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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Benin**

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction.....	1–5	4
New developments.....	6–109	4
I. Normative and institutional framework for the promotion and protection of human rights.....	6–31	4
A. Constitution of 11 December 1990.....	6	4
B. Domestic legislation.....	7–9	5
C. National case law.....	10–11	6
D. General policy measures.....	12–21	6
E. Human rights infrastructure.....	22–28	7
F. Scope of international obligations.....	29–31	7
II. Promotion and protection of human rights on the ground: compliance with international obligations.....	32–64	8
A. Principle of non-discrimination and equality of all before the law.....	32	8
B. Right to life, liberty, security and physical integrity of the person.....	33–34	8
C. Right to a fair trial.....	35–37	8
D. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment.....	38–42	9
E. Right to freedom of the press, expression and association.....	43–45	9
F. Right to an adequate standard of living.....	46–49	9
G. Right to work, social security and trade union freedoms.....	50–51	10
H. Right to education and culture.....	52–54	10
I. Right to health.....	55–56	10
J. Right to housing and a healthy environment.....	57	11
K. Rights of women and children, and protection for families, the elderly and persons with disabilities.....	58–64	11
III. Follow-up on the previous review.....	65–93	12
A. Cooperation with special procedures of the Council (recommendations 1 and 20).....	65	12
B. Human rights infrastructure (recommendation 2).....	66–67	12
C. Promotion and protection of the rights of women (recommendations 3, 4, 5, 18 and 21).....	68–71	12
D. Protection of the rights of the child (recommendations 11 and 19).....	72–73	13
E. Abolition of the death penalty (recommendations 7 and 8).....	74	13
F. Prevention and prohibition of torture (recommendations 9, 10 and 12–17)...	75–83	13
G. Right to education (recommendations 22, 24 and 25).....	84–85	14

H.	Access to justice (recommendation 23).....	86–87	14
I.	Adequate standard of living (recommendations 26–30).....	88–89	15
J.	Rights of vulnerable persons and persons with disabilities (recommendations 31 and 32) .....	90–91	15
K.	Human rights, sexual orientation and gender identity (recommendation 6) ...	92	15
L.	International cooperation and technical assistance (recommendations 33 and 34).....	93	15
IV.	Progress in and obstacles to the implementation of recommendations and the improvement of the human rights situation in Benin .....	94–100	16
A.	Progress and best practices .....	94–98	16
B.	Difficulties in implementing recommendations .....	99–100	16
V.	Measures taken and challenges to overcome to improve the human rights situation on the ground.....	101–107	16
A.	Measures adopted by the Government .....	101–106	16
B.	Challenges to overcome.....	107	17
VI.	Outlook .....	108	17
VII.	Conclusion .....	109	17

## **Introduction**

1. This report has been prepared pursuant to General Assembly resolution 60/251 of 15 March 2006, the Human Rights Council resolutions of 18 June 2007 on the establishment of institutions, resolution 16/21 of 25 March 2011 on the review of the work and functioning of the Council, and decision 17/119 of 17 June 2011 on the order in which States shall be reviewed during the second cycle of the universal periodic review. The report has been prepared in accordance with the general guidelines for the preparation of information under the universal periodic review.

## **Methodology and consultation process**

2. The second report of Benin is due in October 2012.
3. The report is the result of an inclusive national consultation process in which State bodies and representatives of civil society, supported by specialized agencies of the United Nations, contributed to the data-collection process coordinated by the Human Rights Directorate of the Ministry of Justice, Legislation and Human Rights. This process entailed:
  - Evaluating the implementation of the recommendations from the previous review
  - Organizing a meeting of all stakeholders to begin drafting the second national report under the universal periodic review
  - Conducting sectoral consultations at the ministerial level to identify new developments
  - Contracting a consultant to collect data and prepare a preliminary draft report
4. This report was reviewed by a committee of experts before it was approved by the National Committee on the Implementation of International Instruments, which has been expanded to include the members of the National Advisory Council for Human Rights.
5. This report will make it possible to take stock of new developments in the normative and institutional framework for the promotion and protection of human rights, describe the follow-up on the previous review, and report on progress achieved, best practices, challenges, and initiatives to improve the human rights situation on the ground.

