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resolution 16/21**

Benin

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified/not accepted</i> |
|--|---|--------------------------------|---|
| <i>Ratification, accession or succession</i> | ICERD (2001) ICESCR (1992) ICCPR (1992) CEDAW (1992) CAT (1992) OP-CAT (2006) CRC (1990) OP-CRC-AC (2005) OP-CRC-SC (2005) ICRMW (signature only, 2005) CRPD (signature only, 2008) | CPED (signature only, 2010) | ICCPR-OP 2 |
| <i>Reservations, declarations and/or understandings</i> | | | |
| <i>Complaint procedures, inquiry and urgent action³</i> | ICCPR-OP 1 art. 1 (1992) OP-CEDAW arts. 1 and 8 (signature only, 2000) OP-CRPD arts. 1 and 6 (signature only, 2008) CAT art. 20 (1992) | | ICERD art. 14 OP-ICESCR arts. 1, 10 and 11 ICCPR art. 41CAT, arts. 21 and 22 OP-CRC-IC arts. 5, 12 and 13 ICRMW arts. 76 and 77 CPED arts. 30, 31, 32 and 33 |

Other main relevant international instruments

| | <i>Status during previous cycle</i> | <i>Action after review</i> | <i>Not ratified</i> |
|---|--|--|---|
| <i>Ratification accession or succession</i> | Rome Statute of the International Criminal Court, 1951 Refugee Convention and 1967 Protocol, ⁴ Geneva Conventions of 12 August 1949 and Additional Protocols thereto, ⁵ Palermo Protocol, ⁶ ILO fundamental conventions, ⁷ UNESCO Convention against Discrimination in Education | 1954 and 1961 stateless persons Conventions ⁸ | Convention on the Prevention and Punishment of the Crime of Genocide, Additional Protocol III to 1949 Geneva Conventions, ⁹ ILO Convention No. 169, ¹⁰ ILO Convention No. 189 ¹¹ |

1. In 2008, the Committee on Economic, Social and Cultural Rights (CESCR) invited Benin to consider ratifying, inter alia, CRPD, OP-CRPD, ICRMW and ILO Convention No. 169.¹²

B. Constitutional and legislative framework

2. In 2008, CESCR recommended that Benin ensure that the Covenant rights were directly applicable in domestic courts; promote the use of the Covenant as a source of domestic law and systematically collect case law on the application of the Covenant by domestic courts.¹³

3. In 2008, the Subcommittee on Prevention of Torture (SPT) noted that, despite the efforts to incorporate the definition of torture in accordance with article 1 of CAT, there was no formal definition of torture in Beninese legislation. SPT noted that the draft Criminal Code did not contain a definition of torture and did not provide for a specific criminal offence of torture. It recommended that Benin involve non-governmental organizations (NGOs) and academic experts in the revision of the draft Criminal Code and the Code of Criminal Procedure, with a view to aligning them with CAT provisions.¹⁴ In 2011, in their replies to SPT, the Benin authorities stated that in October 2009, NGOs, academic experts and members of the judiciary were involved in the review of the Code of Criminal Procedure, which aims to bring the Code in line with CAT provisions and other international human rights instruments to which Benin was party. The Criminal Code was to undergo the same kind of review.¹⁵

4. In 2011, the International Labour Organization Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) requested the Government to take the necessary measures to include colour and national extraction in the list of prohibited grounds of discrimination in the Labour Code. In the context of a possible review of the provisions of the Labour Code, it invited the Government to reinforce the protection of workers against discrimination through the inclusion of a definition of direct and indirect discrimination and its explicit prohibition.¹⁶

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions¹⁷

| <i>National human rights institution</i> ¹⁸ | <i>Status during previous cycle</i> | <i>Status during present cycle</i> |
|--|-------------------------------------|------------------------------------|
| Commission Béninoise des Droits de l'Homme | C status (2002) | C status (2002) |

5. In 2008, CESCR noted with concern that the Benin Human Rights Commission (BHRC) had the status of a non-governmental organization and recommended strengthening its legal status and ensuring its independence and adequate funding, in accordance with the Paris Principles.¹⁹ In 2009, the Special Rapporteur on the right to food stated that BHRC was a governmental body but enjoyed a certain degree of autonomy enabling it to criticize Government policies. The Special Rapporteur added that a committee had been working on the reform of the Commission to ensure that it was in compliance with the Paris Principles: on the basis of its present methods of operation, the Commission was granted only "C" status by the International Coordinating Committee of National Human Rights Institutions. The Commission had been of very limited effectiveness, notably because it did not receive any public funding.²⁰

