



**Committee on the Rights of the Child**

**Pre-session meeting on the State of Benin**

**Specific recommendations for the protection of children deprived of liberty from torture and other cruel, inhuman or degrading treatment or punishment**

**Introduction**

The World Organization Against Torture (OMCT) has a long-standing experience in dealing with the protection of children deprived of liberty from torture and ill-treatment. In Benin, these activities were carried out in collaboration with the NGO Solidarity for Children in Africa and the World (ESAM).

During monthly visits to juvenile detention centres the OMCT and ESAM have witnessed many challenges such as testimonies from both victims and officials confirming the persistence of the use of physical and psychological violence, including force, threats, and corporal punishment, against children in civilian prisons, and especially at the time of arrest and at the gendarmerie.<sup>1</sup> The violent acts committed against children are often perpetrated by gendarmes and police officers, directors of civilian prisons and other detainees.

In addition, the OMCT and ESAM observed that the conditions of child detention often amount to inhuman and degrading treatment. Several of the juvenile detentions are overcrowded and do not fulfill the minimum conditions determined by international human rights law. The separation of children from adult detainees is limited. In police custody, there is no such separation. In the prisons, although boys are often kept in separate quarters, they have frequent contact with adult detainees, and girls remain detained with adult women.

Children are also subject to long periods of confinement in the cells, which are often overpopulated and have no access to bathroom and no adequate ventilation. Some children have claimed over 12 hours of incarceration. Another significant problem is the lack of access to lawyers and the long periods of preventive detention.

Based on the challenges perceived by the OMCT and ESAM, we call the Committee to recommend to the State party:

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<sup>1</sup> These observations were also made by the SPT during its visits to Benin: "Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Benin" (CAT/OP/BEN/1), paras. 105-109.

1. The government of Benin should systematically investigate all allegations of torture or ill-treatment, prosecute and punish law enforcement officers responsible for such abuses against children deprived of liberty.
2. The authorities of Benin should finalize the creation and establishment of a National Preventive Mechanism with a child rights dimension. Additional measures to enhance the prevention of torture and ill-treatment in custody should be taken. In this regard individual private interviews with detained children and prison staff and monitoring of prisons should be facilitated during visits by independent international bodies and NGOs.
4. Judges should review their practice concerning provisional detention of children and not exceed the period prescribed by law.
5. Children deprived of liberty (in police stations and prisons) should be completely separated from adults. In particular, considerable efforts need to be done to separate women and girls in civil prisons.
6. Children deprived of liberty should be entitled to socio-pedagogical and educational activities.
7. Prisons where mothers are arrested with their child should adapt their infrastructure for babies and young children and their special needs concerning food, health and educational activities.
8. The prison administration should take urgent steps to ensure that the dorms of minors are clean and safe. Ventilation should also be improved.
9. Prison officials should reduce the number of hours of confinement at night in the dormitory.
10. The State should develop alternative measures to detention and multiply the conditions for these measures, particularly those favoring the participation of the family and the community.
11. The quantity and quality of food rations in places of deprivation of liberty of children should be improved.
12. A lawyer should be systematically designated by the State for children in conflict with the law from the moment of arrest and throughout the duration of the procedure.