## **New developments**

### **I. Normative and institutional framework for the promotion and protection of human rights**

#### **A. Constitution of 11 December 1990**

6. There are plans to conduct a review of the Constitution. A team of high-level jurists with proven expertise in constitutional law and human rights, appointed by the Head of State, has reviewed the original text of the Constitution. The provisions contained in the report submitted by these experts in 2008 are consistent with international standards, recommendations made by United Nations treaty bodies and the African Union, and guidelines from regional organizations such as the West African Economic and Monetary Union (WAEMU). These provisions call for, inter alia, the abolition of the death penalty

and the establishment of a Court of Audit. Consideration of the draft text, which was included in the agenda for the first special session of the National Assembly that opened on 19 March 2012, has been deferred.

## **B. Domestic legislation**

7. Benin has strengthened its arsenal of legal provisions by adopting the following:
  - Act No. 2011-11 of 25 August 2011 authorizing the country's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
  - Act No. 2008-07 of 28 February 2011 on the Code of Civil, Commercial, Social, Administrative and Accounting Procedure, which entered into force on 1 March 2012
  - Act No. 2011-20 of 10 October 2011 on corruption, money-laundering, and illicit enrichment
  - Act No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women
  - Act No. 2012-15 of 30 March 2012 on the Code of Criminal Procedure of the Republic of Benin
  - Act No. 2011-15 of 23 August 2011 authorizing the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa
  - Act No. 2011-17 of 23 August 2011 on ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol
  - Act No. 2011-18 of 25 August 2011 on ratification of the African Charter on Democracy, Elections and Governance
8. As to regulatory texts, the decrees implementing Act No. 2006-04 of 10 April 2006 on conditions for the displacement of minors and the suppression of child trafficking in Benin have been adopted and include the following:
  - Decree No. 2009-694 of 31 December 2009 on special conditions for entry into Benin for foreign children
  - Decree No. 2009-695 of 31 December 2009 on conditions for issuing administrative authorization for the displacement of children within the territory of Benin
  - Decree No. 2009-696 of 31 December 2009 on conditions for issuing administrative authorization for the exit of children from the territory of Benin
  - Decree No. 2011-029 of 31 January 2011 enumerating the jobs considered as hazardous work for children in Benin
  - Decree No. 2011-710 of 21 October 2011 on accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
9. The draft children's code and the bill on gender parity and the participation of women are currently before the National Assembly.

### **C. National case law**

10. The decisions rendered by the courts and tribunals contribute to the promotion and protection of human rights. The courts and tribunals also apply international legal instruments.

11. In a leading case in 2009, the Constitutional Court found the offence of female adultery discriminatory. Since then, women are no longer prosecuted for this offence.

### **D. General policy measures**

12. These measures address poverty reduction, good governance, the promotion and protection of all human rights, including the right to development, and free and transparent elections. In February 2012 the Head of State signed the Good Governance Charter to strengthen governance in Benin. In 2011 Benin held presidential elections using permanent computerized voter lists.

13. Benin is committed to combating poverty through the Poverty Reduction Strategy Paper and the Growth Strategy for Poverty Reduction, which are renewed every three years and together constitute the benchmark for national policies and support from all technical and financial partners with a view to:

- Reducing poverty
- Improving access to infrastructure and basic social services
- Enhancing economic growth
- Promoting gender equality and the empowerment of women and ensuring sustainable human development

14. The strategic priorities set out in these documents will make it possible to achieve the Millennium Development Goals.

15. The third edition of the Growth Strategy for Poverty Reduction, covering the period 2011–2014, includes measures to promote the survival, education and protection of children, equal access to quality social services, the reduction of maternal and neonatal mortality, and feeding strategies for infants and young children within an HIV/AIDS context. A national strategy for wastewater treatment in urban areas and a national environmental management programme are also planned.

16. The State has decreed that, as from 1 April 2009, caesarean sections shall be performed free of charge and has provided health teams with appropriate equipment.