6. In 2008, SPT noted the drafting of legislation regarding the establishment of the Observatoire National de Prévention de la Torture (ONPT).²¹ It raised several concerns

about its membership and autonomy, and about the fact that a ministerial decree would lay down its work modalities.²² In their 2011 replies, the authorities of Benin took due note of the recommendations by SPT regarding ONPT.²³

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁴

1. Reporting status

| <i>Treaty body</i> | <i>Concluding observations included in previous review</i> | <i>Latest report submitted since previous review</i> | <i>Latest concluding observations</i> | <i>Reporting status</i> |
|--------------------|--|--|---------------------------------------|--|
| CERD | - | - | - | First to third reports overdue since 2002, 2004 and 2006 respectively |
| CESCR | May 2002 | 2006 | May 2008 | Third report overdue since 2010 |
| HR Committee | November 2004 | - | - | Second report overdue since 2008 |
| CEDAW | July 2005 | 2011 | - | Fourth report pending consideration in 2013 Fifth report overdue since 2009 |
| CAT | November 2007 | - | - | Third report overdue since 2011 |
| CRC | September 2006 | - | - | Third to fifth reports overdue since 2011 OP-CRC-AC and OP-CRC-SC: initial reports overdue since 2007 |

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

| <i>Treaty body</i> | <i>Due in</i> | <i>Subject matter</i> | <i>Submitted in</i> |
|--------------------|---------------|---|---------------------|
| HR Committee | 2005 | Female genital mutilation; abuse of the system of police custody, torture and cruel, inhuman or degrading treatment; and conditions of detention. | - |
| CAT | 2008 | Expulsion, non-refoulement and extradition; and conditions of detention. | - |
| CEDAW | - | - | - |
| CERD | - | - | - |

Views

| <i>Treaty body</i> | <i>Number of views</i> | <i>Status</i> |
|--------------------|------------------------|---------------|
| - | - | - |

Country visits and/or inquiries by treaty bodies

| <i>Treaty body</i> | <i>Date</i> | <i>Subject matter</i> |
|--------------------|-------------|--|
| SPT | May 2008 | Progress on the national preventive mechanism and situation of people deprived of their liberty. |

B. Cooperation with special procedures²⁵

| | <i>Status during previous cycle</i> | <i>Current status</i> |
|---|---|--|
| <i>Standing invitation</i> | No | No |
| <i>Visits undertaken</i> | | Right to Food (11–20 March 2009) ²⁶ |
| <i>Visits agreed to in principle</i> | | |
| <i>Visits requested</i> | | |
| <i>Responses to letters of allegations and urgent appeals</i> | During the period under review, no communication was sent | |

C. Cooperation with the Office of the High Commissioner for Human Rights

7. Since its opening in 2008, the OHCHR West Africa Regional Office (WARO) in Dakar has provided substantive support to Benin.²⁷ In 2009, Government representatives of Benin received two training courses on State Party reporting to the treaty bodies and on ICRMW organized by the Office in collaboration with the Organisation Internationale de la Francophonie.²⁸ In 2010, OHCHR provided legal and technical advice to Benin on the strengthening of BHRC in line with the Paris principles.²⁹ WARO also supported Benin in helping the country in the preparation of the UPR Working Group review.³⁰

8. In 2011, OHCHR provided technical expertise in developing national action plans against racial discrimination for Benin.³¹ In addition, judges, lawyers and other justice administration professionals took part in a seminar organized by OHCHR and the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the human rights of migrants. During this seminar, Benin committed to raising awareness about the justiciability of economic, social and cultural rights; encouraging the application of international human rights norms and standards in national jurisdictions; and promoting the inclusion of international human rights standards, together with national, regional and international jurisprudence on human rights, in the curricula of academic institutions and judicial education programmes.³²

III. Implementation of international human rights obligations

A. Equality and non-discrimination

9. Despite the legislative measures adopted by Benin to promote equality between men and women, CESCR was concerned at the persistence of stereotyped traditions and attitudes with an adverse effect on women's equal enjoyment of economic, social and cultural rights. It invited Benin to overcome stereotyped traditions and attitudes with respect to women and their role in society.³³ On the same issue, the ILO Committee of Experts recalled the importance of ensuring that women are not subject to discrimination in access to certain occupations and of combating stereotyped conceptions of the skills of women and their role in society with a view to implementing the principle of equality between men and women.³⁴

10. CESCR was also concerned that children born out of wedlock had the same rights and obligations as "legitimate children" only if they were recognized by their father and under certain conditions relating to inheritance rights. It invited Benin to consider amending the Personal and Family Code with a view to guaranteeing full equality between children

born in and out of wedlock and to remove the phrase “legitimate children” from legal language.³⁵

