



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

Distr.: General
22 May 2024
English
Original: French
English, French and Spanish only

Committee against Torture

**Fourth periodic report submitted by Benin under article 19
of the Convention, due in 2023***

[Date received: 7 December 2023]

* The present document is being issued without formal editing.



Introduction

1. Pursuant to article 19 (1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Benin hereby submits to the Committee against Torture its fourth periodic report.
2. In accordance with paragraph 46 of the Committee's concluding observations, adopted on 15 May 2019, the present report has been prepared in response to the list of issues transmitted by the Committee under the simplified reporting procedure.
3. It has been prepared in an inclusive manner with input from all stakeholders and covers the period from June 2019 to December 2023.

First part Specific information on the implementation of articles 1–16 of the Convention

A. Issues identified for follow-up in the previous concluding observations

4. Benin noted with interest the follow-up provided by the Committee through the concluding observations it adopted following the consideration of the country's third periodic report. However, Benin regrets that, owing to restrictions linked to the coronavirus disease (COVID-19) pandemic, it was unable to follow up on the issues identified by the Committee to monitor the implementation of certain recommendations.
5. The Government of Benin takes the opportunity afforded by the submission of the present report to reiterate its willingness to cooperate with the Committee and to provide it with updated information on the status of implementation of the recommendations relating to fundamental legal safeguards, including the existence of a computerized central register in all prisons, pretrial detention, the monitoring of places of detention and the suppression of protests (paras. 11 (e), 21 (c), 25 and 35, respectively) in the replies to the list of issues.

B. Information on articles 1–16

Articles 1 and 4

6. The absolute prohibition of torture is established in the Constitution of 11 December 1990, as amended by Act No. 2019-40 of 7 November 2019.
7. Article 523 of the Criminal Code establishes torture as a criminal offence carrying penalties ranging from 5 to 10 years' imprisonment. There is no provision establishing a statutory limitation or amnesty for the crime of torture.
8. Moreover, a bill to amend the Criminal Code, taking into account the definition and non-applicability of statutory limitations to the crime of torture, has been drafted and is awaiting adoption.

Article 2

9. Article 18 of the Constitution prohibits the use of torture while article 19 (2) provides that: "No individual or agent of the State is duty-bound to obey an order that constitutes a serious and manifest violation of human rights and public freedoms".
10. The draft Criminal Code, which is in the process of being adopted, reproduces the definition of torture set out in article 1 of the Convention.
11. Articles 63, 78 and 147 of the current Code of Criminal Procedure regulate police custody and pretrial detention.
12. Article 63 requires criminal investigation officers to, among other things:
 - Inform the person in custody of the charges brought against him or her;

- Record the deprivation of liberty in a register and make a note of it in the record of the questioning; and
- Inform the person in custody without delay of his or her right of access to a doctor of his or her choice.

13. Article 78 (3) states that “from the preliminary investigation stage, and throughout the proceedings, the defendant may be assisted by a lawyer”.

14. Articles 24 and 246 prescribe disciplinary or criminal sanctions for criminal investigation officers who fail to respect the legal guarantees set forth in the Code of Criminal Procedure.

15. Article 147 establishes the time limits for pretrial detention and for bringing an accused person to trial:

“In less serious cases, when the maximum penalty specified by law is less than 2 years’ imprisonment, an accused person domiciled in the Republic of Benin may be detained for no more than 45 days after he or she has first appeared before the investigating judge, or public prosecutor in the event of an offence which is discovered while it is being committed, if the person has not already been convicted of an offence under ordinary law.

In all other cases, pretrial detention may not exceed six months while the investigating judge remains seized of the case.” In all cases, “the judicial authorities shall bring the accused before a trial court within a period of:

- Five years in cases concerning serious crimes;
- Three years in cases concerning offences under ordinary law.

In cases concerning economic crimes, the accused may be prosecuted without an arrest warrant if he or she either offers to consign immediately half of the funds allegedly gained through the crime or demonstrates ownership of sufficient assets or real estate to serve as a guarantee, which he or she assigns by a notarial act.”

16. As for the measures taken to guarantee the total independence of the judiciary, the membership of the Supreme Council of Justice has been restructured with the aim of combating corruption and ensuring that magistrates are not the only ones to try their peers. This reform has made the Council’s operations more efficient and increased its membership from 10 to 15 members.

17. The restoration of the right of individuals and non-governmental organizations to petition the African Court on Human and Peoples’ Rights is not yet envisaged.

18. The Government has designated the Benin Human Rights Commission as the national mechanism for the prevention of torture.

19. Act No. 2012-36 of 15 February 2013 establishing the Benin Human Rights Commission is currently being revised to provide a legislative basis for the national mechanism for the prevention of torture and will be transmitted to the National Assembly for consideration and adoption. This revision process also serves as an opportunity to examine certain aspects of the Commission’s operations in order to better guarantee its independence, strengthen its mandate and enhance its performance.

20. The Benin Human Rights Commission enjoys administrative and financial autonomy, and receives budgetary resources to carry out its activities each year. Since 2019, it has received an annual allocation of around CFAF 600 million.

21. It was granted category A status at the international level on 18 March 2022 and affiliate status with the African Commission on Human and Peoples’ Rights on 14 November 2021.

22. Since 2019, the Benin Human Rights Commission has published several annual and ad hoc reports on the situation of human rights in the country. Through its reports, the Commission takes stock of the progress made and makes recommendations to public authorities.

23. Several laws have been adopted to combat all forms of violence against women. These include:

- Act No. 2020-37 of 3 February 2021 on the protection of human health;
- Act No. 2021-17 of 20 December 2021 amending and supplementing Act No. 2020-37 of 3 February 2021 on the protection of human health;
- Act No. 2021-12 of 20 December 2021 amending and supplementing Act No. 2003-04 of 3 March 2003 on sexual and reproductive health;
- Act No. 2022-04 of 16 February 2022 on public health;
- Act No. 2021-11 of 20 December 2021 establishing special provisions to repress gender-related offences and to protect women;
- Decree No. 2021-391 of 21 July 2021 establishing and approving the statutes of the National Women's Institute; and
- Decree No. 2023-102 of 22 March 2023 approving the amended statutes of the National Women's Institute.

24. Through these legal texts, Benin has further strengthened the rights of women and girls and, above all, the repression of offences against them.

25. The National Women's Institute has been restructured to give it the power to act on its own initiative and to create three new units. These include:

- The victim assistance unit;
- The legal affairs unit;
- The communication and outreach unit.

26. It refers women and girl victims of gender-based violence who are in need of medical or obstetric care to appropriate health facilities. As at the end of May 2023, the National Women's Institute had arranged medical care on two occasions and obstetric care on three occasions.

27. The National Women's Institute has a protocol for the psychological care of victims of gender-based violence. The victim assistance unit systematically provides psychological support to victims of such violence. At the time of submission of the present report, some 57 victims had benefited from this support.

28. Legal aid is also available through the National Women's Institute, which provides financial assistance to victims to ensure that they can attend trial.

29. Benin is continuing to conduct awareness-raising and information campaigns and to crack down on harmful traditional practices. The National Women's Institute has carried out 15 awareness-raising sessions in recent years.

30. Studies are carried out on certain practices, such as ritual infanticide and gender-based violence. Specific actions that are being taken to strengthen the prevention of these practices include retraining excisers and expediting the reporting of these practices through various channels, especially at the grass-roots level.

31. As at the end of May 2023, the National Women's Institute had recorded three cases of early marriage and two cases of forced marriage.

32. A hotline for receiving complaints about all forms of violence against women and girls is currently in operation. As at the end of June 2023, the Institute had received 606 complaints either by mail or direct contact.

33. To facilitate prosecution, the lawyers appointed by the National Women's Institute draft and lodge complaints with the competent judicial authorities and defend victims at trial to ensure that justice is done.

Table showing action taken on various complaints

Number of cases decided by the courts	68
Number of convictions	64
Number of cases pending before the courts	178

34. By decision DCC No. 21-058 of 28 January 2021, the Constitutional Court declared unconstitutional the unlawful detention of women who had given birth and were being held in certain health facilities for non-payment of obstetric care fees.

35. To tackle the scourge of internal and cross-border or international trafficking in children, and its corollary of slavery and economic exploitation, Benin has adopted a national action plan to combat trafficking in children for the purpose of labour exploitation. Implementation of the plan is ongoing and is subject to evaluation every five years.

36. The results of these evaluations have shown that implementation of the plan has contributed to a significant reduction in the trafficking of children for the purpose of labour exploitation.

37. Moreover, several regional cooperation agreements to combat trafficking in persons, particularly women and children, in West and Central Africa were signed during the reporting period. These agreements are aimed at:

- Forming a united front to prevent, suppress and punish trafficking in persons through international cooperation;
- Protecting, rehabilitating and reintegrating victims of trafficking into their original environment when necessary;
- Ensuring mutual assistance in the investigation, arrest and prosecution of offenders through the competent central authority of each State party; and
- Promoting friendly cooperation between States parties with a view to achieving these objectives.

Article 3

38. Benin adopted Act No. 2022-31 of 20 December 2022 on the status of refugees and stateless persons. Article 6 of this law stipulates that no asylum-seeker may be turned back, in any way whatsoever, at the borders of territories where his or her life or freedom would be threatened.

39. In addition, article 5 of this law stipulates that asylum applications are to be lodged either at border posts, with local elected officials in zones of entry to the national territory or with the permanent secretariat of the National Commission for Refugees and Stateless Persons. All applicants received at a border post or by local elected officials are directed to the headquarters of the National Commission for Refugees and Stateless Persons, which is responsible for examining asylum applications.

40. Article 8 of the same law states:

“Once the application has been submitted to the National Commission for Refugees and Stateless Persons, the applicant receives a certificate of submission of an asylum application, which provides details of his or her identity and status as an asylum-seeker whose dossier is currently being processed.

He or she receives, in a language that he or she understands, a full explanation of the refugee status determination procedure, including the procedural guarantees and remedies available if his or her application is rejected.

The asylum application certificate serves as a temporary residence permit for as long as it is valid. The certificate is renewable for as long as the procedure is ongoing.”

41. As at 31 October 2023, the total number of refugees and asylum-seekers registered in Benin was 15,927, including 2,684 refugees and 13,243 asylum-seekers. The tables below provide further details.

Breakdown of the displaced population (refugees and asylum-seekers) by department

<i>Departments</i>	<i>Municipalities</i>	<i>Female</i>	<i>Male</i>	<i>Total</i>
Alibori	Banikoara	1 806	1 805	3 611
	Gogounou	-	1	1
	Segbana	2	2	4
Atacora	Materi	2 958	1 954	4 912
	Natitingou	253	306	559
	Kérou	321	214	535
	Péhunco	1 187	1 247	2 434
	Tanguiéta	631	618	1 249
	Toucountouna	100	94	194
	Atlantique	Abomey-Calavi	73	92
Atlantique	Allada	1		1
	Kpomasse	1		1
	Ouidah	3	10	13
	Tori-Bossito		1	1
	Borgou	Parakou	1	1
Littoral	Cotonou	889	1 255	2 144
Oueme	Akpro-Misséréte	5	6	11
	Porto-Novo	6	13	19
	Seme-Kpodji	13	54	67
Plateau	Pobe	1	1	2
Zou	Bohicon	1	1	2
Grand total		8 252	7 675	15 927

Breakdown of the displaced population (refugees and asylum-seekers) by age group

	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-59</i>	<i>60+</i>	<i>Total</i>	<i>Percentage</i>
Female	1 365	1 954	802	3 964	174	8 259	51.9
Male	1 398	1 857	792	3 495	126	7 668	48.1
	2 763	3 811	1 594	7 459	300	15 927	100
	17.3%	23.9%	10%	46.8%	1.9%		

Breakdown of the displaced population (refugees and asylum-seekers) by nationality

<i>Nationality</i>	<i>Individuals</i>
Burkina Faso	8 792
Togo	4 568
Central African Republic	1 391
Cameroon	222
The Niger	215
Chad	207
Democratic Republic of the Congo	97
Mali	75
Nigeria	64
Sudan	63

<i>Nationality</i>	<i>Individuals</i>
Syrian Arab Republic	60
Small minorities (Congo Brazzaville, Yemen, Pakistan, Somalia, Côte d'Ivoire etc.)	173
Total	15 927

42. The data requested in paragraph 12 of the list of issues prior to the submission of the fourth periodic report of Benin (CAT/C/BEN/QPR/4), in relation to article 3, are not available.