17. In addition to free public education at the pre-primary and primary levels, the State also provides free secondary education for girls up to the second year.

18. The State has continued its microcredit programme for the very poor sectors of society, which helps the most vulnerable women to engage in income-generating activities.

19. Benin has a national gender promotion policy to correct gender imbalances and achieve equity and equality between men and women by 2025.

20. The Government has developed a national policy for the protection and integration of persons with disabilities.

21. The Government, through the Ministry of Family Affairs, has launched a programme to help persons with disabilities take care of themselves within and with the

help of the community. The Ministry is implementing a national strategy on access to basic social services for persons with disabilities by 2016.

## **E. Human rights infrastructure**

22. The institutional framework has been strengthened by the establishment of human rights organizations and bodies.

23. Benin has adopted Act No. 2009-22 of 11 August 2009 establishing the Ombudsman, who under article 8 of the Act receives complaints from the public about the operation of the central State authorities, local government and public institutions, and studies the complaints with a view to offering fair solutions. He or she makes suggestions to the Head of State regarding the smooth operation and efficiency of public services, and generally helps improve the rule of law and public administration.

24. Under article 9 of the Act, the Ombudsman may, at the request of the President of the Republic, the Government, or members of any other State institution, participate in any conciliation activity between the Government and social or professional parties. The President of the Republic may also entrust the Ombudsman with particular peace and reconciliation missions at the national, regional or international level.

25. The High Commissioner for Consultative Governance and the High Commissioner for National Solidarity have also been established.

26. The National Council for the Promotion of Gender Equity and Equality, under the responsibility of the Head of State, has been established to strengthen the institutionalization of gender at all levels.

27. The National Institute for the Advancement of Women was established and inaugurated by the Head of State on 9 March 2009.

28. Act No. 89-004 of 12 May 1989 establishing the Benin Human Rights Commission was reviewed and a new bill has been prepared in accordance with the Paris Principles to bring it in line with international standards. The procedure for adopting the bill into law is under way.

## **F. Scope of international obligations**

29. Benin has continued the process of incorporating into its domestic legal order the regional and international human rights treaties to which it is a party.

30. Most of the recommendations made by treaty bodies and the provisions of the following instruments have been incorporated into the draft criminal code and the Code of Criminal Procedure:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child
- Convention on the Elimination of All Forms of Discrimination against Women
- Rome Statute of the International Criminal Court
- United Nations Convention against Corruption
- African Union Convention on Preventing and Combating Corruption

31. Benin reports regularly to the treaty bodies on the fulfilment of its obligations. Its third periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and its third periodic report on the implementation of the Convention on the Rights of the Child have been submitted and are awaiting presentation.

## **II. Promotion and protection of human rights on the ground: compliance with international obligations**

### **A. Principle of non-discrimination and equality of all before the law**

32. The Ministry of Family Affairs and other relevant State organizations are working in partnership with NGOs active in this field to publicize the laws implementing this principle, which is enshrined in the Constitution and in the international instruments to which Benin is a party. Efforts to raise awareness of measures to punish discriminatory practices have been stepped up. In 2010 the Constitutional Court found that a Government decree granting salary benefits only to certain permanent State employees was discriminatory.

### **B. Right to life, liberty, security and physical integrity of the person**

33. Benin has taken steps to abolish the death penalty. The National Assembly adopted Act No. 2011-11 of 25 August 2011 on accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and Benin acceded on 5 July 2012. The Protocol will therefore enter into force for Benin on 5 October 2012.

34. The progress made in guaranteeing these rights is reflected in the strengthening of the internal legal framework through the reform of the Criminal Code and the Code of Criminal Procedure and the adoption of specific laws.

### **C. Right to a fair trial**

35. In order to guarantee equal access to justice for all, the new courts established under Act No. 2001-37 of 27 August 2002 on the organization of the judiciary are gradually being set up and are equipped with suitable infrastructure that meets established standards.

