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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Benin\***

The present report is a summary of seven stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Constitutional and legislative framework**

1. The World Organisation Against Torture (OMCT) recommended that the Government of Benin implement the international instruments ratified by Benin and particularly the Additional Protocol to the African Charter on Human and Peoples' Rights related to women's rights, at the national scale, by integrating them into internal legislation, and by monitoring their effective application to all citizens, without any distinction or discrimination by the judicial personal and the judicial services.<sup>2</sup>

2. Benin ratified the Rome Statute of the International Criminal Court in January 2002, as reported by Amnesty International (AI). It was AI's understanding that the draft legislation, *Avant Projet de loi portant mise en œuvre du Statut de la Cour pénale internationale au Bénin*, was currently under consideration by the Supreme Court. While the organization welcomed this development, AI was concerned in relation to a number of provisions which fall short of the international standards laid out in the Rome Statute.<sup>3</sup>

3. AI welcomed the introduction into the *Avant Projet* of a provision on universal jurisdiction over the crimes of genocide, crimes against humanity and war crimes, as set out in Article 13 of the draft legislation. However, AI was concerned that Article 13 (2) introduces a restriction on the scope of universal jurisdiction by requesting the physical presence of the person on the territory of Benin before an investigation can be opened. AI was also concerned with other provisions in the *Avant Projet* which risk restricting the full implementation of the Rome Statute: the draft legislation maintains a distinction between war crimes committed in international and non-international armed conflicts, allowing for certain acts to be defined as war crimes when they are committed in an international armed conflict, but not when committed in a non-international conflict. Furthermore, provisions included in the *Avant Projet* do not specify under which circumstances or in which cases Benin may withhold its cooperation with the Court. Such broad provisions, which seem to reflect a discretionary power, would allow national authorities to reject requests from the Court.<sup>4</sup>

4. AI recommended that Benin, as a State party to the Rome Statute, enacts the broadest jurisdiction possible under international law. This includes each State's jurisdiction under international law, and should not limit such jurisdiction to certain classes of persons. AI also recommended that the Beninese authorities enact the draft legislation implementing the Rome Statute into national law and with the necessary amendments and changes in order to bring it in line with international standards and give full implementation to the Rome Statute.<sup>5</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

5. Regarding the issue of the death penalty, AI reported that Benin is an abolitionist country in practice. According to official records, the last execution was carried out in 1987 while the last death sentence was passed *in absentia* in February 2006. Despite the reduction over the years in the number of executions and death sentences, the death penalty is still provided for in the Beninese criminal code. According to AI, in February 2007, during the closing ceremony of the Third World Congress against the Death Penalty in Paris, the Minister of Justice of Benin stated that his Government was in favour of measures towards the abolition of the death penalty; and that it was considering establishing a commission of experts (composed of lawyers, judges and others) to

define the issue and propose a draft law on the issue of the death penalty, including in view of Benin's possible ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. AI welcomed this positive development as well as Benin's vote in favour of the recently adopted United Nations General Assembly resolution calling for a moratorium on executions.<sup>6</sup>

6. AI called on the Beninese authorities to adopt a moratorium on executions with a view to permanently abolish the death penalty in the Beninese criminal code and to support the draft bill currently before the National Assembly; as well as to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.<sup>7</sup>

7. In May 2007, according to AI, members of the presidential guard killed two people and injured at least five others, when they fired at people protesting that a road remained blocked after the Head of State's car had passed. The then Public Security Minister announced that an investigation had been opened into these incidents, but to date the result of this investigation has not been made public. AI urged the Government to ensure that all incidents of excessive use of force by police authorities and special forces be promptly investigated and that those responsible are brought to justice in line with international standards.<sup>8</sup>