Articles 5–9

43. No new steps have been taken towards reconsidering the validity of the agreement concluded between the United States of America and Benin preventing the transfer or surrender to the International Criminal Court of United States nationals located in the territory of Benin. This agreement is the result of a political decision taken at the highest level of government. Consequently, it cannot be reconsidered without taking into account the considerations that justified its conclusion.

Article 10

44. During their basic training, police officers are taught the rules governing police custody.

45. They are reminded of these legal texts during the ongoing training that they receive throughout their careers.

46. These are the provisions of article 58 et seq. of the Code of Criminal Procedure, on whose content participants receive regular reminders.

47. Police officers are also fully aware of the measures to be taken, the legal provisions to be applied and the court competent in cases of sexual and gender-based violence.

Article 11

48. The questioning of any person under arrest is carried out in compliance with the laws in force, whether at the police station or in court.

49. Article 125 of Act No. 2012-15 on the Code of Criminal Procedure provides that:

“When the defendant first appears in court, the investigating judge shall verify his or her identity and inform him or her of his or her right to choose a lawyer from the roll of defence counsels. Mention of this formality shall be made in the record of proceedings.

If the chosen defence counsel is present, he or she shall immediately assist the defendant.

The investigating judge shall then inform the defendant of each of the charges brought against him or her. He or she shall notify the defendant of his or her right to remain silent.

If the accused wishes to speak, his or her statement shall be taken immediately by the investigating judge.

In criminal cases, if the defendant has not chosen a defence lawyer, the investigating judge shall appoint one automatically from the monthly roll drawn up by the President of the Bar.

Parties who have brought criminal indemnification proceedings shall also be entitled to legal assistance as from the first hearing.

During the first court appearance, the judge shall notify the accused that he or she must inform the court of any change of address and that he or she may also stipulate an address for service within the court’s territorial jurisdiction.”

50. The measures taken to put an end to arbitrary arrests are preventive and do not have a suspensive effect. These measures are set out in Act No. 2018-16 establishing the Criminal Code, specifically in articles 564 to 568, and in the Digital Code, in articles 243 to 265.

51. The State has always taken preventive measures to avoid arbitrary arrests by ensuring that any citizen can bring a case before the competent institutions or courts. Free helplines are available for reporting all kinds of abuse.

52. Several strategic, institutional and operational measures have been taken to improve the management of prisons. This includes but is not restricted to:

- A strategic plan;
- A guide for inmates;
- A guide for prison staff;
- Standard prison regulations;
- A bill on the prison system;
- A computerized management system for prisons; and
- The establishment of a performance framework and a social and professional reintegration plan for prisoners.

53. The following significant advances have been observed. These include:

- The ongoing extension and renovation of the prisons in Parakou, Abomey, Savalou, Kandi, Akpro-Misséréte and Ouidah;
- The construction of five new prisons to reduce prison overcrowding and serve the newly established courts;
- The construction of a prison hospital with a view to reducing the stigma suffered by prisoners during health referrals;
- The provisional release of 2,231 prisoners (858 in 2020 and 1,373 in 2021);
- The establishment of health care for prisoners, including consultations, medicines and certain tests;
- The strengthening of prison infirmaries to allow first aid to be provided;
- The management of solid waste and the emptying of septic tanks in prisons;
- The purchase of a tanker truck for emptying septic tanks in 2022;
- The purchase of nine prison vans per year to strengthen the fleet of the Benin Prison Agency;
- The routine monitoring of the quality of meals provided to prisoners; and
- The construction and equipping of a kitchen on a trial basis at Abomey civilian prison in 2022.

54. Statistical data on the number of persons in pretrial detention and the number of convicted prisoners, disaggregated by age, and the location and occupancy rate of each place of detention are provided below.

Overview of the prison population at Cotonou prison

55. The composition of the prison population at Cotonou prison is shown in the table below.

Table 1
Prison population (by sex and type of offence) at Cotonou prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Cotonou prison	Convicted	28	2	452	24	Of the 208 persons incarcerated for crimes, 11 are male minors
	Charged	143	7	126	2	
	Untried	27	1	747	36	Of the 1,387 persons incarcerated for misdemeanours, 31 are male minors
	Subtotal	198	10	1 325	62	
Total number		208		1 387		
Grand total				1 595		

Source: Benin Prison Agency, September 2023.

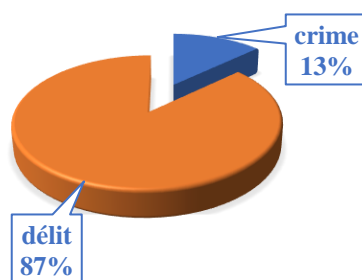
Type of offence

56. Three key points emerge from this table. The first relates to the type of offence (crime/misdemeanour). The proportion of persons detained for a crime accounts for 13.04 per cent of the total number of inmates at Cotonou prison, while the proportion detained for a misdemeanour accounts for 86.96 per cent, as shown in the graphic below.

Graphic 1

Ratio of crimes to misdemeanours (Cotonou prison 2023)

PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS (MA COTONOU 2023)

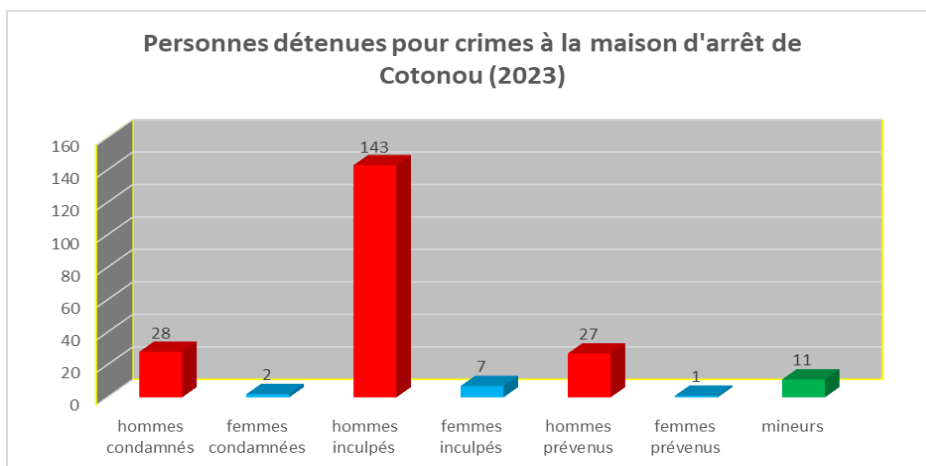


57. The last two points relate to the breakdown by sex and category of inmate within each of the two types of offence mentioned previously.

Breakdown by sex and category of offence of persons detained for a crime at Cotonou prison

58. Regarding the persons detained for a crime at Cotonou prison in 2023, of those convicted of a crime, 93.33 per cent are male and 6.67 per cent are female. Of those persons charged with a crime, 95.33 per cent are male and 4.67 per cent are female. Lastly, of those persons awaiting trial for a crime, 96.43 per cent are male and 3.57 per cent are female, as shown in the graphic below.

Graphic 2
Persons detained for crimes at Cotonou prison (2023)

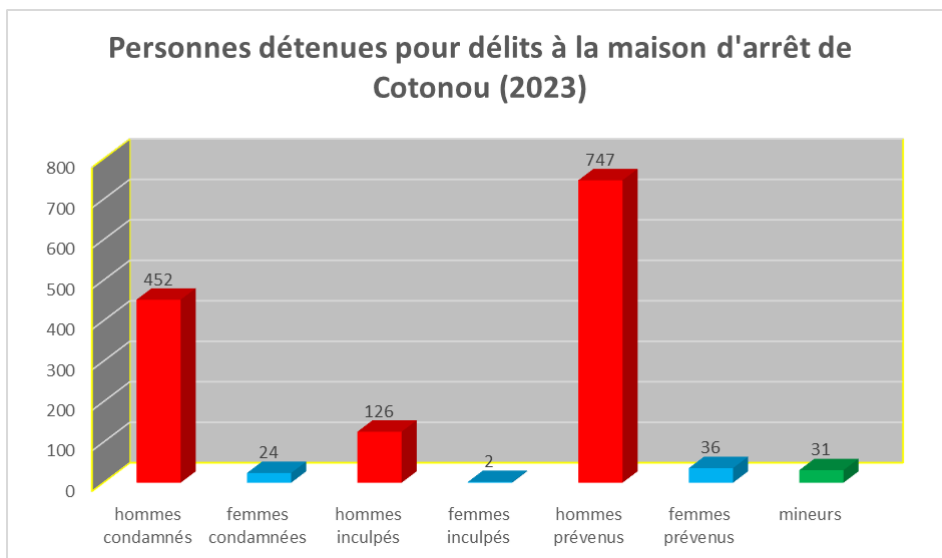


59. The graphic shows that minors account for 5.88 per cent of the total number of persons detained for a crime.

Breakdown by sex and category of offence of persons detained for a misdemeanour at Cotonou prison

60. The graphic below illustrates the situation of persons detained for a misdemeanour.

Graphic 3
Persons detained for misdemeanours at Cotonou prison (2023)



61. Firstly, 94.96 per cent of persons convicted of a misdemeanour are male, while 5.04 per cent are female. In addition, 98.43 per cent of persons charged with a misdemeanour are male, while 1.56 per cent are female. Of those persons awaiting trial for a misdemeanour, 94.68 per cent are male and 5.32 per cent are female. Lastly, children charged with a misdemeanour account for 2.24 per cent of the total number of persons detained for a misdemeanour at Cotonou prison.

Overview of the prison population at Abomey-Calavi prison

62. The table below shows the prison population at Abomey-Calavi prison.

Table 2

Prison population (by sex and type of offence) at Abomey-Calavi prison

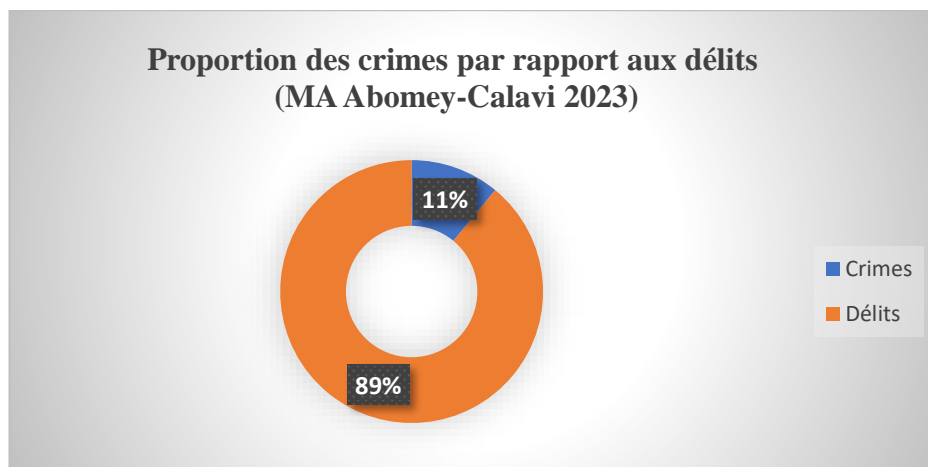
Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Abomey-Calavi prison	Convicted	50	5	915	21	Of the 226 persons incarcerated for crimes, 11 are male minors
	Charged	148	9	208	9	
	Untried	12	2	711	30	Of the 1,894 persons incarcerated for misdemeanours, 45 are male minors and 3 are female minors, or 48 in total
	Subtotal	210	16	1 834	60	
Total number			226		1 894	
Grand total					2 120	

Source: Benin Prison Agency, September 2023.

Type of offence

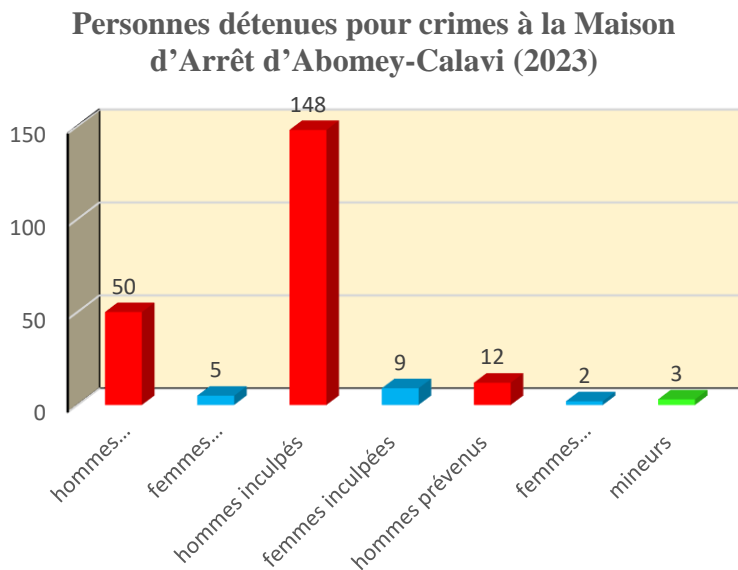
63. With regard to the type of offence, the table shows that, at Abomey-Calavi prison, the majority, or 89.34 per cent, of inmates have been detained for a misdemeanour, while persons detained for crimes account for 10.66 per cent of the total population, as shown in the graphic below.

