



association for the prevention of torture  
association pour la prévention de la torture  
asociación para la prevención de la tortura

# Benin

Updated 20.03.2019

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## **OPCAT status**

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**OPCAT Ratification** : September 20, 2006

**UNCAT Ratification** : March 12, 1992

**NPM Designated** :

Under Consideration

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## **Information**

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## **Quick Links**

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**CAT:** [Concluding observations](#) (February 2008)

**SPT:** [Report](#) (May 2008) and [Response from the State](#) (March 2011)

**African Commission on Human and People's Rights:** [Periodic Report](#)  
(2000-2008)



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Documents relating to other UN human rights mechanisms are available [here](#)

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## OPCAT Situation

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Benin was one of the first states in Africa to ratify the OPCAT but has yet to designate an NPM.

On the 6th of December 2006, the Cabinet designated the Ministry of Justice as the leading agency for NPM establishment. The Ministry organized a national seminar, involving government and NGOs, the following year, which set out a roadmap for a new specialized institution to be created and designated as NPM. At the same time, a working group was established to take the next steps. At its first meeting in July 2007, the group discussed a preliminary draft law and presented it to the Ministry of Justice. This law foresaw the establishment of a “National Observatory for the Prevention of Torture” and was finalized by the inter-ministerial Commission on Legislation during a 2008 workshop organised by the Ministry of Justice and the APT. The process was halted the following year, however, when the Cabinet rejected the draft law.

Following a joint APT and African Commission seminar in 2009, the possibility of including independent detention visits in the draft criminal code was discussed. In March 2012 the new Code of Criminal Procedure was adopted by Parliament (Law n°2012-15) and entered into force following its publication in the Official Gazette on 29 May 2013. Its Article 808 paragraph 2 provides for visits to places of deprivation of liberty by external monitoring bodies. In 2014, during a meeting on NPMs in Francophone Africa organised by the SPT and the OIF, the government of Benin declared that there was a consensus in the country around creating an NPM through a Presidential Decree implementing paragraph 2 of the Code of Criminal Procedure. However, this decree is still pending.

The Subcommittee on Prevention of Torture visited Benin in 2007.

The SPT member who is the SPT Focal Point for Benin is available [here](#).