



# General Assembly

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-second session**  
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## Benin

### Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

#### I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### II. Scope of international obligations and cooperation with international human rights mechanisms

2. The United Nations country team, welcoming the ratification of a number of international human rights treaties, called on Benin to consider ratifying the treaties to which it was not yet a party under which individual communications could be submitted.<sup>2</sup>

3. The United Nations country team, noting that, in April 2020, Benin withdrew from the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, called on the country to reconsider its position.<sup>3</sup>

4. The United Nations country team commended Benin on its engagement with the human rights mechanisms through the drafting of the government reports due to date and, in doing so, recognized the improved performance of the national mechanism for reporting and following up on recommendations. It called on Benin to continue to strengthen the necessary capacities of the mechanism by seeking technical support from international partners, including the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>4</sup>

#### III. National human rights framework

##### 1. Constitutional and legislative framework

5. The United Nations country team noted that the general legal framework of Benin had been strengthened through the adoption of legal texts, including the Criminal Code, which criminalized torture and abolished the death penalty, and under which convicts' sentences had been commuted – a development welcomed by the United Nations High Commissioner



for Human Rights<sup>5</sup> and the Committee against Torture<sup>6</sup> – but also Act No. 2021-11 of 20 December 2021 on special provisions to punish gender-based offences and to protect women, Act No. 2021-14 of 20 December 2021 (Territorial Administration Code) and Act No. 2022-04 of 16 February 2022 on public health.<sup>7</sup>

## **2. Institutional infrastructure and policy measures**

6. The United Nations country team noted that the Government had adopted and carried out several political and institutional reforms, some of which were the source of the disagreements that had triggered violence during the country's elections, including the 2019 legislative and the 2021 presidential elections.<sup>8</sup>

7. The United Nations country team congratulated the Benin Human Rights Commission on having been granted category A status by the Global Alliance of National Human Rights Institutions and encouraged it to continue to cooperate actively with the Alliance, OHCHR, the Network of African National Human Rights Institutions, other national human rights institutions and technical and financial partners in order to strengthen its institutional framework and working methods.<sup>9</sup>

8. The Committee on Economic, Social and Cultural Rights, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination and the United Nations country team recommended that Benin guarantee the independence of the Human Rights Commission and its members – some of whom belonged to the governing bodies of political organizations, contrary to the provisions of Act No. 2012-36 of 17 December 2012 establishing the Commission – and ensure its ability to function, including by providing it with adequate human and budgetary resources.<sup>10</sup>

9. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended that Benin make the establishment of a national preventive mechanism a priority and ensure that the mechanism was afforded the full guarantees established in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in particular in article 18, and that the process of setting up the national preventive mechanism be inclusive and that it be carried out in consultation with all relevant civil society organizations.<sup>11</sup> Similar recommendations were made by the Committee against Torture<sup>12</sup> and the United Nations country team,<sup>13</sup> with the latter encouraging the Government to seek the technical support that it needed, including from OHCHR, to draft the legislation establishing the national preventive mechanism.

## **IV. Promotion and protection of human rights**

### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

10. The Committee on the Elimination of Racial Discrimination recommended that Benin adopt a comprehensive anti-discrimination law that included a definition of racial discrimination consistent with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and that explicitly prohibited direct and indirect discrimination in the public and private spheres.<sup>14</sup> It also recommended that Benin step up its efforts to provide the general public with information on racial discrimination and the judicial and non-judicial remedies available to it,<sup>15</sup> that it ensure the involvement of all stakeholders in the process of developing a new national action plan to combat racism, racial discrimination, xenophobia and intolerance, including civil society actors, that it allocate adequate budgetary resources for its implementation and that it put in place a rigorous assessment system.<sup>16</sup>

11. The United Nations country team, noting that the Government was continuing to make efforts to promote equality and non-discrimination, referred to the pressing need to step up the fight against the stigma and discrimination faced by persons living with HIV and lesbian, gay, bisexual and transgender persons, including by ensuring the effective implementation of Act No. 2005-31 of 5 April 2006 on the prevention, care and control of HIV/AIDS.<sup>17</sup>