8. According to the International Federation of Action by Christians for the Abolition of Torture (FIACAT) and ACAT Benin, the principle of the prohibition of torture, set forth in articles 18 and 19 of the Constitution, has not been incorporated in criminal law. There is no definition of torture, nor is torture categorized as a criminal offence; no specific penalty is stipulated in the event that a public official commits such an act. The National Assembly has postponed consideration of the bill on the new criminal code from one session to the next for the past six years. Furthermore, the text under consideration would not establish torture as a stand-alone offence.<sup>9</sup> FIACAT added that the bill still provides for the death penalty, contrary to the undertakings made by the Minister of Justice at the World Congress against the Death Penalty, held from 1 to 3 February 2007 in Paris, and subsequently at the thirty-ninth session of the United Nations Committee against Torture. FIACAT stressed that it is now imperative for members of parliament to amend the text to make torture a criminal offence and to delete the provision for the death penalty.<sup>10</sup> OMCT and FIACAT recommended that the Government of Benin take urgent steps to amend its criminal law (particularly by taking the opportunity of the current bill reforming the Criminal Code) to make torture a criminal offence and to define torture in compliance with relevant international standards (notably article 1 of the United Nations Convention against Torture).<sup>11</sup>

9. Franciscans International (FI) reported that, among some peoples of northern Benin, notably the Bariba and the Peuhl, babies whose mothers die after the birth are regarded as witches. This is also true of babies who are born in the breech position or present a limb, rather than the head, during delivery. Children who cut their upper teeth first are also deemed to be witches. A baby identified by its family as a witch is seen as a malediction and a curse and as the source of all the family's past, present and future ills, both real and imagined. The family's salvation then lies in the physical elimination of the supposed witch, or at best - in cases where the child is not taken in by the church - in his or her removal, as far away as possible, to a family where he or she will be enslaved. The methods of elimination are diverse and cruel. The baby is abandoned, strangled or has its head smashed against a tree.<sup>12</sup> FI noted that, while it is difficult to give specific figures, it could reasonably be asserted that babies are killed in more than 60 per cent of cases where the mother dies after the birth. Given the high birth rate in the region, the scale of the phenomenon is a cause for concern.<sup>13</sup>

10. FI went on to state that infanticide motivated by traditional beliefs seriously undermines the effective enjoyment of children's rights as set forth in the Convention on the Rights of the Child. It recalled that the Committee on the Rights of the Child, in its concluding observations (CRC/C/BEN/CO/2 of 20 October 2006), expressed concern that "infanticide of so-called 'sorcerer's children' motivated by traditional beliefs continues to be practised in certain communities and on infants with disabilities or, for instance, children presented at birth in the breech position or children teething with the upper teeth".<sup>14</sup>

11. According to OMCT, legislation and a governmental policy should urgently be adopted to stop infanticides, notably by sensitizing the concerned parts of the population (particularly women, midwives and communities) and giving support to families.<sup>15</sup> FI recommended the establishment of a positive programme that would deal specifically with early childhood in rural areas and incorporate continuous outreach activities to make families aware of traditional beliefs that impinge on the exercise of the rights of young children, particularly the right to life; the promotion of the rights of the child among families and traditional chiefs; the setting up of a coordinated warning system at national level to enable infants whose mothers die in childbirth to be rescued and taken in; and the creation within health centres of reception units for children who are at risk of becoming victims of infanticide.<sup>16</sup>

12. OMCT noted that traditional social behaviours continue to encourage the recourse to violence within the family, schools, care and judicial institutions and in general the whole society. Children's ill-treatment is widespread and ordinary in Benin. Corporal punishment is a daily practice to educate one's child. According to OMCT, it is not completely prohibited in law, which is in breach of the recommendations made by the Committee on the Rights of the Child in its general comment No. 8 and in its last Concluding Observations on Benin.<sup>17</sup>

