The period from July 2016 to August 2017 was devoted to the strengthening of prison infrastructure. These efforts involved both the rehabilitation of old prisons and the continued construction of new prisons.

49. In terms of rehabilitation, the following should be noted:

- Construction of a 300-user septic tank, five shower cubicles and five toilet stalls, replacement of dormitory doors and renovation of the director's residence at the Lokossa remand centre;
- Construction of a 70-person dormitory and five shower and toilet cubicles at the Ouidah remand centre;
- Clean-up of yards in the men's and juveniles' wings and replacement of old toilets with modern ones at the Kandi remand centre;
- Development of a master plan for the improvement of the Ouidah and Lokossa remand centres;
- Clean-up of the yard in the men's wing at the Porto-Novo remand centre;
- Construction of a 64-person dormitory at the Lokossa remand centre;
- Installation of a stand-alone water point at the Ouidah remand centre;
- Rehabilitation of the A, B and C wings of the Akpro-Misséréte civilian prison and clean-up of the Cotonou remand centre;
- Construction of two large-capacity septic tanks and four filtration wells at the Abomey-Calavi remand centre;
- Opening of the Abomey civilian prison, with a capacity of 1,000 places, and of the Savalou remand centre, with a capacity of 200 places;
- Acquisition of two- and three-level metal bunk beds;
- Acquisition of four generators for civilian prisons and remand centres;
- With support from the European Union under the Justice Support Project, four vans were acquired and provided to the Cotonou, Porto-Novo, Lokossa and Abomey remand centres to facilitate the transport of prisoners.

50. Furthermore, with respect to the reintegration of prisoners, work was begun on the establishment of prison farms at the Cotonou and Abomey-Calavi remand centres and at the Akpro-Misséréte civilian prison.

- (f) **Information on measures taken to provide appropriate medical care in prisons, particularly for pregnant women;²³**

51. Infirmaries are set up in all prisons. Arrangements are made for pregnant women to have prenatal check-ups outside the prison, specifically at the local health centre serving the facility. However, there is no petty cash fund to pay for medical expenses.

In this connection, please state whether medicine supplies are replenished regularly;²⁴

52. The State provides prisons with essential medicines. More remains to be done, however.

²⁰ A/HRC/WG.6/28/BEN/3, para. 23, and CCPR/C/BEN/CO/2, paras. 26 and 27.

²¹ CCPR/C/BEN/CO/2, para. 27.

²² A/HRC/WG.6/28/BEN/3, para. 24.

²³ CEDAW/C/BEN/CO/4, para. 37.

²⁴ A/HRC/WG.6/28/BEN/3, para. 25.

Whether, when the need arises, the State pays hospital costs;

53. The State does not pay hospital costs.

(g) Information on measures taken to create a specialized prison service and increase the number of staff involved in the custody of detainees, especially female staff;

54. Pending the adoption of the law on the establishment of specialized services within the prison administration, officers of the national police have been made available to the Prisons Agency and assigned to civilian prisons and remand centres.

(h) Information on remedial measures taken to eradicate corruption and extortion in prisons and the system of privileges based on inmates' financial means;

55. Corruption and extortion are not known to have been reported by prisoners. However, this concern deserves special attention.

Please also describe the measures taken to eliminate the system of delegating the management of buildings to inmates known as "yard bosses";

56. There is no system of delegating management to inmates; rather, inmates are elected by their peers to ensure that healthy conditions are maintained on the premises and to serve as representatives of the building's population vis-à-vis the director. However, some yard bosses are selected by prison officials on the basis of their character and level of education.

Please provide updated statistics on cases of corruption among prison officers and the penalties imposed;

57. No statistics are available.

(i) Information on steps taken to ensure that every detainee is allowed at least one hour of outdoor physical exercise each day and to allocate the resources needed to set up a prison education programme and facilitate access to vocational training, work and recreational and cultural activities.²⁵

58. There is no outdoor space for sports activities in prisons. There are also no recreational or cultural activities.

59. With regard to vocational training, prisoners are taught how to carry out income-generating activities such as the manufacture of liquid soap, bleach, mayonnaise, baskets, bags, rings and other items.

15. Please provide annual statistics, for the past five years, on the number of cases of violence or ill-treatment in detention, such as the riots at the Abomey prison in 2016, and on deaths in custody and extrajudicial executions. Please specify the causes of death; the number of investigations opened into such deaths and cases of violence, including information on the outcome of these investigations; and the number of deaths and cases of violence attributed to assaults by State agents, excessive use of force or negligence. Please state how many prosecutions have been initiated, convictions handed down and criminal and disciplinary sanctions imposed, specifying the length of any prison sentences.

