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Draft report of the Working Group on the Universal Periodic Review*

Benin

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Benin was held at the 7th meeting on 25 October 2012. The delegation of Benin was headed by H.E Ms A. Marie-Elise C. Gbedo, Minister of Justice, Legislation and Human Rights, Garde des Sceaux and Government Spokesperson. At its 13 meeting held on 31 October 2012, the Working Group adopted the report on Benin.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Benin: Botswana, Kuwait and Romania.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Benin:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/BEN/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/BEN/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/BEN/3).
4. A list of questions prepared in advance by Denmark, Germany, Mexico, the Netherlands, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Benin through the troika. These questions are available on the extranet of the UPR

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. La Délégation du Bénin a souligné l'importance particulière que le gouvernement béninois attache au processus de l'Examen Périodique Universel (EPU) qui offre une opportunité exceptionnelle d'engager avec le Conseil des Droits de l'Homme un dialogue constructif susceptible d'aider l'Etat sous examen à relever les nombreux défis en matière des droits de l'homme.
6. La Délégation a expliqué que le rapport national est le résultat d'un processus inclusif de consultation nationale dans lequel les structures étatiques et les acteurs de la société civile, appuyés par les Agences spécialisées des Nations Unies, ont contribué à la collecte des informations.
7. Concernant le renforcement du cadre juridique institutionnel des droits de l'homme, la Délégation a relevé qu'il s'inscrit dans les progrès réalisés par le Bénin pour donner effet non seulement aux recommandations de l'EPU de 2008 mais également à celles des organes des traités. Poursuivant la ratification des traités des droits de l'homme, le Bénin a adhéré, le 5 juillet 2012, au deuxième Protocole Facultatif relatif aux Droits civils et politiques visant à abolir la peine de mort et a également renforcé les dispositions internes consacrant le droit à la vie.
8. En matière de coopération avec les organes des traités et les mécanismes du Conseil des Droits de l'Homme, la Délégation a souligné que les rapports périodiques du Bénin sur

la mise en œuvre de la Convention relative aux droits de l'enfant, la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes, la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants ainsi que le Pacte international relatif aux droits civils et politiques sont en instance de présentation.

9. Par ailleurs, la Délégation a rapporté que le Bénin a reçu, en mai 2008, la visite du Sous-Comité pour la prévention de la torture et, en 2009, celle du Rapporteur Spécial sur le droit à l'alimentation et noté que les mesures adoptées dans le cadre du suivi de ces visites s'inscrivent au titre des progrès réalisés par le Bénin en matière de respect de ses engagements internationaux.

10. Sur le plan interne, la Délégation a noté que la réforme des procédures civiles et pénales a abouti à l'adoption de la loi du 28 février 2011 sur le Code de procédures civile, commerciale, sociale, administrative et des comptes ainsi qu'à la loi du 30 mars 2012 sur le Code de procédure pénale. La Délégation a ajouté que la loi du 30 mars 2012 prévoit un système de visites, effectuées par des organismes internationaux et nationaux sur les lieux où se trouvaient des personnes privées de liberté, tel que prescrit dans les articles 1 et 3 du Protocole facultatif à la Convention contre la torture. Par ailleurs, un décret d'application devrait établir et fixer les attributions, la composition et le fonctionnement du Mécanisme national de prévention de la torture.

11. En matière de poursuite des réformes en vue de consolider l'Etat de droit et à promouvoir la bonne gouvernance, la Délégation a relevé que plusieurs mesures de politique générale ont été adoptées par le Gouvernement béninois. Ainsi, concernant la réduction de la pauvreté, le document couvrant la période 2011-2014 prévoit, notamment, des mesures pour la survie, l'éducation et la protection des enfants, la réduction de la mortalité maternelle et néonatale ainsi que l'assainissement des eaux usées en milieu urbain. Des mesures ont également été prises pour promouvoir le genre et assurer l'autonomisation des femmes ; pour lutter contre la corruption et l'enrichissement illicite par la prévention et la répression ainsi que pour encourager la scolarisation des filles et assurer la gratuité de l'enseignement dans tous les établissements publics.

12. Au niveau des infrastructures des droits de l'homme, la Délégation a souligné que l'institution du Médiateur de la République contribue à l'amélioration de l'Etat de droit et de la gouvernance administrative. De plus, elle a relevé que les réformes engagées par le Bénin ainsi que les initiatives entreprises en matière de promotion et de protection des droits de l'homme pour atteindre les Objectifs du Millénaire pour le Développement sont en phase avec le suivi de l'examen précédent.

13. En ce qui concerne l'accès à la justice, la Délégation a mentionné que beaucoup de réformes ont été engagées telles que la construction de nouvelles prisons et l'installation de nouveaux tribunaux. Ces derniers ont été dotés d'équipements et d'infrastructures modernes. De plus, elle a souligné que, de 2008 à 2011, le nombre de magistrats en service dans les juridictions est passé de 73 à 133 et que l'Etat a poursuivi sa politique de recrutement des auxiliaires de justice. Il a ainsi procédé en 2011 au recrutement de quarante greffiers, trente officiers de justice, quatre cent fonctionnaires de l'administration judiciaire et deux mille agents de police.

14. Faisant état de la préoccupation du gouvernement béninois quant aux mauvaises conditions de détention, la Délégation a indiqué que des mesures ont été prises pour améliorer l'ordinaire des détenus, faciliter leur accès à l'eau potable ainsi qu'aux soins de santé de qualité. Elle a ajouté que pour remédier à la surpopulation carcérale, le Gouvernement a mis en place une commission afin de réfléchir sur des solutions susceptibles de réduire la population carcérale. La Délégation a souligné que les résultats des travaux de cette commission ont permis de désengorger sensiblement les lieux de détention; la population carcérale passant de 8.000 détenus en janvier 2012 à 7.247, dont

360 femmes, à ce jour. Par ailleurs, le Bénin a intensifié ses efforts en vue d'éradiquer le rançonnement dans les prisons et de freiner la progression de la corruption à tous les niveaux.

15. En matière de justice juvénile, la Délégation a indiqué que la mise en œuvre des mesures alternatives aux poursuites et à l'incarcération des mineurs en conflit avec la loi a eu des résultats probants; ainsi, 162 mineurs étaient en détention au 31 juillet 2012 contre 275 en 2010 et 362 en 2009.

16. La Délégation a également relevé que la protection des droits de l'enfant constitue l'une des priorités du Bénin. Ainsi, les juridictions béninoises accordent à l'enfant une protection particulière et, que "l'intérêt supérieur de l'enfant" était désormais privilégié dans les procédures judiciaires.

17. S'agissant du cas particulier d'atteinte à l'intégrité physique des enfants dits «sorciers», la Délégation a signalé que des actions concrètes sont en train d'être envisagées en vue d'éradiquer ce phénomène. Les travaux de la conférence des 28 et 29 mars 2012 sur l'infanticide rituel au Bénin, à laquelle avaient été associés des élus locaux, des représentants d'organisations non gouvernementales ainsi que des chefs religieux et traditionnels, a débouché sur des propositions pour lutter efficacement contre le phénomène. La conférence a ainsi recommandé, entre autres, la création de bases de données fiables et l'implication active des gardiens de la tradition aux réflexions sur les mécanismes de sensibilisation; le dialogue et le changement de comportement; le plaidoyer sur la mobilisation des acteurs ainsi que la prévention et la répression judiciaire.

