



Promoting the Effective Prevention of Torture in Benin

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Friday, December 11, 2009

Date: 19 - 23 October 2009

Place: Benin

Purpose: General Objective:

- To promote the effective prevention of torture and other cruel, inhuman or degrading treatment or punishment in Benin.
- To promote torture prevention measures and initiatives through constructive dialogue with the Beninese Authorities for the effective implementation of relevant regional and international standards including the Robben Island Guidelines.

Specific objectives:

- To meet the Beninese Authorities so as to hold discussions on Government policies relating to protection and promotion of human rights and the prevention of torture and other cruel, inhuman or degrading treatment or punishment, in particular.
- To examine the measures taken by the Government of Benin in the area of prevention of torture and other cruel, inhuman or degrading treatment or punishment including those related to the implementation of the Robben Island Guidelines.
- To examine the state of progress on the adoption of the law on the national preventive mechanism (NPM) provided for by the Optional Protocol to the United Nations Convention against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT)
- To examine the progress relating to the reform of the Penal Code and the Criminal Procedure Code in order to harmonize them with international standards as it has been recommended by the various Treaty Bodies including the United Nations Committee against Torture (CAT)
- To organize a national seminar to raise public awareness on torture prevention and the Robben Island Guidelines.

Partners:

African Commission (RIG Committee)

Sub-Committee for the Prevention of Torture (SPT)

Ministry of Justice of Benin

Background:

The ACHPR has the mandate of guaranteeing the promotion and protection of human rights on the African Continent. Towards this end, it collaborates with several actors including African governmental Institutions, International Organizations and NGOs. It is in this context that the APT initiated the drafting and adoption process of the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, which were adopted in October 2002. For greater effectiveness of these Guidelines, the ACHPR also set up a Follow-up committee (RIG Committee).

During the 45th Session of the ACHPR which was held from 13 to 27 May 2009 in Banjul, The Gambia, the delegation of the Republic of Benin invited the Chairperson of the RIG Committee to carry out a promotional mission to the Republic of Benin.

In the same time, during the last five years, the APT has developed a partnership with Benin stakeholders including the Ministry of Justice. In the framework of this cooperation, in July 2007, a national seminar was jointly organized by the APT and the Ministry

national seminar was jointly organized by the APT and the Ministry of Justice on OPCAT towards the establishment of an effective NPM. Subsequently, the APT provided technical assistance in the drafting process of draft NPM law. In August 2008, the APT organized, jointly with the Ministry of Justice, a national seminar on the follow-up to the concluding recommendations of the CAT on the second periodic report of Benin. The meeting recommended, inter alia, that the criminalization of torture be integrated in the draft law on the reform of the Penal Code under consideration before the Parliament.

It is in this context that the APT and the ACHPR's RIG Committee agreed to cooperate and coordinate in the organization of the said RIG Committee promotional mission and to undertake joint activities during the mission, with the participation of one SPT Member. It would be worth also to recall that in June 2009, the APT facilitated a meeting between the SPT and the RIG Committee when the Chair and the Vice-Chair of the RIG Committee went through a hearing with the SPT. From this meeting it was agreed that both mechanisms should further cooperate and exchange information. To this end, focal points were identified from both bodies, namely the Secretary of the SPT and the Chair of the RIG Committee. They were tasked to explore ways and means to further their interaction. The Benin visit was a way of furthering and concretizing this cooperation.

Activities:

The joint delegation visited Benin from 21 to 23 October 2009. It was comprised of:

- Mrs. Dupe Atoki, Commissioner of the ACHPR and Chairperson of the RIG Committee (Head of the delegation)
- M. Jean Baptiste Niyizurugero, APT Africa Programme Officer and Vice-Chairperson of the RIG Committee (member)
- M. Malick Sow, Member of the RIG Committee (member)
- Mme Hannah Forster, Member of the RIG Committee (member)
- Mr. Sheikh Tijan Hydara, Legal Officer, ACHPR Secretariat (member)
- Mr. Hans Draminsky Petersen, Member of the United Nations