36. The court of first instance (class 2) of Abomey-Calavi (Atlantique department) was inaugurated in 2011, and those in Allada (Atlantique), Pobè (Plateau), Savalou (Collines), Djougou (Donga) and Aplahoué (Couffo) in 2012. The State is still hiring and training judicial personnel. A total of 66 judges, 40 court clerks and some 100 officers of justice were hired and trained between 2008 and 2012. Since 2006, two intakes of 1,000 police officers each have been recruited to strengthen the criminal investigation service units throughout the country.

37. The adoption of Act No. 2008-07 of 28 February 2011, on the Code of Civil, Administrative, Commercial, Social, and Accounting Procedure, which entered into force on 1 March 2012, strengthens the national arsenal of legal provisions.



## **D. Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

38. This principle, enshrined in articles 18 and 19 of the Constitution, observed in case law and referred to in the previous report, has been incorporated into the amended draft criminal code and Code of Criminal Procedure.

39. The two codes have been reviewed and corrected in line with the recommendations of the Committee against Torture and the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

40. The codes now define torture in accordance with article 1 of the Convention, classify torture as a separate offence, and include other procedural regulations to guarantee due process.

41. Efforts are under way to establish a national torture prevention mechanism.

42. Measures are being taken and considerable efforts are being made to improve the quality of food for detainees, facilitate their access to drinking water and health care, and bring places of detention into line with international standards.

## **E. Right to freedom of the press, expression and association**

43. In order to encourage freedom of expression and freedom of the press, the State has stepped up its efforts to develop information and communication technologies. A department of information and communication technologies has been established.

44. The Audiovisual and Communication Authority, which is the body that regulates the media, guarantees and ensures the freedom and protection of the press and all the mass media in accordance with the law. It ensures that media workers comply with professional ethics and codes of conduct.

45. Professional media associations also help to uphold ethical values within corporations. The Media Ethics Observatory, for example, is responsible for defending the freedom of the press, protecting the public's right to free, complete, honest and accurate information, and ensuring journalists' safety in the performance of their duties.

## **F. Right to an adequate standard of living**

46. Poverty reduction, the empowerment of women, and access to resources for all are priorities for the Government of Benin. The Government has taken a series of measures to reduce imbalances in public finances and promote access to resources for all.

47. These measures include the following:

- The long-term outlook study "Bénin à l'Horizon 2025" (Association Professionnelle des Systèmes Financiers Décentralisés du Bénin (Alafia)). This vision of Benin emphasizes social well-being and presents Benin in 2025 as "a beacon of good governance, united and at peace, with a prosperous, competitive economy, and a force for culture and well-being".
- Programming tools: medium-term expenditure framework, programme-budget and the local development plan.
- The auditing of State organizations, the strengthening of the financial authorities, and the centralization of State resources within the Central Bank of West African States.

48. With a view to achieving shared prosperity, the State continues to build capacity among women through a programme of microcredit for the very poor and support for rural women in the form of agricultural equipment.

49. The Government, through the Ministry of Family Affairs, has provided agricultural equipment to the women of Natitingou, Ouassa-Pehunco, and Kérou in Atacora department, Tchaourou and Kika in Borgou department and Karimama in Alibori department. Women wholesale fish merchants in Sô-Ava and the women of Kpomassè in Atlantique department, and from Sè, Houèyogbé and Bopa in Mono department, have also received support.

## **G. Right to work, social security and trade union freedoms**

50. The exercise of trade union freedoms is demonstrated by the repeated public sector strikes that have on occasion brought services to a halt, notably in the justice, health, education and finance sectors. The demands are centred on improved living and working conditions.

51. With regard to social security, the Government has established a universal health insurance scheme.

## **H. Right to education and culture**

52. In order to guarantee education for all by 2015 in accordance with the Millennium Development Goals, in addition to increasing the funds allocated to the education sector, the Government is also gradually implementing free education. Support measures have been put in place to develop free public education at the pre-primary and primary levels. These include increasing the funds allocated to the education sector, building classrooms, building capacity among teachers, and acquiring teaching materials. The contribution of technical and financial partners who have mobilized fast-track funds and ordinary budget funds has made it possible to train approximately 10,000 former community teachers. In 2010, gross enrolment rates stood at 110.58 per cent, with net rates at 90.28 per cent (United Nations Children's Fund (UNICEF), Benin report 2010).