18. En matière de jouissance du droit à l'éducation, la Délégation a noté que l'accroissement des crédits alloués au secteur de l'éducation, la construction de salles de classe, le renforcement de la capacité des enseignants et l'acquisition de matériels didactiques constituent certaines des mesures prises pour accompagner la gratuité de l'enseignement public primaire décrétée depuis 2006. L'extension de cette mesure, à la rentrée 2009-2010, aux filles du secondaire en classe de 5ème a permis le maintien des filles à l'école. La Délégation a rappelé qu'en 2010, le taux net de scolarisation a atteint 90,28 pour cent.

19. La Délégation a également souligné que l'autonomisation des femmes et la lutte contre toutes violences basées sur le genre constituent une préoccupation permanente pour le Gouvernement béninois. Dans ce cadre, le Bénin s'est doté d'une politique nationale de promotion du genre dont l'objectif était de réaliser, à l'horizon 2025, l'égalité et l'équité entre homme et femme en assurant, entre autres, l'autonomisation des femmes et une meilleure prise en compte du genre dans les programmes de développement.

20. Concernant la situation des personnes du troisième âge, la Délégation a signalé que le Gouvernement a organisé, en août 2012, des fora sur l'état civil et l'identification des besoins spécifiques de ces personnes et que ces réunions ont débouché sur des recommandations qui contribueront à améliorer la politique civile et le quotidien des personnes âgées.

21. La Délégation a mentionné que le Bénin a intensifié ses efforts afin de garantir l'accès de tous à des soins de santé de qualité notamment grâce aux programmes élargis de vaccination et de soins de santé primaires, à la promotion de la santé familiale, aux soins liés à la reproduction, à la prise en charge des maladies de l'enfant, au suivi de la nutrition des enfants ainsi qu'à la prise en charge des populations pauvres et indigentes. Relativement aux prévisions budgétaires pour réaliser les Objectifs du Millénaire pour le Développement, la Délégation a indiqué qu'elles ont augmenté en matière de santé maternelle et infantile.

22. Afin d'assurer un niveau de vie suffisant à tous les Béninois, la Délégation a noté que le Gouvernement a poursuivi son programme de micro crédits aux plus pauvres. Cependant, la réduction de la pauvreté et une juste répartition des ressources, la sécurité alimentaire, l'éducation pour tous, la réduction du taux d'analphabétisme et l'autonomisation des femmes constituent encore des défis à relever.

23. Pour terminer, la Délégation a souligné qu'il existe au Bénin une volonté politique de faire triompher les droits de l'homme et que le pays est engagé à poursuivre les grandes réformes initiées en matière de promotion et de protection des droits de l'homme.

B. Interactive dialogue and responses by the State under review

24. During the interactive dialogue, 62 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

25. Botswana welcomed the Adoption of the Good Governance Charter including poverty reduction and gender equality. It noted that Benin intensified efforts to promote access to health care which resulted to significantly reduce cases of wild polio virus and eliminate maternal tetanus. Botswana noted the recent law on corruption and illicit enrichment.

26. Brazil took positive note of Benin's action against poverty, the Poverty Reduction Strategy Paper, the Growth Strategy for Poverty Reduction and a micro-credit program for the very poor. It noted improvements in the HIV/AIDS fields, in particular the reduction in the prevalence rate and the provision of free antiretroviral drugs. It made recommendations.

27. Burkina Faso drew attention to Benin's policies on persons with disabilities and natal mortality. It encouraged Benin to pursue its efforts regarding the ratification of international instruments and its fight against illiteracy. It welcomed the measures adopted in the 10 year Action Plan regarding teaching and vocational training to improve the quality education system by 2015.

28. Burundi commended the Government for its education policy for everyone. It urged Benin to facilitate access to health for vulnerable categories. It noted the Law to prevent violence against women and congratulated the Government for its efforts to empower women through the micro-credit program, for setting up the "Women Institute" and the Ombudsman of the Republic Office.

29. Canada noted the new code of criminal procedure of March 2012. It requested Benin to keep Canada abreast of the status of the mainstreaming of the definition of torture within Benin's legislation and the timetable set for the implementation of this commitment. It made recommendations.

30. Cape Verde noted that Benin was increasingly becoming party to a significant number of international Human Rights instruments and the ratification of the Optional Protocol on the Death Penalty. It urged Benin to continue to heed the relevant recommendations regarding children's protection and to focus on trafficking in adults, particularly women, as recommended by the Committee on Economic, Social and Cultural Rights.

31. Togo paid tribute to the progress made by Benin through the strengthening of the legal institutional framework to promote and protect human rights through the mainstreaming of the ratified conventions. It however highlighted the harmful acts targeting children such as ritual infanticides and urged Benin to provide a comprehensive response to prevent and prosecute perpetrators of such acts.

32. Chile drew attention to the ratification of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, the development of a national policy to promote women empowerment and equality. It also drew attention to the promulgation of a law to prevent violence against women. It made recommendations.
33. China noted Benin efforts to improve people's living standards, to promote gender equality, to eliminate violence against women, protect the right of children and enhance HIV prevention. It made a recommendation.
34. Congo noted that Benin acceded to the Optional Protocol to the ICCPR aiming at the abolition of the death penalty. It noted the broad vaccination program, the free access to caesareans since April 2009, the health care administered to mother and child in malaria cases, and the free distribution of treated mosquito nets.
35. Costa Rica congratulated Benin on the abolition of the death penalty and the ratification of the Second Optional Protocol to the ICCPR. It enquired about the status of the bill to bring into line the National Human Rights Institution with the Paris Principles and the status of the National Observatory of the Prevention against Torture. It made recommendations.
36. Cote d'Ivoire noted the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness as well as the amendments brought to the normative and institutional framework which led to the adoption of laws on prevention and repression of violence against women, displacement of minors and repression on trafficking of children. It made recommendations.
37. Cuba noted that Benin strengthened its legal framework and highlighted its fight against corruption and unlawful enrichment strengthened by the 2011 law to eliminate these practices. It lauded Benin's efforts for gender equality, women's empowerment, access to medical care and free schooling. It made recommendations.
38. Djibouti congratulated Benin for its efforts made since the previous review to strengthen the legal institutional framework to promote and protect human rights through the national and international legal instruments it was party to. It made recommendations.
39. Egypt welcomed Benin's plan to conduct a review of the Constitution and the strengthening of domestic legislation. It made recommendations.
40. Ethiopia noted with appreciation the progress made by the Government in gender equality and the promotion and empowerment of women especially in rural areas. It highlighted the Government's initiative to amend the country's constitution in alignment with its international human rights obligations, including recommendations of the UN treaty bodies and the African Union.
41. France commended Benin for having ratified the Second Optional Protocol to the ICCPR on the abolition of the death penalty and for the signature on the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities. It enquired whether awareness campaigns on female genital mutilations were underway and requested information on the actions to fight against forced labour. France made recommendations.
42. Germany commended Benin for abolishing the death penalty and ratifying the Second Optional Protocol to the ICCPR and the Rights of Persons with Disabilities. It welcomed the Government's efforts and progress in combatting female genital mutilations and strengthening women's rights. It made recommendations.
43. The Holy See congratulated Benin for its accomplishments in education, corruption prevention, death penalty abolition, prevention of violence and poverty reduction. It noted

some forms of violence persisting in the education system as well as in the police, the prison and in family environment. It made recommendations.