Sub-Committee for the Prevention of Torture (SPT), member of the delegation as a Resource Person

At their arrival, the delegation issued a [press communiqué](#) to publicize their presence in the country and raise public awareness on the aim of the visit. The delegation met with relevant authorities including the Minister of Justice, President of Supreme Court, Chairperson of the Parliamentary Committee on Legal Affairs. The delegation visited also the prison of Missereté in Porto-Novo area and held a press conference at the end of the visit. Furthermore, the delegation participated and made presentations in an awareness raising seminar on torture prevention and the Robben Island Guidelines, organized jointly by the Ministry of Justice, the APT and the RIG Committee, on 22 October 2009. The seminar gathered about 40 participants including representatives of Civil society organisations, Ministries, Police, Prison services, Parliament as well as the National Human Rights Commission.

The RIG Committee members took also the opportunity to hold their working meeting in Benin on 23 October 2009, to which Mr. Petersen, the SPT member, participated as a partner observer and shared useful experiences with the Committee. During this meeting, it was agreed, inter alia, that the Committee should propose to the November 2009 session of the ACHPR to change its name from the "Follow-up Committee on Robben Island Guidelines" to "Committee for the Prevention of Torture in Africa" (CPTA) in order to facilitate partners and other stakeholders in associating the mechanism with its torture prevention mandate for further visibility and impact.

During its meetings with Benin authorities, the delegation was informed that the NPM law was sent back to the Ministry of justice by the President Cabinet. When discussing with the Chair of the Parliamentary Committee, it was agreed that it would be worth to integrate provisions on the NPM in the current draft Penal Procedure Code; which is under consideration the Committee. Thus, the NPM could be set up by the law on Penal Procedure Code. The OPCAT Working Group established in 2007, which had drafted the NPM draft law, with the APT assistance, is now considering submitting the draft to the Parliamentary Committee on Legislation in order to be incorporated in the draft penal procedure

code. The delegation was also informed by the Chair of the Parliamentary Committee that the criminalization of torture was incorporated in the draft penal code, which will be discussed by the entire Parliament in the next few months.

The visit coincided also with the Africa Human Rights Day on the 21st October, date of the entry into force of the African Charter on Human and Peoples' Rights. The Chair of the RIG Committee made a public statement, which was reported on national television (see below).

At the end of the visit, the delegation held a [press conference](#), which was attended by the media and NGOs. This was an opportunity for the delegation to interact with civil society organizations and to familiarize them with the Robben Island Guidelines and other torture prevention measures.

{youtube}htDANM3adhk{/youtube}

- Outcome:
- Positive interaction and dialogue with Benin authorities on torture prevention measures and effective implementation of the RIG.
 - NPM to be possibly established by the law on penal procedure code.
 - Parliament aware of the necessity of criminalizing torture and prepared to do so in the Penal Code currently under examination.
 - Relevant stakeholders, including NGOs and the media, more and more familiar with the RIG and other torture prevention measures.

Unique Aspects: This was the ever first initiative where two torture prevention mechanisms, regional and international, operate together at national level in Africa. This is a good example of the importance of the APT facilitating role, which has been always seeking for joining efforts of different actors towards effective torture prevention in the field. It was a concrete step of the RIG Committee/APT/SPT collaboration which was discussed during the above mentioned June 2009 meeting that the APT facilitated between the RIG Committee and the SPT.

- Next Steps:
- The APT will continue to support the work of the RIG Committee and to cooperate with the African Commission for an effective implementation of the RIG, in particular the APT will advocate and push the ACHPR for the establishment of the CPTA as mentioned above.
 - The APT will continue to play facilitating role towards effective cooperation between the SPT, the RIG Committee and other relevant stakeholders.
 - The APT will also continue to support Benin stakeholders by providing advice and technical support towards effective torture prevention.

Documents: [Communiqué de presse, 21 octobre 2009](#)

[Communiqué de presse, 23 octobre 2009](#)

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