Graphic 4

Ratio of crimes to misdemeanours (Abomey-Calavi prison 2023)**Breakdown by sex and category of offence of persons detained for crimes at Abomey-Calavi prison**

64. Of those persons detained for crimes, 55 are convicted, of whom 90.9 per cent are male and 9.09 per cent are female. Of those persons charged with crimes, 94.27 per cent are male and 5.73 per cent are female. Minors account for 1.33 per cent of this number. The situation is illustrated in the graphic below.

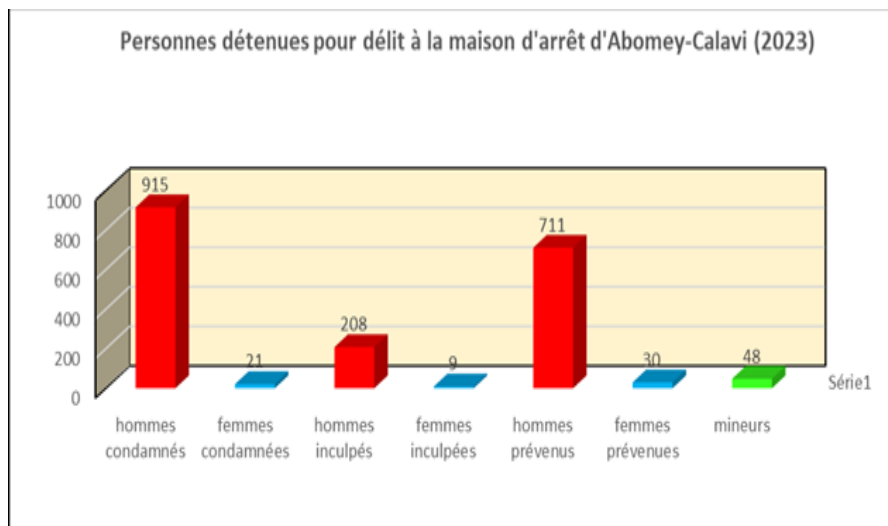
Graphic 5
Persons detained for crimes at Abomey-Calavi prison



Breakdown by sex and category of offence of persons detained for misdemeanours at Abomey-Calavi prison

65. Of those persons convicted of a misdemeanour, 97.76 per cent are men and 2.24 per cent are women. Of those persons charged, 95.85 per cent are male, while 4.15 per cent are female. It should be noted that 2.53 per cent of those persons are minors. The situation is illustrated in the graphic below.

Graphic 6
Persons detained for misdemeanours at Abomey-Calavi prison



Overview of the prison population at Akpro-Misséréti civilian prison

Table 3

Prison population (by sex and type of offence) at Akpro-Misséréti civilian prison

66. The table below shows the prison population at Akpro-Misséréti civilian prison.

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Akpro-Misséréti civilian prison	Convicted	160	1	743	5	1,034 persons incarcerated for crimes, 1 was a male minor
	Charged	736	1	243	0	
	Untried	136	0	1,494	0	Of the 2,485 persons incarcerated for misdemeanours, 1 was a male minor
	Subtotal	1 032	2	2 480	5	
Total number			1 034		2 485	
Grand total				3 519		

Source: Benin Prison Agency, September 2023.

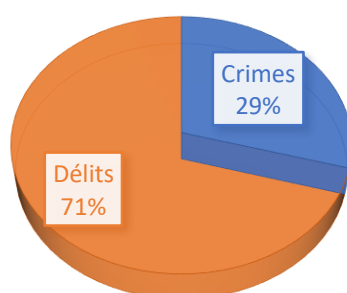
Type of offence

67. At Akpro-Misséréti civilian prison, persons detained for a crime account for 29.38 per cent of the prison population, while persons detained for a misdemeanour account for 70.62 per cent, as shown in the graphic below.

Graphic 7

Ratio of crimes to misdemeanours at Akpro-Misséréti civilian prison

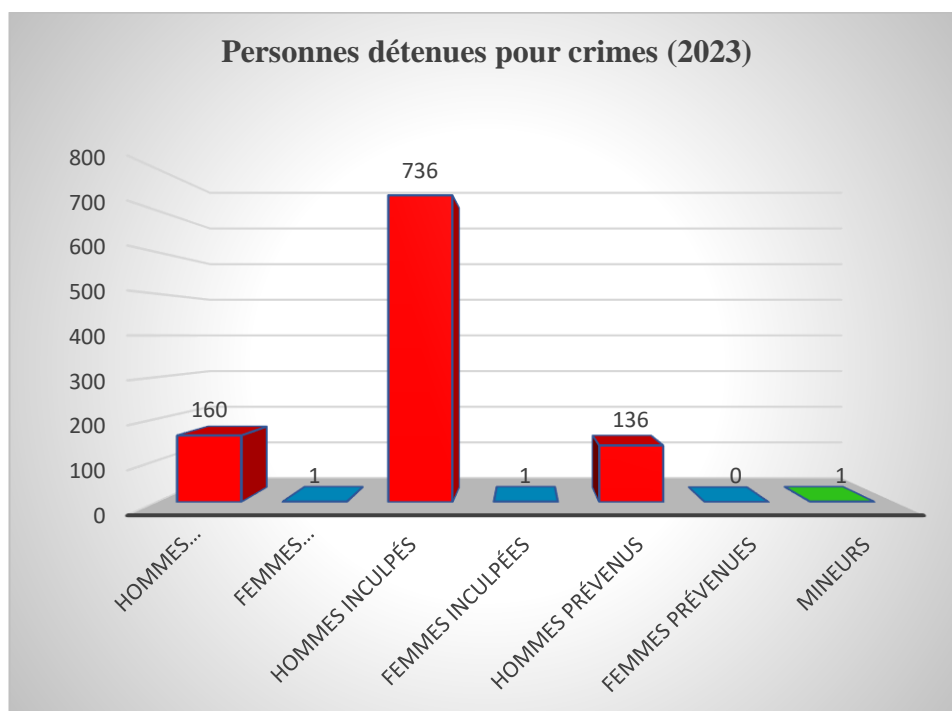
PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS



Breakdown by sex and category of offence of persons detained for crimes at Akpro-Misséréti civilian prison

68. Of those persons convicted of a crime and being held at Akpro-Misséréti civilian prison, 99.38 per cent are male and 0.62 per cent are female. Of those persons charged with a crime, 99.86 per cent are men and 0.14 per cent are women. Those persons prosecuted for a crime are all male (100 per cent). Minors account for a low proportion (0.09 per cent) of the population incarcerated for a crime. The situation is illustrated in the graphic below.

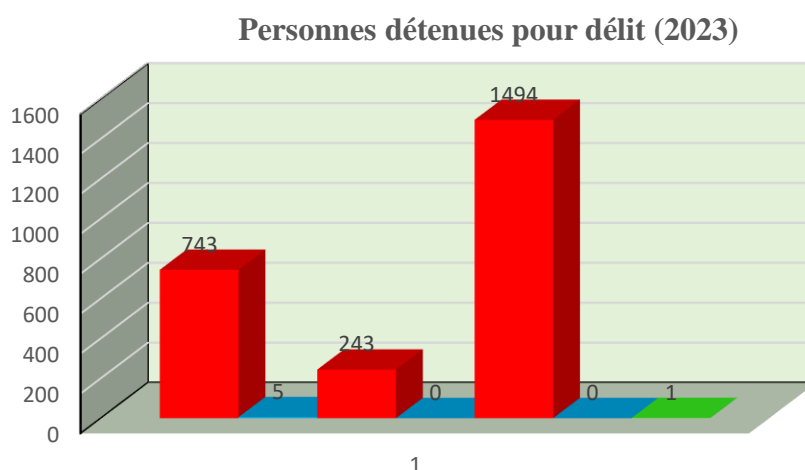
Graphic 8
Persons detained for crimes at Akpro-Misséréte civilian prison



Breakdown by sex and category of offence of persons detained for misdemeanours at Akpro-Misséréte civilian prison

69. The breakdown of persons convicted of a misdemeanour is as follows: 99.33 per cent are men and 0.67 per cent are women. Those persons charged with a misdemeanour are all male (100 per cent), as are untried prisoners. There is, however, one male minor (0.04 per cent) among the persons detained for misdemeanours, as shown in the graphic below.

Graphic 9
Persons detained for misdemeanours at Akpro-Misséréte civilian prison



Overview of the prison population at Ouidah prison

70. The table below shows the prison population at Ouidah prison.

Table 4
Prison population (by sex and type of offence) at Ouidah prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Ouidah prison	Convicted	15	0	226	7	Of the 60 persons incarcerated for crimes, 2 are male minors
	Charged	41	3	83	1	
	Untried	1	0	148	4	Of the 469 persons incarcerated for misdemeanours, 12 are male minors
	Subtotal	57	3	457	12	
Total number			60		469	3 are male minors
Grand total				529		

Source: Benin Prison Agency, September 2023.

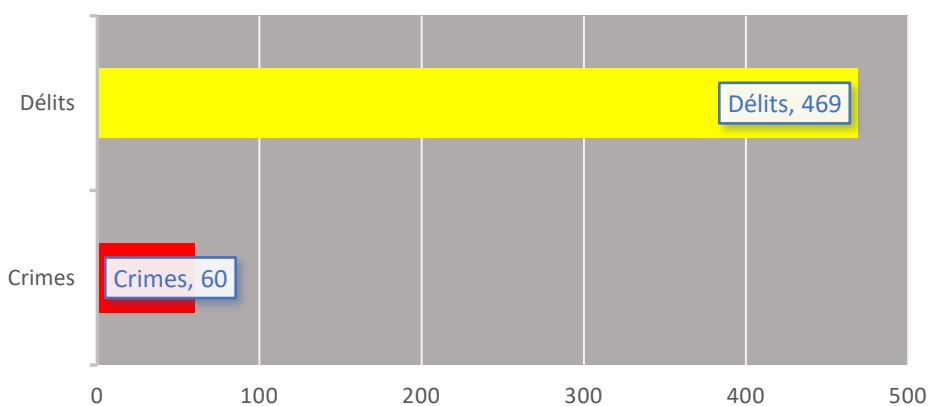
Type of offence

71. At Ouidah prison, persons detained for a crime account for 29.38 per cent of the prison population, while persons detained for a misdemeanour account for 70.62 per cent, as shown in the graphic below.

Graphic 10

Ratio of crimes to misdemeanours at Ouidah prison

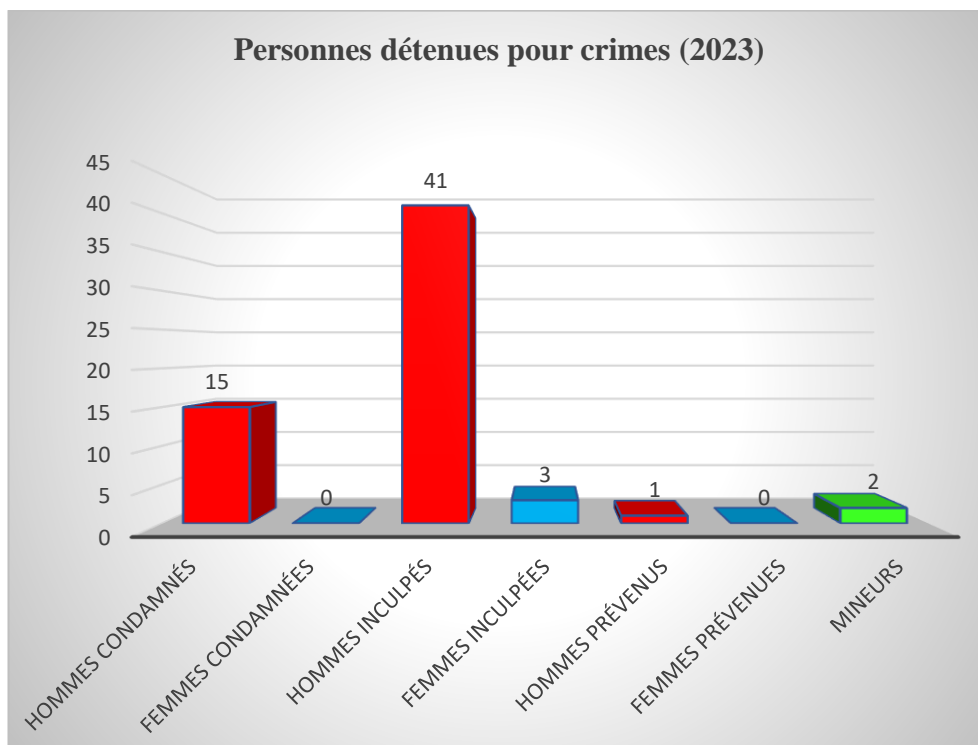
PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS



Breakdown by sex and category of offence of persons detained for crimes at Ouidah prison

72. The persons convicted of a crime and detained at Ouidah prison are all male. Of those persons charged with a crime, 93.18 per cent are men and 6.82 per cent are women. Only one male inmate has been prosecuted for a crime. There are two male minors, who account for 0.03 per cent of persons detained for a crime in this prison, as shown in the graphic below.