44. Hungary congratulated Benin for its ratification of several human rights treaties and for the steps taken to eradicate the killings of so-called “witch-children”. It requested information whether the reformed Criminal Code and the Code of Criminal Procedure allowed the arrest of a suspect at the request of the International Criminal Court and about the process for the preservation of evidence and the protection of witnesses. It made recommendations.

45. Indonesia appreciated Benin’s enactment of laws, such as the Act on corruption, money-laundering and illicit enrichment and the Act on prevention and punishment of violence against women; the establishment of the National Council for the Promotion of Gender Equity and Legality as well as the National Institute for Women’s Advancement. It made recommendations.

46. Iraq valued the enactment of laws to combat corruption, money laundering, prevention and punishment of violence against women and the enactment of the penal law procedures. It also valued the ratification of the Conventions on the Protection of Displaced Persons and on the Rights of Persons with Disabilities. It paid tribute to the adoption of Rules regarding movement of children and actions taken to combat trafficking in children. It made recommendations.

47. Italy welcomed Benin’s ratification of the Second Optional Protocol to the ICCPR. It expressed concern about the ritual infanticides of so-called “witch children” as well as the abuse of minors working as domestic servants and noted the persistence of female genital mutilation. It also highlighted the poor standards of detention facilities. Italy made recommendations.

48. Kuwait noted that Benin committed itself to eradicate poverty and that the Poverty Reduction Strategy Paper and the Growth Strategy for Poverty Reduction brought together policy national measures which aimed at not only fighting against poverty but also at improving access to basic infrastructure and social services, promoting economic growth, gender equality and women’s empowerment. Kuwait made recommendations.

49. Latvia noted that Benin had strengthened its cooperation with special procedures of the Human Rights Council and taken preparatory work to ensure the visit of the Special Rapporteur on the sale of children. Latvia made a recommendation.

50. Libya paid tribute to Benin for its progress to improve the education system to implement gradual free education for all. It also paid tribute to the legislative measures to improve gender equality and women’s empowerment, the strategy on reduction of poverty, the enactment of the law to combat children’s trafficking, as well as the setting up of the Ombudsman office. Libya made recommendations.

51. Liechtenstein welcomed Benin’s efforts to provide the public education sector with the necessary financial resources. It noted with appreciation the Government’s adoption of decrees implementing the laws concerning the suppression of child trafficking. Liechtenstein acknowledged Benin’s commitment to international justice. It made recommendations.

52. Luxembourg expressed concern about the lack of legal protection for children against physical violence and the persistence of ritual infanticides of children accused of “witchcraft”; of domestic violence against women and of female genital mutilations. It also noted that the food security remained an important concern for a majority of the population. It made recommendations.

53. Malaysia commended the Government's active work in strengthening its national normative and institutional framework for the promotion and protection of human rights particularly in the area of poverty reduction, women's empowering and child's rights. It applauded Benin for providing free education for girls up to their second year of secondary school. It made recommendations.

54. Mauritania paid tribute to Benin for its efforts to fight poverty and for giving priority attention to the most disadvantaged. It encouraged Benin to improve the condition of detainees and to promote the rights of women, children and the disabled. It asked how Benin plans to extend free schooling to the secondary cycle and to further reduce illiteracy rate to get rid of certain stereotypes.

55. Mexico noted the strengthening of legal instruments aimed at preventing and punishing violence against women as well as the national policy for the promotion of gender equality. It recognized Benin's recent accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. It made recommendations.

56. La Délégation du Bénin a souligné que suite à l'adoption de la loi relative à la traite et au trafic des enfants, des décrets d'application ont été adoptés pour la mise en œuvre de la lutte contre la traite des enfants et que des campagnes de sensibilisation ont été menées par le ministère de la famille, les ONG ainsi que les partenaires techniques et financiers. Les magistrats ont également été sensibilisés pour que le fléau soit fortement réprimé. La Délégation a rapporté que 5.430 enfants dont 80 pour cent de filles ont bénéficié, en 2010, de protection physique et d'appui psychologique. Il existe également des comités locaux de lutte contre la traite des enfants et des brigades de surveillance de lutte contre le trafic des enfants sont installées dans les communes frontalières.

57. La Délégation a relevé que l'autre mesure pour une lutte endogène contre la traite des enfants consiste en l'enregistrement des naissances. A cet effet, de 2008 à ce jour, plus de 2 millions d'actes de naissance ont été délivrés dans le cadre d'un vaste projet de recensement administratif à vocation état civil (RAVEC). De plus, afin d'éviter les falsifications, le Gouvernement béninois s'emploie à l'informatisation de l'état civil.

58. En outre, la Délégation a noté que dans son plan d'action 2012-2013, le gouvernement prévoit d'accroître ses efforts en matière de poursuite et de condamnation des auteurs de traite de personnes; finaliser et promulguer la loi qui criminalise toutes les formes de traites de personnes; améliorer la collecte des données relatives à l'application de la loi relative à la traite humaine; former des officiers de police à l'identification des victimes de traite au sein de la population et accroître les efforts de sensibilisation de la population sur les questions relatives à la traite humaine.

59. Relativement aux châtiments corporels, la Délégation a rappelé que des dispositions réglementaires les interdisent en milieux scolaire et familial et que les auteurs de tels actes étaient poursuivis.

60. En ce qui concerne les actes de torture observés dans les commissariats de police et les brigades de gendarmerie, la Délégation a rappelé que les dispositions légales en vigueur au Bénin interdisent le recours à la torture dans toutes les procédures. Les auteurs d'actes de torture ou autres mauvais traitements avérés, infligés au cours d'une enquête judiciaire, sont sévèrement poursuivis et écoper de sanctions pénales et disciplinaires. Des décisions récentes ont été rendues par la Cour Constitutionnelle pour constater des actes de torture imputables à des agents de police et de gendarmerie. De plus, la Délégation a indiqué que l'inspection des lieux de garde à vue devrait bientôt être formalisée avec la mise en place du mécanisme national de prévention de la torture prescrit par le Protocole Facultatif à la Convention sur la torture. La loi instituant ce mécanisme a été adoptée, mais il reste à régler quelques détails en vue du fonctionnement du mécanisme, notamment la promulgation du nouveau code de procédure pénale et l'adoption de ses décrets d'application.