13. The Global Initiative to End All Corporal Punishment of Children (GIEACP) added that corporal punishment of children by parents is not prohibited by law in the home. Children have some protection from ill-treatment and neglect by parents or guardians under the Criminal Code, the Code on Persons and the Family (2004) and the Constitution (1990). Corporal punishment is prohibited in schools (structured formal education) by Circular letter No. 100/MENC (1962), but not in law. The GIEACP reported that it has been unable to ascertain whether this prohibition also applies to the traditional system of education where children are educated within the local family and community environment in accordance with current rituals and customs.<sup>18</sup>

14. OMCT recommended to expressly prohibit in law all forms of corporal punishment against children for any purpose (including education) and in all situations and settings, including at home, and to sensitise key actors (personnel working with children, parents, etc.) on the harmful effects of corporal punishment and on the value of non harmful conducts of education and child development.<sup>19</sup> GIEACP expressed similar recommendations.<sup>20</sup>

15. Beyond their daily economic exploitation, child domestic workers, also called "*vidomégon*", are frequently victims of cruel, inhuman or degrading treatment, including sexual and psychological violence by employers, as reported by OMCT. Those cases are rarely denounced and brought to court.<sup>21</sup> OMCT pointed out that it is necessary to establish a legislation that regulates this sector and properly protects children from exploitation and violence.<sup>22</sup>

16. The Association des femmes juristes du Bénin (AFJB) (Association of Women Lawyers of Benin) reported that, in 2006, Benin adopted Act No. 2006-04 to regulate the movement of minors and to organize the repression of the traffic in and sexual exploitation of children.<sup>23</sup> OMCT noted

that the new law on trafficking in children adopted in 2006 is an improvement for children, but that gaps remain. In practice, child trafficking persists in Benin but also concerns other countries from the sub-region. Transnational collaboration is needed, according to OMCT. Frequently, children are forced to carry out tasks which are beyond the normal capacity of a child and include prostitution.<sup>24</sup> OMCT recommended that the Government of Benin adopt and implement measures to make effective the 2006 law on child trafficking, and, in particular, negotiate a transnational plan of action with other concerned neighbouring countries.<sup>25</sup>

17. AFJB reported that the Constitution contains several provisions under which women are protected against all forms of inequality.<sup>26</sup> With regard to violence against women, AFJB stated that the situation of women in Beninese society, particularly their *de jure* situation, has improved somewhat in recent years. Nevertheless, Beninese women continue to be subjected to serious violations of their rights. Violence against women in all its forms - domestic violence, rape, marital rape, forced marriage, female genital mutilation, forced abortion, exploitation and discrimination in public and private life - remains a sad reality, chiefly in the north of the country and in rural areas.<sup>27</sup> AFJB added that the patriarchal social structure keeps women in the position of inferiority they have always occupied and renders them vulnerable to grave violations of their physical and psychological integrity. Although there exist laws that protect women from the various forms of abuse and other legislation is being prepared, the *de facto* situation remains a cause for concern.<sup>28</sup>

18. AFJB indicated that criminal law currently contains no provisions on domestic violence. Legislative reforms are being discussed, notably within the framework of the draft criminal code and the draft code of criminal procedure. Regarding violence against women, the National Assembly is now considering a bill tabled by its Development Policy Support Unit (CAPAN). If it is adopted - with some improvements, particularly where violence within the family is concerned - it will constitute an effective tool for protecting women against virtually all forms of violence.<sup>29</sup>

19. OMCT added that rape is strictly defined in the current Criminal Code. A broader definition must be adopted such as the one chosen in the draft criminal code. Marital rape must also be integrated in the criminal legislation in Benin, as there are numerous cases in Benin, especially in the context of forced marriages, as noted by OMCT.<sup>30</sup> AFJB and OMCT stated that there is no specific provision prohibiting the traffic in women or stipulating penalties for the perpetrators.<sup>31</sup>