12. The Committee on the Elimination of Racial Discrimination urged Benin to adopt more effective measures to protect persons with albinism from violence, abductions and discrimination, and to ensure that persons with albinism had equal access to education, health care and employment. It also recommended that Benin conduct full and thorough investigations into all reported cases of attacks against persons with albinism, including cases identified by civil society organizations, end impunity for the perpetrators and conduct public education campaigns on albinism in order to combat prejudices and misconceptions about it.<sup>18</sup> Similar recommendations were made by the Committee on Economic, Social and Cultural Rights.<sup>19</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

13. The United Nations country team recalled that the Benin Human Rights Commission had found that, based on complaints filed, extrajudicial, summary and arbitrary killings had taken place following the demonstrations sparked by the restrictions imposed as part of the response to the coronavirus disease (COVID-19) pandemic and following the violence that had occurred during the 2021 presidential election. It reiterated the recommendation made during the previous cycle of the universal periodic review calling on Benin to investigate extrajudicial killings in order to bring those responsible to justice and to provide reparations to the victims and their families.<sup>20</sup> The Committee against Torture made a similar recommendation while calling on Benin to develop clear guidelines on the use of force and weapons, incorporating the principles of lawfulness, necessity and proportionality and the precautionary principle, and to bring its laws and regulations governing the use of force into line with international standards.<sup>21</sup>

14. The Committee against Torture, welcoming the adoption of Act No. 2018-16 of 28 December 2018 (Criminal Code), which included a definition of torture and characterized it as a separate offence in article 523, recommended that Benin amend its Criminal Code to bring the definition of the offence of torture fully into line with articles 1, 2 and 4 of the Convention against Torture and to ensure that offences of torture could not be time barred, were excluded from amnesties and were punishable by appropriate penalties that took into account their grave nature, in accordance with article 4 (2) of the Convention.<sup>22</sup> The Committee also recommended that Benin take the measures necessary, including legislative measures, to ensure that confessions obtained through torture or ill-treatment were systematically declared null and void, and to ensure that this obligation was met in practice.<sup>23</sup> The Committee stressed that Benin should take the steps necessary to establish and exercise universal jurisdiction.<sup>24</sup>

15. The same Committee, welcoming the fundamental safeguards set out in the Code of Criminal Procedure, recommended that Benin, inter alia, guarantee that all persons deprived of their liberty were afforded, in practice, all fundamental legal safeguards from the outset of their deprivation of liberty. It also recommended that Benin take the necessary measures, including legislative measures, to ensure that, irrespective of the charges, the maximum duration of police custody did not exceed 48 hours, renewable once only in duly justified exceptional circumstances, in the light of the principles of necessity and proportionality, and that it continue its efforts to ensure that all prisons were provided with a computerized central registry and that, in the meantime, existing logbooks were properly maintained.<sup>25</sup>

16. The same Committee, concerned that systematic use of pretrial detention remained a practice highly typical of the country's judicial culture, which directly contributed to prison overcrowding, recommended that Benin ensure that pretrial detention was effectively reviewed by a custodial judge, that its duration did not exceed the legally established maximum and was as short as possible, and that its use was exceptional, necessary and proportionate. It also recommended that Benin actively promote, within the prosecution service and among judges, the use of alternatives to pretrial detention and immediately

release all persons who had been detained awaiting trial for a period exceeding the maximum sentence carried by the offence of which they stood accused.<sup>26</sup>

17. The same Committee called on Benin to improve, as a matter of urgency, material conditions in all places of detention, ensuring that prisoners received the medical care and medicines necessary for their health in a timely manner and without charge, had access to nutritional and sufficient food, and enjoyed adequate sanitary conditions and sufficient bedding. It also called on Benin to continue its efforts to combat corruption in prison facilities and to offer prisoners serving life sentences some prospect of release or a reduction in their sentence after a reasonable period of time.<sup>27</sup>

18. The same Committee recommended that Benin enhance its training on the absolute prohibition of torture and its training programmes for officials likely to be involved in monitoring, questioning or handling persons deprived of their liberty.<sup>28</sup> The United Nations country team expressed its readiness to support any request in this regard, including by drawing on the expertise of the different agencies of the United Nations (United Nations Development Programme (UNDP), OHCHR and others).<sup>29</sup>