²⁵ CEDAW/C/BEN/CO/4, para. 37.

Number of deaths, by prison, 2015–2017

Indicators	Abomey	Cotonou	Kandi	Lokossa	Natitingou	Ouidah	Parakou	Porto- Novo	Akpro- Misséréte	Abomey- Calavi	Total deaths
2015											
Number of deaths	25	4	7	1	2	8	3	4	4	7	65
Causes of death	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	
2016											
Number of deaths	19	6	4	6	5	3	2	2	5	4	56
Causes of death	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	Malaria or other	
2017											
Number of deaths	16	5	2	4	6	3	12	5	5	10	68
Causes of death	Malaria or other; cardiac arrest; infectious syndrome; arterial hypertension; HIV (AIDS)	Malaria or other	Malaria or other; anaemia; HIV/AIDS	Malaria or other; infectious syndrome; arterial hypertension; HIV (AIDS)	Malaria or other; cancer; severe anaemia; severe dehydration; hydrops syndrome	Malaria or other; attack; anaemia; malaria	Malaria or other; polyradiculo-neuropathy; cardiac arrest; diarrhoea; pneumonia; natural causes; bladder cancer; pulmonary infection; dehydration; septicaemia; malnutrition; multiple opportunist infection	Malaria or other; asthma attack; multiple trauma; diabetes; heart attack	Malaria or other; severe anaemia with diabetes; cerebrovascular accident; complication of pleurisy; anaemia with tuberculosis	Malaria or other; HIV/AIDS; post-operative complications of prostate surgery	

Source: Directorate of Programming and Planning/Ministry of Justice and Legislation.

Commentary

60. The main causes of death among prisoners are the diseases shown in the table above.
61. In 2017, the total number of inmate deaths in detention facilities of all types was 68, compared to 56 in 2016 and 65 in 2015.
62. Most prisons are overcrowded, with the exception of the Akpro-Misséréte civilian prison.
63. There is a lack of technical facilities for infirmaries and of essential and other medicines in prisons.

In particular, please indicate whether any investigations have been initiated, describe the outcome of any such investigations and state whether any reparations have been granted in connection with the alleged extrajudicial execution of the following persons:

- (i) *Corporal Mohamed Dangou, who was shot dead in a military camp in Cotonou on 6 January 2016;*

64. A judicial investigation was opened and the procedure is still ongoing. Compensation cannot be awarded until the procedure has been completed.

- (ii) *A man who was killed by a police officer on 6 February 2018 in Benin City, allegedly because he had refused to pay a fine;*

65. Neither the city nor the victim's identity has been specified. No information is available.

- (iii) *Latifa Boukari, who was killed by a police officer in the city of Bassila on 5 April 2016.*

66. Two police officers are under judicial investigation for involuntary manslaughter. A detention warrant was issued for the defendants, but they have been released on bail. The investigation is nearing completion.

16. Please provide information on the disciplinary regime applicable in detention centres, including whether disciplinary measures are subject to due process so that the facts can be established and the prisoner has a chance to defend himself or herself at an independent review. Please also provide information on:

- (i) *The maximum duration, in law and in practice, of solitary confinement;*

67. In practice, disciplinary measures are imposed on prisoners in accordance with due process. However, some cases are left to the discretion of prison officials.

68. Steps have been taken to amend Decree No. 73-293 of 13 September 1973 on the administration of prisons. Pending the completion of that process, specific training will be provided to prison officials.

- (ii) *Whether this measure can be applied to children in conflict with the law²⁶ or persons with psychosocial disabilities;*

69. A special procedure has been established for children. Persons with psychosocial disabilities are not held criminally responsible.

- (iii) *Whether there is a register of disciplinary sanctions in all places of detention and a mechanism for monitoring the proportionality of sanctions;*

70. Yes, there are registers of disciplinary sanctions, pursuant to Decree No. 73-293 of 13 September 1973 on the administration of prisons in Benin.

71. Monitoring of proportionality is carried out by the juvenile court judge and the council of educators in the case of juveniles, and by the prosecutor and the Minister of Justice in the case of adults.

- (iv) *Living conditions in solitary confinement.*

72. As part of the process of bringing old prisons up to standard, efforts are being made to ensure that containment cells meet the required standards.

