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## **Report of the Working Group on the Universal Periodic Review\***

### **Benin**

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\* The annex to the present report is circulated as received.

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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 A. Marie-Elise C. Gbedo, Minister of Justice, Legislation and Human Rights, Garde des Sceaux and Government Spokesperson. At its 13th 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 Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Benin:

(a) A national report submitted and a written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/BEN/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (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 universal periodic review (UPR).

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Benin highlighted the importance the Government of Benin attached to the universal periodic review process, which provided an excellent opportunity to engage with the Human Rights Council in a constructive dialogue that would help the State under review to meet the many challenges it faced in the area of human rights.

6. The delegation explained that the national report was the result of an inclusive national consultation process in which State structures and civil society, supported by the United Nations specialized agencies, had contributed to gathering the information.

7. The delegation said that the strengthening of the institutional legal framework for human rights was one of the steps taken by Benin to give effect to the recommendations not only of the 2008 universal periodic review, but also those of the treaty bodies. Continuing with its ratification of human rights treaties, Benin had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty on 5 July 2012, and had also strengthened domestic provisions recognizing the right to life.

8. With regard to cooperation with the treaty bodies and the mechanisms of the Human Rights Council, the delegation pointed out that Benin's periodic reports on the

implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on Civil and Political Rights were currently being presented.

9. The delegation reported that Benin had hosted visits from the Sub-Committee on Prevention of Torture in May 2008, and from the Special Rapporteur on the right to food in 2009, and noted that the measures adopted as follow-up to those visits were part of the progress made by Benin in complying with its international commitments.

10. At the domestic level, the delegation noted that the reform of civil and criminal procedures had resulted in the adoption of the Act of 28 February 2011 on the Code of Civil, Commercial, Social, Administrative and Accounting Procedure, as well as the Act of 30 March 2012 on the Code of Criminal Procedure. The delegation added that the Act of 30 March 2012 provided for a system of visits by international and national bodies to places where people were deprived of their liberty, as prescribed in articles 1 and 3 of the Optional Protocol to the Convention against Torture. An implementing decree would establish the remit, composition and functioning of the national mechanism for the prevention of torture.

11. With regard to the continuation of the reforms aimed at consolidating the rule of law and promoting good governance, the delegation observed that the Beninese Government had adopted several general policy measures. For instance, in the area of poverty reduction, the document covering the period 2011–2014 included, in particular, measures for the survival, education and protection of children, the reduction of maternal and neonatal mortality, and wastewater treatment in urban areas. Measures had also been taken to promote gender equality and women's empowerment; to combat corruption and illicit enrichment through prevention and punishment, and to encourage girls' education and ensure that education was free in all public schools.

12. In terms of human rights infrastructure, the delegation highlighted that the institution of the Ombudsman of the Republic contributed to improving the rule of law and administrative governance. Furthermore, the delegation noted that the reforms undertaken by Benin and the initiatives implemented in the area of promotion and protection of human rights with a view to achieving the Millennium Development Goals were in line with the follow-up to the previous universal periodic review.

13. With regard to access to justice, the delegation mentioned that many reforms had been undertaken, such as the construction of new prisons and the establishment of new courts. The latter had been provided with modern equipment and infrastructure. In addition, the delegation highlighted that, between 2008 and 2011, the number of judges sitting in the courts had increased from 73 to 133, and that the State had continued its policy of recruiting judicial officers. As a result, 40 court clerks, 30 judicial officers, 400 court administrators, and 2,000 police officers had been recruited in 2011.

14. Reporting the concern of the Government of Benin with regard to the poor conditions of detention, the delegation said that measures had been taken to improve everyday life for prisoners and facilitate their access to drinking water and quality health care. It added that, in order to ease prison overcrowding, the Government had set up a commission to explore solutions that might reduce the prison population. The delegation stressed that, as a result of the commission's work, overcrowding in places of detention had been reduced significantly, with the prison population having dropped from 8,000 in January 2012 to 7,247 currently, of whom 360 were women. Benin had also strengthened efforts to put an end to ransom demands in prisons and stop the growth of corruption at all levels.