19. Similar recommendations were made by the Subcommittee on Prevention of Torture regarding conditions of detention, fundamental legal safeguards, registers and prison overcrowding.<sup>30</sup>

### **3. Administration of justice, including impunity, and the rule of law**

20. The United Nations country team, noting that new legislation had been adopted to improve the way in which judicial services were organized with a view to making them more accessible to users and expediting proceedings leading to fair judicial decisions, and that commercial courts had been established in some cities, called on the Government to continue its efforts to operationalize the courts of Porto-Novo and Parakou, including by continuing to avail itself of assistance from UNDP and other partners in the United Nations system.<sup>31</sup> The Committee against Torture recommended that Benin ensure effective access to justice for all persons involved in judicial proceedings by strengthening the legal aid system,<sup>32</sup> facilitating access to a lawyer and ensuring that there were remand facilities close to courts, and that it increase the independence of the judiciary by, inter alia, stepping up its efforts to combat corruption and by undertaking a reform of the National Judicial Council, in order to prevent interference from the executive branch.<sup>33</sup> The Committee on Economic, Social and Cultural Rights recommended that Benin combat corruption in the judicial system.<sup>34</sup>

21. The Committee against Torture, welcoming the fact that the Children's Code provided for the appointment of specialist juvenile judges and the establishment of "child-friendly" courts, recommended that Benin appoint independent juvenile judges with security of tenure in every judicial district, having duly provided them with training in the administration of juvenile justice, including alternative measures to detention. It also recommended that Benin ensure that the juvenile courts were effectively operational and endowed with specialist judges in sufficient number, with a view to expediting proceedings involving children deprived of their liberty, that it raise the age of criminal responsibility to bring it into line with international standards and that it closely monitor the use of pretrial detention by juvenile judges and ensure compliance with article 14 of the Children's Code, which stipulated that the arrest, detention or imprisonment of a child should be a measure of last resort and that its duration should be as short as possible.<sup>35</sup>

22. The United Nations country team, noting that the exceptional or special nature of the Court for the Prevention of Financial Offences and Terrorism could jeopardize the fair, impartial and independent administration of justice, recommended that Benin revise the applicable court procedures to ensure that they offered strict guarantees for the proper administration of justice.<sup>36</sup>

### **4. Fundamental freedoms and the right to participate in public and political life**

23. The United Nations country team, concurring with the position of the Benin Human Rights Commission, which had deplored and condemned the electoral violence that had been recurring since 2019 and had encouraged political actors and all the main parties to find an appropriate way of resolving the situation, which posed a serious threat to social harmony in

the country, recommended that Benin strengthen and expand the democratic space, particularly through the exercise of the right to vote in a peaceful context of free, periodic and transparent elections.<sup>37</sup> The Committee on the Elimination of Racial Discrimination recommended that Benin publicly condemn any racist or other type of hate speech used by politicians or public figures, especially during election campaigns.<sup>38</sup>

24. The Committee on Economic, Social and Cultural Rights noted with concern the provisions on gatherings and disseminating false information in the Criminal Code and Act No. 2017-20 of 20 April 2018 (Digital Code),<sup>39</sup> and called on Benin to review them in order to enable human rights defenders to work freely and without fear.<sup>40</sup>

25. According to the United Nations country team, the enactment of certain laws – Act No. 2019-43 of 15 November 2019 (Electoral Code), Act No. 2019-41 of 15 November 2019 (Charter of Political Parties) and Act No. 2019-45 of 25 November 2019 on the status of the opposition – had been perceived as an impediment to greater participation by Beninese citizens in the 2019, 2020, and 2021 elections. It considered that the recommendations made during the previous cycle of the universal periodic review calling on Benin to bring its laws on freedom of association, freedom of expression, freedom of the media and freedom of assembly into line with international standards were still relevant. It called on Benin to expedite the necessary legislative reforms, which should include measures to prevent the arbitrary suspension of media outlets and to protect human rights defenders.<sup>41</sup> Similar recommendations were made by the United Nations Educational, Scientific and Cultural Organization (UNESCO), including that the Audiovisual and Telecommunications Authority clearly define the conditions, in accordance with international law, for denying media authorization, in order to prioritize its mission to guarantee freedom of the press.<sup>42</sup>