20. AFJB and OMCT indicated that domestic violence is very widespread in Benin. It often begins when girls, some of whom are minors and whose parents are thus complicit, are forced into marriage, sometimes a polygamous marriage, with a man they have not chosen.<sup>32</sup> OMCT added that these cases of violence are not denounced because of cultural and social obstacles. The priorities are to ensure the training of the State agents on this problem and to open shelters for women victims of violence. In addition, the Prosecutor should be able to open a case on his own initiative (*ex officio*) in cases of domestic violence, as recommended by OMCT.<sup>33</sup>

21. Female genital mutilation (FGM) is still practised in Benin in certain villages of the Atacora area despite the existence of a law prohibiting FGM, as noted by OMCT. According to it, two problems remain. First, the definition of outlawed forms of FGM excludes from this category surgical operations performed on medical prescription which are thus allowed and leave open a

possibility to practice such interventions. Secondly, the legislation is not effectively applied and as such this practice is not denounced and those who undertake it are most of the time not prosecuted.<sup>34</sup>

22. With respect to the role of Benin's authorities, OMCT noted that although violence against women is mainly perpetrated in the private sphere, frequently the State is, directly or indirectly, liable for it. The State's failure to adopt measures to prevent and punish such practices is generally due to cultural reasons. Several cases show that the authorities are very reluctant to intervene and investigate situations where women are victims of violence within the family, of forced marriages, of FGM or of other acts seen as private affairs, according to OMCT. This maintains the general impunity which exists in cases of violence against women.<sup>35</sup> OMCT urged Benin's authorities to effectively punish perpetrators of violence against women, especially perpetrators of female genital mutilation, in conformity with the sanctions prescribed by the texts.<sup>36</sup>

23. OMCT also recommended to add to the draft criminal code provisions on the repression of domestic violence and trafficking in women and to revise the penalties in cases of violence against women; in this respect, the text of the legislative bill on violence against women should also be adequately and similarly reviewed by adding the offence of domestic violence, including domestic rape.<sup>37</sup>

24. Moreover, OMCT recommended that the authorities of Benin set up shelters for women and girls who are victims of violence or exploitation and ensure specialized training for judicial personnel and services, on amicable and judicial resolution in cases of violence against women, especially in the domestic context. If possible, special brigades composed of women who would be attentive to women in all the territory should be set up.<sup>38</sup>

25. With regard to the treatment of detainees, FIACAT, AFJB and OMCT indicated that violations of their human rights occur from the time they are taken into custody, whether by the police or the *gendarmérie*. All three organizations reported that persons in custody are subjected to torture and other ill-treatment. According to the organizations, some officers have acknowledged the existence of such practices, while noting that, in their view, they constitute one means of obtaining a confession, particularly when the inquiry reveals information that the person in custody denies.<sup>39</sup> FIACAT and OMCT recommended that the Government of Benin adopt practices consistent with the Standard Minimum Rules for the Treatment of Prisoners.<sup>40</sup>

26. OMCT added that ill-treatment that may amount to torture is also used against arrested children to obtain confessions, despite the existing minors' protection police unit (*Brigade de Protection des Mineurs*). Moreover, according to OMCT, excessive duration of police custody is not uncommon.<sup>41</sup> OMCT urged the Government of Benin to ensure that all measures are taken in order to cease all excessive use of force by law enforcement agents against individuals during arrest and police custody. The Government should introduce human rights legal safeguards and ensure their proper implementation.<sup>42</sup>

27. According to OMCT, there are also reports of cases of violence perpetrated against juvenile detainees by guards and peers.<sup>43</sup>

28. AFJB emphasized that conditions of detention in all Beninese prisons are generally quite dire. There is thus an urgent need for far-reaching reform of the prison system, so as to ensure greater respect for human rights. This was noted by the Committee against Torture and the Human Rights Committee when Benin's initial reports to those bodies were considered, in November 2001 and October 2004, respectively.<sup>44</sup>