61. S'agissant du cas particulier d'atteinte à l'intégrité physique des enfants dits «sorciers» dans certaines régions du pays, la Délégation a rappelé la tenue du forum national sur la question qui a débouché sur des propositions concrètes visant à lutter efficacement contre le phénomène. Elle a également indiqué que des séances de sensibilisation ont été organisées dans les régions concernées en vue d'une meilleure protection du droit à la vie.

62. Concernant les mesures prises en vue de poursuivre la lutte contre les mutilations génitales féminines, la Délégation a noté que la législation en vigueur au Bénin réprime toutes les formes de mutilations génitales féminines. Cependant pour lutter efficacement contre les poches de résistance qui existent encore dans certaines régions du pays, des séances d'information et de sensibilisation sont régulièrement organisées par les structures étatiques et par les organisations de la société civile pour protéger davantage la santé des filles.

63. En matière de protection des femmes, la Délégation a mentionné la loi du 9 janvier 2012 sur la prévention et la répression des violences contre les femmes. Avant cette loi, le Ministère en charge de la justice, en partenariat avec le gouvernement américain a également mis en œuvre un projet dénommé "Women Justice Emancipation Initiatives" pour protéger les femmes victimes d'actes de violence. Grâce à ce projet, de nombreux acteurs de la chaîne pénale ont été formés aux différentes procédures de prise en charge des victimes de violences basées sur le genre. La réhabilitation et réintégration de ces dernières sont également privilégiées dans toutes ces procédures.

64. La Délégation a également indiqué que le Bénin a élaboré une Politique Nationale de la Promotion de la Femme et du Genre pour corriger les déséquilibres des rapports de genre et réaliser, d'ici 2025, l'équité et l'égalité entre hommes et femmes. Un Conseil National de Promotion de l'équité et de l'égalité du genre a été installé et placé sous l'autorité du Chef de l'Etat. Sa mission est de veiller à la prise en compte du genre dans les programmes et politiques de développement. Dans la même dynamique, le Chef de l'Etat a créé et installé, le 9 mars 2009, l'Institut National de la Promotion de la Femme.

65. Morocco welcomed progress towards abolishing the death penalty and requested more information on draft legislation establishing a national and independent mechanism to prevent torture. It welcomed plans to adopt measures to ensure that prison conditions complied with international standards and to reform its judicial system. It asked whether human rights formed part of judges' training and whether judiciary staff numbers would be increased.

66. Namibia welcomed the Government's decision to abolish the death penalty and highlighted the robust policies and mechanisms Benin was putting in place to address social and economic inequalities, which had already brought improvements to health, education and the water supply. It asked the Office of the High Commissioner for Human Rights to continue providing assistance to Benin in the area of human rights. Namibia made recommendations.

67. The Netherlands commended Benin on ratifying the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty. It noted that Benin had continued working on the protection of vulnerable groups on the ground, but that certain issues such as trafficking of women and children, female genital mutilations and sexual harassment persisted. The Netherlands made recommendations.

68. Nigeria commended the strategy for combating poverty and the programmes and policies in place to promote citizen welfare. It noted with satisfaction the creation of human rights institutions and welcomed the establishment of national bodies on gender equality and women's advancement. It urged the Government to adopt measures to ensure their effectiveness. Nigeria made a recommendation.

69. Norway said that Benin's ratification of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, reflected the positive trend on human rights protection and set the standard for other countries in the region to follow. Although Benin had adopted legislation to counteract trafficking in children, human trafficking remained a serious problem. Norway made recommendations.

70. Pakistan applauded strengthened legal and institutional frameworks for promoting and protecting human rights, which had helped empower women and ensure improved access to health care and free education. It welcomed endeavours to combat corruption and raise living standards. It requested more information on the role of the Ministry of Family Affairs in promoting women and children's rights. Pakistan made recommendations.

71. The Philippines acknowledged actions to improve the standard of living of people; reduce resource imbalance and empower women. It welcomed efforts to improve access to health care and increase budget allocations to health services, especially for the poor and destitute. It recognized that promotion of the right to education was essential for development and social change. The Philippines made recommendations.

72. Romania was heartened by Benin's willingness to improve its human rights situation. It particularly welcomed the ratification of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty, and the legislative and institutional reforms undertaken to modernize the framework needed to allow citizens to fully enjoy their human rights. Romania made recommendations.

73. Rwanda congratulated Benin on adhering to its international commitments relating to the promotion and protection of human rights. In particular it welcomed the abolition of the death penalty. It also welcomed the adoption of a national policy and plan of action on promoting gender equality. Rwanda made recommendations.

74. Senegal highlighted measures adopted by Benin to improve its human rights situation. Those included the abolition of the death penalty; creation of the post of Ombudsman; reforms to ensure that its National Human Rights Commission was in accordance with the Paris Principles as well as strategies to reduce poverty, achieve the Millennium Development Goals and promote women and children's rights. Senegal made recommendations.

75. Singapore highlighted Benin's continued efforts to implement legislation to enhance its domestic legal framework, despite challenges. It noted efforts to meet the Millennium Development Goals, particularly in ensuring universal primary education by 2015. It also noted efforts to promote access to health care, which would in turn reduce mortality and improve the health and well-being of the people. Singapore made recommendations.

76. Slovakia recognized Benin's commitment to improving its human rights record, in particular steps taken towards the abolition of the death penalty with its recent accession to the Second Optional Protocol to ICCPR. It also noted its ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Slovakia made recommendations.

77. Slovenia welcomed the positive developments since Benin's first Universal Periodic Review (UPR), notably its ratification of the Second Optional Protocol to the ICCPR and the CRPD and its optional protocol. It expressed concern about discrimination and violence against women and welcomed the enactment of new legislation in that area. It was also concerned about reports on violations of children's rights. Slovenia made recommendations.

78. South Africa applauded Benin's commitment to combat poverty and its long-term initiatives to address the problem. It urged the international community to cooperate with Benin in tackling the challenges of fulfilling its obligations under international human

rights law and advancing the promotion and protection of all human rights. It acknowledged Benin's leadership role in the African Union. It made recommendations.

79. Spain congratulated Benin on its recent ratification of the Second Protocol to the ICCPR, aiming at the abolition of the death penalty. Spain made recommendations.

80. Sri Lanka recognized measures adopted by Benin on poverty reduction; on good governance; on promoting and protecting human rights, particularly the launch of its Growth Strategy for Poverty Reduction as well as its cross-sector efforts to promote and protect children's rights, increased budget allocations for maternal and child health and education, women's rights and gender equality. Sri Lanka made a recommendation.

81. Sudan paid tribute to Benin's efforts to improve its human rights situation despite financial constraints. It highlighted the establishment of the Office of the Ombudsman, which had helped strengthen governance in the country. Sudan made recommendations.

82. Switzerland welcomed the abolition of the death penalty and ratification of the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. While commending Benin on enacting legislation to reduce discrimination against particularly vulnerable people, it was concerned that it had not been implemented. It recognized efforts to ensure free education for all. Switzerland made recommendations.