## 5. Prohibition of all forms of slavery, including trafficking in persons

26. The Committee on the Rights of the Child expressed concern about the exploitation of children in situations of forced or hazardous labour, especially in the domestic service and agricultural sectors, the persistence of harmful practices such as *vidomegon*<sup>43</sup> (placing children in families which traditionally were responsible for their care and their education, in particular), placing children in voodoo convents, and attacking and killing “witch children”<sup>44</sup> and children with albinism to obtain their body parts, and the prevalence of cases of trafficking in children from and into neighbouring countries, particularly for domestic servitude and commercial sexual exploitation in cases of girls, and for forced labour in mines, quarries, markets and farms in cases of boys, especially in diamond-mining districts. It recommended that Benin combat the sale of children for forced labour, implement the provisions of the Labour Code concerning child labour, strengthen community-based mechanisms to prevent and combat the economic exploitation of children, investigate and prosecute persons responsible for harmful practices, work closely with traditional leaders and community-based organizations to raise public awareness of the harmful effects of those practices and to eradicate them, and seek technical support from the United Nations Children’s Fund and other specialized agencies.<sup>45</sup> Similar recommendations were made by the Committee on the Elimination of Racial Discrimination.<sup>46</sup>

27. The Committee on the Rights of the Child urged Benin to continue to conduct advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the Global Code of Ethics for Tourism of the United Nations World Tourism Organization among travel agents and tourism agencies, and encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also urged Benin to impose appropriate penalties on the perpetrators of child sexual exploitation in travel and tourism.<sup>47</sup>

## 6. Right to work and to just and favourable conditions of work

28. The United Nations country team noted that the Government was making efforts to combat underemployment, especially among young people and women, by requesting support from UNDP in creating a digital job application platform, and from other agencies such as the United Nations Population Fund, which were helping to strengthen the economic empowerment of women and vulnerable persons.<sup>48</sup> The Committee on Economic, Social and

Cultural Rights recommended that Benin undertake, in consultation with the social partners, a periodic review of the minimum wage in order to index it to the cost of living, thereby ensuring that it enabled workers and their families to enjoy an adequate standard of living, enforce minimum wage provisions in practice, ensuring that any non-compliance led to criminal or other penalties, and allocate the resources necessary to monitor working conditions, including in the informal economy, in particular by strengthening inspections and making it easier for workers to lodge complaints.<sup>49</sup>

29. The Committee on Economic, Social and Cultural Rights recommended that Benin review the provisions of Act No. 2018-35 of 5 October 2018 (General Civil Service Regulations) so as to prevent them from giving rise to wrongful dismissal.<sup>50</sup> It urged Benin to amend the provisions of articles 10, 13, 29 and 30 and any other relevant provisions of Act No. 2017-05 of 29 August 2017 establishing the conditions and procedure for recruitment, job placement and termination of employment contracts in order to protect workers against unjustified dismissal and other abuses made possible by the Act.<sup>51</sup>

30. The same Committee recommended that Benin ensure the free exercise of trade union rights and put an end to practices that created an anti-union climate.<sup>52</sup> It also recommended that Benin revise the categories of personnel listed in the new article 2 of Act No. 2018-34 of 5 October 2018 on the exercise of the right to strike so that public servants whose services could not reasonably be considered essential might exercise their right to strike, and repeal the provisions setting conditions for the duration of strikes that were incompatible with the nature of the right to strike and constituted disproportionate restrictions on this right.<sup>53</sup>

## **7. Right to social security**

31. The United Nations country team noted that the Government had put into operation the Insurance for the Strengthening of Human Capital programme, which included four components: health insurance, training, credit and pension insurance. This programme, which had been designed for the benefit of all Beninese citizens, especially the most impoverished, targeted persons working in the agricultural, commercial and handicraft sectors, including impoverished persons who were out of work.<sup>54</sup>

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

32. The United Nations country team noted that the 2025 Strategic Plan for the Development of the Agricultural Sector and the 2017–2021 National Plan for Agricultural Investment and Food and Nutritional Security had been drafted, a mechanism to produce reliable statistics on food and nutritional security had been introduced and Codex Alimentarius standards had been developed.<sup>55</sup>