53. At the beginning of the 2010/11 school year, the Government decreed that schooling would be free of charge for girls up to their second year of secondary school. Thanks to support from UNICEF, the Government has strengthened its strategy for early childhood development at the local level by increasing the number of childcare facilities from 209 in 2009 to 266 in 2010. An alternative education option for unenrolled children or children who have dropped out of school has been developed to benefit 700,000 boys and girls. In 2009, in an effort to encourage vulnerable girls with a primary education certificate to move on to secondary school, 341 girls from 8 municipalities with low enrolment rates received psychosocial support, school supplies, and tuition or other mandatory fees (UNICEF, annual report 2010, Benin).

54. The Government, through the Ministry of Culture, is working to promote literacy among the population, especially among rural women.

## **I. Right to health**

55. The State is intensifying its efforts to promote access to health care for all through:

- The Expanded Programme of Immunization and Primary Health Care, and promotion of family health and reproductive health. Thanks to this programme, no cases of wild polio virus have been recorded since April 2009, and the elimination of

maternal tetanus has been confirmed. Immunization coverage has reached the following rates: DTP3 (diphtheria, tetanus, polio [dose 3]), 97 per cent; measles, 91 per cent. During national immunization days, 3,078,242 children under 5 years of age have been vaccinated against polio (101 per cent); 2,879,631 children 6 months to 5 years of age have received two doses of vitamin A (97 per cent), and 2,388,159 children 12 to 59 months of age have had two parasite treatments (97 per cent) (UNICEF, annual report 2010, Benin).

- The comprehensive management of childhood illnesses and monitoring of children's nutrition, which has made it possible for more than 647,356 children to access health care; and the recovery of more than 2,500 children from severe acute malnutrition.
- Health care for the poor and destitute paid for by the Health Fund for the Destitute, which provides 1 billion per year.
- Budget allocations for the Millennium Development Goals in the area of health have increased. The budget of 7.773 billion to fight malaria was increased to 9.49 billion in 2011 and will be further increased to 14.475 billion in 2015. The budget for maternal health increased from 5.242 billion in 2007 to 6.867 billion in 2011 (8.298 billion in 2015). The budget for child health increased from 20.759 billion in 2007 to 39.462 billion in 2011 (63.551 billion in 2015).

56. Caesarean sections are performed free of charge as of 1 April 2009. In addition, efforts to fight malaria include free treatment for pregnant women and children up to 5 years of age and the free distribution of insecticidal mosquito nets to households.

## **J. Right to housing and a healthy environment**

57. The Government continues to implement the measures adopted in this area. The national land policy has led to the development of a rural land plan for the whole country thanks to the Millennium Challenge Account. Water infrastructure has also been developed. As part of the national environmental management programme, the Government has developed a national strategy for the management of wastewater in urban areas. A programme is under way to build 10,000 social housing units.

## **K. Rights of women and children, and protection for families, the elderly and persons with disabilities**

58. The authorities of Benin are intensifying their awareness-raising activities to properly familiarize people with the laws adopted in these areas.

59. The Government, through the Ministry of Family Affairs, has translated and publicized the Personal and Family Code and other laws promoting the rights of women and children.

60. Through the Ministry of Justice and Human Rights, it has also identified and trained human rights facilitators in some secondary schools and in all municipalities of Alibori and Donga departments. For several years these facilitators have organized awareness-raising activities for human rights clubs in secondary schools and for community contact points in towns. There are plans to extend this activity to other departments and other target groups.

61. Also through the Ministry of Justice and Human Rights, the Government has trained members of the judiciary throughout the country in procedures for supporting victims and survivors of gender-based violence. With regard to juvenile justice, the effective implementation of alternatives to prosecution and imprisonment of minors in conflict with

the law showed convincing results in 2010, with 275 children, including 7 girls, in detention that year, compared with 362 in 2009. Nine juvenile judges were appointed and received training with the support of UNICEF.