B. Right to life, liberty and security of the person

11. In 2008, SPT recommended that all death sentences be commuted to sentences of life imprisonment so that there was a possibility of review and eventual release.³⁶ It also recommended providing adequate detention conditions for prisoners on death row and reviewing the regime and restrictions applied to them.³⁷

12. SPT noted allegations of physical ill-treatment by police or gendarmes of people deprived of their liberty.³⁸ It recommended not allowing on police premises any item which was not part of the standard equipment supplied to law enforcement officers; listing, labelling and securing all items taken as evidence immediately upon receipt at law enforcement premises; putting in place an effective, confidential and independent complaints system regarding torture or other cruel, inhuman or degrading treatment during detention; and investigating, notifying and recording every death in custody.³⁹ It particularly recommended an independent inquiry into the treatment of persons in custody at the police station in Dantokpa and the Commissariat in Bohicon.⁴⁰ In their 2011 replies, the authorities of Benin stated that the Human Rights Department of the Ministry of Justice was instructed to conduct the investigation into the Bohicon Gendarmerie Unit and reported on the recommendations on guaranteeing access to water for persons held in custody by the Unit.⁴¹ The authorities of Benin added that there had been no deaths in custody caused by ill-treatment nor allegations of ill-treatment by gendarmes.⁴²

13. SPT and also CESCR were concerned about the deplorable prison conditions and overcrowding.⁴³ Regarding overcrowding, both made similar recommendations, such as adopting a concerted strategy to reduce the prison population by focusing on alternatives to custodial measures, for example using non-custodial measures for children, conditional releases, the *régime de semi-liberté* and releases on licence/parole; imposing community penalties, reparation and restitution; and observing legal deadlines while dealing with cases.⁴⁴ Regarding material conditions in prisons, both made similar recommendations on specific measures to ensure that all persons deprived of their liberty received adequate food, drinking water, access to sanitation facilities, daily outdoor exercise, a clean place to stay, health care, education and other activities.⁴⁵

14. SPT noted the system of self-management inside the Benin prison system and recommended that this be subject to careful oversight in order to prevent abuse and/or corruption; assume control of the prisons to ensure safety and protection from inter-prisoner violence; and develop a policy on managing inter-prisoner violence.⁴⁶

15. SPT recommended Benin to take several measures aimed at guaranteeing the rights of persons deprived of their liberty, such as the right to notify the family, right of notification of custody, right to public defence counsel, right of access to a lawyer and to a doctor and right to receive family visits; and to train staff accordingly.⁴⁷ SPT particularly noted that there was no systematic practice of informing persons deprived of their liberty about their rights, recommending amendment of the legislation to spell out the rights of persons deprived of liberty; and training law enforcement staff to inform persons of their rights and to assist in the exercise of all such rights from the very outset of deprivation of liberty.⁴⁸

16. SPT recommended that the provision in law of a maximum of 48 hours in initial custody before presentation before a court be matched by a system of court sessions enabling this legal time limit to be complied with in practice.⁴⁹

17. SPT noted that 81 per cent of the prison population in Benin were in custodial remand and could be detained together with sentenced prisoners in the same prisons. It recommended setting up a permanent system for regular review of the time served on remand by prisoners.⁵⁰

18. SPT reminded Benin that persons deprived of their liberty by law enforcement officials should not be subject to restraint while in custody and disciplinary cells. It recommended discontinuing the use of shackles, chains and irons, and developing a special programme for the training of all custodial staff.⁵¹

19. SPT noted that the practice of keeping records concerning initial custody and deprivation of liberty varied considerably among locations and that sometimes there was no official record of their custody. It recommended developing a standardized and unified record for registering contemporaneously and comprehensively all information about every individual's deprivation of liberty; training the staff to use this appropriately and consistently; and ensuring that there was an official and detailed record of the details of deprivation of liberty of all persons, regardless of their legal status.⁵²

20. SPT recommended investigating complaints against the police and the gendarmerie by independent bodies; and that law enforcement services introduce an internal system of regular monitoring of initial custody covering both legal aspects and material conditions of detention.⁵³ It also recommended that all disciplinary procedures be authorized and implemented by the prison administration through duly established and recorded disciplinary procedures, about which all detainees should be informed.⁵⁴