83. Thailand highlighted Benin's agreements with international partners on poverty reduction and encouraged favourable consideration of its appeal for funding to implement the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Thailand was willing to cooperate with Benin in areas of mutual interest. It appreciated efforts to ensure the right to education and health. Thailand made recommendations.

84. Chad applauded efforts to implement national and international human rights commitments and measures adopted to reduce poverty, enhance governance, organize free and transparent elections, improve access to infrastructure and basic social services, increase economic growth and promote gender equality and women's empowerment. It called on the international community to help Benin face its human rights challenges.

85. Uganda commended Benin for establishing a comprehensive legal and policy framework to handle human rights issues and its efforts in the area of health, women and children's rights, family protection, the elderly and persons with disabilities. Of particular note was the appointment of nine juvenile judges who had been trained with UNICEF support. Uganda made a recommendation.

86. The United Kingdom of Great Britain and Northern Ireland welcomed Benin's accession to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and encouraged swift adoption of the new Criminal Code, which should contain a definition of torture pursuant to article 1 of the Convention against Torture. It urged Benin to commute the sentences of detainees sentenced to death. It made recommendations.

87. The United States of America applauded legislative efforts on domestic violence, corruption and torture and the establishment of human rights institutions. It remained concerned about violence by security services, harsh prison conditions and long pre-trial detention periods, restrictions on the right to strike and slowness in addressing the worst forms of child labour. It asked Benin on what services or educational programmes were available to ensure the safety and well-being of LGBT citizens. It made recommendations.

88. Uruguay commended Benin on progress made to bring domestic legislation into line with international human rights standards and efforts to combat poverty, enhance governance and strengthen legislation. It expressed concern at the failure to investigate and

eradicate ritual infanticide. It welcomed ratification of the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty. Uruguay made recommendations.

89. Algeria noted with satisfaction Benin's enhanced domestic legal arsenal, including in the areas of the rights of persons with disabilities, free and transparent elections, good governance and child trafficking. It encouraged Benin to continue its efforts to combat poverty. It supported Benin's appeal for assistance from its partners to enable it to implement its human rights programmes. Algeria made recommendations.

90. Angola recognized the remarkable progress made since the first UPR cycle in promoting and protecting human rights and efforts to improve health care and education. It welcomed constitutional reforms leading to the abolition of the death penalty and the establishment of relevant national institutions to strengthen human rights. It commended Benin on the ratification of several international human rights instruments.

91. Argentina congratulated Benin on the ratification of the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and on the decision of the Constitutional Court ruling that female adultery was discriminatory. Argentina made recommendations.

92. Australia remained concerned about prison overcrowding, police brutality and detainment without expedient trial and encouraged Benin to strengthen efforts to ensure legislation was properly implemented and enforced. It welcomed the relatively peaceful Presidential elections in 2010 and encouraged Benin to support peaceful engagement in the political process, including through opposition groups and the media. Australia made recommendations.

93. Bangladesh noted significant improvements in Benin's human rights record, particularly through the adoption of legislative and policy measures on preventing violence against women, special conditions for the entry of foreign children, poverty reduction, good governance, right to development, free and transparent elections and gender equality. It emphasized that the international community must financially support Benin's efforts to combat poverty.

94. Belarus commended efforts to combat HIV/AIDS and welcomed the visit of the UN Special Rapporteur on the right to food. It remained concerned at the significant percentage of extreme poverty and malnourishment, lack of protection of children's rights, high incidence of forced marriage, and non-registration of births as well as high maternal and infant mortality. Belarus made recommendations.

95. Belgium asked what measures Benin had adopted to include the abolition of the death penalty in its domestic legislation and whether abolition of the death penalty would be enshrined in the Constitution. It also asked if the LGBT citizens enjoy legal protection on the grounds of their sexual identity and orientation and how the authorities would react if there were to be any prosecution on the ground of homosexuality. Belgium made recommendations.

96. La Délégation du Bénin a relevé que le Bénin a ratifié, le 5 juillet 2012, la Convention relative aux droits des personnes handicapées ainsi que son Protocole facultatif.

97. Concernant la liberté de la presse, elle a souligné qu'elle est reconnue et garantie par l'article 24 de la Constitution et qu'elle est exercée dans les conditions fixées par la loi. Dans la pratique, aucune entrave n'était faite à l'exercice de ce droit; outre la trentaine de quotidiens de la presse écrite, il existe également plusieurs chaînes de radios et télévisions privées qui émettent au Bénin dans le strict respect de la déontologie.

98. S'agissant de la Commission nationale des droits de l'homme, la Délégation a indiqué qu'un avant-projet de loi sur la modification de l'ancienne loi avait été élaboré et

transmis à la Cour Suprême pour avis. La Délégation a précisé que le Bénin avait bénéficié de l'appui technique du Haut-Commissariat aux Droits de l'Homme des Nations Unies et de l'Association Francophone des Commissions nationales des Droits de l'Homme, dans ce processus de refondation. La Délégation a également souligné que la loi devrait être votée avant la fin de l'année 2012 et qu'à partir de 2013, le Bénin pourrait disposer d'une institution nationale des droits de l'Homme, conformément aux principes de Paris.

99. La Délégation a rappelé que la Constitution du Bénin consacre la liberté de religion et de culte et ce dans le strict respect de l'ordre public et des libertés individuelles. Elle a ajouté que les religions exercent librement leurs activités.

100. Concernant la lutte contre la corruption dans l'administration, la justice et la police, la Délégation a mentionné la création de la cellule de moralisation de la vie publique, de l'Observatoire de lutte contre la corruption ainsi que de l'Inspection générale d'Etat. Elle a également fait état des poursuites menées contre des personnes présumées coupables d'actes de corruption. Ainsi, certains directeurs de société et cadres de la Présidence de la République ont été récemment révoqués de leurs fonctions et sont poursuivis devant les juridictions compétentes. Au niveau de l'administration, le Gouvernement a installé dans les Ministères et sociétés d'Etat des structures de contrôle de la gestion des ressources publiques.

101. Relativement au droit à la santé, la Délégation a noté que la gratuité de la césarienne est effective depuis le 1er avril 2009 et que l'Etat a doté les formations sanitaires des kits appropriés. La lutte contre le paludisme se traduit par la prise en charge gratuite des femmes enceintes et des enfants de zéro à cinq ans et par des campagnes de distribution gratuite de moustiquaires imprégnées. De plus, dans les centres de détention, une meilleure prise en charge de la santé des détenus est organisée à travers la distribution de médicaments. Toutes les prisons ont ainsi été dotées en médicaments essentiels et matériel médical.

102. La Délégation a indiqué que l'indépendance des défenseurs des droits de l'homme, la personnalité juridique des associations ainsi que leur autonomie financière sont garanties par les textes en vigueur.

103. En ce qui concerne les droits de l'homme en prison, la Délégation a souligné que pour face à la surpopulation carcérale, plusieurs initiatives avaient été prises. Une Commission *ad hoc*, a été mise en place pour recenser tous les détenus dont la durée de détention préventive se rapprochait de la durée maximale de la peine légale pour l'infraction poursuivie. Les travaux de cette commission ont ainsi permis la libération de plus de 800 détenus sur les 8.000 que comptaient les prisons. La Délégation a précisé que la commission a été maintenue afin que chaque année elle puisse accomplir cette tâche pour éviter les abus de la détention préventive.