33. The Committee on Economic, Social and Cultural Rights recommended that Benin strengthen food security in the departments most affected by hunger and malnutrition, including by promoting access to food processing facilities and improving food distribution to local markets, and adopt specific measures to assist the groups worst affected by food insecurity, particularly households living mainly on subsistence crops or fishing, by promoting diversification of income sources and increasing their resilience to natural disasters and other hazards that were not covered by the social security system.<sup>56</sup>

34. Regarding the right to water, the same Committee recommended that Benin revise existing procedures in order to reduce the risk of corruption in the provision of services such as connection to the water distribution network, subscription to the promotional connection programme, repair of system breakdowns and the restoration of the water supply after suspension for failure to pay bills.<sup>57</sup>

## **9. Right to health**

35. The United Nations country team, noting with satisfaction the efforts made to give effect to the recommendations made during the previous cycle of the universal periodic review relating to the adoption of strategies and action plans to improve the sexual and reproductive health of adolescents and young people, considered that more still needed to be done to ensure the availability of sexual and especially reproductive health services for those groups in all health-care facilities. That could be achieved by taking further action with

respect to the partially implemented recommendations relating specifically to the neonatal and maternal mortality rate and harmful practices such as female genital mutilation, child marriage and forced marriage.<sup>58</sup>

## **10. Right to education**

36. The United Nations country team welcomed the commitment of Benin to strengthening the resilience of its education system and to improving learning and education management through the implementation of the 2018–2030 Education Sector Plan and the Integrated National Response Plan to COVID-19. It congratulated Benin for having committed to provide, in cooperation with the World Food Programme, all schools with a canteen so that all children could have at least one hot meal per day.<sup>59</sup>

37. The Committee on Economic, Social and Cultural Rights recommended that Benin increase investment in the education sector so as to improve school infrastructure and equipment and ensure that all schools had adequate water and sanitation facilities, and to improve the quality of teaching by investing in teacher training and the production of quality teaching materials. It also urged Benin to tackle without delay the problem of school dropout by addressing its social and economic causes, including the refusal of parents to send their children, especially girls, to school.<sup>60</sup> UNESCO recommended that Benin extend free education to cover 12 years of primary and secondary education, 9 of which should be compulsory.<sup>61</sup>

## **11. Development, the environment, and business and human rights**

38. The United Nations country team, noting with satisfaction that the Government had prepared its programme of action for the period 2016–2021 and the period 2021–2026 and had drafted the National Development Plan,<sup>62</sup> supported the recommendation of the Committee on Economic, Social and Cultural Rights calling on Benin to take fully into account its obligations under the International Covenant on Economic, Social and Cultural Rights and to ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed.<sup>63</sup>

39. The Committee on Economic, Social and Cultural Rights recommended that Benin strengthen the National Anti-Corruption Authority so as to make it much more accessible to the public for the filing of complaints, adopt legal provisions relating to the Authority's budgetary resources and establishing the obligation to cooperate with it, and ensure the effectiveness of the legislative arsenal to combat corruption, including the provisions on the declaration and monitoring of assets, Decree No. 2013-122 of 6 March 2013 establishing the conditions for special protection of whistle-blowers, witnesses, experts and victims of acts of corruption, and Decree No. 2015-035 of 29 January 2015 (Transparency Code for the Management of Public Finances).<sup>64</sup>

40. The same Committee also urged Benin to combat the misuse of pesticides, including by raising public awareness of their harmful effects when they were used on food crops, and to help farmers transition to agroecological practices.<sup>65</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

41. The United Nations country team welcomed the 2010–2025 National Policy on Gender Equality and its related action plan, drafted with the support of various partners, including UNDP, and recommended that Benin expedite the adoption and implementation of the plan implementing this policy and continue to mainstream gender in national policies by, inter alia, continuing to seek support from the different expert bodies in the United Nations system.<sup>66</sup> It also called on the Government to provide the National Women's Institute with the powers and resources necessary for it to undertake initiatives, such as taking part in studies on specific gender issues.<sup>67</sup>

