

| Recommendation | Position | Full list of themes | Assessment/comments on level of implementation |
|---|-----------|--|---|
| <i>Theme: D43 Freedom of opinion and expression</i> | | | |
| <p>108.81 Take necessary steps to entrench, in practice as well as in legislation, freedom of expression and freedom of the media (Australia);</p> <p>Source of position: A/HRC/22/9 - Para. 108</p> | Supported | <p>D43 Freedom of opinion and expression A41 Constitutional and legislative framework</p> <p>Affected persons:</p> <ul style="list-style-type: none"> - general - media | <p><u>Partly implemented:</u></p> <ul style="list-style-type: none"> - Defamation was decriminalised through the adoption of the 2015 Information and Communication Code. Despite the removal of harsh prison sentences for defamation, individuals can still be subjected to excessive fines. Prior to the adoption of the Information and Communication Code, defamation, including insulting the President, was criminalised under the 1997 Press Law, and was often used to stifle critical voices. (paragraphs 4.9 – 4.11) - The national media regulatory agency, the Haute Autorité de l’Audiovisuel et de la Communication (HAAC), has frequently used undue discretion to arbitrarily suspend and harass independent media outlets, in particular those critical of the party in power. (paragraphs 4.3 – 4.8) - Access to information is not guaranteed in the Republic of Benin (paragraph 4.9) |
| <i>Theme: E31 Right to work</i> | | | |

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| <p>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);</p> <p>Source of position: A/HRC/22/9 - Para. 108</p> | Supported | <p>E31 Right to work D44 Right to peaceful assembly E33 Trade union rights D43 Freedom of opinion and expression Affected persons: - general</p> | <p><u>Partly implemented</u></p> <p>Regarding freedom of association and assembly:</p> <ul style="list-style-type: none"> - A draft framework law on the freedom of association, expression and assembly, initiated in 2012 and drafted through consultations with a wide range of stakeholders, currently sits with the Supreme Court for review. (see paragraph 2.6) - Despite the above, the Council of Ministers issued a decree on 5 October 2016, banning all activities of student associations, federations and unions on public universities, violating the freedom of association and assembly. Although the Constitutional Court decided the decree to be unconstitutional, the government has refused to overturn the ban.(See paragraph 2.4) - On several occasions authorities have prevented groups from organising public assemblies on specious grounds of preventing “disturbance of public order”. In October 2016, the Council of Ministers issued a decree banning the activities, including peaceful protests, of the student associations, federations and unions. (paragraphs 5.4 – 5.7) - The security forces continue to use excessive and unjustifiable force to prevent protests and other forms of public assemblies (paragraphs 5.9-5.10) |