15. With regard to juvenile justice, the delegation said that the implementation of alternatives to prosecution and imprisonment of minors in conflict with the law had yielded

positive results: there had been 162 minors in detention on 31 July 2012 compared with 275 in 2010 and 362 in 2009.

16. The delegation also said that the protection of children's rights was one of Benin's priorities. Accordingly, the Beninese courts granted children particular protection, and the "best interest of the child" was now prioritized in legal proceedings.

17. In the case of violence against so-called "witch children", the delegation pointed out that specific measures were currently being considered with a view to eradicating that phenomenon. The work of the conference on ritual infanticide in Benin held on 28 and 29 March 2012, which had involved local elected officials, representatives of NGOs, and religious and traditional chiefs, had resulted in proposals to effectively combat the phenomenon. The conference had recommended, *inter alia*, the creation of reliable databases and the active involvement of keepers of tradition in discussions on awareness-raising mechanisms; dialogue and behavioural change; advocacy on the mobilization of stakeholders as well as prevention and judicial punishment.

18. With regard to the enjoyment of the right to education, the delegation noted that some of the measures taken alongside the introduction of free public primary education by decree in 2006 included an increase in the budget allocated to the education sector, the construction of classrooms, the strengthening of teachers' capacities and the acquisition of teaching materials. The extension of free education to girls in the second year of secondary school in the 2009/10 school year had enabled girls to remain in school. The delegation recalled that in 2010, the net school attendance rate had reached 90.28 per cent.

19. The delegation also pointed out that the empowerment of women and combating all gender-based violence were ongoing areas of concern for the Beninese Government. In that context, Benin had adopted a national policy on gender equality, with the objective of achieving gender equality and equity by 2025 by ensuring, *inter alia*, the empowerment of women and a better reflection of the gender perspective in development programmes.

20. With respect to the situation of older persons, the delegation pointed out that in August 2012 the Government had organized forums on civil status and the identification of the specific needs of older persons, which had resulted in recommendations that would contribute to improving civil policy and everyday life for that sector of society.

21. The delegation mentioned that Benin had strengthened efforts to guarantee universal access to quality health care, particularly through expanded vaccination and primary health-care programmes, the promotion of family health, reproductive health care, the treatment of childhood diseases, the monitoring of child nutrition, and the provision of care for those living in poverty and extreme poverty. The delegation pointed out that the budget estimates for achieving the Millennium Development Goals had been increased in the area of maternal and child health.

22. The delegation noted that, in order to ensure an adequate standard of living for all Beninese citizens, the Government had continued its microcredit programme for the poorest people. However, poverty reduction and the fair distribution of resources, food security, universal education, the reduction of the illiteracy rate, and women's empowerment all still presented challenges.

23. In closing, the delegation highlighted that there was the political will in Benin to ensure that human rights prevailed, and that the country was committed to continuing with the major reforms initiated in respect of the promotion and protection of human rights.

## **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 and the measures to address poverty reduction and gender equality. It noted that Benin had intensified efforts to promote access to health care, which has significantly reduced cases of wild polio virus and eliminated 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 the microcredit programme for the very poor. It noted improvements in the HIV/AIDS field, 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 on its efforts to empower women through the microcredit programme, the setting up of the Women's Institute and the Ombudsman Office.

29. Canada noted the adoption of a new code of criminal procedure of March 2012. It asked Benin about the status of efforts to integrate the definition of torture into Benin's national legislation and the timetable set for the implementation of this commitment. It made recommendations.

30. Cape Verde noted that Benin was increasingly becoming a party to a significant number of international human rights instruments and had acceded to the Optional Protocol on the abolition of the death penalty. It urged Benin to continue to heed the relevant recommendations regarding the protection of children 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 its 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 International Covenant on Civil and Political Rights (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 the law to prevent violence against women. It made recommendations.

33. China noted Benin efforts to improve living standards, promote gender equality, eliminate violence against women, protect the rights of children and enhance HIV prevention. It made a recommendation.

34. Congo noted that Benin had acceded to the Optional Protocol to the ICCPR aiming at the abolition of the death penalty. It noted the broad vaccination programme, free access to Caesarean sections since April 2009, free malaria treatment for mothers and children 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 the national human rights institution in line with the Paris Principles and the status of the national Observatory for the prevention of torture. It made recommendations.