42. The Committee on Economic, Social and Cultural Rights recommended that Benin raise public awareness of the equal rights of women and men, combat social prejudices that led to discrimination against women, encourage locally elected representatives, administrative officials and traditional leaders to take into account women's rights in the allocation and use of land and, in the event of expropriation, to provide compensation, and repeal all the provisions of the Personal and Family Code that discriminated against women.<sup>68</sup>

43. The United Nations country team expressed concern about the persistence of gender-based violence and other harmful practices affecting women and girls, and encouraged the Government to redouble its efforts to effectively implement all initiatives to promote and protect the rights of women and girls with the aim of strengthening detection, reporting and law enforcement.<sup>69</sup>

## **2. Children**

44. The Committee against Torture, deeply concerned about the numerous acts of violence, including sexual violence, that continued to be committed against children in schools and places of custody and detention, which, in the vast majority of cases, continued to go unpunished, recommended that Benin ensure that the Criminal Code and the Children's Code were effectively applied, conduct impartial and thorough investigations into acts of torture and ill-treatment against children and ensure that those responsible, including State agents who condoned or tolerated such acts, were prosecuted and, if convicted, punished with appropriate penalties. It also recommended that Benin ensure a strict separation between juveniles and adults in detention facilities, conduct awareness-raising campaigns about children's rights, infanticide and harmful practices such as female genital mutilation and witchcraft accusations, including in the remote areas where such practices persisted.<sup>70</sup>

## **3. Persons with disabilities**

45. The United Nations country team, noting the adoption of the strategic framework to improve the situation of persons with disabilities – Act No. 2017-06 of 29 September 2017 on the protection and promotion of the rights of persons with disabilities, the 2020–2024 Strategic Plan for Community-Based Rehabilitation and the 2023–2027 Five-Year National Rehabilitation Plan – and the 2012–2021 National Policy for the Protection and Integration of Persons with Disabilities, encouraged the Government to mobilize more resources to expedite the implementation of those plans.<sup>71</sup>

46. The Committee on the Rights of Persons with Disabilities asked Benin to provide updated information on steps taken to eliminate ritual infanticide of children with disabilities in some communities.<sup>72</sup>

## **4. Indigenous Peoples**

47. The Committee on the Elimination of Racial Discrimination urged Benin to reconsider its approach and legally recognize the existence of Indigenous populations in its territory on the basis of the principle of self-determination. It recommended that Benin devise, within a specific time frame, a national strategy for Indigenous Peoples and put in place a comprehensive legal framework for them, with the effective and meaningful participation of Indigenous Peoples, as well as civil society organizations and the Benin Human Rights Commission, with a view to adopting special and practical measures to protect the rights of those groups.<sup>73</sup>

## **5. Migrants, refugees and asylum-seekers**

48. The Office of the United Nations High Commissioner for Refugees congratulated Benin on the commitment it had made at the Global Refugee Forum, held in December 2019, to provide better living conditions for vulnerable groups and on the adoption by the Council of Ministers, on 17 February 2021, of the bill on the status of refugees and stateless persons, which had been forwarded to the National Assembly for consideration and vote.<sup>74</sup> The United Nations country team strongly encouraged Benin to finalize the adoption of the bill to ensure that the legal framework for the protection of asylum-seekers complied with international standards.<sup>75</sup>



49. The Committee against Torture stressed that Benin should ensure that national legislation regulating asylum and expulsion, and all mutual legal assistance agreements to which it was a party, expressly recognized its obligation not to expel, return (“refouler”) or extradite a person to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment, and that refoulement decisions were subject to judicial review on a case-by-case basis and carried a right of appeal that had suspensive effect.<sup>76</sup> The United Nations country team urged Benin to continue to integrate refugees and asylum-seekers<sup>77</sup> into its various education and training programmes, to promote their integration into the community and labour market, to issue them with travel documents and to ensure that refugees who so desired had access to a long-term residence permit.<sup>78</sup>

## 6. Stateless persons

50. The Committee on the Elimination of Racial Discrimination recommended that Benin expedite and improve access to birth registration within the framework of the identification programme launched in 2017, fulfil its commitment to allow all inhabitants of Île aux Oiseaux wishing to apply for Beninese nationality to do so, and expedite the adoption of the new nationality code so that the *jus soli* principle might be applied in respect of children of unknown nationality or parentage.<sup>79</sup> Similar recommendations were made by the Office of the United Nations High Commissioner for Refugees.<sup>80</sup>