21. In their 2011 replies, the authorities of Benin welcomed the recommendations on deprivation of liberty by the police and gendarmerie and all other recommendations by SPT. They stated their willingness to work with the State agencies involved with a view to the implementation of these recommendations.⁵⁵ They also stated that they welcomed the cooperation with SPT, which had made it possible to improve prison conditions and ensure better protection of persons deprived of their liberty. However, they regretted the virtual non-existence of a database to enhance the visibility of preventive action and therefore requested the support of SPT in this matter.⁵⁶

22. CESCR was concerned at the persistence of domestic violence, including marital rape, particularly in the context of forced marriages; the lack of any provision specifically making domestic violence a criminal offence; and about the reluctance of victims to file complaints and of judges, prosecutors and police officers to intervene under the existing provisions of criminal law. It urged Benin to adopt criminal law provisions referring explicitly to domestic violence and marital rape as offences and providing for protection orders; ensure that judges, prosecutors and police officers undergo training in the application of criminal law provisions; establish victim assistance programmes; and raise the level of public awareness.⁵⁷

23. CESCR continued to be concerned that, despite the efforts of Benin to combat female genital mutilation (FGM), such as the adoption of Act No. 2003-03 (2003) and Act No. 2003-04 (2003) criminalizing the practice and prohibiting all forms of violence against women and sexual abuse of the human person, FGM persisted in certain regions and the law criminalizing it and the law on sexual and reproductive health had not been enforced. It recommended providing training for judges, prosecutors and police officers on the strict enforcement of both laws; conducting awareness-raising campaigns to combat and eradicate this traditional practice; and strengthening programmes providing assistance to victims and reorientation and financial support to practitioners of excision who halted their activities. It also requested information on the measures taken and on updated, disaggregated data about the number of reported cases of excision, convictions and penalties imposed on the persons responsible.⁵⁸

24. CESCR was concerned at the killings of so-called “witch children”, including infants with disabilities or whose mothers had died following childbirth, motivated by traditional beliefs. It recommended preventing and halting such killings, by including provisions in criminal law to suppress this practice and organizing campaigns to raise awareness of the criminal nature thereof among local authorities, doctors, midwives and the population at large.⁵⁹

25. CESCR was concerned about the prevalence of child labour, including economic exploitation and abuse of children working as domestic servants or “vidomegons”. It requested information on the measures taken to combat child labour and to end the practice of “vidomegon”; and on the assistance given to the victims of these practices and their families.⁶⁰ In 2011, the ILO Committee of Experts expressed the hope that the draft decree establishing the list of hazardous types of work which prohibits domestic work for young persons under 18 years of age will be adopted in the near future.⁶¹

26. CESCR welcomed the adoption of Act No. 2006-04 (2006) on conditions for the displacement of minors and suppression of child trafficking and the drafting of a national plan of action to combat trafficking in children for labour exploitation.⁶² However, it was concerned at the large number of persons trafficked from and within Benin for purposes of sexual exploitation and forced labour; and that there were no specific provisions of the criminal law prohibiting adult trafficking. It recommended combating human trafficking, by ensuring adequate access to victim assistance and witness protection programmes and by providing training for police officers, prosecutors and judges; adopting a law against trafficking in adults; allocating sufficient funds to implement the national plan of action to combat child trafficking and for local child protection committees; and increasing cooperation with neighbouring States.⁶³ In 2011, the ILO Committee of Experts made similar recommendations. It also requested the Government to supply information on the number of convictions and penalties imposed, and on the measures taken or envisaged for strengthening cooperation between the countries which had adopted a “roadmap” at the end of the regional conference of Cotonou in May 2010 on combating the trafficking of children for the purpose of labour exploitation in West and Central Africa.⁶⁴

27. In 2011, noting that the measures adopted to combat trafficking mainly relate to children, the ILO Committee of Experts asked the Government to indicate the steps taken towards broadening the scope of these measures to extend their reach to all victims.⁶⁵

28. In 2008, SPT recommended enshrining in law the prohibition of corporal punishment.⁶⁶

C. Administration of justice and the rule of law

29. SPT noted that there was no legislative provision banning the use of evidence obtained under torture. It recommended not exerting pressure to make detainees confess; reviewing the legislation regarding confessions with a view to guaranteeing the right to silence and eliminating convictions based on confession.⁶⁷

30. SPT noted that there was no provision for free legal aid in Beninese law and recommended guaranteeing access to legal assistance to persons without sufficient resources.⁶⁸ In their 2011 replies, the authorities of Benin stated that provision had been made in this regard in the review of the Code of Criminal Procedure.⁶⁹