29. AI noted that reports from national NGOs as well as from the Government itself confirm serious concerns over extremely harsh prison conditions. Overcrowding and a lack of proper sanitation and medical facilities are posing serious risks to prisoners' health.<sup>45</sup> FIACAT explained that most prisons in Benin date from the colonial era and therefore have very limited capacity. Rehabilitation work is perfunctory and is not carried out at all prisons. Buildings intended for 45 persons may hold up to 150 detainees. Thus, in July 2007, overcrowding reached 611.25 per cent at Cotonou prison and 687.5 per cent at Abomey prison.<sup>46</sup>

30. After conducting a survey of nine Beninese prisons, FIACAT denounced a series of violations of detainees' rights, including overcrowding; the cramped and dilapidated state of buildings; the high number of persons being held in pretrial detention owing, inter alia, to delays in commencing proceedings; insanitary conditions of detention and lack of hygiene; very limited access to medical care; insufficient and poor food; and lack of regular visits.<sup>47</sup> FIACAT and OMCT recommended that the Government of Benin act urgently to reduce prison overcrowding by promoting alternatives to incarceration, in particular for persons convicted of minor offences and persons held in pretrial detention for many years.<sup>48</sup>

31. AFJB reported that there are no restrictions on the right to receive visits in Beninese prisons. Detainees may receive as many visits as they wish, in strict compliance with the texts in force in this regard. However, according to AFJB, for many detainees, visits become less frequent, and sometimes cease, owing to corruption and the influence of the prison "mafia". Many relatives and friends wishing to visit detainees are stripped of their few belongings (particularly items that visitors are required to deposit during visits, mobile phones and other banned objects).<sup>49</sup> FIACAT added that visitors must pay to gain access to the visiting room. Likewise, to get back to their cell or the building in which they are being held, detainees must pass through "tollbooths". In addition, FIACAT indicated that food intended for detainees is frequently confiscated.<sup>50</sup>

32. Untried prisoners are not kept separate from convicted prisoners in most of the country's prisons, according to FIACAT. For example, in Porto-Novo, 74 per cent of detainees are in pretrial detention; in Cotonou, the figure is about 88 per cent.<sup>51</sup> Concerning the separation according to age, OMCT reported that despite the detention of juveniles in separate quarters, this separation from adults remains slight in practice: adults often enter the juveniles' quarter; juveniles regularly cross places where adults live, etc. Regarding women and girls specifically, there is no separation between them: they literally live together.<sup>52</sup> FIACAT and OMCT recommended that the Government of Benin guarantee that children and women are kept separate from adults and men, respectively, and that untried prisoners are kept separate from convicted prisoners. The Government should also ensure that female detainees are supervised only by women officers.<sup>53</sup>

33. According to FIACAT, prison administration officials have instituted abusive initiation procedures for new arrivals. FIACAT cited, by way of example, the payment of a sum referred to as "rent", which can be as much as 35,000 CFA francs (53 euros) and without which detainees are not allocated a place to sleep.<sup>54</sup>

34. FIACAT and OMCT noted that the right to food is recognized by the Constitution of Benin of 11 December 1990. However, this right is the subject of serious and constant violations: persons deprived of their liberty suffer from malnutrition and undernourishment. They receive only one insufficient meal per day. The Government allocates from its budget an amount of 290 CFA francs (0.44 euros) per inmate per day for food, and no effort is being made to improve the situation, according to FIACAT and OMCT. Judicial personnel pay no attention to violations of detainees'

right to food. Attempts by relatives to assure a minimum to detained persons are in vain owing to misappropriation of provisions and corruption, which also have the effect of discouraging such efforts.<sup>55</sup> FIACAT reported that these phenomena have assumed alarming proportions at Benin's nine prisons, especially in Porto-Novo, Cotonou and Abomey. Prison directors and supervisory staff are aware of what is occurring and sometimes take action against the perpetrators.<sup>56</sup>