²⁶ CRC/C/BEN/CO/3-5, para. 68.

Articles 12 and 13

17. **In the light of the Committee's previous concluding observations (para. 9) and the information provided in the State party's report,²⁷ please describe the steps taken to repeal the 1999 law on amnesty and to facilitate the investigation of allegations of torture or ill-treatment committed between 1972 and 1990.²⁸**

73. The initiative for the adoption of the 1999 amnesty law was taken in the wake of the national stakeholders' conference held from 19 to 28 February 1990. Repealing this law would undermine one of the most important decisions of that Conference, which led to the establishment of democracy.

Please describe also the means of redress and the reparations obtained by the victims of these acts to date.

74. A victim compensation committee has been established and some victims have been compensated. Details on the action taken by this committee will be transmitted in due course.

18. **In the light of the Committee's previous concluding observations (para. 21), please provide annual statistics for the past five years, disaggregated by type of offence and by the victims' sex, age group (minor/adult) and ethnicity, on:**

- (a) **The number of complaints received by prosecutors or by any other competent authority, or investigation reports submitted, regarding offences such as the attempted or actual commission of acts of torture or ill-treatment, or complicity or participation in such acts, by or with the consent or acquiescence of law enforcement officers;**

75. No statistics are available.

- (b) **The number of such complaints that led to a criminal or disciplinary investigation;**

76. No statistics are available.

- (c) **The number that were dismissed;**

77. No statistics are available.

- (d) **The number that resulted in prosecution;**

78. No statistics are available.

- (e) **The number that led to a conviction;**

79. No statistics are available.

- (f) **The criminal and disciplinary sanctions that were imposed, specifying the length of any prison sentences. Please include information on the criminal sanctions imposed in the cases mentioned in paragraph 41 of the State party's report. In cases where there are substantial grounds for believing that a complaint of torture or ill-treatment is well founded, please indicate whether the alleged perpetrator of the acts in question is suspended from duty or transferred during the investigation.**

80. No information is available.

²⁷ CAT/C/BEN/3, paras. 69–72.

²⁸ CCPR/C/BEN/CO/2, paras. 22 and 23.

In particular, please indicate whether any investigations have been initiated, and their outcome, and whether reparations have been granted, in respect of the allegations of torture and ill-treatment of the following persons: (i) Kester Edun, who was chained to the back of a moving police van on 14 May 2017 in Benin City; (ii) a sick woman who was chained to a bed for 12 days on the orders of the director of the Cotonou prison, as established by the Constitutional Court in its ruling of 28 April 2016; (iii) Chibuike Edeh, who died on 16 March 2015 following acts of torture, after being brought to the Adesuwa police station in Benin City as a suspect in a robbery; (iv) a man arrested in the village of Akpro-Misséréte who was beaten to death in July 2016 by five gendarmes attempting to extract a confession, as established by the Constitutional Court in its ruling of 16 March 2017.

81. These questions cannot be answered without more specific information.

19. In the light of the Committee's previous concluding observations (para. 10) and the information provided in the State party's report,²⁹ please provide information on:

(a) The measures taken to establish a fully independent complaint mechanism open to all victims of torture,³⁰ especially victims deprived of their liberty, and a register of complaints in places of detention;

82. The mandate to act as the national mechanism for the prevention of torture is included among the responsibilities of the Benin Human Rights Commission (see art. 4 of Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission).

83. For this purpose, a fully independent complaint mechanism is provided for in the rules of procedure of the Benin Human Rights Commission and will be put into operation.

(b) The measures taken to protect victims of torture or ill-treatment, witnesses and investigators, as well as their families, from any intimidation or reprisals relating to complaints filed;

84. The following general measures have been taken for the protection of victims, witnesses and investigators of offences:

- A free helpline has been set up;
- Complaints may be submitted anonymously;
- Some investigators are assigned a bodyguard, and others who feel threatened have the option of requesting one.

(c) The measures taken to ensure the independence of investigations into cases of torture and to prevent interference by the executive branch.³¹

85. The judicial branch is separate from the executive branch. In addition, the laws in force offer several guarantees of independence.

Article 14

20. Please provide information on measures to ensure that all victims of torture or ill-treatment obtain the means for as full rehabilitation as possible.

86. Rehabilitation centres have been established and are in operation. Victims of torture or ill-treatment are referred to these centres.

²⁹ CAT/C/BEN/3, paras. 69–72.

