

PRESS RELEASE

Benin faces the Committee on Human Rights: arbitrariness, torture and genital mutilation are still current in Benin.

Satisfied, a coalition of Benin and International NGOs receives the final observations adopted by the Committee on Human Rights, following the examination of the initial report on Benin in October 2004.

Geneva, 15th November 2004 - The NGO coalition, made up of the Association des Femmes Juristes du Bénin (AFJB), Enfants Solidaires d'Afrique et du Monde (ESAM), Human Rights Task Group (HRTG), la Ligue pour la Défense des Droits de l'Homme au Bénin (LDDHB), FIDH and OMCT presented two alternative reports on the situation of Benin during the 82nd session of the Human Rights Committee (18 October to 5 November 2004) in Geneva. During this session, the Committee examined the initial report on Benin on the establishment of rights contained in the Covenant on Civil and Political Rights, submitted 10 years late. The coalition welcomed the briefing session with the members of the Committee which allowed it to present its preoccupations with regards to the general climate of arbitrariness and corruption, the question of equality between men and women, and the situation of children in Benin.

According to Julien Togbadja, LDDHB, member organisation of the FIDH, "a general climate of arbitrariness in the administration of justice, notably violating article 9 (prohibition of arbitrary arrest or detention) and article 14 (right to a fair trial) of the Covenant on Civil and Political Rights, prevails in Benin". In this context, the coalition welcomes the recommendations of the Committee, in particular those which relate to: abuse in police custody; training of police; pursuit of authors of these crimes; the follow-up of decisions of the Constitutional Court; right to a lawyer and medical care; increasing the number of courts and tribunals in Benin; independence of the judicial system; right to appeal; right to reparations; and rights relating to expulsion.

"Conditions of detention, as protected by article 10 of the Covenant, widely violate human dignity. Overpopulation in prisons is alarming, for example in Cotonou prison, which has a capacity of 400, counted 1687 detainees in August 2004, a 400% overpopulation, which meant that men and women were living together in deplorable hygiene, health and dietary conditions", added Marc Deguenon of HRTG.

Furthermore, there are no prisons specifically for women. Prison conditions for minors contravene the Covenant and Convention on the Rights of Child, Parakou prison does not even have a children's quarter. The coalition reiterates the necessity to improve conditions of detention for women and supports the recommendations of the Committee which demand that Benin guarantee the rights of detainees and that they be treated with humanity and

their dignity respected. In particular, their right to live in a healthy environment with access to health care and adequate food. Detention should be a last resort, and alternative measures to detention should be foreseen. Particular protection for minors, including girls, should be assured and they should be systematically separated from adults.

The coalition attracted the attention of the Committee to the fact that the clauses of the Penal Code related to the death penalty are still in vigour. "In order to respect the notion of human dignity and freedom, Benin must urgently follow the recommendations of the Committee which request that it begin the process of abolishing the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, underlines Sidiki Kaba, president of the FIDH.

The coalition welcomes the promulgation, in August 2004, of the Person and Family Code which guarantees equal rights for men and women, as well as the adoption in March 2003 of the law forbidding Female Genital Mutilation and the law relating to sexual health and reproduction. According to Marie-Elise Gbedo of AFJB, "Rights guaranteeing these texts, and a appropriate action plan, must be put in place".

"Justice for minors remains particularly preoccupying, only two out of eight jurisdictions have a judge for minors. By default, prosecutors act as judges for children which entails a poor administration of justice for minors", Erik Fanou of ESAM noted. Elsewhere, the coalition demands that Benin instantly increase its efforts to combat the trafficking of children, create mechanisms to control the placement of children, increase awareness of the public, and pursue the authors of trafficking and the economic exploitation of children.

"It is imperative that the government of Benin rapidly put in place the recommendations adopted by the Committee on Human Rights and ensure a formal follow up which implicates civil society", concluded Patrick Mützenbergh of OMCT.