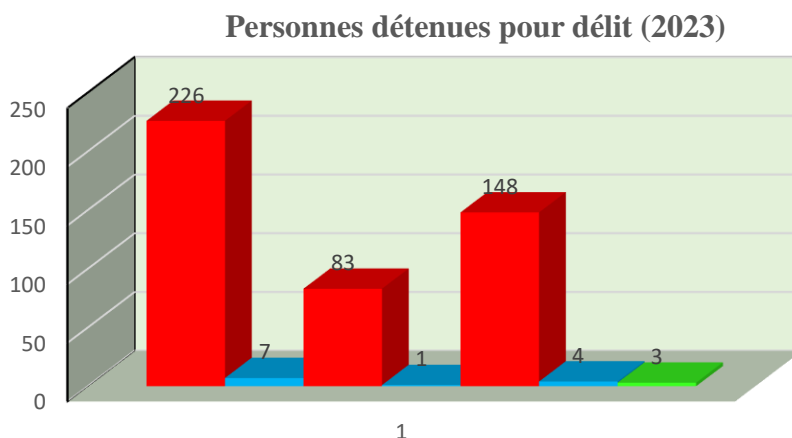
Graphic 11
Persons detained for crimes at Ouidah prison



Breakdown by sex and category of offence of persons detained for misdemeanours at Ouidah prison

73. Regarding persons detained for a misdemeanour at Ouidah prison, of those convicted, 97 per cent are male and 3 per cent are female. Following the same trend, 98.8 per cent of those persons charged with a misdemeanour are men, while 1.19 per cent are women. As for untried prisoners, 97.37 per cent are men and 2.63 per cent are women. Lastly, 0.64 per cent of those persons detained for a misdemeanour are minors. The situation is illustrated in the graphic below.

Graphic 12
Persons detained for misdemeanours at Ouidah prison



Overview of the prison population at Abomey civilian prison

74. The table below describes the composition of the prison population at Abomey civilian prison.

Table 5
Prison population (by sex and type of offence) at Abomey civilian prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Abomey civilian prison	Convicted	239	11	1 387	21	Of the 516 persons incarcerated for crimes, 16 are male minors
	Charged	198	6	71	0	
	Untried	60	2	324	18	Of the 1,821 persons incarcerated for misdemeanours, 17 are male minors
	Subtotal	497	19	1 782	39	
Total number		516		1 821		
Grand total					2 337	

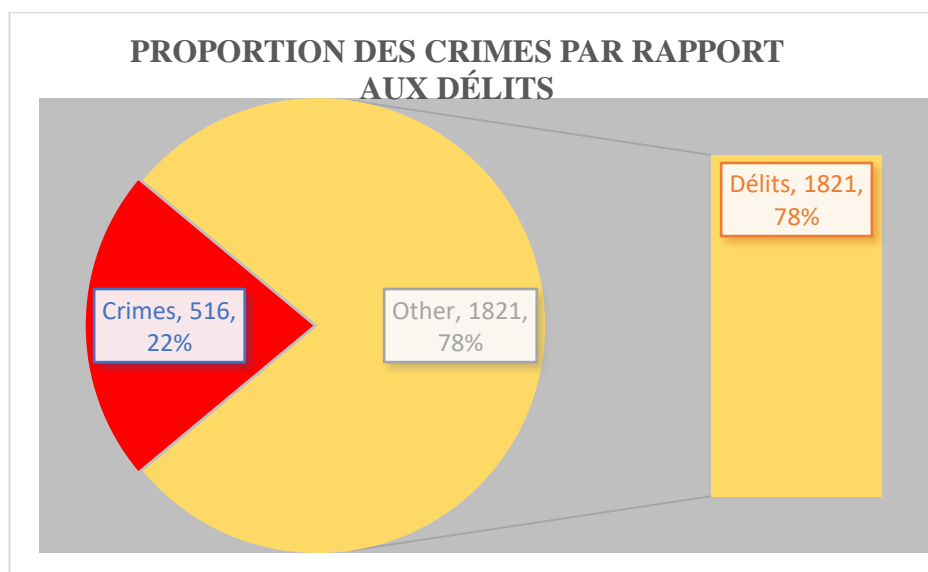
Source: Benin Prison Agency, September 2023.

Type of offence

75. At Abomey civilian prison, persons detained for a crime account for 22.08 per cent of the prison population, while persons detained for a misdemeanour account for 77.92 per cent, as shown in the graphic below.

Graphic 13

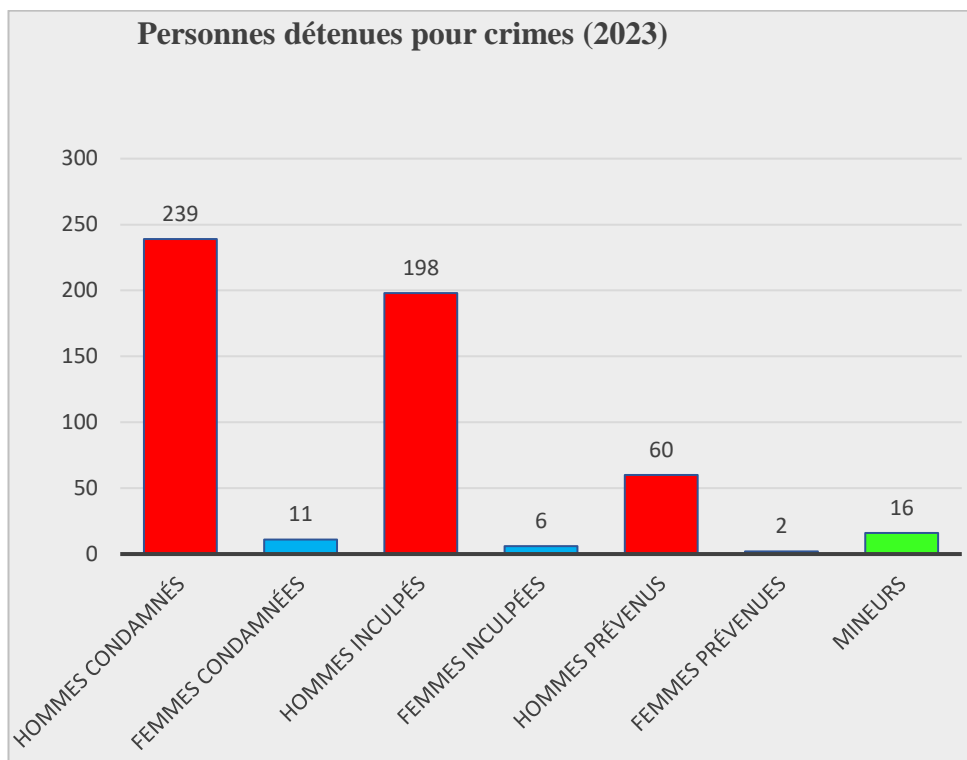
Ratio of crimes to misdemeanours at Abomey civilian prison



Breakdown by sex and category of offence of persons detained for a crime at Abomey civilian prison

76. Male inmates convicted of a crime account for 95.6 per cent of those persons convicted, while female inmates account for 4.4 per cent. Of those persons charged, 97.06 per cent are men and 2.94 per cent are women. For untried inmates, the breakdown is as follows: 96.77 per cent are men and 3.23 per cent are women. There are 16 minors, who account for 3.1 per cent of those persons detained for a crime. This is illustrated in the graphic below.

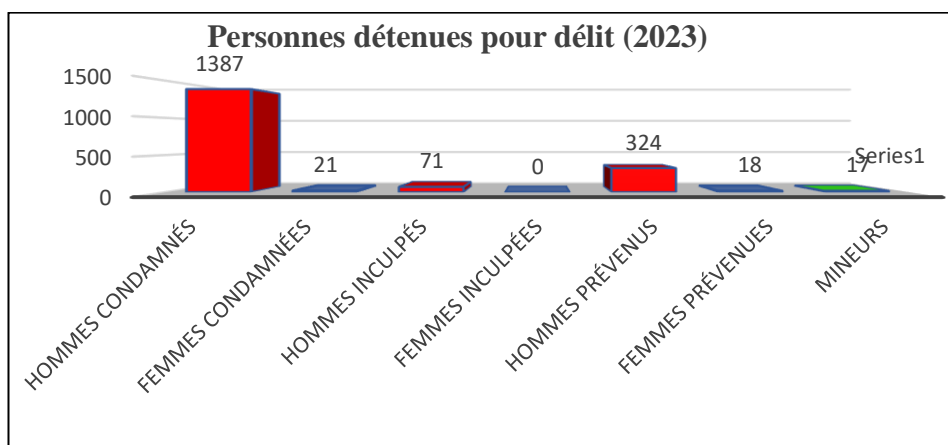
Graphic 14
Persons detained for crimes at Abomey civilian prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Abomey civilian prison

77. The majority of inmates convicted of a misdemeanour are male (98.51 per cent), while their female counterparts account for 1.49 per cent. Those persons charged with a misdemeanour are all male, while 94.74 per cent of those inmates awaiting trial for a misdemeanour are male and 5.26 per cent are female. Lastly, 0.93 per cent of the persons detained for a misdemeanour are minors. The breakdown is shown in the graphic below.

Graphic 15
Persons detained for a misdemeanour at Abomey civilian prison



Overview of the prison population at Parakou civilian prison

78. Data on the prison population at Parakou civilian prison are provided in the table below.

Table 6

Prison population (by sex and type of offence) at Parakou civilian prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation	
		Crime		Misdemeanour			
		Men	Women	Men	Women		
Parakou civilian prison	Convicted	168	3	602	11	Of the 518 persons incarcerated for crimes, 5 are male minors	
	Charged	340	3	105	3		
	Untried	4	0	271	7	Of the 999 persons incarcerated for misdemeanours, 21 are male minors	
	Subtotal	512	6	978	21		
Total number		518		999		10 are male minors	
Grand total					1 517		

Source: Benin Prison Agency, September 2023.

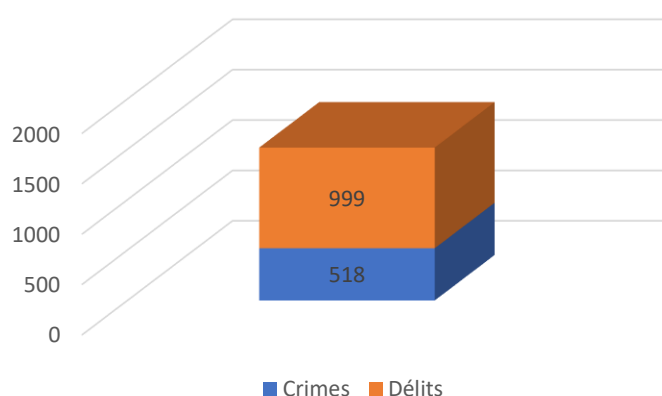
Type of offence

79. At Parakou civilian prison, persons detained for a misdemeanour account for 65.85 per cent of the prison population, while persons detained for a crime account for 34.15 per cent, as shown in the graphic below.

