



COMMUNIQUE OF THE MISSION OF THE ROBBERN ISLANDS GUIDELINES FOLLOW UP COMMITTEE TO THE REPUBLIC OF BENIN, UNDER THE CHAIRMANSHIP OF HONOURABLE CATHERINE DUPE ATOKI

A promotional mission of the Follow up Committee on the Implementation of the Robben Island Guidelines (RIG); a Working Group of the African Commission on Human and Peoples' Rights (ACHPR); took place from 21-23 October, 2009.

Members of the Delegation comprised:

1. Mrs. Dupe Atoki, Chairperson of the RIG Committee
2. M. Jean Baptiste Niyizurugero, Vice-Chairperson of the RIG Committee
3. M. Malick Sow, Member of the RIG Committee
4. Mme Hannah Forster, Member of the RIG Committee
5. Mr. Sheikh Tijan Hydara, Legal Counsel, ACHPR Secretariat
6. Mr. Hans Draminsky Petersen, Member of the United Nations Sub-Committee for the Prevention of Torture (SPT), member of the delegation as a Resource Person

The African Commission on Human and Peoples' Rights (ACHPR) is an African intergovernmental human rights mechanism created by the African Charter on Human and Peoples' Rights (the Charter). The ACHPR has the mandate of guaranteeing the promotion and protection of human rights on the African Continent. Towards this end, it collaborates with several actors including African governmental Institutions, International Organizations and NGOs.

Under Article 45 of the Charter, the ACHPR is mandated, inter alia, to formulate and lay down principles and rules to serve as a basis for the adoption of legal texts by the African Governments, allowing the resolution of legal problems relative to the enjoyment of human and peoples' rights and fundamental freedoms. It is in this context that, in collaboration with the Association for the Prevention of Torture (APT – Geneva) it drafted and adopted, in October 2002, the Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa, in conformity with Article 5 of the Charter. For greater effectiveness of these Guidelines, the ACHPR also set up a monitoring Committee responsible for promoting their effective implementation. The Robben Island Guidelines Follow-up Committee (RIG Committee) is currently chaired by Commissioner Dupe Atoki.

During the 45th Session of the ACHPR which was held from 13 to 27 May 2009 in Banjul, The Gambia, the delegation of the Republic of Benin invited the Chairperson of the RIG Committee to carry out a promotional mission to the Republic of Benin. The ACHPR is therefore proposing the dates of the 21st to 23rd October 2009 to the Republic of Benin for the said mission.

The general objectives of the Mission are -

- To promote the implementation of the Robben Island Guidelines and to contribute to the prevention of torture and other cruel, inhuman or degrading treatment or punishment in Benin.
- To initiate constructive dialogue with the Beninese Authorities for the improved prevention of torture and the effective implementation of relevant regional and international standards.

Whereas the specific objectives are:

- To meet the Beninese Authorities so as to hold discussions on Government policies relating to protection and promotion of human rights and the prevention of torture and other cruel, inhuman or degrading treatment or punishment, in particular.
- To examine the measures taken by the Government of Benin in the area of prevention of torture and other cruel, inhuman or degrading treatment or punishment including those related to the implementation of recommendations formulated by the various Treaty Bodies such as the ACHPR.
- To examine the state of progress on the adoption of the law on the national preventive mechanism (NPM) provided for by the Optional Protocol to the United Nations Convention against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT)
- To examine the progress relating to the reform of the Penal Code and the Criminal Procedure Code in order to harmonize them with international standards as it has been recommended by the various Treaty Bodies including the United Nations Committee against Torture (CAT)
- To examine the technical assistance that can be provided for Benin by the RIG Committee and other partners for better prevention of torture and other cruel, inhuman or degrading treatment or punishment
- To organize, in collaboration with the Ministry of Justice and its partner APT, a one-day seminar on the prevention of torture and the Robben Island Guidelines.
- Visit a place of detention

During the said period, the Members of the Delegation were received by the Hon. Victor Toupanou, Attorney General, Minister of Justice, Legislation and Human Rights.

A seminar was organised by the Delegation in collaboration with the Ministry of Justice; at which over 30 representatives from The Ministry of Justice, the National Assembly (Bureau and Laws Commission), Supreme Court, The Police, Gendarmerie, Prison Services, Members of the Media, and Human Rights NGOs participated. A visit was also carried out to the Benin prison at Porto Novo.

The Mission has proposed to the Republic of Benin to review and promulgate laws that would enhance the prohibition and prevention of torture, namely the legislation on the establishment of the National Preventive Mechanism as well as the reform of the Penal Code. Consequently, it was noted, that much progress has been made in the formulation of the Penal Code as well as its Rules of Procedure. The Parliament is encouraged to hasten the consideration of this vital document which will enhance the control and criminalisation of torture in Benin.

Madam Catherine Dupe Atoki, Chairperson of the Committee on behalf of the whole Delegation, sincerely extends her appreciation and that of the Delegation to the Government

and People of Benin for the warmly hospitality and looks forward to collaboration between the African Commission and the Republic of Benin.

DONE IN BENIN 23 October, 2009