51. The United Nations country team urged Benin to work with the Ogoni community living in the city of Ouidah to find a solution that would allow adults and children to be effectively documented.<sup>81</sup>

## Notes

- 1 [A/HRC/37/10](#), [A/HRC/37/10/Add.1](#) and [A/HRC/37/2](#).
- 2 United Nations country team submission for the universal periodic review of Benin, para. 2.
- 3 *Ibid.*, para. 3. See also [CAT/C/BEN/QPR/4](#), para. 6.
- 4 United Nations country team submission, para. 4.
- 5 See <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/BJ/BeninHCLetter.pdf>.
- 6 [CAT/C/BEN/CO/3](#), para. 4 (i).
- 7 United Nations country team submission, para. 7.
- 8 *Ibid.*, para. 9.
- 9 *Ibid.*, para. 20.
- 10 [E/C.12/BEN/CO/3](#), paras. 7–8; [CAT/C/BEN/CO/3](#), paras. 28–29; [CRC/C/OPAC/BEN/CO/1](#), para. 8 (b) and (c); [CERD/C/BEN/CO/1-9](#), paras. 11–12; and United Nations country team submission, para. 21.
- 11 [CAT/OP/BEN/3](#), para. 23.
- 12 [CAT/C/BEN/CO/3](#), paras. 30–31, and [CAT/C/BEN/QPR/4](#), para. 7.
- 13 United Nations country team submission, paras. 22–23.
- 14 [CERD/C/BEN/CO/1-9](#), para. 8.
- 15 *Ibid.*, para. 14.
- 16 *Ibid.*, para. 18.
- 17 United Nations country team submission, paras. 26–27. See also [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BEN/INT\\_CEDAW\\_FUL\\_BEN\\_29557\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BEN/INT_CEDAW_FUL_BEN_29557_E.pdf).
- 18 [CERD/C/BEN/CO/1-9](#), para. 30.
- 19 [E/C.12/BEN/CO/3](#), para. 16.
- 20 United Nations country team submission, para. 28.
- 21 [CAT/C/BEN/CO/3](#), para. 35.
- 22 *Ibid.*, paras. 6–7. See also United Nations country team submission, para. 35.
- 23 [CAT/C/BEN/CO/3](#), para. 9. See also United Nations country team submission, para. 35.
- 24 [CAT/C/BEN/CO/3](#), para. 13. See also United Nations country team submission, para. 37.
- 25 [CAT/C/BEN/CO/3](#), paras. 10–11. See also United Nations country team submission, para. 36.
- 26 [CAT/C/BEN/CO/3](#), paras. 20–21. See also United Nations country team submission, para. 37.
- 27 [CAT/C/BEN/CO/3](#), para. 23. See also United Nations country team submission, para. 37.
- 28 [CAT/C/BEN/CO/3](#), para. 39.
- 29 United Nations country team submission, para. 38.