Graphic 16

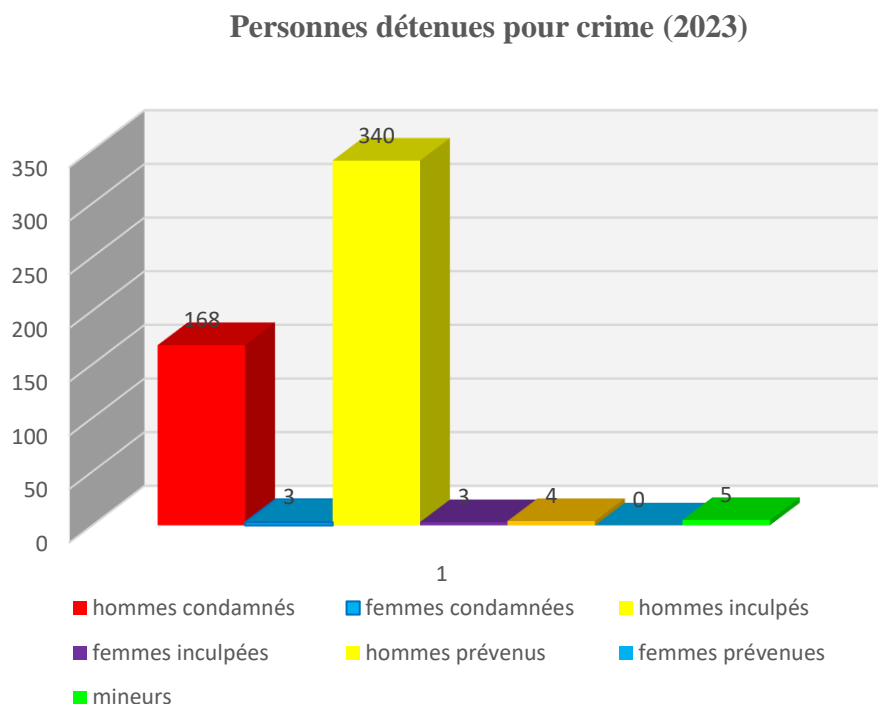
Ratio of crimes to misdemeanours at Parakou civilian prison

**PROPORTION DES CRIMES PAR RAPPORT
AUX DÉLITS**

**Breakdown by sex and category of offence of persons detained for a crime at Parakou civilian prison**

80. At Parakou civilian prison, 98.25 per cent of those persons convicted of a crime are men, while 1.75 per cent are women. Of those persons charged with a crime, 99.13 per cent are male and 0.87 per cent are female. The four inmates prosecuted for a crime are male. Minors account for 0.33 per cent of the total number of persons detained for a crime. The situation is illustrated in the graphic below.

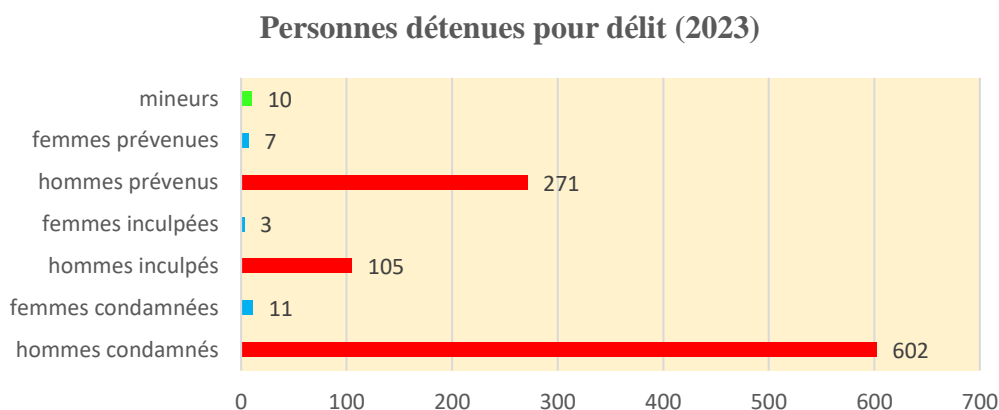
Graphic 17
Persons detained for a crime at Parakou civilian prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Parakou civilian prison

81. Of those persons convicted of a misdemeanour at Parakou civilian prison, 98.2 per cent are men and 1.8 per cent are women. Of those persons charged, 97.22 per cent are men and 2.78 per cent are women. Following the same trend, 97.48 of untried inmates are male, while 2.52 per cent are female. Minors account for 1 per cent of this population. The situation is illustrated in the graphic below.

Graphic 18
Persons detained for a misdemeanour at Parakou civilian prison



Overview of the prison population at Lokossa prison

82. The table below describes the composition of the prison population at Lokossa prison.

Table 7

Prison population (by sex and type of offence) at Lokossa prison

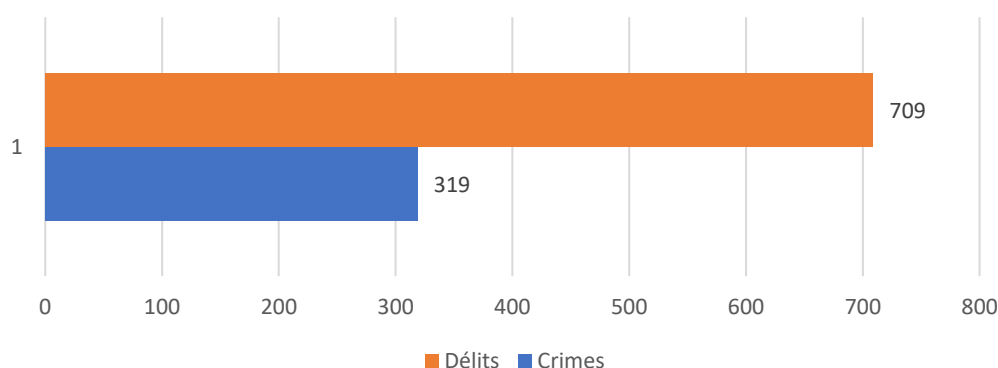
Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Lokossa prison	Convicted	60	4	450	9	Of the 319 persons incarcerated for crimes, 12 are minors, including 1 girl
	Charged	226	10	53	3	
	Untried	19	0	181	13	Of the 709 persons incarcerated for misdemeanours, 21 are minors, including 2 girls
	Subtotal	305	14	684	25	
	Total number			319		
Grand total				1 028		

Source: Benin Prison Agency, September 2023.

Type of offence

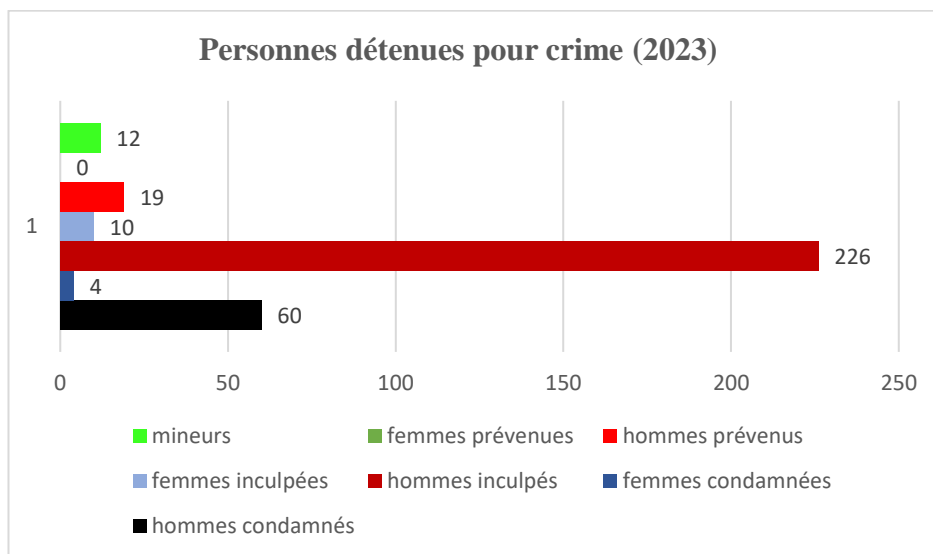
83. At Lokossa prison, persons detained for a misdemeanour account for 68.97 per cent of the prison population, while persons detained for a crime account for 31.03 per cent, as shown in the graphic below.

Graphic 19

Ratio of crimes to misdemeanours at Lokossa prison**PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS****Breakdown by sex and category of offence of persons detained for a crime at Lokossa prison**

84. At Lokossa prison, 93.75 per cent of those persons convicted of a crime are male, while 6.25 per cent are female. Of those persons charged with a crime, 95.76 per cent are men and 4.4 per cent are women. All the inmates prosecuted for a crime are men. Minors account for 3.76 per cent of persons detained for a crime; of those minors, 8.33 per cent are girls and 91.66 per cent are boys. The situation is illustrated in the graphic below.

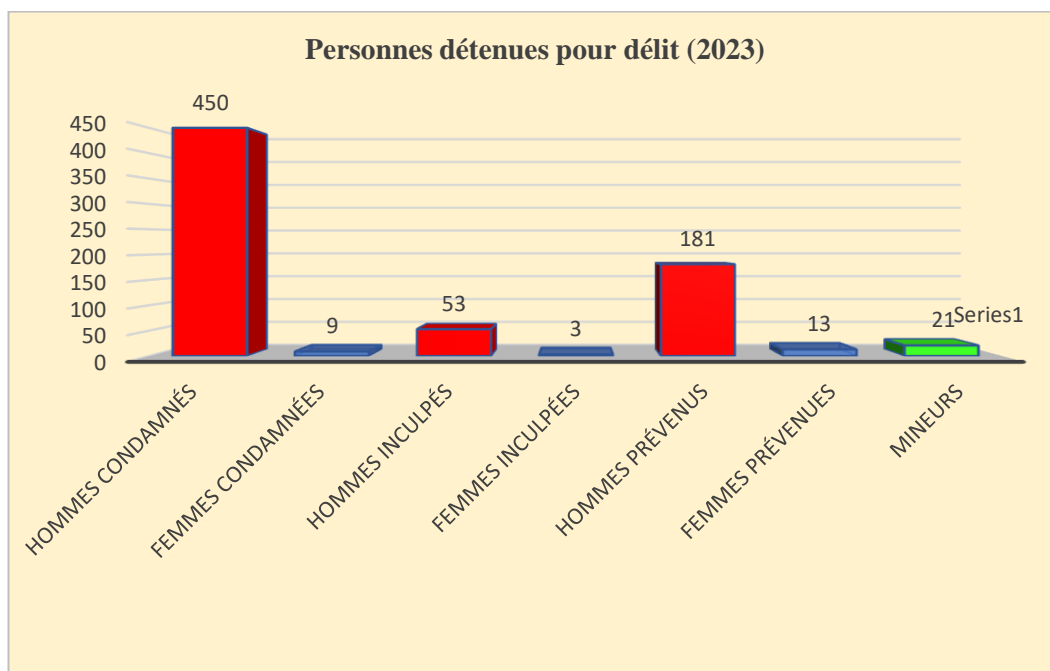
Graphic 20
Persons detained for a crime at Lokossa prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Lokossa prison

85. Of those persons convicted of a misdemeanour at Lokossa prison, 98.04 per cent are men and 1.96 per cent are women. Of those persons charged with misdemeanours, 94.64 per cent are men and 5.35 per cent are women. Of those persons awaiting trial for a misdemeanour, 93.29 per cent are male and 6.7 per cent are female. Minors account for 2.96 per cent of the total number of persons detained for a misdemeanour at this prison. Of these minors, 9.52 per cent are girls and 90.47 per cent are boys. The situation is illustrated in the graphic below.

Graphic 21
Persons detained for misdemeanours at Lokossa prison



Overview of the prison population at Savalou prison

86. The table below describes the composition of the prison population at Savalou prison.

Table 8
Prison population (by sex and type of offence) at Savalou prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Savalou prison	Convicted	52	1	196	2	Of the 155 persons incarcerated for crimes, 1 is a male minor
	Charged	94	2	27	2	
	Untried	5	1	192	9	Of the 428 persons incarcerated for misdemeanours, 3 are male minors.
	Subtotal	151	4	415	13	
Total number		155		428		3 are male minors.
Grand total				583		

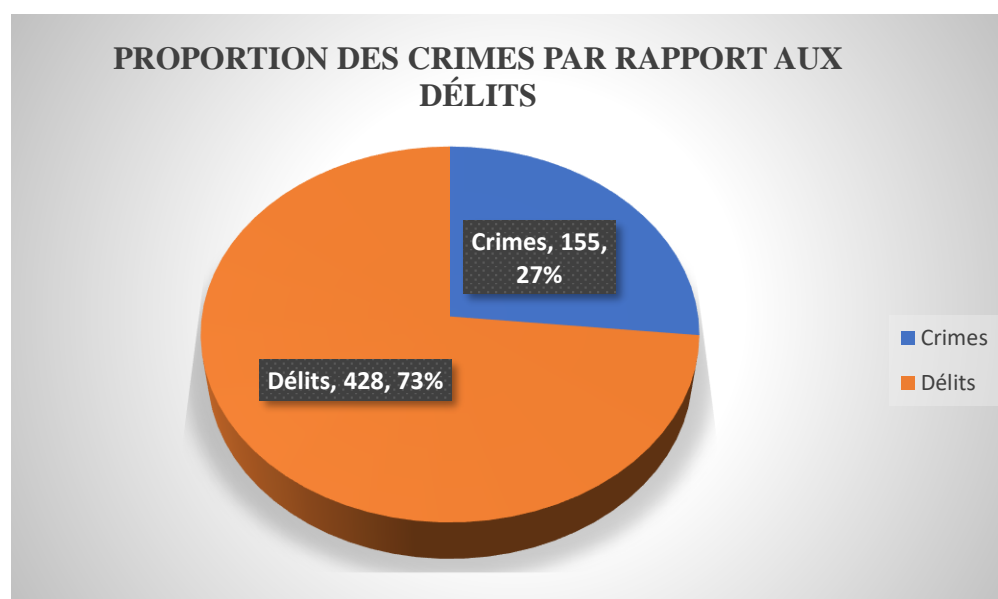
Source: Benin Prison Agency, September 2023.