104. La Délégation a ajouté qu'avec le soutien de l'Union Européenne, une étude sur la mise en place d'un logiciel de gestion des détenus a été élaborée. De plus, le Gouvernement du Bénin, avec l'appui des Etats-Unis, a construit six nouveaux tribunaux de première instance. Ainsi, la mise en œuvre des dispositions du nouveau Code de procédures pénales relatives à la constitution d'un juge des libertés et de la détention et à la durée des détentions préventives contribueront à la réduction de la surpopulation carcérale. Par ailleurs, concernant les conditions de détention, la Délégation a indiqué que le Gouvernement béninois a fait passer la ration alimentaire des détenus de un à deux repas chauds par jour depuis le 1er janvier 2010.

105. Concernant l'éducation, la Délégation a relevé que de nombreux crédits ont mobilisés aussi bien par le Gouvernement que par les partenaires pour garantir l'éducation à toute la population d'ici à 2015, conformément aux Objectifs du Millénaire pour le Développement. Des programmes de recrutement des enseignants, de construction des

classes, de renforcement des capacités et d'acquisition de matériels didactiques sont, tous les ans, développés au profit du secteur.

106. La Délégation a conclu en réaffirmant que tous les avis, observations et recommandations seront examinés avec toute l'attention requise par les autorités béninoises en vue de solutions à y apporter afin de renforcer la démocratie et les droits de l'homme au Bénin.

II. Conclusions and/or recommendations

107. **The following recommendations will be examined by Benin which will provide responses in due time, but no later than the 22nd session of the Human Rights Council in March 2013:**

107.1. **Put Ratify the Kampala amendments to the Rome Statute (Liechtenstein).**

108. **The recommendations listed below have been examined by Benin and enjoy the support of Benin.**

108.1. **Consider an early ratification of the Third Optional Protocol to the Convention of the Right of the Child on a communication procedure (Slovakia);**

108.2. **Publish in the Official Journal all international and regional human rights treaties once they are ratified or acceded to by Benin, for their dissemination (Uruguay);**

108.3. **Maintain its positive efforts in the current process of reviewing its national laws with a view to bringing them in line with its international human rights obligations (Egypt);**

108.4. **Amend the draft Criminal Code and Code of Criminal Procedure to bring it into line with the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty and adopt them as soon as possible and initiate an awareness campaign so that the public in Benin are aware of the impact of these changes (United Kingdom of Great Britain and Northern Ireland);**

108.5. **Identify, revise or repeal all provisions of the Penal Code and the Criminal Procedure Code which are in conflict with the Optional Protocol to the International Covenant on Civil and Political Rights on the death penalty (Uruguay);**

108.6. **Implement the Second Optional Protocol to the International Covenant on Civil and Political Rights into domestic law as soon as practicable (Australia);**

108.7. **Remove all reference to the death penalty in the Penal Code and commute all death sentences into alternative sentences (France);**

108.8. **Abolish entirely the death penalty from its legislation (Italy);**

108.9. **Ensure that the Criminal Code is brought into line with the Second Optional Protocol of the ICCPR in respect of the abolition of death penalty (Spain);**

108.10. **Take measures necessary to define and criminalize torture in the forthcoming Criminal Code (France);**

- 108.11. Establish a legal framework for the national preventive mechanism against torture and lobby for the passage of the bill to establish a national observatory for the prevention of torture (United States of America);
- 108.12. Keep on efforts both on legal and procedural grounds to improve conditions of detention and to speed up the adoption of the draft criminal code (Egypt);
- 108.13. Make every effort to speed up the process of adoption of the drafts of the children's code and the law on gender equality and women's participation (Algeria);
- 108.14. Speed up the process to amend the law aiming at improving the functioning of the National Human Rights Commission in accordance with the Paris Principles (Rwanda);
- 108.15. Complete the process of adaptation and compliance of the Benin Commission of Human Rights with the international standards (Algeria);
- 108.16. Continue the process of establishing the national mechanism to prevent torture (Senegal);
- 108.17. Further enhance the capacity of the National Commission on the Rights of the Child (Sri Lanka);
- 108.18. Create ideal conditions for the Ombudsman and the High Commissioners for Consultative Governance and National Solidarity to operate (Nigeria);
- 108.19. Incorporate the results of this UPR into its action plans for the promotion and protection of all human rights taking into account of the proposals of civil society and present a mid-term evaluation report to the Human Rights Council on the implementation of the recommendations of this session (Hungary);
- 108.20. Continue its inclusive and consultative process when implementing accepted recommendations for the second cycle (South Africa);
- 108.21. Strengthen cooperation with international human rights mechanisms, treaty bodies and special procedures (Cote d'Ivoire);
- 108.22. Extend an open and standing invitation to all the Special Procedures (Spain);
- 108.23. Issue a standing invitation to all Special Procedures of the Human Rights Council (Hungary);
- 108.24. Consider issuing a standing invitation to all Special Procedures mandate holders (Brazil);
- 108.25. Step up its cooperation with the Special Procedures and eventually consider extending a Standing Invitation to all the Special Procedures mandate holders of the Human Rights Council (Latvia);
- 108.26. Adopt comprehensive measures to combat trafficking in persons and extend the invitation to the Special Rapporteur on trafficking in persons, especially women and children, to visit as well as the Special Rapporteur on the sale of children, child prostitution and child pornography (Belarus);
- 108.27. Invite the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment as well as the Special Rapporteur on the

independence of judges and lawyers; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on extreme poverty and human rights (Belarus);

108.28. Seek the assistance of the international community in particular that of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in order to implement the accepted recommendations by the country (Cote d'Ivoire);

108.29. Make effective the legislation that provides free birth registration for example through mass awareness raising campaigns (Mexico);

108.30. Take necessary measures to ensure effective implementation of laws guaranteeing free registration of births nationwide, including by educating families and communities on the importance of birth registration in order to contribute, among other things, to eliminate the practice of early and forced marriage and increase access to education, health care and other public services (Canada);

108.31. Adopt necessary measures for free and compulsory registration of all children, including late registration, bringing forward new and more targeted campaigns to raise awareness among families, training social workers and health professionals and civil servants in charge of the registration and birth certificates and providing the necessary resources to establish registration offices in all the country (Uruguay);

108.32. Commute the sentences of inmates on the death row (Switzerland);

108.33. Not resort to abusive pre-trial detention and ensure that persons arrested or detained are promptly brought to trial in accordance with the guarantees contained in the International Covenant on Civil and Political Rights (France);

108.34. Use all possible means to improve prison conditions, especially for minors and implement legislation to minimize detention time prior to trial (Norway);

108.35. Continue to apply specific legislation to improve the conditions of detainees and ensure the full respect of due process for them (Spain);

108.36. Improve prison conditions by considering the implementation of the relevant concluding observations already made by treaty bodies in this respect (Italy);