62. On 8 March 2012 the President of the Republic officially launched the dissemination throughout the country of Act No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women.

63. In the framework of cooperation with human rights mechanisms, Benin has addressed the concerns of the following mandate holders:

- The Special Rapporteur on the independence of judges and lawyers (January 2012)
- The Special Rapporteur on trafficking in persons, especially in women and children (January 2012)
- The working group on discrimination against women of the Office of the United Nations High Commissioner for Human Rights (February 2012)
- The Special Rapporteur on the right to food (2009)

64. Benin also received visits from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in May 2008, and from the African Commission on Human and Peoples' Rights Special Rapporteur on Prisons and Conditions of Detention in 2009. It has implemented most of the recommendations made, especially those on providing access to safe drinking water and improving the food rations for detainees.

### **III. Follow-up on the previous review**

#### **A. Cooperation with special procedures of the Council (recommendations 1 and 20)**

65. Benin has cooperated with the mandate holders of the Council referred to in paragraph 59 above. Steps are being taken to formally invite the Special Rapporteur on the sale of children, child prostitution and child pornography to visit the country.

#### **B. Human rights infrastructure (recommendation 2)**

66. The Beninese authorities have reviewed the law governing the Benin Human Rights Commission to bring it in line with the Paris Principles. They also provide support, in the form of equipment and expertise, to human rights bodies and NGOs. Steps are being taken to provide them with financial support.

67. The National Commission on the Rights of the Child benefits from capacity-building from the State and technical and financial partners.

#### **C. Promotion and protection of the rights of women (recommendations 3, 4, 5, 18 and 21)**

68. The follow-up to the review was organized through the National Advisory Council for Human Rights and the National Committee on the Implementation of International Instruments, with input from all regardless of sex.

69. In partnership with national NGOs and with the support of technical and financial partners, the Government has implemented programmes and projects to combat forced marriage, inform and raise awareness of female genital mutilation, and publicize the laws on female genital mutilation, trafficking in children, sexual harassment and victim protection, as well as the Personal and Family Code and other relevant legislation.

70. Benin has adopted Act No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women. The Head of State launched the official dissemination of the Act on 8 March 2012.

71. In order to strengthen the actions of the Ministry of Family Affairs on the ground, the Ministry of Justice, through its Human Rights Directorate, periodically trains community contact points and school human rights clubs on the implementation of national and international legal instruments, as they are instrumental in raising awareness among students and the general population about harmful traditional practices.

#### **D. Protection of the rights of the child (recommendations 11 and 19)**

72. In cooperation with the relevant NGOs, the Government is intensifying its awareness-raising efforts. With regard to the particular case of so-called “witch children” from the north of Benin, steps are being taken to develop new strategies to eradicate the problem. A national forum on ritual infanticide in Benin was held in Parakou from 28 to 29 March 2012 under the sponsorship of the Ombudsman. Organized by Franciscains Bénin in partnership with UNICEF, the forum revealed that the practice is in decline though pockets of resistance remain. However, a dearth of statistics makes it impossible to measure the impact of the actions taken. In addition, representatives of State bodies, NGOs, local elected officials, and traditional and religious leaders have been included in discussions on new strategies that could be developed to eradicate the killing of “witch children” in the north of Benin, such as mechanisms to raise awareness and promote dialogue and behavioural change, efforts to persuade the main stakeholders to get involved, prevention and punishment through court action, and the active involvement of keepers of tradition and executioners.

73. The decrees implementing the child-trafficking laws have been adopted and are now being applied. Mechanisms to prevent trafficking have been strengthened, and 5,430 children, 80 per cent of whom were girls, received physical protection and psychological support in 2010.

#### **E. Abolition of the death penalty (recommendations 7 and 8)**

74. On 25 August 2011, Benin adopted Act No. 2011-11 on accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On 5 July 2012 Benin acceded to the Optional Protocol, and it will enter into force for Benin on 5 October 2012.

