



REFERENCE:GH/fup-124

8 novembre 2018

Excellence,

En ma qualité de Rapporteur spécial chargé du suivi des observations finales du Comité des droits de l'homme, j'ai l'honneur de me référer à la procédure de suivi de recommandations adoptées aux paragraphes 9, 19 et 23 des observations finales concernant le rapport soumis par le Bénin ([CCPR/C/BEN/CO/2](#)), telles qu'adoptées lors de la 115^{ème} session du Comité en novembre 2015.

Le Comité a reçu la réponse de l'Etat partie le 26 janvier 2018 et a analysé les informations reçues à l'occasion de sa 124^{ème} session (8 octobre - 2 novembre 2018). L'évaluation du Comité ainsi que les informations additionnelles de l'Etat partie requises par le Comité sont reflétées dans le Rapport sur le suivi des observations finales ([CCPR/C/124/2](#)). Je vous prie de trouver ci-joint les sections pertinentes dudit rapport (version préliminaire non éditée, en anglais; la version française du rapport du Comité sera ultérieurement disponible sous la cote [CCPR/C/124/2](#)).

Le Comité a estimé que la recommandation sélectionnée pour la procédure de suivi n'a pas été pleinement mise en œuvre et a donc pris la décision de demander des informations additionnelles quant à sa mise en œuvre. Le Comité prie l'Etat partie de communiquer les renseignements demandés dans son prochain rapport périodique qui devra lui parvenir le 6 novembre 2019 au plus tard.

Le Comité attend avec intérêt la poursuite de son dialogue constructif avec l'Etat partie quant à la mise en œuvre du Pacte.

Veuillez accepter, Excellence, l'assurance de ma plus haute considération.

Mauro Politi
Rapporteur spécial chargé du suivi des observations finales du
Comité des droits de l'homme

S.E. Monsieur Eloi Laourou
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Rapport sur le suivi des observations finales du Comité des droits de l'homme, [CCPR/C/124/2](#):

*Évaluation des réponses*¹

- A Réponse ou mesure satisfaisante dans l'ensemble :** L'État partie a démontré qu'il avait pris des mesures suffisantes pour mettre en œuvre la recommandation adoptée par le Comité.
- B Réponse ou mesure partiellement satisfaisante :** L'État partie a pris des mesures pour mettre en œuvre la recommandation, mais des informations ou des mesures supplémentaires demeurent nécessaires.
- C Réponse ou mesure insatisfaisante :** Une réponse a été reçue, mais les mesures prises par l'État partie ou les renseignements qu'il a fournis ne sont pas pertinents ou ne permettent pas de mettre en œuvre la recommandation.
- D Absence de coopération avec le Comité :** Aucun rapport de suivi n'a été reçu après un ou plusieurs rappels.
- E Les informations fournies ou les mesures prises sont contraires à la recommandation, ou traduisent un refus de celle-ci.**
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Benin

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| Concluding observations: | CCPR/C/BEN/CO/2 , 3 November 2015 |
| Follow-up paragraphs: | 9, 19 and 23 |
| Follow-up reply: | CCPR/C/BEN/CO/2/Add.1 , 26 January 2018 |
| Committee's evaluation: | Additional information required on paragraphs 9[B], 19[B] and 23[B][C] |

Paragraph 9: National Human Rights Commission

The State party should take all necessary measures to appoint the members of the National Human Rights Commission as soon as possible. It should guarantee the Commission's independence by ensuring that it has financial autonomy and adequate human and material resources to enable it to fulfil its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

Summary of State party's reply

In accordance with the decision issued by the President of the National Assembly in 2016, a selection committee was established to supervise the appointment of 11 members of the Commission. The call for applications for the Commission was publicized in the media between 23 October and 10 November 2017, and the appointment process is under way.

¹ Évaluation complète disponible à l'adresse : http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/INT_CCPR_FGD_8108_E.pdf.