³⁰ CCPR/C/BEN/CO/2, paras. 22 and 23.

³¹ CCPR/C/BEN/CO/2, paras. 28 and 29.

21. **Please provide annual statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts and actually provided to victims of torture or ill-treatment or their families over the past five years. This information should include the number of: (a) applications lodged for State compensation for torture or ill-treatment; (b) applications time-barred due to the courts' inaction; and (c) applications granted and the amounts awarded in successful cases.**

87. No statistics are available.

22. **Please provide information on measures taken to enhance the capacity of the Standing Committee for the Compensation of Victims of Injury Caused by the State, established by Decree No. 98-23 of January 1998. Please provide details on the resources allocated to the Standing Committee and the practical results of its work.**

88. Details on the action taken by this committee will be transmitted in due course.

Article 15

23. **Please describe the measures taken to ensure that the courts give full effect to the principle that evidence obtained through torture is inadmissible.**

89. In general, evidence that has been obtained illegally is not accepted by the courts.

Please provide, for the past five years, statistical data on the number of cases in which detainees have alleged that their confessions were extracted through torture, the number of cases in which confessions have been declared inadmissible, the number of complaints of this kind that have been investigated and the outcomes of those investigations, including the sentences handed down to those found guilty and the redress and compensation granted to victims.

90. No statistics are available.

Article 16

24. **In view of allegations that acts of physical and psychological violence, including threats and corporal punishment, have been committed against children in conflict with the law by gendarmes, police officers or prison directors in Beninese civilian prisons,³² please indicate the measures taken to strengthen the protection of children in conflict with the law in places of detention and to improve their conditions of detention.³³**

91. Article 316, second paragraph, of the Children's Code prohibits all abuse of juveniles in detention. Consequently, any person who breaches this article is liable to the penalties provided for in article 344 of the Code.

92. Several measures have been taken at the Agblangandan protection centre to improve the conditions of care for children in conflict with the law.

93. This protection centre has received support from the European Union through the "Revitalization, Involvement, Reintegration and Education" capacity-building project on alternatives to violence against children and the construction of a containment cell within the children's dormitory. The centre has also received support from the NGO Plan Bénin with regard to efforts to eliminate corporal punishment and torture.

³² A/HRC/WG.6/28/BEN/3, para. 19, and CRC/C/BEN/CO/3-5, para. 68.

³³ CRC/C/BEN/CO/3-5, para. 68.

Please also provide annual statistical data for the past five years on: (a) the number of complaints received regarding acts of physical or psychological violence against children in detention; (b) the number of such complaints that led to a criminal or disciplinary investigation; (c) the number that were dismissed; (d) the number that resulted in prosecution; (e) the number that led to a conviction; and (f) the criminal and disciplinary sanctions that were imposed, specifying the length of any prison sentences.

94. No statistics are available.

25. **In the light of the Committee’s previous concluding observations (para. 23), the report of the Special Rapporteur on the sale of children, child prostitution and child pornography³⁴ and the information provided in the State party’s report,³⁵ please describe further the mechanism employed to protect students from all forms of violence in schools³⁶ and the measures that have been or will be taken to combat sexual violence in schools. In particular, please provide data, for the past five years, on the number of cases of physical or sexual violence in schools and on the convictions and criminal sanctions imposed on the perpetrators. Please also specify the measures taken to investigate allegations of kidnapping and sexual abuse of children in voodoo convents,³⁷ to prosecute the perpetrators and to remove children from environments in which these practices take place.**

95. In order to protect children against all forms of violence in schools, the following measures have been taken:

- Awareness-raising campaigns for school staff and traditional religious leaders on these phenomena (physical and sexual violence at school, initiation of children in voodoo religious schools) and avenues for reporting such cases of violence;
- Imposition of administrative sanctions on persons who commit such acts in school settings;
- Prosecution, sometimes leading to incarceration, of perpetrators of physical or sexual violence at school and in traditional religious settings.

96. The Ministry of Social Affairs has introduced counselling services at all 85 social welfare centres in order to provide psychosocial assistance and referrals, where needed, for victims of sexual harassment throughout the country.

97. Given that pregnancy among schoolgirls is one of the consequences of sexual harassment, the Ministry of Secondary and Vocational Education has established a specific set of deterrent and educational, as well as punitive, measures to address this phenomenon.

98. However, no statistics are available on sexual harassment in schools.

99. Lastly, with regard to the situation of children in voodoo religious schools, in May 2018 the Ministry of Social Affairs, through the monitoring centre for the family, women and children, conducted a “baseline study on the situation of children in religious schools in the Departments of Mono, Couffo, Zou and Collines”.