#### **F. Prevention and prohibition of torture (recommendations 9, 10 and 12–17)**

75. The legal framework for the national preventive mechanism has been established. A bill to establish a national observatory for the prevention of torture in Benin has been drafted as recommended by the Committee against Torture and in line with the observations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The process to establish this mechanism is under way.

76. In October 2010 the National Assembly Law Commission held a seminar for stakeholders from the judicial system (judges, lawyers) and officials of the Legislation Directorate and the Human Rights Directorate of the Ministry of Justice, with a view to bringing the draft criminal code and draft code of criminal procedure currently before parliament into line with international standards. The Code of Criminal Procedure has just been adopted. Most of the recommendations made by treaty bodies have been incorporated into this reform.

77. Articles 18 and 19 of the Constitution, prohibiting the use of torture in any proceedings and absolving all individuals and citizens of the duty to obey an order if it constitutes a serious and manifest infringement of human rights and civil liberties, are reinforced by national laws.

78. Perpetrators of acts of torture or other ill-treatment proven to have been inflicted during a judicial investigation are automatically prosecuted and subjected to criminal and disciplinary sanctions. The indictments chambers of appeals courts hand down punishments ranging from a warning to a summary discharge from the criminal investigation service. The Constitutional Court frequently finds police officers and members of the gendarmerie guilty of acts of torture and cruel, inhuman and degrading treatment, as in decisions DCC 12-095, DCC 12-112 of 10 May 2012, and DCC 12-115 of 22 May 2012.

79. Regular visits by the appropriate mechanisms to places of detention and police custody, and awareness-raising activities during capacity-building for officers of the criminal investigation service, help to prevent abuses of police custody.

80. Starting from 1 January 2010, prisoners are served two hot meals per day.

81. In addition, the Ombudsman has visited places of detention in Benin in order to see for himself the conditions of detention and make recommendations to the competent authorities.

82. In follow-up to the Ombudsman's 2011 annual report, the Head of State visited the civilian prison of Cotonou, the largest in Benin in terms of population, to see first-hand the shortcomings identified. Following that visit, appropriate instructions were issued to improve prisoners' access to drinking water, electricity and health care. Other measures are being taken to make places of detention more humane and more in line with international standards.

83. With the building of new courts, it becomes necessary to build new prisons too, in line with international standards, to bring prisoners closer to the courts.

#### **G. Right to education (recommendations 22, 24 and 25)**

84. State bodies are pursuing awareness-raising activities in cooperation with education NGOs and with the support of technical partners. The UNICEF programme, "Every girl in school" and the "Girls for girls" programme have helped to achieve better results.

85. At the beginning of the 2010/11 school year, the Government decreed that public secondary education up to the second year of secondary school would be free of charge for girls. Arrangements are being made to expand this measure to cover all grades.

#### **H. Access to justice (recommendation 23)**

86. Benin has reformed its judicial system by adopting Act No. 2001-37 of 27 August 2002 on the organization of the judiciary.

87. The Act established 2 new appeals courts which are already operational and 20 new courts of first instance which are gradually being established.

### **I. Adequate standard of living (recommendations 26–30)**

88. The Government has continued its microcredit programme for the very poor, which helps to empower the beneficiaries. Total loans granted have increased from 30,000 CFA francs to 50,000 CFA francs.

89. Benin also has a national gender promotion policy that aims to achieve equity and equality between men and women by 2025. In order to achieve this objective, four policy orientations have been identified:

- Establish measures to achieve equality between men and women in access to education, literacy and decision-making bodies
- Strengthen the institutionalization of gender at all levels and the effective implementation of national and international legal instruments
- Ensure the empowerment of women and better mainstreaming of the gender perspective in communal development programmes
- Reduce financial poverty among women and ensure their access to and equitable control of resources

### **J. Rights of vulnerable persons and persons with disabilities (recommendations 31 and 32)**

90. Efforts are still being made to improve legal protection for vulnerable persons.

91. In 2011 Benin adopted the Act on ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol. The ratification procedure is in progress. Access to buildings for persons with disabilities is gradually being ensured. Recently-built courts have special entrances to facilitate access for persons with physical disabilities.