Type of offence

87. At Savalou prison, persons detained for a misdemeanour account for 73.41 per cent of the prison population, while persons detained for a crime account for 26.6 per cent, as shown in the graphic below.

Graphic 22

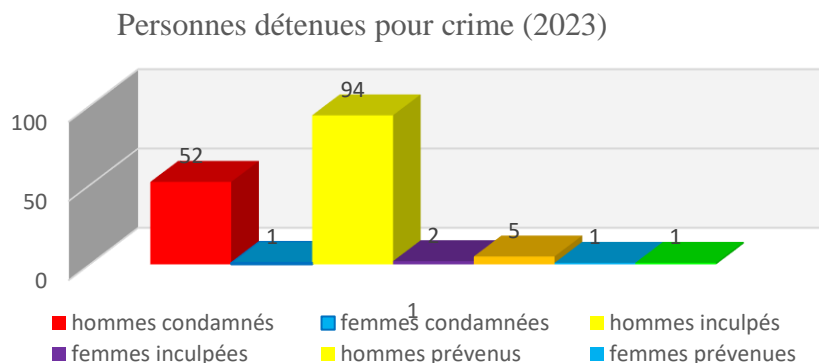
Ratio of crimes to misdemeanours at Savalou prison



Breakdown by sex and category of offence of persons detained for a crime at Savalou prison

88. Of those persons convicted of a crime at Savalou prison, 98.11 per cent are male, while 1.89 per cent are female. Of those persons charged, 97.92 per cent are male, while 2.08 per cent are female. Men account for 83.33 per cent and women account for 26.17 per cent of untried inmates, respectively. Minors account for 0.64 per cent of persons detained for a crime. This is illustrated in the graphic below.

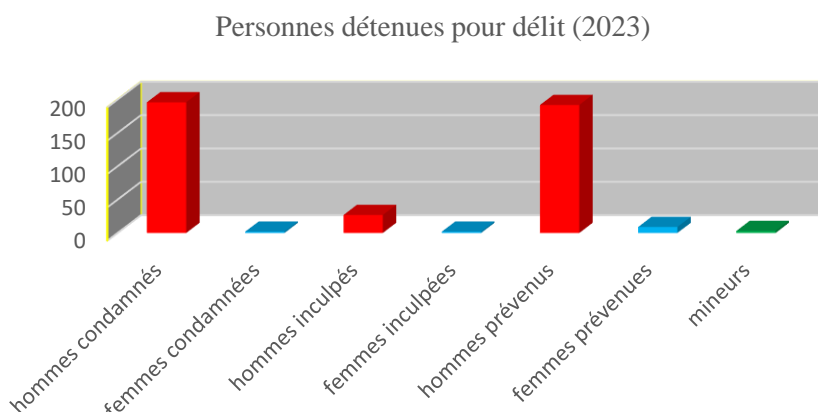
Graphic 23
Persons detained for crimes at Savalou prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Savalou prison

89. Of those persons convicted of misdemeanours, 98.99 per cent are male, while 1.01 per cent are female. Of those persons charged with a misdemeanour, 93.1 per cent are men and 6.9 per cent are women. Of those persons awaiting trial, 95.52 per cent are male and 4.48 per cent are female. Minors account for 0.7 per cent of persons detained for a misdemeanour. This is illustrated by the graphic below.

Graphic 24
Persons detained for a misdemeanour at Savalou prison



Overview of the prison population at Porto-Novo prison

90. The table below describes the composition of the prison population at Porto-Novo prison.

Table 9
Prison population (by sex and type of offence) at Porto-Novo prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Porto-Novo prison	Convicted	22	2	684	37	Of the 284 persons incarcerated for crimes, 12 are male minors
	Charged	203	38	109	24	

Prison	Category of inmate	Type of offence and number by category of inmate			Observation
	Untried	10	9	274	54
	Subtotal	235	49	1 067	115
Total number			284		1 182
Grand total					1 466

Source: Benin Prison Agency, September 2023.

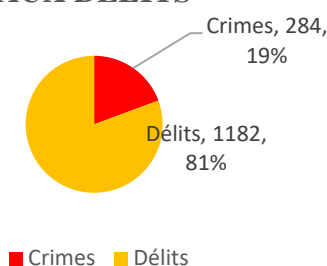
Type of offence

91. At Porto-Novo prison, persons detained for a misdemeanour account for 80.63 per cent of the prison population, while persons detained for a crime account for 19.37 per cent, as shown in the graphic below.

Graphic 25

Ratio of crimes to misdemeanours at Porto-Novo prison

PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS



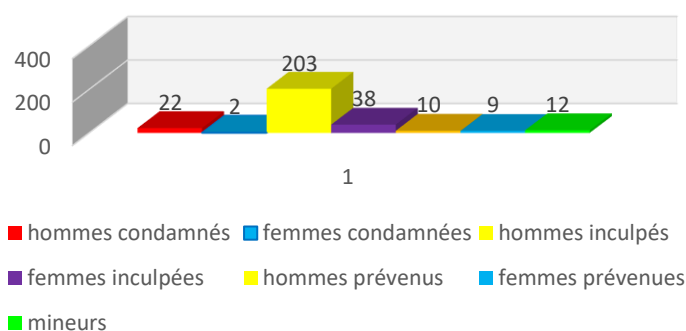
Breakdown by sex and category of offence of persons detained for a crime at Porto-Novo prison

92. Of those persons convicted of a crime and being held at Porto-Novo prison, 91.67 per cent are men and 8.33 per cent are women. Of those persons charged, 84.23 per cent are men and 15.77 per cent are women. As for untried inmates, 52.63 per cent are men and 47.36 per cent are women. Minors account for 4.23 per cent of this specific population.

Graphic 26

Persons detained for a crime at Porto-Novo prison

Personnes détenues pour crime (2023)

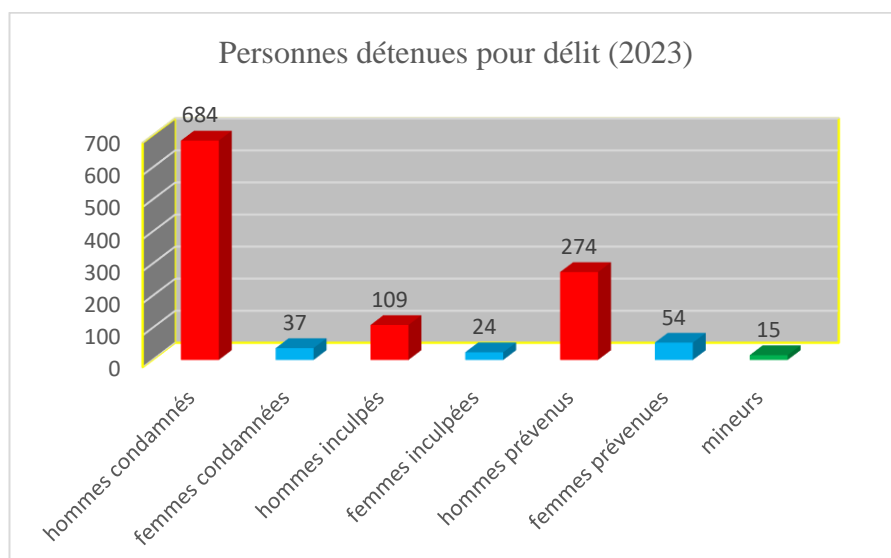


Breakdown by sex and category of offence of persons detained for a misdemeanour at Porto-Novo prison

93. Of those persons convicted of a misdemeanour at Porto-Novo prison, 94.87 per cent are male, while 5.13 per cent are female. Similarly, men account for 81.95 per cent of persons charged with a misdemeanour, while women account for 18.05 per cent. Of those persons awaiting trial, 83.54 per cent are men and 16.46 per cent are women. Minors account for 1.27 per cent of the number of persons in this category.

Graphic 27

Persons detained for a misdemeanour at Porto-Novo prison



Overview of the prison population at Natitingou prison

94. The table below describes the composition of the prison population at Natitingou prison.

Table 10

Prison population (by sex and type of offence) at Natitingou prison

Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Natitingou prison	Convicted	61	3	440	8	Of the 258 persons incarcerated for crimes, 4 are minors, including 1 girl
	Charged	176	6	77	2	
	Untried	12	0	147	0	Of the 674 persons incarcerated for misdemeanours, 10 are male minors
	Subtotal	249	9	664	10	
Total number			258		674	
Grand total				932		

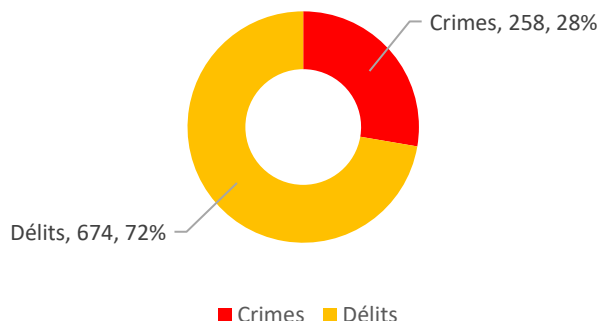
Source: Benin Prison Agency, September 2023.

Type of offence

95. At Natitingou prison, persons detained for a misdemeanour account for 72.31 per cent of the prison population, while persons detained for a crime account for 27.68 per cent, as shown in the graphic below.

Graphic 28
Ratio of crimes to misdemeanours at Natitingou prison

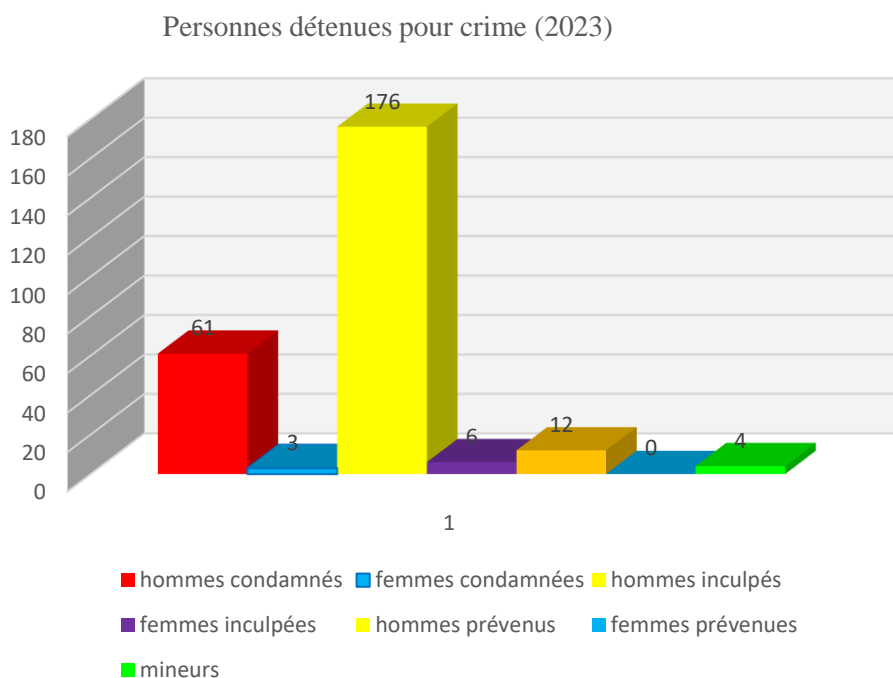
PROPORTION DES CRIMES PAR RAPPORT AUX DÉLITS



Breakdown by sex and category of offence of persons detained for a crime at Natitingou prison

96. At Natitingou prison, 95.31 per cent of those persons convicted of a crime are men and 4.69 per cent are women. Of those persons charged, 96.7 per cent are male and 3.29 per cent are female. All persons awaiting trial for a crime are male. Minors account for 1.55 per cent of this subgroup. This is illustrated in the graphic below.

