



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports

- Universal Periodic Review:

BENIN

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Benin.

1. Treaty Body Concluding Observations

CESCR/E/C.12/BEN/CO/2

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 40th Session

9 June 2008

12. The Committee is concerned by information that 25 per cent of Beninese children have not been registered at birth, which reportedly hinders their access to health services and education.

18. The Committee is concerned at the high number of persons trafficked from and within the State party, particularly persons in transit through its territory, for purposes of sexual exploitation and forced labour. It is concerned that there are no specific provisions of criminal law prohibiting trafficking in adults.

31. **The Committee recommends that the State party include in its next periodic report updated statistical data on the enjoyment of Covenant rights, broken down by age, gender, urban and rural area and ethnic group. Particular attention should be given to disadvantaged and marginalized groups.**

33. **The Committee recommends that the State party strengthen measures to ensure that all children are registered at birth by requiring public authorities and health and education services to register them, issuing birth certificates to unregistered children and abolishing registration fees.**

39. **The Committee recommends that the State party continue and step up its efforts to combat human trafficking by ensuring adequate access to victim assistance and witness protection programmes and by providing training for police officers, prosecutors and judges in the strict enforcement of the relevant criminal law provisions. The Committee also recommends that the State party consider adopting a law against trafficking in adults, allocate sufficient funds for**

implementation of the national plan of action to combat child trafficking and for local child protection committees and increase cooperation with neighbouring States.

52. The Committee invites the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

CRC/C/BEN/CO/2

COMMITTEE ON THE RIGHTS OF THE CHILD, 43th Session

20 October 2006

65. The Committee notes with appreciation the State party's respect for the rights of asylum-seekers and facilitation of refugee children's access to basic services, including health care, education and leisure. However, the Committee is concerned at reports of abuse and violence against these children.

66. The Committee recommends that the State party:

- (a) Continue its efforts in favour of the refugee children, in particular the provision of basic social services;**
- (b) Consider adopting a national policy of assistance to and coverage of children in emergency situations; and**
- (c) Pursue and take further action required against perpetrators of crimes against refugee children as prescribed within the provisions of the Penal Code of Benin.**

CAT/C/BEN/CO/2

COMMITTEE AGAINST TORTURE, 39th session

22 November 2007

Non-refoulement

1. Le Comité s'inquiète de l'absence de cadre législatif réglementant l'expulsion, le refoulement et l'extradition. Par ailleurs, le Comité est particulièrement préoccupé par le fait que les procédures et pratiques actuelles d'expulsion, de refoulement et d'extradition en vigueur dans l'État partie peuvent exposer des personnes aux risques d'être torturées. (articles 3 et 8)

L'État partie devrait adopter un cadre législatif pour réglementer l'expulsion, le refoulement et l'extradition permettant de s'acquitter de l'obligation exprimée par l'article 3 de la Convention. L'État partie devrait également prendre des mesures urgentes afin que les procédures et pratiques actuelles en matière d'expulsion, de refoulement et d'extradition soient mises en pleine conformité avec l'article 3 de la Convention, en particulier :

- a) L'article 21 du projet de Code pénal devrait être amendé afin de prévoir le "risque d'être soumis à la torture" parmi les motifs de refus d'extradition ainsi que l'exige l'article 3 de la Convention;
- b) L'expulsion, le refoulement et l'extradition des personnes, y compris de celles en situation irrégulière, devraient relever d'une décision judiciaire après examen minutieux du risque de torture encouru dans chaque cas et être susceptibles de recours avec effet suspensif ;

Les termes des accords de coopération en matière d'entraides judiciaires conclus avec les pays voisins devraient être révisés de manière à s'assurer que le transfert d'un détenu vers un des États signataires se fasse dans le cadre d'une procédure judiciaire et dans le strict respect de l'article 3 de la Convention.

2. Special Procedures

A/HRC/13/33/Add.3

HUMAN RIGHTS COUNCIL, 13th session

Report of the Special Rapporteur on the right to food, Olivier De Schutter

22 December 2009

13. Benin does not have a framework law on the realization of the right to food, as recommended by the Committee on Economic, Social and Cultural Rights in its general comment No. 12 (1999) on the right to adequate food (E/C.12/1999/5, paras. 29–30). There is, however, a legislative framework for a food inspection system,⁷ while Act No. 2007-21 of 16 October 2007 on consumer protection in Benin stipulates in article 4 that: "Since the State is primarily responsible for meeting consumers' physical ... needs, the Government shall seek, through its policies, to ensure that consumers gain maximum benefit from the country's economic resources. The State shall guarantee that basic necessities are accessible to all, if necessary through a price regulation mechanism." This provision does not, however, appear to have been invoked in judicial proceedings to impose specific obligations on the Government with respect to, for example, managing the supply of food or regulating retail prices.

14. This legal and institutional framework could be improved. The realization of the right to food presupposes that the State will identify vulnerable groups through vulnerability and food insecurity mapping; pinpoint the obstacles that each of these groups encounters in exercising the right to food; define a strategy to overcome these obstacles, ensuring coordination among the various competent actors;⁸ and, once the responsibilities of these actors in implementing the strategy have been defined, establish mechanisms to ensure that they fulfil their obligations. The Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted in 2004 by the United Nations Food and Agriculture Organization (FAO), provide States with specific recommendations on these different stages and on the elements of a national strategy for the realization of the right to food. The specificity of a rights based approach to food insecurity lies in the fact that it proceeds from the situation of those who are most vulnerable to consider the policies that could be put in place to

ensure that they are better able to meet their needs; such policies may include the expansion of the opportunities available to these groups to demand that their rights are respected.

- End of excerpts -

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