### **K. Human rights, sexual orientation and gender identity (recommendation 6)**

92. Benin has not accepted this recommendation.

### **L. International cooperation and technical assistance (recommendations 33 and 34)**

93. Benin has signed cooperation agreements with various partners to implement poverty-reduction strategies. In December 2011, Benin applied for funding through the Special Fund provided for under article 26 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in order to implement certain recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## **IV. Progress in and obstacles to the implementation of recommendations and the development of the human rights situation in Benin**

### **A. Progress and best practices**

94. Since the previous review, Benin has made efforts to strengthen the legal and institutional framework for the promotion and protection of human rights.

95. The State has continued incorporating into its domestic legal order the international legal instruments to which it is a party. Procedures are under way to ratify other human rights treaties.

96. Best practices worth noting include familiarization of citizens with legislation and raising awareness about eradicating harmful traditional practices that infringe the rights of women and children.

97. In the area of good governance, the fight against corruption, or illicit enrichment, which was boosted by the law passed in 2011 to punish such practices, constitutes a significant step forward. All members of the Government have been involved in disseminating this law throughout the country. Provision is being made to appoint the members of the National Authority to Combat Corruption.

98. Other areas where the Government has made progress are gender equality and equity, the promotion and empowerment of women, especially in rural areas, access to health care, and the gradual introduction of free education.

### **B. Difficulties in implementing recommendations**

99. Budget constraints are hindering the effective implementation of certain recommendations.

100. Illiteracy and a lack of information, especially in rural areas, are not conducive to a proper understanding of human rights standards by all citizens. Gender-based violence also poses obstacles to the exercise of human rights.

## **V. Measures taken and challenges to overcome to improve the human rights situation on the ground**

### **A. Measures adopted by the Government**

101. In order to promote access to health care, the Government, through the Ministry of Health, launched the insecticide-treated mosquito nets campaign, the universal health insurance scheme, and free malaria treatment for mothers and children up to 5 years of age.

102. In an effort to improve performance in the health sector, on 13 March 2012 the Ministry of Health launched a programme to upgrade the national health system. This involves disseminating and publicizing two books in French, Fon and Bariba: “Guide to Standards and Best Practices” for health-care professionals and “Patient’s Guide” for patients.

103. In an effort to increase the empowerment of women, the Government has allocated more funds to the microcredit programme for the very poor.



104. In the field of education, the 10-year action plan adopted by the Ministry of Education and the Ministry of Vocational Training envisages an improved quality of education by 2015.

105. In order to promote gender equality, the Government has developed and implemented the National Policy for the Advancement of Women and Gender Equality 2009–2016 and publicized relevant laws. The Institute for Women was established and inaugurated in 2009. Counselling centres for women victims of violence have been established in 49 municipalities.

106. The institution of the Ombudsman and the gradual inauguration of the newly established courts of first instance have improved the protection of human rights on the ground.

## B. Challenges to overcome

107. These include:

- Reducing poverty and increasing the empowerment of women
- Ensuring fair distribution of resources
- Developing road infrastructure
- Developing leadership skills among rural women
- Ensuring gender equality and equity
- Reintroducing civic education at all levels of education
- Working to improve enrolment and retention in school among girls
- Improving conditions of detention and making places of detention more humane
- Establishing a national mechanism for the prevention of torture
- Speeding up adoption of the draft criminal code
- Expanding free education to cover all grades in secondary school
- Eliminating all gender-based violence and all discrimination on the grounds of sex, age, disability, political opinion, race or religion, as well as ethnocentric and regionalist discrimination
- Inaugurating all the courts of first instance established under the reform of the judicial system
- Promoting social dialogue

## VI. Outlook

108. Benin requests for international cooperation to implement the action plans developed for the promotion and protection of all human rights. It also wishes to apply for funding from the universal periodic review Voluntary Fund for Financial and Technical Assistance in order to carry out follow-up to this review.

## VII. Conclusion

109. **Since the previous review Benin has made tremendous progress in fulfilling its international commitments, but its situation as a country with limited resources poses a major obstacle to these efforts.**