35. Given the trying conditions of detention, diseases such as dermatosis, infections and psychiatric disorders, are very frequent, and detainees succumb to them regularly, according to FIACAT. FIACAT also noted that, in the event of complications or serious illnesses requiring specialized care that prison medical staff are unable to provide, detainees are sent to hospital. The State, however, pays only for the consultation; the remaining expenses are borne by prisoners or their families. In most cases, prison health centres do not have any basic drugs with which to treat detainees, other than paracetamol and sleeping tablets.<sup>57</sup> FIACAT and OMCT noted that drugs have not been supplied regularly since responsibility for health care in prisons was transferred from the Ministry of Health to the Ministry of Justice. Thus, since January 2007, none of Benin's prisons has been provided with drugs.<sup>58</sup> Concerning the treatment of women, OMCT added that care for pregnant and nursing women is inadequate.<sup>59</sup> FIACAT and OMCT recommended that the Government of Benin take measures to ensure that detainees have access to basic health care and are properly fed.<sup>60</sup>

36. OMCT also reported that corruption as well as abusive initiation procedures for new arrivals, youngest, etc. is widespread. These include different types of payments (also in kind) to obtain a place to sleep, food, to access the family during visits, etc. These practices occur among both adult and juvenile detainees.<sup>61</sup> OMCT urged the Government of Benin to ensure that the practice of bribes between detainees and between guards and detainees as well as the abusive initiation procedures as a condition to access basic rights end.<sup>62</sup>

37. OMCT further recommended that the conditions of detention be improved, more particularly by ensuring that minors, including girls, are separated from adults; that all detainees are treated with humanity, that they have access to care and benefit from basic sanitary and food necessities, with special attention given to the needs of women and children; and that all employees of the detention facilities be provided with satisfactory and effective human, material and logistic means.<sup>63</sup> AI urged the Government to put in place effective measures to ensure that prison conditions in Benin are consistent with international standards at all stages of detention.<sup>64</sup>

38. OMCT informed that there is no mechanism enabling NGOs or other independent bodies to visit regularly places of detention. In connection with the implementation of the Optional Protocol to the Convention against Torture, the Benin authorities are currently looking into establishing a national torture prevention mechanism, according to OMCT. A draft bill, submitted on 27 September 2007, is now under examination.<sup>65</sup> FIACAT and OMCT recommended that the Government of Benin establish a mechanism to visit places of detention, in accordance with its obligations under the Optional Protocol to the Convention against Torture (OPCAT). Access to places of detention by human rights NGOs should also be facilitated.<sup>66</sup>

## **2. Administration of justice and the rule of law**

39. According to FIACAT, the main causes of prison overcrowding are the dysfunctions of the judicial system and administrative delays due to the acute shortage of personnel, whether judges or otherwise, in the criminal justice system. Benin has approximately 200 judges for more



than 7 million inhabitants. FIACAT stated that each judge is required to deal with an excessive number of cases per year. Registrars sometimes sift out cases, and generally a significant number of detainees are forgotten. Moreover, in Benin, judges are not bound by any time limits for the examination of case files and the conduct of investigations. The judge alone determines what constitutes a reasonable time frame within which to consider and rule on a detainee's case. FIACAT indicated that some prisoners have been waiting 15 years for the investigation of their cases to be completed.<sup>67</sup>

40. FIACAT and OMCT recommended that the Government of Benin guarantee persons held in custody access to a doctor and to legal assistance, which should be provided free of charge for persons without means. Persons held in custody must be informed of their rights in a language they understand and have the opportunity to contact their relatives.<sup>68</sup>

41. OMCT recommended that the Government of Benin disseminate the relevant laws, international and national, to which Benin is a party, in the main national languages (about seven), and all over the territory, especially to the political and administrative authorities, mayors, and heads of neighbourhoods and villages.<sup>69</sup>

42. OMCT urged the authorities to ensure periodical training to update magistrates, judicial personnel, the directors of detention centres and the officers of the police, and to make the new laws that were voted and adopted available to them.<sup>70</sup>