31. SPT noted that no special detention facilities for children existed. It recommended ensuring that children were not held in initial custody except as a last resort and were held separately from adults, including separating adult women from female adolescent detainees; that their rights were fully and clearly explained to them; that a relative was immediately

informed of the custody; that no child was subjected to questioning without the presence of a trusted adult; and that no child was subjected to restraint while in a custody cell.⁷⁰

D. Right to privacy, marriage and family life

32. CESCR welcomed the adoption of Act No. 2002-07 on the Personal and Family Code (2004) which prohibits polygamy, sets the marriageable age at 18 for men and women, and provides that custom ceases to be legally enforceable in all matters covered by the Code.⁷¹

33. CESCR was concerned that many Beninese children had not been registered at birth, which hindered their access to health services and education.⁷² The United Nations Development Assistance Framework for Benin (UNDAF Benin 2009–2013) stated that many children did not have a birth certificate, which made them vulnerable to trafficking and economic exploitation which were among the more worrying phenomena in the country.⁷³ CESCR recommended requiring public authorities and education services to register them, issuing birth certificates to unregistered children and abolishing registration fees.⁷⁴

E. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

34. In 2011, while noting that the Government indicated that the press laws had become outdated and had to be amended in line with international conventions, the ILO Committee of Experts hoped that a new bill would be adopted in the near future and that the legislation governing the press and audio-visual communication sectors would be amended in such a way that no penalty including compulsory labour might be imposed as punishment for expressing political opinions or for peacefully expressing opposition to the established political, social or economic system.⁷⁵

F. Right to work and to just and favourable conditions of work

35. In 2008, CESCR noted with concern the very high unemployment rate in the formal labour market and that the informal sector accounted for 95 per cent of the working population, more than half being women. It invited Benin to provide information on the results of measures taken to increase employment opportunities in the formal sector; take measures to shrink the informal sector; and give updated data on the unemployment rate, broken down by gender, age, urban and rural area and ethnic group.⁷⁶

36. CESCR was also concerned that the number of workers covered by the social security systems was limited. It recommended ensuring that all persons, regardless of the sector in which they were employed, were insured under social security systems that provided minimum adequate coverage against major life risks.⁷⁷

37. In 2010, the ILO Committee of Experts noted the comments of the International Trade Union Confederation dated 26 August 2009 reporting acts of intimidation against the leaders of the principal trade union federations, which had called a general strike in 2008 to protest against the decline in purchasing power. The Committee requested the Government to reply to the comments concerning acts of discrimination and intimidation by the authorities against trade union leaders, and where necessary to conduct an inquiry.⁷⁸

38. In 2011, the ILO Committee of Experts requested the Government to take appropriate measures to improve understanding by the social partners of the principle of

equal remuneration for men and women for work of equal value and, in particular, of the concept of “work of equal value” so that they could ensure that the principle was fully reflected in collective agreements. It also asked the Government to provide information on the measures envisaged and, in particular, the manner in which these measures made it possible to improve the proportion of women in the public service and to reduce the remuneration gap between men and women in the public service.⁷⁹

G. Right to social security and to an adequate standard of living

39. CESCR reiterated its concern that a significant percentage of the population was living below the national poverty line. It recommended allocating sufficient funding for the implementation of the poverty reduction strategy; and ensuring that economic, social and cultural rights were fully integrated into the strategy and specifically addressed the needs of disadvantaged and marginalized individuals and groups.⁸⁰

40. CESCR also noted with concern that 43 per cent of the population of Benin were suffering from chronic malnutrition and recommended offsetting the negative impact of rising food prices on family budgets, especially in the case of disadvantaged and marginalized individuals and families, in order to combat malnutrition and hunger.⁸¹

41. In 2009, the Special Rapporteur on the right to food encouraged the Beninese authorities to adopt a national strategy for the realization of the right to food, in accordance with general comment No. 12 (1999) of the CESCR. Such a strategy should set key dates, objectives and indicators for realizing this right. Its adoption should be participatory, as called for in the FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.⁸² The Special Rapporteur stressed that it would be desirable if the adoption of this national strategy gave rise to a public debate on the reorientation of agriculture, taking account of all these dimensions — social, environmental and public health — and exploring the alternatives available. Benin could make greater use of several agro-ecological farming techniques, systems and innovations, in order to capitalize on the natural assets of its ecosystems, rather than rely on the systematic use of costly foreign inputs such as fertilizers and pesticides. These alternatives were being used on a small scale in Benin, although the experience of the Songhai Centre in Porto-Novo, which has an excellent reputation throughout the West Africa region, had shown that it was possible to reach high levels of productivity using sustainable agriculture and agro-processing techniques in harmony with local practices.⁸³

