

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/BEN/CO/2)

BENIN

(...)

C. Principal subjects concerns and recommendations

(...)

Non-refoulement

11. The Committee is concerned at the lack of a legislative framework regulating expulsion, refoulement and extradition. In addition, the Committee is particularly concerned at the fact that the State party's current expulsion, refoulement and extradition procedures and practices may expose individuals to the risk of torture (arts. 3 and 8).

The State party should adopt a legislative framework regulating expulsion, refoulement and extradition in fulfilment of its obligation under article 3 of the Convention. The State party should also take urgent measures to bring current expulsion, refoulement and extradition procedures and practices fully into line with article 3 of the Convention, in particular:

- (a) Article 21 of the draft Criminal Code should be amended to include the "danger of being subjected to torture" as one of the grounds for the refusal of extradition, as required by article 3 of the Convention;**
- (b) The expulsion, refoulement and extradition of individuals, including undocumented individuals, should be decided by a court after careful assessment of the risk of torture in each case and should be subject to appeal with suspensive effect;**
- (c) The terms of judicial cooperation agreements signed with neighbouring countries should be revised so as to ensure that the transfer of detainees to another signatory State is carried out under a judicial procedure and in strict compliance with article 3 of the Convention.**

(...)

18. While taking note of the efforts made by the State party to improve prison conditions, the Committee remains deeply concerned about living conditions in detention facilities. The Committee has received reports of overcrowding, corruption of prison officials by detainees, lack of hygiene and adequate food, prevalence of

disease and lack of adequate health care. The Committee has also received reports that minors are not kept completely separate from adults and that accused persons are not kept separate from convicted persons (arts. 11 and 16).

Without waiting for the national prevention mechanism to be established, the State party should take urgent measures to bring conditions in detention centres into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners. The State party should allocate all the material, human and budgetary resources necessary for this purpose and give priority to:

- (a) Reducing overcrowding and the high number of prisoners in pretrial detention;**
- (b) Improving food and health care provision for detainees;**
- (c) Reorganizing prisons so that accused persons are detained separately from convicted persons and improving conditions of detention of minors, ensuring that they are detained separately from adults in all circumstances;**
- (d) Appropriate measures to put a definitive end to alleged corruption and ransom demands in prisons;**
- (e) Strengthening judicial supervision of conditions of detention.**

(...)

33. The Committee takes note of the undertaking given by the State party's delegation to implement the Committee's recommendations and requests the State party to provide, within one year, information on action taken in response to the Committee's recommendations on the necessary review of the draft Criminal Code and the draft Code of Criminal procedure and on the recommendations contained in paragraphs 11 and 18 above.

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(...)