### **3. Right to privacy**

43. The International Gay and Lesbian Association, ILGA-Europe, Pan African ILGA, the International Gay and Lesbian Human Rights Commission and ARC International (ILGA) stated in their joint submission that Benin maintains criminal sanctions against consensual same-sex activity. Article 88 of Benin's Penal Code of 1996 provides: "Anyone who commits an indecent act or an act against nature with an individual of the same sex will be punished by 1 to 3 years' imprisonment and a fine of 100,000 to 500,000 francs."<sup>71</sup>

### **4. Right to social security and to an adequate standard of living**

44. According to FI, the isolation of villages and farms from health centres owing to the poor condition or absence of road infrastructure, as well as the heavy weight of sociocultural beliefs and the lack of information and outreach to rural populations, who are influenced by local beliefs and attitudes, constitute obstacles to the acceptance and use of modern health-care facilities. In addition, the nomadic nature of some groups, notably pastoralists, renders access to health centres difficult. In consequence, women, including those who are pregnant, do not seek prenatal care. More than 70 per cent receive no medical assistance during their pregnancy and even during delivery, according to FI. The few pregnant women who attend prenatal check-ups do so infrequently, sometimes out of choice - they neglect to attend owing to their faith in traditional medicine and to the fact that pregnancy and childbirth have taken place without recourse to modern medicine since time immemorial - but sometimes because they are unable to attend on account of unstable weather, the burden of work in the fields or lack of transportation. More than 95 per cent of pregnant women who initially attend prenatal check-ups do not continue. This results in complications during pregnancy, and during and after delivery.<sup>72</sup>

45. FI emphasized that the problem of access to health centres, where these exist, the high rate of maternal mortality during childbirth, the persistence of traditional beliefs that demonize modern medicine and the lack of assistance for women during and after delivery prevent women in the north of Benin from exercising their rights. FI recalled that the Committee on the Elimination of Discrimination against Women, in its concluding observations on the situation of women in Benin (A/60/38, paras. 127-170, of 22 July 2005), expressed concern about the lack of access to adequate health care for women and girls, particularly in rural areas (para. 157). FI urged the Government to adopt appropriate measures to rectify this situation and, in particular, its harmful effects on the exercise of the rights of young children.<sup>73</sup>

46. With regard to women's right to health, including access to reproductive health, FI recommended the establishment of a properly staffed and funded strategic programme, backed up by a plan of action on access to the right to health, with a special focus on reproductive health. The effective participation of the populations concerned in developing the strategic programme and plan of action should be ensured. The strategic programme and plan of action should be structured around the following elements: awareness-raising efforts that recognize the role of traditional medicine while stressing the necessity of regular prenatal check-ups and the need to break with traditional beliefs that demonize modern medicine; access to services and to information on the benefits of prenatal care for the health of the mother-to-be and, in particular, the unborn child; and the enhancement of road, education and health-care infrastructure.<sup>74</sup>

### **5. Right to education and to participate in the cultural life of the community**

47. FI noted that boys were given preference where education is concerned. As a result, many children are not enrolled in school. Some go with their parents to the pasturing grounds.<sup>75</sup>

48. OMCT recommended that the Government of Benin reinforce the action of NGOs working for the promotion and the defence of women's rights by investing towards the elimination of illiteracy, the education and instruction of girls and women, notably in the northern part of the State.<sup>76</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

49. AFJB noted that the Ministry of Justice and the Ministry of the Family and Children have programmes and plans of action for the dissemination of legal texts and for combating violence against women. Training is provided for law enforcement officials. According to AFJB, seminars and workshops were organized in Porto-Novo and Parakou in September 2006 in the context of the launching of the project to disseminate the laws on female genital mutilation, sexual and reproductive health, HIV/AIDS, and the Personal and Family Code. The Ministry of the Family has implemented several projects to train and raise awareness among officials and personnel of the Ministry, as well as local relays.<sup>77</sup>