36. Côte 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 made to the normative and institutional framework which have 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 has 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 towards gender equality, women's empowerment, access to medical care and free schooling. It made recommendations.

38. Djibouti congratulated Benin on the efforts made since the previous review to strengthen its legal institutional framework to promote and protect human rights through national legislation and international legal instruments to which it is party. It made recommendations.

39. Egypt welcomed Benin's plan to conduct a review of the Constitution and the strengthening of its 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 to align it with its international human rights obligations, including the recommendations of the United Nations treaty bodies and the African Union.

41. France commended Benin for ratifying the Second Optional Protocol to the ICCPR on the abolition of the death penalty and for signing the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities (CRPD). It enquired whether awareness campaigns on female genital mutilation were under way and requested information on the actions to fight against forced labour. It made recommendations.

42. Germany commended Benin for abolishing the death penalty and ratifying the Second Optional Protocol to the ICCPR and the CRPD. It welcomed the Government's efforts and progress in combating female genital mutilation and strengthening women's rights. It made recommendations.

43. The Holy See congratulated Benin on 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 prisons and the family environment. It made recommendations.

44. Hungary congratulated Benin on its ratification of several human rights treaties and on steps taken to eradicate the killing of so-called "witch children". It enquired whether the reformed Criminal Code and the Code of Criminal Procedure provided for 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 Equality, 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 and procedures. It also valued the ratification of the Convention on the protection of displaced persons and the CRPD. 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 Benin's commitment to eradicate poverty and that the Poverty Reduction Strategy Paper and the Growth Strategy for Poverty Reduction brought together national policy measures aimed at not only fighting poverty, but also 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 the special procedures of the Human Rights Council and has undertaken preparatory work for a visit by the Special Rapporteur on the sale of children, child prostitution and child pornography. Latvia made a recommendation.

50. Libya paid tribute to Benin for its progress to improve the education system and 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 trafficking in children, 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." It was also concerned about domestic violence against women and female genital mutilation. It also noted that food security remained an important concern for a majority of the population. Luxembourg 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 empowerment and children'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 promote the rights of women, children and the disabled. It enquired as to how



Benin planned to extend free schooling to the secondary cycle and further reduce the 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. The delegation of Benin highlighted that, following the adoption of the Child Trafficking Act, implementing decrees had been adopted to combat child trafficking, and awareness-raising campaigns had been conducted by the Ministry of Family Affairs, NGOs and technical and financial partners. Awareness-raising activities had also been organized for judges to ensure that the crime was severely punished. The delegation reported that 5,430 children, 80 per cent of them girls, had been given physical protection and psychological support in 2010. There were also local committees to combat child trafficking, and surveillance brigades to combat child trafficking had been set up in border towns.

57. The delegation said that the other measure to combat child trafficking internally was birth registration. To that end, more than 2 million birth certificates had been issued since 2008 as part of the large-scale Civil Status Census (RAVEC). In order to avoid forgery, the Beninese Government was working on computerizing the civil registration system.

58. In addition, the delegation noted that, in its plan of action for 2012–2013, the Government had set out its intention to increase efforts to prosecute and convict human traffickers; to finalize and promulgate the act criminalizing all forms of trafficking in persons; to improve the collection of data on application of the act; to train police officers to identify victims of trafficking among the public; and to increase efforts to raise public awareness of issues related to human trafficking.

59. The delegation recalled that regulations prohibited corporal punishment in school and family environments, and that the perpetrators of such acts were prosecuted.

60. With regard to the acts of torture observed in police stations and gendarmeries, the delegation recalled that the legal provisions in force in Benin prohibited the use of torture in all procedures. The perpetrators of proven acts of torture or other ill-treatment that had been inflicted during a judicial investigation were prosecuted and subject to criminal and disciplinary sanctions. Recent decisions by the Constitutional Court had established that acts of torture had been committed by members of the police and gendarmerie. In addition, the delegation indicated that the inspection of places of preventive detention should soon be formalized following the establishment of the national mechanism for the prevention of torture prescribed by the Optional Protocol to the Convention against Torture. The act establishing the mechanism had been adopted, but a number of details remained to be clarified in relation to its functioning, in particular the promulgation of the new Code of Criminal Procedure and the adoption of its implementing decrees.