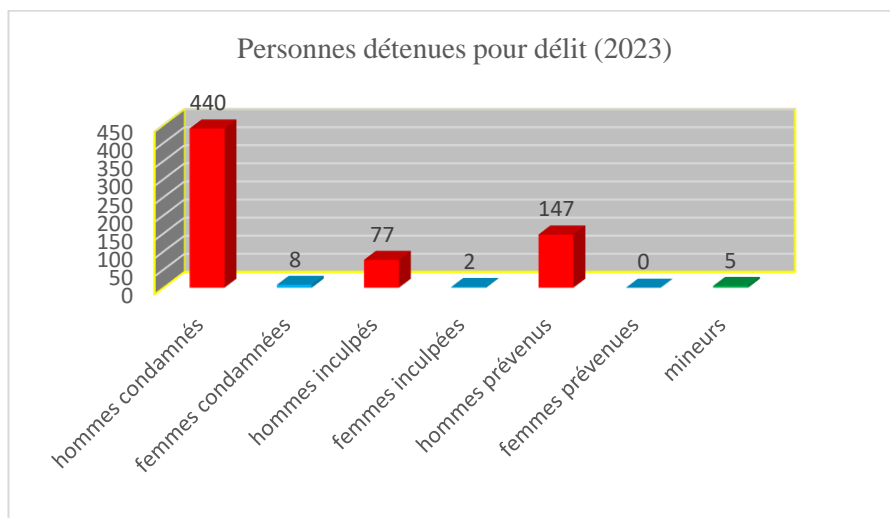
Graphic 29
Persons detained for a crime at Natitingou prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Natitingou prison

97. At Natitingou prison, 98.21 per cent of those persons convicted of a misdemeanour are men and 1.79 per cent are women. Of those persons charged, 97.47 per cent are male and 2.53 are female. All untried inmates are male. Minors account for 0.74 per cent of this subgroup.

Graphic 30
Persons detained for a misdemeanour at Natitingou prison



Overview of the prison population at Kandi prison

98. The table below describes the composition of the prison population at Kandi prison.

Table 11

Prison population (by sex and type of offence) at Kandi prison

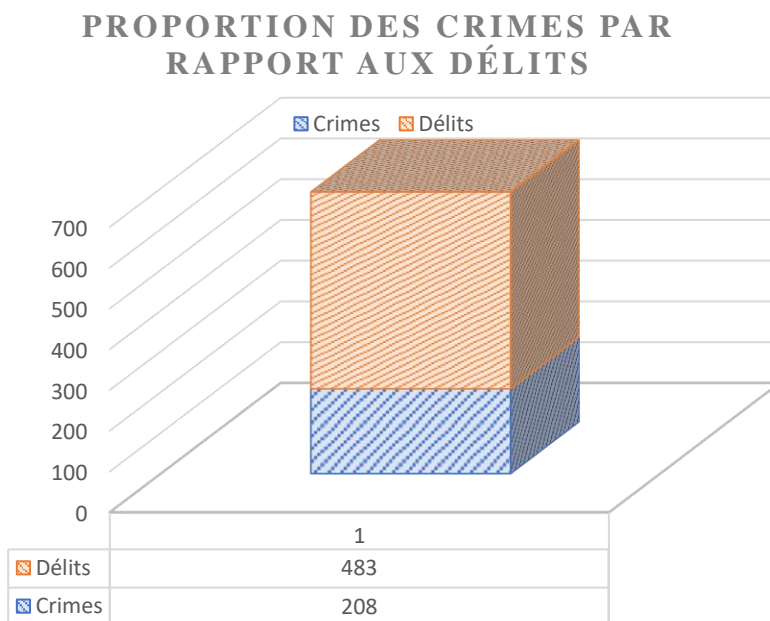
Prison	Category of inmate	Type of offence and number by category of inmate				Observation
		Crime		Misdemeanour		
		Men	Women	Men	Women	
Kandi prison	Convicted	75	0	287	2	Of the 208 persons incarcerated for crimes, 4 are male minors
	Charged	131	2	77	0	
	Untried	0	0	116	1	Of the 483 persons incarcerated for misdemeanours, 1 is a male minor
	Subtotal	206	2	480	3	
Total number		208		483		
Grand total				691		

Source: Benin Prison Agency, September 2023.

Type of offence

99. At Kandi prison, persons detained for a misdemeanour account for 72.31 per cent of the prison population, while persons detained for a crime account for 27.68 per cent, as shown in the graphic below.

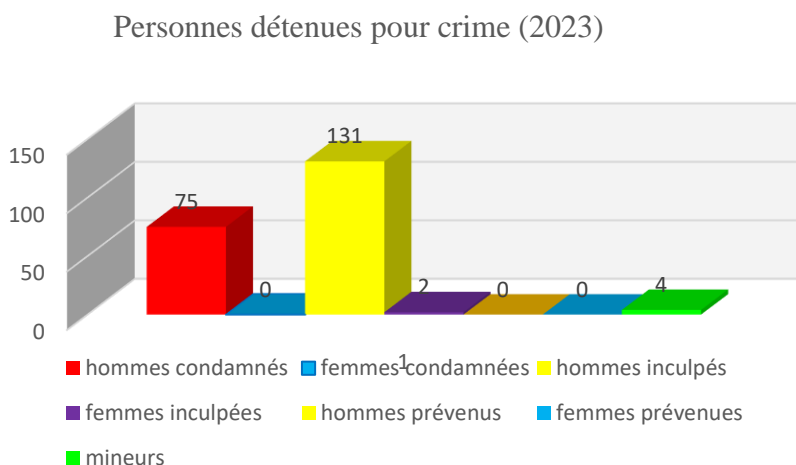
Graphic 31
Ratio of crimes to misdemeanours at Kandi prison



Breakdown by sex and category of offence of persons detained for a crime at Kandi prison

100. At Kandi prison, all inmates convicted of criminal offences are male. Of those persons charged with a crime, 1.5 per cent are women, while 98.5 per cent are men. Minors account for 1.92 per cent of persons detained for crimes. The situation is illustrated in the graphic below.

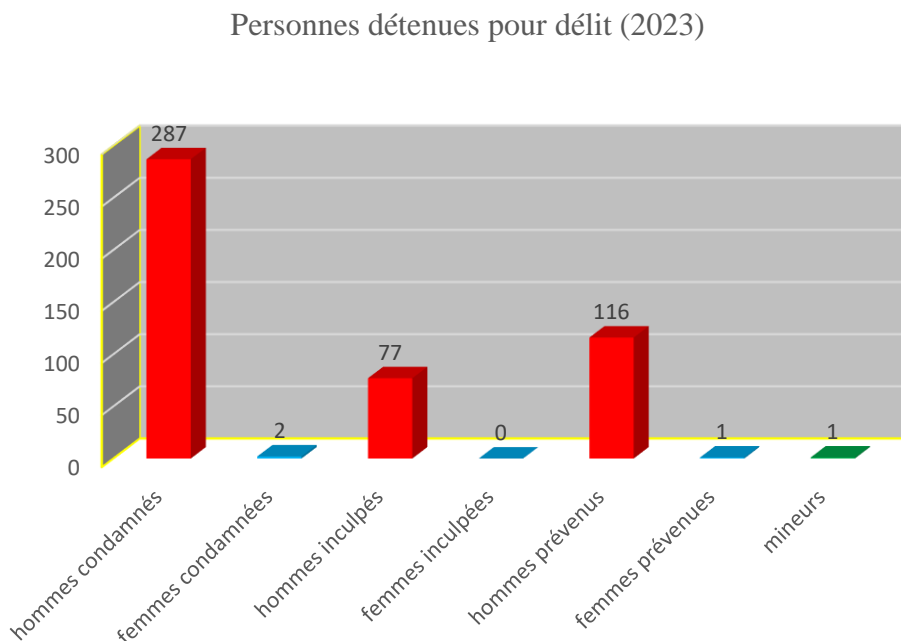
Graphic 32
Persons detained for a crime at Kandi prison



Breakdown by sex and category of offence of persons detained for a misdemeanour at Kandi prison

101. Of those persons convicted of a misdemeanour, 99.3 per cent are male, while 0.69 per cent are female. Of those persons awaiting trial, 99.15 per cent are male, while 0.85 per cent are female. All inmates charged with a misdemeanour are male. Minors account for 0.21 per cent of this subcategory. This is illustrated in the graphic below.

Graphic 33
Persons detained for a misdemeanour at Kandi prison



102. Data on the number of children in detention disaggregated by type of separation (in prisons) are provided below.

103. The separation of adults in prisons is a requirement laid down in decision No. 70/175 on the United Nations Standard Minimum Rules for the Treatment of Prisoners and in article 316 of the Children’s Code of the Republic of Benin. Separating juvenile inmates means housing them in sections separate from adult male and female inmates at each prison.

104. In 2019, 161, or 71.56 per cent, of the 225 children in detention were actually held separately from adults. An analysis of the data collected in 2020 reveals that, in all prisons, all minors are held separately from adults, with the exception of four girls, including two at Cotonou prison, one at Abomey-Calavi prison and one at Parakou civilian prison.

105. In 2021, three girls between 15 and under 18 years of age were held in women’s sections. The same situation was also observed at Akpro-Misséréte civilian prison, where a boy of a similar age was held in the men’s section. Admittedly, this rule of the United Nations Standard Minimum Rules for the Treatment of Prisoners is not fully respected in all prisons.

Table 12

Number of children in detention held separately from adults, disaggregated by sex and structure in 2020 and 2021

Etablissements penitentiaries du Benin	SEPARATION AVEC LES ADULTES							
	2020				2021			
	Séparé		Non séparés		Séparé		Non séparés	
	Masculin	Féminin	Masculin	Féminin	Masculin	Féminin	Masculin	Féminin
MA COTONOU	37	0	0	2	50	0	0	2
MA ABOMEY CALAVI	28	0	0	1	24	0	0	0
MA OUIDAH	12	0	0	0	3	0	0	0
MA LOKOSSA	47	0	0	0	11	0	0	0
MA PORTO-NOVO	22	0	0	0	30	0	0	0
MA SAVALOU	7	0	0	0	0	0	0	0
MA KANDI	2	0	0	0	0	0	0	0
MA NATTINGOU	15	0	0	0	10	0	0	0
PC ABOMEY	29	0	0	0	10	0	0	0
PC PARAKOU	18	0	0	1	49	0	0	0
PC AKPRO-MISSERETE	1	0	0	0	0	0	1	0
Total	218	4	0	0	187	0	1	2

Source : Base de données JpM 2020-2021/DPAF/MJL

106. Pregnant women, children accompanying their mothers in detention and persons with disabilities receive treatment tailored to their needs or situation.

107. Benin has three centres for the protection of children and adolescents, whose mission is to:

- Rehabilitate and reintegrate into society and the labour market children who are in conflict with the law and in moral danger;
- Follow up on the situation of and support children in moral danger; and
- Prevent juvenile delinquency.

108. The centres for the protection of children and adolescents are supported by children's shelters, which are committed to welcoming, supporting and reintegrating children in difficult circumstances.

109. At these shelters, children receive holistic care, including vocational training, health care and nutrition, in line with international rules and standards.

Articles 12 and 13

110. In addition to the ordinary courts, which are independent avenues of appeal accessible to any victim of torture, the national human rights institution of Benin, which is an independent body that enjoys administrative and financial autonomy, has been operational since January 2019. The Benin Human Rights Commission has received several complaints and requests from persons deprived of their liberty, and has taken action consistent with the nature of these complaints. The Commission regularly carries out visits to places of detention in order to prevent human rights violations. Benin intends to designate its national human rights institution as the national mechanism for the prevention of torture.

111. The restructured National Women's Institute is also an avenue of appeal accessible to victims of torture. It works to promote women's rights in the political, economic, social, legal and cultural spheres, in both the public and private sectors, and combats all forms of discrimination and violence against women. As such, it serves as an instrument in the fight against all forms of discrimination and violence against women and girls. The Institute also has a hotline for receiving and dealing with reports of discrimination and violence against women and girls. It has the right to bring legal action and to sue for damages in relation to such acts.

112. Inspections of places of detention and custody facilities are ongoing. The Benin Prison Agency has trained prison staff with a view to preventing torture and other cruel, inhuman or degrading treatment or punishment. The Constitutional Court has issued several decisions on this subject. The events that took place between 1972 and 1990 were covered by an amnesty law, and victims were awarded compensation and damages for the harm they had suffered.