## **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

n/a

## **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

n/a

*Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

*Civil Society*

AFJB	Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008
AI	Amnesty International, London, United Kingdom, UPR submission, February 2008*
FIACAT	Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008
FI	Franciscans International, Geneva, Switzerland, UPR submission, February 2008*
GIEACP	Global Initiative to End All of Corporal Punishment of Children, London, United Kingdom, UPR submission, February 2008
ILGA	International Lesbian and Gay Association, ILGA-Europe*, Pan African ILGA, International Gay and Lesbian Human Rights Commission, ARC International, Brussels, Belgium, joint UPR submission, February 2008
OMCT	World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008*

<sup>2</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.

<sup>3</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, para. 6.

<sup>4</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, paras. 7-8.

<sup>5</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, para. 9.

<sup>6</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, paras. 1 and 4.

<sup>7</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, para. 5.

<sup>8</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, paras. 13-14.

<sup>9</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 2. See also World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 1.

<sup>10</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 2.

<sup>11</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4. See also Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 5.

<sup>12</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, para. 14. See also World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.

<sup>13</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, para. 14.

<sup>14</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, paras. 16-17.

<sup>15</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, pp. 4-5.

<sup>16</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, para. 23.

<sup>17</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.

<sup>18</sup> Global Initiative to End All of Corporal Punishment of Children, London, United Kingdom, UPR submission, February 2008, p. 2.

<sup>19</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.

- <sup>20</sup> Global Initiative to End All of Corporal Punishment of Children, London, United Kingdom, UPR submission, February 2008, p. 1.
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- <sup>22</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
- <sup>23</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 3.
- <sup>24</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
- <sup>25</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.
- <sup>26</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 2.
- <sup>27</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 2. See also World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, pp. 2-3.
- <sup>28</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 2.
- <sup>29</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 3. See also World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>30</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>31</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 3; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>32</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 3; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>33</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>34</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3.
- <sup>35</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 3. See also Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 2.
- <sup>36</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.
- <sup>37</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.
- <sup>38</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.
- <sup>39</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 2; Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 3; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 1.
- <sup>40</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 5; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
- <sup>41</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 1.
- <sup>42</sup> OMCT, World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
- <sup>43</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
- <sup>44</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 4.
- <sup>45</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, para. 10.
- <sup>46</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 3. See also World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, pp. 1-2.
- <sup>47</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 1.

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- <sup>49</sup> Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 4. See also Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 4; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
- <sup>50</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 4.
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- <sup>52</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
- <sup>53</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 5; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
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- <sup>55</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, pp. 3-4; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2. See also Association des Femmes Juristes du Bénin, Cotonou, Bénin, UPR submission, February 2008, p. 4; Amnesty International, London, United Kingdom, UPR submission, February 2008, paras. 10-12.
- <sup>56</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 4.
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- <sup>58</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 4; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
- <sup>59</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
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- <sup>61</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 2.
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- <sup>63</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.
- <sup>64</sup> Amnesty International, London, United Kingdom, UPR submission, February 2008, para. 12.
- <sup>65</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 1.
- <sup>66</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 5; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.
- <sup>67</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 3.

<sup>68</sup> Fédération internationale de l'Action des chrétiens pour l'abolition de la torture, ACAT Bénin, Paris, France / Cotonou, Bénin, joint UPR submission, February 2008, p. 5; World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 4.

<sup>69</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.

<sup>70</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.

<sup>71</sup> International Lesbian and Gay Association, Brussels, Belgium, joint UPR submission, February 2008, p. 1.

<sup>72</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, paras. 4-5.

<sup>73</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, paras. 9-11.

<sup>74</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, para. 22.

<sup>75</sup> Franciscans International, Geneva, Switzerland, UPR submission, February 2008, para. 2.

<sup>76</sup> World Organisation Against Torture, Geneva, Switzerland, UPR submission, February 2008, p. 5.

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