42. The Special Rapporteur also noted that the improvement of cereal storage systems and of capacity was crucial for Benin: storing agricultural products allowed producers to avoid selling to middlemen during the harvest, when prices were at their lowest. The system for the purchase of crops from producers by the National Office was the subject of controversy in the agricultural sector. The prices, periods and areas of intervention were being questioned by many stakeholders. Enhanced information concerning the choices made and, above all, greater participation by producers’ organizations, including in setting prices, would allow the necessary consensus to emerge for the revitalization of agriculture with the involvement of the greatest number of actors.⁸⁴

43. The Special Rapporteur further encouraged Benin *inter alia* to pursue its efforts to revitalize agriculture and ensure that those efforts were geared primarily towards the realization of the right to food; conduct a study of the impact on the right to food before concluding any trade negotiations, following a participatory process; strengthen the protection of the right to social security of the urban poor; and ensure that everyone had access without discrimination to the social benefits provided for in national legislation.⁸⁵

44. The Special Rapporteur recommended that special attention be paid *inter alia* to perpetuating sustainable agriculture pilot projects led by local communities or NGOs; and exploiting the possibilities of participatory research. He also recommended strengthening the capacities of the most vulnerable small farmers by *inter alia* increasing crop storage capacities, notably those of the National Office for Food Security Assistance; investing in new infrastructure; and creating insurance schemes suited to farmers' needs, notably in respect of risks linked to meteorological phenomena.⁸⁶

45. CESCR noted with concern that public housing for disadvantaged and marginalized individuals and families remained inadequate as most such housing was reserved for public sector employees. It recommended *inter alia* giving information on the results of the implementation of the country's land security policy aimed at providing adequate housing for everyone, particularly disadvantaged and marginalized individuals and families.⁸⁷

46. UNDAF Benin 2009–2013 stated that many Beninese do not have access to drinking-water sources and that an even higher number do not have latrines or toilets. In addition, in some parts of the country, the quality of the water is questionable. Together with a lack of education about health and hygiene, such phenomena are often the cause of many diseases.⁸⁸

H. Right to health

47. In 2008, CESCR recommended giving information on the public and private health system, including with respect to basic health-care coverage for the entire population.⁸⁹

48. CESCR also welcomed the adoption of Act No. 2005-31 (2006) on the prevention, care and control of HIV/AIDS; the improvement in the HIV/AIDS prevalence rate; and the provision of free antiretroviral drugs to persons affected by HIV/AIDS.⁹⁰

49. Concerning the HIV/AIDS pandemic, UNDAF Benin 2009–2013 stated that the persistence of risk behaviour and poor coverage in terms of prevention and support services remain major challenges.⁹¹

50. CESCR was concerned about the high maternal and infant mortality rate and that woman and girls had limited access to reproductive health services and antenatal assistance in rural areas. It recommended ensuring that pregnant women and girls received proper medical care during pregnancy and during and after childbirth and had access to reproductive health services and antenatal assistance, including in rural areas; that they were made aware of the importance of sexual and reproductive health; and regularly monitoring the health of infants.⁹² UNDAF Benin 2009–2013 made similar comments and recommendations.⁹³

I. Right to education

51. In 2008, CESCR welcomed the fact that preschool and primary education was free of charge in public education institutions in Benin.⁹⁴ Nevertheless, it was concerned about the low primary and secondary school attendance in rural areas, particularly with respect to girls. It recommended increasing the primary and secondary school enrolment rate, particularly in rural areas and with respect to girls, by increasing the number of classrooms and teachers, funding the provision of school textbooks and lunches and conducting public campaigns to promote awareness of the importance of education, including for girls.⁹⁵ In 2011, the ILO Committee of Experts made similar recommendations, in order to prevent children under 14 years of age from engaging in work.⁹⁶ In addition, UNDAF Benin 2009–2013 stated that in order to help keep children in education, activities would be carried out

that would focus above all on improving the number and quality of school canteens, providing life skills and health care in schools, and better access for adults, in particular women, to functional literacy programmes in order to create the conditions to ensure better schooling for children.⁹⁷

J. Cultural rights

52. CESCR noted with regret the lack of adequate information on steps taken to protect the linguistic and cultural heritage of Benin, particularly on the various languages and dialects.⁹⁸

K. Persons with disabilities

53. CESCR invited Benin to consider adopting a specific law guaranteeing the rights of persons with disabilities and prohibiting all forms of discrimination against them.⁹⁹

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Benin from the previous cycle (A/HRC/WG.6/2/BEN/2).