61. The delegation recalled, in respect of the particular case of violence against “witch children” in certain regions of the country, that a national forum on the issue had been held, resulting in specific proposals aimed at effectively combating the phenomenon. The delegation also noted that awareness-raising sessions had been organized in the regions concerned with a view to ensuring better protection of the right to life.

62. With regard to measures taken to combat female genital mutilation, the delegation noted that the legislation in force in Benin punished all forms of female genital mutilation. However, in order to effectively combat the pockets of resistance that remained in certain regions of the country, information and awareness-raising sessions were regularly organized by State bodies and civil society in order to better protect girls' health.

63. With respect to the protection of women, the delegation mentioned the Act of 9 January 2012 on the Prevention and Punishment of Violence against Women. Before that Act, the Ministry of Justice, in partnership with the United States Government, had also implemented the Women's Justice and Empowerment Initiative project to protect women victims of violence. Through that project, many members of the criminal justice system had been trained in the various procedures for the care of victims of gender-based violence. The rehabilitation and reintegration of the victims were also prioritized in all of the procedures.

64. The delegation also said that Benin had drafted a national policy for the advancement of women and gender equality in order to correct unequal gender relationships and achieve gender equity and equality by 2025. The National Council for the Promotion of Gender Equity and Equality had been set up under the authority of the head of State. Its task was to ensure that gender was taken into account in development programmes and policies. Similarly, the head of State had created and set up the National Institute for the Advancement of Women on 9 March 2009.

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

66. Namibia welcomed the Government's decision to abolish the death penalty and highlighted the robust policies and mechanisms that 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 United Nations High Commissioner for Human Rights (OHCHR) 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 mutilation and sexual harassment persisted. The Netherlands made recommendations.

68. Nigeria commended Benin's 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 has adopted legislation to counteract trafficking in children, human trafficking remains a serious problem. Norway made recommendations.

70. Pakistan applauded the strengthened legal and institutional frameworks for promoting and protecting human rights, which has helped to empower women and ensure improved access to health care and free education. It welcomed Benin's 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 Benin's actions to improve the standard of living; 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, including the abolition of the death penalty; creation of the Ombudsman's office; reforms to ensure that its national human rights commission is 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 the efforts to meet the Millennium Development Goals, particularly by ensuring universal primary education by 2015. It also noted the 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 the steps taken towards abolishing 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 combating 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 the measures adopted by Benin on poverty reduction; good governance; promotion and protection of 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. The 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 has helped strengthen governance in the country. The 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 has not yet 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. Thailand expressed its willingness 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 Benin's efforts to implement national and international human rights commitments and the 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 is 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 Benin's 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 pretrial detention periods, restrictions on the right to strike and slowness in addressing the worst forms of child labour. It asked Benin 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 the 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; it 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 Benin's efforts to combat HIV/AIDS and welcomed the visit of the 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, 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 enjoyed 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 grounds of homosexuality. Belgium made recommendations.

96. The delegation of Benin pointed out that the State had ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 5 July 2012.

97. The delegation highlighted that freedom of the press was recognized and guaranteed by article 24 of the Constitution, and was exercised under the conditions established by law. In practice, there were no restrictions on the exercise of that right; in addition to some 30 daily newspapers, there were also a number of private radio and television stations that broadcast in Benin in strict compliance with the code of ethics.

98. In respect of the Benin Human Rights Commission, the delegation noted that a preliminary bill amending the previous law had been drafted and submitted to the Supreme Court for comments. The delegation pointed out that Benin had received technical support from the Office of the United Nations High Commissioner for Human Rights and the Francophone Association of National Human Rights Commissions in the drafting process. The delegation also highlighted that the bill should be passed before the end of 2012, and that as of 2013, Benin could have a national human rights institution in accordance with the Paris Principles.

99. The delegation recalled that the Constitution of Benin guaranteed freedom of religion and of worship in strict compliance with public order and individual freedoms. It added that religious groups exercised their activities freely.