108.37. Improve the prison conditions and solve the problem of overcrowding (Iraq);

108.38. Adopt a concerted strategy to reduce prison population as overcrowding in prisons remains an issue in Benin (The Netherlands);

108.39. Improve the conditions of prisons and other places of detention and reduce overcrowding by building more prisons or reducing the length of pre-trial detention (United States of America);

108.40. Continue to strengthen its efforts to provide a better legal protection for vulnerable groups, especially women (The Netherlands);

- 108.41. Continue programmes to sensitise the population to ensure the effective implementation of the rights of women and children, and the protection of the family, the elderly and people with disabilities (Costa Rica);
- 108.42. Take the appropriate measures to strengthen the fight against discriminatory practices and violence against women (Luxembourg);
- 108.43. Adopt rapidly all the necessary measures to put the law on the violence against women in practice (Spain);
- 108.44. Apply rigorously the law on the prevention and punishment of violence against women (France);
- 108.45. Take all necessary measures to implement the Act on the Prevention and Punishment of Violence against Women in order to effectively eliminate all forms of violence against women including female genital mutilation and forced marriage (Slovenia);
- 108.46. Continue the fight against discrimination of women by, inter alia, effectively implementing the law on the protection of women from domestic violence and by strictly enforcing the prohibition of female genital mutilation education, inter alia, by raising awareness amongst women about the prohibition of FGM (Germany);
- 108.47. Ensure due implementation of measures aimed to address persistent domestic violence, including marital rape (Slovakia);
- 108.48. Further strengthen measures to fight gender-based violence, especially domestic violence (Brazil);
- 108.49. Continue to organize awareness-raising campaigns in cooperation with concerned stakeholders to fight harmful traditional practices touching on the rights of women and children (Libya);
- 108.50. Step up efforts aimed at improving the situation of women, also through education and specific awareness raising campaigns about the perils of Female Genital Mutilation (FGM) (Italy);
- 108.51. Apply in an efficient manner the legislation that prohibits Female Genital Mutilation (Spain);
- 108.52. Take concrete measures to raise awareness about the illegality of prejudicial and harmful traditional practices such as female genital mutilations or killing of disabled children by the systematic application of existing laws (Switzerland);
- 108.53. Ensure that legislation criminalizing Female Genital Mutilation is effectively implemented and that offenders are prosecuted (Belgium);
- 108.54. Ensure adequate publicity and awareness of the convictions for Female Genital Mutilations (FGM) in order to induce a deterrent effect on concerned communities (Belgium);
- 108.55. Take measures to guarantee full protection of children's human rights by eliminating and reducing child trafficking, violence against children, their sexual abuse and economic exploitation, their ritual killing, infanticide and child labour and by improving the birth registration of all children especially in rural areas (Holy See);
- 108.56. Consider enacting specific legislation prohibiting and punishing violence against children (Namibia);

- 108.57. Redouble its efforts to protect children, in particular by strengthening their legal protection (Luxembourg);
- 108.58. Adopt all necessary measures against harmful traditional practices violating the rights of the child (Italy);
- 108.59. Continue to implement preventive and legal measures to put a halt to ritual infanticide (Romania);
- 108.60. Take appropriate measures to eradicate the practice of ritual infanticide once and for all (Rwanda);
- 108.61. Implement the relevant treaty body recommendations, in particular the International Covenant on Economic, Social and Cultural Rights (ICESCR) recommendation to step up efforts to prevent and halt killings of so-called "witch children" by including provisions in criminal law to suppress this practice and organizing campaigns to heighten awareness of its criminal nature among local authorities, doctors, midwives and the population at large (Slovenia);
- 108.62. Continue to combat all forms of violence against children, including trafficking of children and violence against so called "witch children" (Thailand);
- 108.63. Eradicate the practice of ritual infanticide, punish those found to perpetrate these crimes and establish a mechanism to provide effective support and guidance to the affected families (United Kingdom of Great Britain and Northern Ireland);
- 108.64. Set up all kind of measures to guarantee a comprehensive response to ritual infanticide. In particular, carry out activities of prevention and protection measures, as well as adopt legal and judicial measures, categorising ritual infanticide as a crime (Uruguay);
- 108.65. Align its legislation to prohibit all forms of discrimination against children, in particular any discrimination that stigmatizes them as witches and guarantee that minors benefit from concrete legal and social protection against rituals that endanger their lives (Mexico);
- 108.66. Continue taking measures to prevent infanticide of so-called child witches (Chile);
- 108.67. Explicitly prohibit all corporal punishment of children in all settings, including at home and school, in the context of adopting the new Children's Code, and promote alternative forms of discipline (Liechtenstein);
- 108.68. Revise its legislation to prohibit and sanction corporal punishment imposed on children at home and in schools and step up its efforts on raising awareness about the negative effects of this practice (Mexico);
- 108.69. Adopt additional measures, including legislative ones, to eradicate the practice of deliberate exploitation of children and the use of corporal punishment against children (Belarus);
- 108.70. Adopt a Comprehensive Plan on the rights of the child that fights trafficking, labour exploitation, sexual abuse and physical violence (Spain);
- 108.71. Take measures to ensure the implementation of national and international norms on trafficking in persons, particularly children, including through the establishment of a national births register (Costa Rica);

- 108.72. **Finalize and enact draft legislation that prohibit all forms of human trafficking and that trafficking in children is effectively investigated and prosecuted. To this end all law enforcement officers and the judiciary receive adequate training on human trafficking and that protective services are provided to the witnesses and victims of trafficking (Norway);**
- 108.73. **Continue to fight against trafficking in persons and strengthen support mechanisms for victims of trafficking (Romania);**
- 108.74. **Intensify its efforts to implement existing laws against child trafficking, including Law no.2006-04 on the conditions of displacement of minors and combating child trafficking in Benin, by raising awareness among populations at risk and taking necessary steps to ensure that those responsible for child trafficking are prosecuted in conformity with international norms (Canada);**
- 108.75. **Combat child trafficking by providing training to police officers, prosecutors and judges, by ensuring that those responsible for child trafficking are promptly brought to justice and by providing adequate victim assistance (Liechtenstein);**
- 108.76. **Step up efforts in addressing widespread phenomenon of child economic exploitation in the form of child trafficking or child labour as well as child sexual abuse (Slovakia);**
- 108.77. **Take the necessary executive and legislative measures to fight child labour, child abuse and trafficking in children (The Sudan);**
- 108.78. **Strengthen the judicial system through financial support and effective anti-corruption measures (Germany);**
- 108.79. **Continue accelerating the improvement of the judicial, police and prison systems in line with international human rights standards (Holy See);**
- 108.80. **Continue its efforts in fighting corruption and allocate sufficient funding for the implementation of its newly enacted law on combating corruption (Malaysia);**
- 108.81. **Take necessary steps to entrench, in practice as well as in legislation, freedom of expression, and freedom of the media (Australia);**
- 108.82. **Guarantee in an effective manner and in line with the Constitution of Benin and the international instruments to which it is a party, the rights of workers including the right to strike freedom of association and peaceful assembly (Spain);**
- 108.83. **Promote and advance policies that focus on the alleviation of poverty (Pakistan);**
- 108.84. **Strengthen the efforts to combat poverty (Senegal);**
- 108.85. **Continue implementing poverty reduction strategies, promote sustainable development, improve the people's living standard, and build a solid space so that every Beninese can fully enjoy all human rights (China);**
- 108.86. **Continue to implement the strategies and socio-economic development plans, particularly those aimed at reducing poverty and promoting women's empowerment (Cuba);**
- 108.87. **Carry on with ensuring the reduction of poverty and increasing the empowerment of women (Egypt);**