² The following abbreviations have been used for this document:

| | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on communications |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance. |

³ A table in the previous UPR compilation contained the following information under Recognition of specific competences of treaty bodies: Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31; Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13; Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12; Urgent action: CPED, art. 30.

- ⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- ¹⁰ ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries.
- ¹¹ ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.
- ¹² E/C.12/BEN/CO/2, paras. 34, 51 and 52.
- ¹³ *Ibid.*, para. 30.
- ¹⁴ CAT/OP/BEN/1, paras. 30 and 318.
- ¹⁵ CAT/OP/BEN/1/Add.1, para. 3.
- ¹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention No. 111 (1958), 2011, Geneva, doc. (ILOLEX) 092011BEN111, second paragraph.
- ¹⁷ For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- ¹⁸ According to article 5 of the rules of procedure for the International Coordinating Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles).
- ¹⁹ E/C.12/BEN/CO/2, paras. 8 and 29.
- ²⁰ A/HRC/13/33/Add.3, para. 11.
- ²¹ CAT/OP/BEN/1, para. 17.
- ²² *Ibid.*, paras. 20, 21, 22, 23 and 317.
- ²³ CAT/OP/BEN/1/Add.1, para. 2.
- ²⁴ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| SPT | Subcommittee on Prevention of Torture. |

- ²⁵ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ²⁶ A/HRC/13/33/Add.3.
- ²⁷ OHCHR, Strategic Management Plan 2008–2009, p. 51.
- ²⁸ OHCHR, Annual Report 2009, p. 86.
- ²⁹ OHCHR, Annual Report 2010, p. 255.
- ³⁰ *Ibid.*, p. 127.
- ³¹ OHCHR, Annual Report 2011, p. 401.
- ³² *Ibid.*, pp. 417–418.
- ³³ E/C.12/BEN/CO/2, paras. 4, 14 and 35.
- ³⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention No. 111 (1958), 2011, Geneva, doc. (ILOLEX) 092011BEN111, para. 7.
- ³⁵ E/C.12/BEN/CO/2, paras. 11 and 32.
- ³⁶ CAT/OP/BEN/1, paras. 298 and 320.
- ³⁷ *Ibid.*, paras. 291 and 320.
- ³⁸ *Ibid.*, para. 133.
- ³⁹ *Ibid.*, paras. 137, 223, 302, 319 and 320.
- ⁴⁰ *Ibid.*, paras. 143 and 319.
- ⁴¹ CAT/OP/BEN/1/Add.1, para. 59.
- ⁴² *Ibid.*, paras. 73 and 74.
- ⁴³ CAT/OP/BEN/1, paras. 110 and 147, and E/C.12/BEN/CO/2, para. 23.
- ⁴⁴ E/C.12/BEN/CO/2, para. 44 and CAT/OP/BEN/1, paras. 153, 192 and 320.
- ⁴⁵ *Ibid.*, para. 44 and CAT/OP/BEN/1, paras. 125, 126, 128, 129, 131, 190, 204, 208, 211, 214, 217, 246, 270, 273, 275, 276, 277, 280, 319 and 320. See also CAT/OP/BEN/1, para. 191.
- ⁴⁶ CAT/OP/BEN/1, paras. 168, 175, 265, 287, 288 and 320.
- ⁴⁷ *Ibid.*, paras. 82, 85, 87, 92, 284, 297, 319 and 320. See also CAT/OP/BEN/1, para. 178.
- ⁴⁸ *Ibid.*, paras. 69, 71, 72 and 319.
- ⁴⁹ *Ibid.*, paras. 59 and 319.
- ⁵⁰ *Ibid.*, paras. 154, 155, 160 and 320.
- ⁵¹ *Ibid.*, paras. 132, 229, 243, 258, 319 and 320.
- ⁵² *Ibid.*, paras. 61, 64, 65, 68 and 319.
- ⁵³ *Ibid.*, paras. 97, 103 and 319.
- ⁵⁴ *Ibid.*, paras. 246 and 320.
- ⁵⁵ CAT/OP/BEN/1/Add.1, para. 5.
- ⁵⁶ *Ibid.*, paras. 77–79.
- ⁵⁷ E/C.12/BEN/CO/2, paras. 17 and 38.
- ⁵⁸ *Ibid.*, paras. 4, 26 and 47.
- ⁵⁹ *Ibid.*, paras. 19 and 40.
- ⁶⁰ *Ibid.*, paras. 20 and 41.
- ⁶¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention No. 138 (1973), 2011, Geneva, doc. No. (ILOLEX) 092011BEN138, para. 4.
- ⁶² E/C.12/BEN/CO/2, para. 4.
- ⁶³ *Ibid.*, paras. 18 and 39.
- ⁶⁴ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention No. 182 (1999), 2011, Geneva, doc. No. (ILOLEX) 092011BEN182, paras. 4 and 16.
- ⁶⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Forced Labour Convention No. 29 (1930), 2011, Geneva, doc. No. (ILOLEX) 092011BEN029, para. 1.
- ⁶⁶ CAT/OP/BEN/1, paras. 250 and 320.
- ⁶⁷ *Ibid.*, paras. 73, 76, 78 and 319.
- ⁶⁸ *Ibid.*, paras. 55 and 318.
- ⁶⁹ CAT/OP/BEN/1/Add.1, para. 4.
- ⁷⁰ CAT/OP/BEN/1, paras. 105, 109, 193, 319 and 320.