100. With regard to combating corruption in the administration, the judiciary and the police, the delegation mentioned the creation of the unit to promote accountability in public life, the anti-corruption observatory, and the General State Inspectorate. The delegation also reported on the prosecution of persons suspected of acts of corruption. For instance, a number of company directors and senior members of the Office of the President of the Republic had recently been dismissed and were being tried by the competent courts. In the administration, the Government had set up structures to control the management of public resources in the ministries and State companies.

101. Under the right to health, the delegation noted that caesarean sections had been free since April 2009, and that the State had provided health facilities with the appropriate kits. The fight against malaria took the form of free treatment for pregnant women and children under 5 and the distribution of free insecticide-treated mosquito nets. In addition, in detention centres, improved health care for prisoners was organized through the distribution of medication. All prisons had been supplied with essential medication and medical equipment.

102. The delegation said that the independence of human rights defenders and the legal personality and financial independence of associations were guaranteed by the legislation in force.

103. With regard to human rights in prisons, the delegation highlighted that several initiatives had been undertaken to address prison overcrowding. An ad hoc commission had been set up to identify all prisoners who had been held in detention for nearly as long as the maximum legal sentence for the offence in question. As a result of the commission's work, more than 800 prisoners had been released from among the 8,000-strong prison population. The delegation specified that the commission had been maintained so that it could carry out that task every year in order to avoid abuses of preventive detention.

104. The delegation added that, with the support of the European Union, a study on the introduction of software to manage prisoners had been carried out. Furthermore, the Government of Benin, with the support of the United States, had constructed six new courts of first instance. Thus, the implementation of the provisions of the new Code of Criminal Procedure concerning the creation of a liberty and custody judge and the duration of preventive detention would contribute to easing prison overcrowding. With regard to conditions of detention, the delegation pointed out that the Beninese Government had increased prisoners' food rations from one to two hot meals per day in January 2010.

105. Turning to education, the delegation pointed out that significant funds had been mobilized by both the Government and the partners to guarantee education for the entire population by 2015, in accordance with the Millennium Development Goals. Programmes to recruit teachers, construct classrooms, build capacities and acquire teaching materials were developed every year for the education sector.

106. In conclusion, the delegation reiterated that all of the opinions, observations and recommendations would be given due consideration by the Beninese authorities with a view to finding solutions and strengthening democracy and human rights in Benin.

## **II. Conclusions and/or recommendations\*\***

**107. The following recommendation will be examined by Benin which will provide responses in due time, but no later than the twenty-second session of the Human**

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\*\* Conclusions and recommendations have not been edited.

**Rights Council in March 2013. The responses will be included in the outcome report adopted by the Human Rights Council at the same meeting:**

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

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

108.1 **Consider an early ratification of the Third Optional Protocol to the Convention on the Rights 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 abolition of 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 the 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 the proposals of civil society and present a midterm 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 (Côte 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, as well as to 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 (Côte 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 eliminating 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 death row (Switzerland);

108.33 Not resort to abusive pretrial 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 the prison population, as overcrowding in prisons remains an issue in Benin (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 pretrial detention (United States of America);

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

108.41 Continue programmes to sensitize 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 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 violence against women into 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 among women about the prohibition of FGM (Germany);

108.47 Ensure due implementation of measures aimed at addressing 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 mutilation or killing of disabled children, through 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 mutilation (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 the 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 kinds 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, categorizing 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 in schools, 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 fight 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, we recommend that 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 (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 socioeconomic 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 (Philippines);**

108.91 **Further promote microcredit programmes for the poorest (Kuwait);**

- 108.92 Continue its efforts on poverty reduction by expanding its microcredit 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 programmes of the 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 ongoing 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 Organization (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 (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 (Philippines);

- 108.109 With the assistance from UNICEF and other relevant United Nations 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 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 Persons 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 of increasing the measures to eliminate all discriminatory treatment based on sexual orientation or gender identity (Argentina);**

110.5 **Decriminalize 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 recommendations contained in the present report reflect the position of the submitting States and the State under review. They should not be construed as endorsed by the Working Group as a whole.**

## Annex

[English only]

### 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 Alanmenou, Deputy Director of Legal Affairs at the Ministry of Foreign Affairs, African Integration, Francophonie and Beninese Abroad.
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