

EXECUTIVE SUMMARY

Access to justice and State of Right in Benin

The present survey, entitled "Access to justice and State of Right" aims at carrying out a reflexion to support the dialogue between multiple stakeholders, in order to seek possible solutions on this theme. To achieve this goal, the methodological approach adopted consisted in carrying out a documentary review, conducting interviews with the target groups, the resources persons and the auxiliaries of justice by means of guidebooks. The analysis of the results obtained reveals that:

1. Since the Conference of the "Forces Vives de la Nation" of February 1990, the Republic of Benin resolutely committed to the building of a State of Right which could fulfil the democratic requirements. Thus, in November 1996, the Government organized a conference called "Etats Généraux de la justice". The conclusions of this "Etats généraux", are taken into account in the letter of sectorial policy of justice. In October 1998, was organized an important seminar entitled "Organization of justice and methodology", on the reinforcement of the capacities of justice actors, fitting in the right line of the "Etats Généraux de la Justice". In 2000, the Ministry in charge of justice initiated a sectorial study which led to the development of the Integrated Program of Reinforcement of the Legal System (PIRSJJ), together with a decennial action plan. In 2002 a new law intervened on the organization of justice in Benin. In 2006, the Project of Support to the Sector of the Justice which is an initiative of the Bénino-Belgian co-operation aimed at contributing to the introduction of a qualitative, effective, credible and accessible justice close to the populations, in the departments of Atacora, Donga, Mono and Couffo regarded as less jurisdictional. These creditable initiatives however were not followed by suitability in human and financial resources. The consequence is that justice in Benin is always badly perceived by the citizens. This bad perception is extended to the majority of the auxiliaries of justice.
2. Ignorance. The illiteracy of the large majority of the Beninese constitutes a serious obstacle to the access to justice. How is it possible for Benin to be a

truly democratic country if the majority of its citizens and particularly the poor are not able to take advantage of their rights because of their ignorance, their financial and intellectual poverty, with justice not yet entirely free in Benin and jurisdictional assistance not yet effective in all matters?

3. In practice, in spite of the enforcement of the Law 2001-37 of bearing 27 August 2002 organization of the legal system in Republic of the Benin which envisages the installation of 28 courts of first authority, only 08 courts are operational indeed; the distribution of the auxiliaries of justice in particular lawyers and bailiffs on all over the country is very unequal and so it does not facilitate the access of the poor to justice and consequently, the rooting of the state of right .If the recent creation of the Courts of Appeal of Parakou and Abomey is to be welcomed, it should be highlighted that this political good-will does not meet so far yet the expectations of the populations, with regard to accessibility with the jurisdictions of first degree and the costs which induces a legal lawsuit.
4. The fact that justice does not use a language mainly spoken by the justiciable remains a source of incomprehension and suspicion of all kinds: justice of the rich person, negotiated decisions, possibility of corrupting the judges. Better, the legal structure and its operation are not familiar with the concerned. It results from this incomprehension, frustrations, and feelings of disaffection, popular mob and the development of other forms of conflict settlement.
5. The request for a geographically, linguistically accessible justice, without technical complication and financially affordable is formulated more and more by the Beninese. In the current context of the experimentation of the decentralization which essential objective aims at bringing the administration closer to stake holders, it appears paramount that Beninese justice and the people who animate it are closer to the major expectations of focus groups at grassroots' level.
 - a) Taking into consideration these reports, the following recommendations were made: -To widely disseminate the social mission of lawyer in the framework of the access of the poor to justice

- b) To grant tax exemptions for the first three (03) years regarding setting up of justice auxiliaries in the areas of low legal density
- c) To support the alternative modes of the conflicts settlement
- d) To consider the establishment of information centres and access to right;
- e) To set up a Fund for assistance and access to justice
- f) To popularize the costs of justice acts and emoluments of the auxiliaries of justice
- g) To encourage the empowerment of other professionals or legal structures for the legal framing of the populations.

Presented by

Cabinet Afrique Conseil.

Avenue Van Vollen Hoven – Carré N° 163 BP 919 COTONOU Rép du Bénin.

Tél : (229) 21 31 39 75 Fax : 21 31 71 00

Email : courrier@afriqueconseil.com / afrique.conseil@intnet.bj