Committee's evaluation

[B]: While the Committee appreciates the measures taken by the State party, including the establishment of a selection committee to supervise the appointment of 11 members of the Commission and the call for applications publicized in 2017, it requires additional information with regard to the measures taken to ensure compliance with the Paris Principles. The Committee requires specific information in particular on: (a) the expected dates for the appointment of the Commission's members; and (b) the measures taken to ensure its financial autonomy and adequate human and material resources, in accordance with the Paris Principles.

Paragraph 19: Right to life

The State party should adopt the new Criminal Code as soon as possible so as to expressly abolish the death penalty. It should commute death sentences to prison sentences. The State party should take steps to initiate or continue investigations into cases of murder or attempted murder and bring the perpetrators to justice. It should also take stringent measures to punish infanticide. It should raise public awareness of respect for the right to life.

Summary of State party's reply

The Constitutional Court ruled in 2016 that the entry into force of the Second Optional Protocol to the Covenant in the State party rendered any legal provision imposing the death penalty as punishment null and void. The remaining 14 death sentences are currently being commuted and the new Criminal Code is being adopted through committees of the National Assembly.

The enactment and awareness-raising of Act No. 2015-08 of 8 December 2015 on the Children's Code of Benin aims at strengthening the prevention of infanticide, which constitutes a crime under articles 339 to 341 of the Code.

In 2016, a national campaign to raise awareness of the right to life was conducted by the Government, in collaboration with civil society, and co-financed by the national budget and the United Nations Development Programme.

Committee's evaluation

[B]: The Committee appreciates the information on the Constitutional Court's ruling regarding the provisions on the death penalty being rendered null and void, the current commutation of death penalties to prison sentences and the information on the plan to adopt the new Criminal Code. In this regard, it requires further information on: (a) the progress of the adoption of the new Criminal Code and the inclusion of a provision to abolish the death penalty; and (b) the process to commute the remaining 14 death sentences referred to by the State party. While the Committee welcomes the information on actions taken to raise awareness of infanticide and the right to life, it requires specific information on stringent measures taken after the adoption of the Committee's concluding observations to punish infanticide, including information on the steps taken to initiate or continue investigations into cases of murder or attempted murder and bring the perpetrators to justice.

Paragraph 23: Prohibition of torture and impunity

The State party should adopt the new Criminal Code as soon as possible so as to expressly define and criminalize torture in line with article 7 of the Covenant. It should establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of complaints of torture or ill-treatment. The State party should conduct thorough and impartial investigations into all allegations of torture and ill-treatment, including such acts committed between 1972 and 1990, and take the necessary measures in this regard.

Summary of State party's reply

The State party referred to articles 18 and 19 of the Constitution, which prohibit torture, abuse and cruel, inhuman or degrading treatment and regulate punishment of such acts. The State party stresses the fact that the cases of inhuman and degrading treatment regularly brought before the courts and the sanctions imposed on perpetrators prove that the above-mentioned provisions are enforced.

In order to define and criminalize torture, a new version of the Criminal Code is being adopted, while some provisions of Act No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure already represent progress in ensuring respect for criminal justice and the fight against torture.

Committee's evaluation

[B]: The Committee welcomes that the new Criminal Code defines and criminalizes acts of torture and ill-treatment. It requires information on whether the definition of torture in the new Criminal Code is into conformity with article 7 of the Covenant, including whether torture is punished with sanctions that are commensurate with the nature and gravity of the crime.

[C]: The Committee regrets that the State party has not provided information on the measures taken to establish a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of complaints of torture or ill-treatment. It also regrets that no specific information was provided with regard to the measures taken as a result of the investigations into the allegations of torture and ill-treatment, including such acts committed between 1972 and 1990. It requires this information along with information on the progress made on the adoption of the new Criminal Code and the compliance of the definition of torture therein with article 7 of the Covenant. The Committee reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

Next periodic report: 6 November 2019.