- ⁷¹ E/C.12/BEN/CO/2, para. 4.
- ⁷² *Ibid.*, para. 12.
- ⁷³ République du Bénin, Plan Cadre des Nations Unies pour l'Assistance au Développement (PCNUAD Bénin 2009–2013), p. 9, disponible à http://www.undg.org/docs/11476/Benin-UNDAF-2009-2013_DUP_09-15-2010_10-01-48-374_AM.pdf.
- ⁷⁴ E/C.12/BEN/CO/2, para. 33.
- ⁷⁵ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Abolition of Forced Labour Convention No. 105 (1957), 2011, Geneva, doc. No. (ILOLEX) 062011BEN105, paras. 3 and 4.
- ⁷⁶ E/C.12/BEN/CO/2, paras. 15 and 36.
- ⁷⁷ *Ibid.*, paras. 16 and 37.
- ⁷⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning Freedom of Association and Protection of the Right to Organise Convention No. 87 (1948), 2010, Geneva, doc. No. (ILOLEX) 062010BEN087, para. 1.
- ⁷⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention No. 100 (1951), 2011, Geneva, doc. No. (ILOLEX) 092011BEN100, paras. 1 and 4.
- ⁸⁰ E/C.12/BEN/CO/2, paras. 21 and 42.
- ⁸¹ *Ibid.*, paras. 22 and 43.
- ⁸² A/HRC/13/33/Add.3, para. 65.
- ⁸³ *Ibid.*, para. 25.
- ⁸⁴ *Ibid.*, paras. 32 and 33.
- ⁸⁵ *Ibid.*, paras. 66 and 66 (e) and (h).
- ⁸⁶ *Ibid.*, paras. 66 (c) (i) (iv), and (d) (ii) (v).
- ⁸⁷ E/C.12/BEN/CO/2, paras. 24 and 45.
- ⁸⁸ République du Bénin, Plan Cadre des Nations Unies pour l'Assistance au Développement (PCNUAD Bénin 2009–2013), p. 9, disponible à http://www.undg.org/docs/11476/Benin-UNDAF-2009-2013_DUP_09-15-2010_10-01-48-374_AM.pdf.
- ⁸⁹ E/C.12/BEN/CO/2, para. 50.
- ⁹⁰ *Ibid.*, para. 5.
- ⁹¹ République du Bénin, Plan Cadre des Nations Unies pour l'Assistance au Développement (PCNUAD Bénin 2009–2013), p. 9, disponible à http://www.undg.org/docs/11476/Benin-UNDAF-2009-2013_DUP_09-15-2010_10-01-48-374_AM.pdf.
- ⁹² E/C.12/BEN/CO/2, paras. 25 and 46.
- ⁹³ République du Bénin, Plan Cadre des Nations Unies pour l'Assistance au Développement (PCNUAD Bénin 2009–2013), pp. 9 et 15, disponible à http://www.undg.org/docs/11476/Benin-UNDAF-2009-2013_DUP_09-15-2010_10-01-48-374_AM.pdf.
- ⁹⁴ E/C.12/BEN/CO/2, para. 6.
- ⁹⁵ *Ibid.*, paras. 27 and 48.
- ⁹⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Minimum Age Convention No. 138 (1973), 2011, Geneva, doc. No. (ILOLEX) 092011BEN138, para. 6.
- ⁹⁷ République du Bénin, Plan Cadre des Nations Unies pour l'Assistance au Développement (PCNUAD Bénin 2009–2013), p. 16, disponible à http://www.undg.org/docs/11476/Benin-UNDAF-2009-2013_DUP_09-15-2010_10-01-48-374_AM.pdf.
- ⁹⁸ E/C.12/BEN/CO/2, para. 28.
- ⁹⁹ *Ibid.*, para. 34.