- 108.88. Continue efforts to combat poverty through the Poverty Reduction Strategy Paper and the third edition of the Growth Strategy for Poverty Reduction covering the period 2011- 2014 (Indonesia);
- 108.89. Adopt measures necessary to achieve the Millennium Development Goals (Kuwait);
- 108.90. Continue to enhance its financial and technical capacities through, among others, constant constructive engagement with regional and international development partners (The Philippines);
- 108.91. Further promote micro-credit programmes for the poorest (Kuwait);
- 108.92. Continue its efforts on poverty reduction by expanding its micro-credit programmes to small entrepreneurs, youths, and women, especially in the rural areas (Thailand);
- 108.93. Continue to prioritize poverty eradication and policies aimed at promoting the enjoyment of economic, social and cultural rights by its citizens (South Africa);
- 108.94. Step up efforts to ensure the right to food in the country (Chile);
- 108.95. Continue cooperation with the international community for better access to food, water and sanitation for the population of Benin given the country's limited resources (Holy See);
- 108.96. Make food security a national priority and give all the required support to policies and programs of fight against malnutrition throughout the country (Luxembourg);
- 108.97. Step up its efforts to ease access by people to sanitation and drinking water (Belarus);
- 108.98. Continue and strengthen the on-going efforts aimed at increasing the accessibility and quality of health services and education for all its citizens (Cuba);
- 108.99. Continue improving health care performance indicators through upgrading of the national health system (Djibouti);
- 108.100. With the support of the World Health Organisation (WHO) and the United Nations Development Programme (UNDP) continue its efforts to introduce programmes and initiatives to improve access to health care by its people (Singapore);
- 108.101. Strengthen efforts to address the phenomenon of alcoholism and drug addiction of children and youth, and in this regard strengthen health-related awareness-raising programmes (The Sudan);
- 108.102. Continue promoting the national policy for the promotion of women through working for the enrolment and retention of girls in school (Djibouti);
- 108.103. Step up efforts to ensure the right to education, including the participation of all school age children, particularly girls to attend schools (Indonesia);
- 108.104. Continue to promote educational strategies that aim to improve the quality of education, and increase enrolment rates, especially for women, children from rural areas and the poorest children, in order to avoid their economic exploitation and trafficking (Libya);

- 108.105. Continue improving the quality of education by providing periodic teacher training , including instructions regarding the equal treatment of girls and boys and the importance of gender equality (Liechtenstein);
- 108.106. Intensify its efforts in promoting literacy among the population especially among rural women (Malaysia);
- 108.107. Continue its efforts to raise awareness about human rights among its population (Pakistan);
- 108.108. Continue to provide free education to women and girls, especially those living in rural areas (The Philippines);
- 108.109. With the assistance from UNICEF and other relevant UN agencies continue to improve access to education, including skill training programmes for all (Singapore);
- 108.110. Create conditions enabling girls to attend school without discrimination (Switzerland);
- 108.111. Take measures to increase the schooling rate, particularly in rural areas (Switzerland);
- 108.112. Take more steps to expand free education to cover all grades in secondary schools (Uganda);
- 108.113. Continue its efforts to extend free education at all levels of secondary education (Argentina);
- 108.114. Continue with its efforts to improve the legal protection of vulnerable persons, in particular the elderly and persons with disabilities (Argentina);
- 108.115. Intensify its awareness-raising campaigns on the situation of disabled children, and support the efforts of civil society to improve rehabilitation and reintegration of children with disabilities and to effectively implement the existing legislation on birth registration (Hungary).
109. The following recommendations enjoy the support of Benin which considers that they are already implemented.
- 109.1. Consider ratifying the Convention on the Rights of People with Disabilities (Namibia);
- 109.2. Ratify the Convention on the Rights of Persons with Disabilities (Rwanda);
- 109.3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);
- 109.4. Study the possibility of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 109.5. Review its national legislation to ensure full alignment with the Rome Statute of the International Criminal Court (Liechtenstein);
- 109.6. Complete the process of full alignment of its national legislation with all obligations under the Rome Statute of the International Criminal Court (Slovakia);
- 109.7. Consider an amendment to the Personal and Family Code to ensure full equality between children born in and out of wedlock (Chile);

- 109.8. **Take appropriate measures to speed up the ratification of the Laws on Children, and Gender Equality and Participation of Women (Iraq).**
110. **The recommendations below did not enjoy the support of Benin.**
- 110.1. **Bring legislation in conformity with its commitments to equality and non-discrimination by reviewing Article 88 of the Penal Code and by decriminalizing homosexual relations between consenting adults (Canada);**
- 110.2. **Formally abolish any punishment on the grounds of sexual orientation or gender identity (Germany);**
- 110.3. **Intensify efforts to address discrimination on the basis of sexual orientation or gender identity and investigate and prosecute crimes against lesbian, gay, bisexual and transgender (LGBT) community members (Norway);**
- 110.4. **Study the possibility to increase the measures to eliminate all discriminatory treatment based on sexual orientation or gender identity (Argentina);**
- 110.5. **Decriminalise sexual relations between consenting, same-sex individuals and establish educational programmes and appropriate policies for police that promote the personal security of all Benin citizens regardless of sexual orientation (United States of America);**
111. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Benin was headed by H.E Ms A. Marie-Elise C. GBEDO, Minister of Justice, Legislation and Human Rights, Garde des Sceaux and Government Spokesperson, and composed of the following members:

- H.E Mr Séraphin LISSASSI, Permanent Representative, Permanent Mission of Benin;
- Mr Patrice A. HOUNYEAZE, Director of Human Rights;
- Ms Marie-Madeleine ADJALIAN DOMINGO, Director of Prison Administration and Social Assistance;
- Ms Marie-Claire OUOROU GUIWA, Minister Counsellor at the Permanent Mission of Benin;
- Ms Marie-Gisèle ZINKPE, Head of the Service of the Protection and Defence of Human Rights;
- Mr Dieudonné TODJIHOUNDE, Head of Promotion and Dissemination of Human Rights;
- Mr Erick Martial HACHEME, Head of the Service of the Associations and Organisations of the Defence of Human Rights;
- Ms Nadia A. FAGNISSE-DELE, Lawyer, Head of the Administrative Secretariat at the Human Rights Directorate;
- Mr Benjamin ALANMENOUE, Deputy Director of Legal Affairs at the Ministry of Foreign Affairs, African Integration, Francophonie and Beninese Abroad.