100. The aim of this study was to collect facts with which to support continued advocacy among those who uphold this tradition in order to reduce the length of time for which children stay at such schools and to facilitate their exercise of the basic rights of the child.

101. The administrative authorities are currently taking steps with the heads of religious schools to ensure the overall welfare of children. In addition, the same institution conducted a study on child prostitution and child pornography in the cities of Cotonou and Malanville. The aim of the study was to identify the underlying determinants of children’s involvement in this “trade”, with a view to concrete action.

³⁴ A/HRC/25/48/Add.3, paras. 93 and 101.

³⁵ CAT/C/BEN/3, paras. 147–154.

³⁶ CRC/C/BEN/CO/3-5, para. 35.

³⁷ A/HRC/25/48/Add.3, para. 36, and CRC/C/BEN/CO/3-5, para. 42.

26. **In the light of the Committee’s previous concluding observations (paras. 22 and 25), the information on acts of mob justice³⁸ provided in the State party’s report and the persistence of other harmful practices, including the ritual killing of so-called “child sorcerers”³⁹ and the increase in cases of female genital mutilation,⁴⁰ please provide information on measures taken to promote changes in behaviour and to strictly enforce the relevant legislation by prosecuting the perpetrators of such acts.⁴¹ Please also describe the investigations conducted over the past five years into acts of mob justice, ritual killing or genital cutting, the number of such investigations that led to a conviction and the criminal and disciplinary sanctions that were imposed.**

102. The awareness-raising measures carried out by the Government and NGOs, with support from technical and financial partners, have significantly reduced these phenomena (mob justice, ritual killing of children and female genital mutilation) throughout the country.

103. Judicial investigations have been opened by the competent authorities in the few cases in which such phenomena have been found to have occurred despite these measures.

104. These new cases have highlighted the need for further awareness-raising activities. The Government is proceeding accordingly on an ongoing basis, with support from NGOs and technical and financial partners.

105. With regard in particular to cases of female genital mutilation, in 2017–2018 the Ministry of Social Affairs, through the monitoring centre for the family, women and children, conducted a qualitative study on the persistence of female genital mutilation in Benin in order to collect some evidence concerning this phenomenon.

106. In order to better assess the extent of the phenomenon, the study was followed by an exploratory survey of a quantitative nature, conducted in the same geographical areas as the above-mentioned investigation.

107. There are thus no recent nationwide statistics on female genital mutilation in Benin, but the few figures gleaned from the exploratory survey and the findings of the qualitative study confirm that this scourge has re-emerged in some places.

27. **In the light of the Committee’s previous concluding observations (para. 24) on gender-based violence, and the allegations that sex workers are often victims of assaults by law enforcement officers, including beatings with batons and sexual assaults,⁴² please describe the measures taken to strictly enforce the relevant legislation by prosecuting the perpetrators of such acts. Please also provide information for the past five years on the number of complaints received, investigations conducted, protection measures requested and granted, prosecutions initiated and convictions handed down in cases of gender-based violence and human trafficking involving the State party in an active or passive way.**

108. No reliable statistics are available for clarifying the extent of the phenomenon in order to combat it effectively.

28. **In view of the accession of Benin to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, please state the measures taken to amend the Criminal Code, abolish the death penalty and review the legal situation of persons sentenced to death.⁴³**

109. As a result of the accession of Benin to the Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Government has taken the following measures:

³⁸ CAT/C/BEN/3, para. 169. A/HRC/WG.6/28/BEN/3, para. 17.

³⁹ A/HRC/WG.6/28/BEN/3, para. 15.

⁴⁰ CCPR/C/BEN/CO/2, paras. 40 and 41.

⁴¹ CCPR/C/BEN/CO/2, paras. 20 and 21.

⁴² A/HRC/WG.6/28/BEN/3, para. 18.

⁴³ CCPR/C/BEN/CO/2, paras. 18 and 19.

- Commutation of the death sentences of 14 prisoners to life imprisonment by Decree No. 2018-043 of 15 February 2018;
- Adoption of Act No. 2018-16 of 28 December 2018 on the Criminal Code, from which all references to the death penalty have been removed.

Other issues

29. Please indicate whether the State party is considering the possibility of recognizing the competence of the Committee under article 22 of the Convention.

110. No action is foreseen at the present time.