113. Judicial investigations have been opened into the violence that took place during the May 2021 presidential election. Several people were arrested and placed in pretrial detention. However, to date, the courts have not convicted any of those persons responsible for human rights violations. A number of people prosecuted in connection with the election have been released on bail.

114. While legal action was taken in response to the violence that had taken place during the April 2019 legislative elections, it did not lead to a trial. On 24 October 2019, the investigating judge of Cotonou court issued a decision discontinuing the criminal proceedings concerning the deaths that had occurred during the post-election violence. The Beninese parliament adopted Act No. 2019-39 of 7 November 2019 on amnesty for serious, ordinary and minor offences committed during the legislative elections of April 2019.

115. Pursuant to this law, all proceedings are to be rendered moot, judgments or rulings are to be declared null and void, and persons held in detention awaiting trial or in enforcement of judgments or rulings are to be released if they are not being held for other legal reasons.

116. In accordance with article 153 of the Criminal Code, amnesties are without prejudice to third parties. They expunge only the convictions handed down without calling into question the possibility for victims to obtain reparation.

Article 14

117. The Constitutional Court has noted cases of ill-treatment of certain citizens in several decisions. These decisions establish the right to reparation or compensation for the harm suffered. In practice, however, victims do not turn to the ordinary courts to obtain redress.

Article 15

118. Evidence obtained under duress is regularly declared inadmissible by the judicial authorities whenever the victim or the victim's counsel raises a claim to that effect, or when elements of the case file suggest that coercive measures have been used to obtain the confession.

Article 16

119. In September 2018, a bill on the recognition, promotion and protection of human rights defenders in the Republic of Benin was approved by a working group on the protection of defenders, known as the Platform for Human Rights Defenders in Benin and composed of State and non-State actors. The bill is currently in the process of being adopted.

120. There are lesbian, gay, bisexual, transgender, queer, intersex and other (LGBTQI+) persons in Benin. Lesbian, gay, bisexual, transgender, queer and intersex persons are considered to be persons whose sexual orientation is different from that which the general public considers to be the norm. They live in the community and meet under the umbrella of several identity-related associations; however, they encounter a number of obstacles to the enjoyment of their rights.

121. According to a study published by Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland in January 2020, there are 20,660 lesbian, gay, bisexual, transgender, queer and intersex persons in Benin. This number does not include persons who do not identify as such. Several cases involving attacks against these persons have been brought to court in Benin.

122. In 2020, decisions were handed down in favour of sexual minorities. These include decision No. DCC 21-149 of 27 May 2021 by the Constitutional Court of Benin in the case of Nina, born Jean Camille Djogue, who was humiliated, abused and vilified on social networks by young people in his neighbourhood, and the decision handed down by Cotonou

court, which sentenced a young man to 12 months' imprisonment, including 6 months' immediate imprisonment, for having assaulted three transgender girls in Bar Sunset in Cotonou.

123. Persons with albinism enjoy the same protection in law and in practice. Reports of ritual assaults have been investigated and the perpetrators prosecuted.

124. During the reporting period, Benin strengthened its legal and institutional framework for the protection of the rights of the child in line with international norms and standards. By means of Act No. 2021-11 of 20 December 2021 establishing special provisions to repress gender-related offences and to protect women, the legislator strengthened the legislative framework to counter sexual violence. Cases of violence and abuse recorded are brought before the courts, and the perpetrators are prosecuted in accordance with the laws in force. Victims are cared for at children's shelters and protection centres.

125. Public awareness-raising campaigns on the various laws governing the protection of children in sexual matters in Benin are conducted periodically.

126. In addition, school staff have been trained on using alternatives to corporal punishment.

127. Similarly, the Benin Human Rights Commission, acting through its dedicated unit, is involved in protecting children from torture and inhuman and degrading treatment.

128. In 2022, there was an upsurge in the phenomenon of mob justice in Benin. A dozen cases were recorded, and the perpetrators were apprehended and prosecuted. Moreover, the following measures have been taken to strengthen the existing security apparatus and to better ensure the safety of people and property:

- The recruitment of a large number of officers to serve in the National Police;
- The construction of district police stations;
- The provision of logistical equipment to the units;
- The stepping up of patrols in areas considered to be at risk and along corridors.

129. In the face of an increasingly complex situation with regard to insecurity and crime, the National Police of Benin, supported by the Belgian Development Agency through the project to support the operationalization of the National Police, is trialling a new initiative known as a shared local security assessment. The security assessment is a pilot project being undertaken in the broader context of the implementation of the community policing strategy by the National Police of Benin. The aim of this exercise is to better respond to the public's expectations and needs in terms of security by facilitating the implementation of targeted activities identified by members of local communities.

C. Other issues

130. In view of the ongoing terrorist threat, the State has reviewed its policy for the geographical coverage of the Defence and Security Forces. The personnel of the Defence and Security Forces have received specific training on countering that threat. The operational capacity of the Beninese army in terms of logistics has been strengthened, and specialized personnel have been recruited. The personnel of the Defence and Security Forces deployed have the necessary tools and financial resources. The Defence and Security Forces do not carry out acts of violence against the population.

131. In the judicial sphere, the Court for the Prevention of Financial Offences and Terrorism is competent to try crimes of terrorism. Due process rights are respected before this court.

132. These measures were taken in compliance with all the international human rights commitments made by Benin.

133. During the COVID-19 pandemic, Benin complied with the measures prescribed by the World Health Organization. Protective measures were imposed in prisons, and visits to prisoners were reduced.

134. In addition to the universal measures recommended by the World Health Organization, Benin has recruited psychologists to provide psychological support to prisoners.

Second part

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

A. Legislative and institutional measures

135. These measures include:

136. Benin has ratified the following international instruments:

- The Treaty on the Prohibition of Nuclear Weapons, on 11 December 2020;
- The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 27 September 2019;
- The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, on 6 September 2019;
- The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 19 August 2019.

137. The following laws were adopted during the period under review:

- Act No. 2022-32 of 20 December 2022 establishing the Nationality Code of Benin;
- Act No. 2022-31 of 30 December 2022 on the status of refugees and stateless persons in the Republic of Benin;
- Act No. 2021-13 of 20 December 2021, amending and supplementing Act No. 2002-07 of 24 August 2004 establishing the Personal and Family Code;
- Act No. 2021-12 of 21 October 2021, amending and supplementing Act No. 2003-04 of 3 March 2003 on sexual health and reproduction;
- Act No. 2021-11 of 21 October 2021 establishing special provisions to repress gender-related offences and to protect women;
- Act No. 2020-37 of 3 February 2021 on the protection of health;
- Act No. 2020-34 of 6 January 2021, establishing special provisions for streamlining and digitizing civil status registration;
- Act No. 2020-23 of 29 September 2020, amending and supplementing Act No. 2012-5 of 18 March 2013 establishing the Code of Criminal Procedure;
- Act No. 2020-16 of 3 July 2020 on the special status of the officers of the National Police;
- Act No. 2020-08 of 23 April 2020 on the modernization of the justice system;
- Act No. 2020-09 of 23 April 2020 on the establishment, mission, organization and functioning of the Office of the High Commissioner for the Prevention of Corruption;
- Act No. 2019-39 of 7 November 2019 on amnesty for serious, ordinary and minor offences committed during the legislative elections of April 2019.

138. Substantial reforms have been carried out since 2019.

139. At the institutional level, Benin has enshrined the abolition of the death penalty through Act No. 2019-40 amending the Constitution, introduced affirmative action measures to promote women's access to elected office, strengthened the status of the opposition, provided public financing for political parties, and reinforced presidential term limits and extended them to members of parliament. The adoption of a new Electoral Code made it possible to hold peaceful, inclusive and transparent legislative elections in January 2023, in which the opposition had obtained 25 per cent of seats.

140. Following this major reform, in 2021, the National Assembly passed three laws that entail substantive changes for the protection of women's rights. These include:

- A law relaxing the conditions governing voluntary termination of pregnancy (abortion) to avoid the occurrence of clandestine abortions, which had been taking place on account of the law's restrictive nature. This law, known as the "Abortion Framework Act", lays down new, more flexible conditions, including material, educational and professional harm, under which pregnant women may seek a lawful abortion at a medical centre.
- A law to counter gender-based violence, such as sexual harassment and rape. New offences have been criminalized and punished more severely than in the past. These include forced marriage, early marriage and romantic relationships between teachers and students.
- The law amending the Personal and Family Code. The Code's new provisions allow children to bear a family name chosen by their mother, thus nullifying the former provisions establishing the primacy of family naming conventions. The law now allows parents to choose their child's family name by mutual agreement.

141. As part of its efforts to implement the Social Cohesion Project in the Northern Regions of the Gulf of Guinea, Benin has drawn up a plan to mitigate and manage gender-based violence, sexual exploitation and abuse and sexual harassment for the period 2022–2027. The plan serves as a strategic guidance document addressing issues related to gender-based violence and sexual exploitation and abuse and sexual harassment. It sets out the main measures to be taken to respond to the risks associated with those phenomena. The main measures include:

- Mapping and developing a strategy to mitigate gender-based violence and sexual exploitation and abuse and sexual harassment.
- Capacity-building on guidelines and provisions for the assessment, mitigation and management of risks related to gender-based violence and sexual exploitation and abuse and sexual harassment.
- Raising awareness of the risks associated with gender-based violence and sexual exploitation and abuse and sexual harassment among operational staff involved in implementing projects, specifically the staff of sectoral ministries and implementing agencies, as well as employees of local authorities.
- Rolling out the Complaints Management Mechanism at the village/neighbourhood, arrondissement, municipality and department levels.
- Strengthening the system for monitoring the application of measures to mitigate and manage gender-based violence and sexual exploitation and abuse and sexual harassment.

B. Policy measures

Government Action Programme (2016–2021 and 2021–2026)

142. The first pillar of this programme focuses on the following essential points: changing the attitudes of the population and political class towards good governance, strengthening national unity, asserting the authority of the State, and enhancing the credibility of the State.

143. The second pillar of the programme focuses on: reviving the economy by investing heavily in growth sectors, competently managing public finances, establishing the basic infrastructure required for socioeconomic development, reconstructing the Beninese school system, and promoting art, culture and the craft industry.

144. The third pillar centres on: initiating large-scale public works projects in all municipalities, reforming the health-care system; and progressively improving living conditions.

145. In view of the results obtained under the first programme, the Government intends to continue the measures taken thus far as part of the Government Action Programme (2021–2026).

National Development Plan

146. The National Development Plan (2018–2025) stems from the document entitled “Benin Alafia 2025”, which makes the following forecast: “Benin is, in 2025, a leading country, a well-governed, united and peaceful country, with a prosperous and competitive economy, cultural influence and social well-being.” The plan’s overall objective is to turn the agro-industry and services into drivers of inclusive and sustainable economic growth. Its strategic objectives will be based on the following three key areas:

- Diversification of agricultural production, supported by the development of services;
- Transformation of agro-industry and the further development of services; and
- Use of knowledge through innovation and biotechnology.

147. The Growth Programme for Sustainable Development is the first stage of implementation of the National Development Plan.

Other public policy documents

148. Several policy documents are being developed with a view to implementing the National Development Plan, including:

- The National Employment Policy (2020–2025);
- The Holistic Social Protection Policy (2019–2025);
- The National Development Programme;
- The National Programme for the Development of the Justice Sector (2017–2022);
- The National Health Policy (2018–2030);
- The National Health Development Plan (2018–2022);
- The National Community Health Policy (2020–2024);
- The Post-2015 Education Sector Plan (2018–2030);
- The National School Food Policy;
- The National Action Plan for the Elimination of the Worst Forms of Child Labour (2019–2023);
- The National Strategy for the Provision of Safe Drinking Water in Rural Areas (2017–2030);
- The National Plan for Investment in Agriculture and Food and Nutrition Security (2017–2021);
- The Strategic Plan for the Development of the Agricultural Sector (2018–2023);
- The National Strategy Plan for Technical and Vocational Education and Training;

149. The following strategic documents are in the process of being adopted:

- The National Labour Policy (2021–2025);
- The Country Programme for the Promotion of Decent Work (2022–2024);

- The National Action Plan to Combat the Worst Forms of Child Labour (2020–2024);
- The National Occupational Health and Safety Policy;
- The national document on combating trafficking in persons; and
- The National Internal Security Policy.

Conclusion

150. Over the period covered by the report, significant efforts have been made to give effect to the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

151. This progress is reflected in the improvement of the legal and institutional framework for the promotion and protection of human rights, as well as the implementation of numerous programmes to reduce the prevalence of acts of torture and ill-treatment.

152. However, despite the progress made, certain structural, economic and other challenges continue to hinder the full enjoyment of the rights proclaimed and guaranteed by the Convention.