- <sup>30</sup> CAT/OP/BEN/3, paras. 26, 29, 31, 33, 35, 37, 40, 50–51, 63, 65, 86, 93, 102 and 104.
- <sup>31</sup> United Nations country team submission, para. 29.
- <sup>32</sup> See also CERD/C/BEN/CO/1-9, para. 20.
- <sup>33</sup> CAT/C/BEN/CO/3, para. 17. See also United Nations country team submission, para. 30.
- <sup>34</sup> E/C.12/BEN/CO/3, para. 22 (b).
- <sup>35</sup> CAT/C/BEN/CO/3, paras. 18–19. See also CAT/OP/BEN/3, para. 81.
- <sup>36</sup> United Nations country team submission, para. 31.
- <sup>37</sup> Ibid., para. 9.
- <sup>38</sup> CERD/C/BEN/CO/1-9, para. 16.
- <sup>39</sup> E/C.12/BEN/CO/3, para. 9. See also United Nations country team submission, para. 10, and Working Group on Arbitrary Detention, opinion No. 46/2020, para. 54.
- <sup>40</sup> E/C.12/BEN/CO/3, para. 10.
- <sup>41</sup> United Nations country team submission, para. 32.
- <sup>42</sup> UNESCO submission for the universal periodic review of Benin, paras. 17–19. See also *ibid.*, paras. 4–15.
- <sup>43</sup> See also [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BEN/INT\\_CEDAW\\_FUL\\_BEN\\_29557\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/BEN/INT_CEDAW_FUL_BEN_29557_E.pdf).
- <sup>44</sup> See also E/C.12/BEN/CO/3, paras. 33–34.
- <sup>45</sup> CRC/C/OPSC/BEN/CO/1, paras. 20–21. See also United Nations country team submission, paras. 8, 13 and 34.
- <sup>46</sup> CERD/C/BEN/CO/1-9, paras. 31–32.
- <sup>47</sup> CRC/C/OPSC/BEN/CO/1, para. 25. See also United Nations country team submission, para. 13.
- <sup>48</sup> United Nations country team submission, para. 19.
- <sup>49</sup> E/C.12/BEN/CO/3, para. 26. See also United Nations country team submission, para. 40.
- <sup>50</sup> E/C.12/BEN/CO/3, para. 20. See also United Nations country team submission, para. 41.
- <sup>51</sup> E/C.12/BEN/CO/3, para. 22. See also United Nations country team submission, para. 41.
- <sup>52</sup> E/C.12/BEN/CO/3, para. 28.
- <sup>53</sup> Ibid., para. 30. See also United Nations country team submission, para. 46.
- <sup>54</sup> United Nations country team submission, para. 42. See also E/C.12/BEN/CO/3, paras. 31–32.
- <sup>55</sup> United Nations country team submission, para. 47.
- <sup>56</sup> E/C.12/BEN/CO/3, para. 36. See also United Nations country team submission, para. 48.
- <sup>57</sup> E/C.12/BEN/CO/3, para. 38. See also communication BEN 1/2022, available from <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26990>.
- <sup>58</sup> United Nations country team submission, para. 14.
- <sup>59</sup> Ibid., para. 44.
- <sup>60</sup> E/C.12/BEN/CO/3, paras. 44 and 46. See also United Nations country team submission, para. 45.
- <sup>61</sup> UNESCO submission, para. 16. See also *ibid.*, sect. III.A (“Education”, pp. 5–10).
- <sup>62</sup> United Nations country team submission, para. 11.
- <sup>63</sup> Ibid., para. 11. See also E/C.12/BEN/CO/3, para. 50.
- <sup>64</sup> E/C.12/BEN/CO/3, para. 14. See also United Nations country team submission, para. 25.
- <sup>65</sup> E/C.12/BEN/CO/3, para. 40. See also United Nations country team submission, para. 43.
- <sup>66</sup> United Nations country team submission, para. 12.
- <sup>67</sup> Ibid., para. 24.
- <sup>68</sup> E/C.12/BEN/CO/3, para. 18. See also CERD/C/BEN/CO/1-9, para. 24.
- <sup>69</sup> United Nations country team submission, para. 49. See also CAT/C/BEN/CO/3, paras. 36–37.
- <sup>70</sup> CAT/C/BEN/CO/3, paras. 32–33. See also United Nations country team submission, para. 13.
- <sup>71</sup> United Nations country team submission, paras. 55–56. See also UNESCO submission, sect. III.A, “Persons with disabilities” (pp. 7–8).
- <sup>72</sup> CRPD/C/BEN/Q/1, para. 7.
- <sup>73</sup> CERD/C/BEN/CO/1-9, para. 22.
- <sup>74</sup> United Nations country team submission, para. 50.
- <sup>75</sup> Ibid. See also CERD/C/BEN/CO/1-9, para. 28.
- <sup>76</sup> CAT/C/BEN/CO/3, para. 15.
- <sup>77</sup> See also CERD/C/BEN/CO/1-9, para. 28.
- <sup>78</sup> United Nations country team submission, para. 51.
- <sup>79</sup> CERD/C/BEN/CO/1-9, para. 26.
- <sup>80</sup> United Nations country team submission, paras. 52–53.
- <sup>81</sup> Ibid., para. 54.