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**Summary prepared by the Office of the High Commissioner
for Human Rights in accordance with paragraph 5 of the
annex to Human Rights Council resolution 16/21**

Benin*

The present report is a summary of nine stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to the United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Franciscans International (FI) refers to recommendations 7 and 8 made during the first universal periodic review of Benin on the abolition of the death penalty, which were accepted by Benin, and states that Benin has made progress towards abolishing the death penalty. In 2011, parliament authorized the country's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.² The authors of Joint Submission 1 make a similar statement.³

2. Joint Submission 5 (JS5) refers to recommendations 7 and 8 on the abolition of the death penalty, accepted by Benin, and urges it to ratify/accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and to deposit the instrument of ratification/accession with the United Nations Secretary-General as soon as possible.⁴

3. The authors of Joint Submission 2 recommend that Benin should consider ratifying the Convention on the Rights of Persons with Disabilities, which the Government has signed, as well as the Optional Protocol thereto.⁵

B. Constitutional and legislative framework

4. The authors of Joint Submission 1 refer to recommendation 10 on amending the Criminal Code to bring it into line with the relevant international standards, as well as recommendations 12 and 13 on including a definition of torture in the Criminal Code, all of which were accepted by Benin.⁶

5. They state that, by authorizing accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, the parliament of Benin has committed to amending the Criminal Code and the Code of Criminal Procedure to bring them into line with the Optional Protocol. They recommend that Benin should: take all necessary measures to adopt the draft Criminal Code as soon as possible and ensure that it contains a definition of torture pursuant to article 1 of the Convention against Torture; promptly promulgate the Act passed on 30 March 2012, establishing the new Code of Criminal Procedure; and make the Code easily accessible to all and disseminate it throughout the country, including through radio and television channels.⁷

6. The authors of Joint Submission 2 recommend that Benin should consider adopting a specific law guaranteeing the rights of persons with disabilities and prohibiting all discrimination against them.⁸

7. The authors of Joint Submission 4 state that Benin ratified the Convention on the Rights of the Child in 1990 but did not publish it in the *Official Gazette* until 2006, and then only at the insistence of civil society. They recommend that Benin should enable the international legal child rights instruments to enjoy full legitimacy in the country and to be considered as a source of law in their own right, by systematically publishing them in the *Official Gazette* immediately upon ratification. They also recommend that Benin should speed up the adoption, promulgation, dissemination and implementation of the Children's Code, which, as a national law, must manifestly combat the commercial sexual exploitation of children and any other forms of child abuse and ensure protection for children against harmful uses of the Internet and their devastating consequences.⁹

8. The authors of Joint Submission 4 recommend that Benin should adopt criminal legislation in conformity with the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in order to protect children and punish persons who profit from or have recourse to child prostitution.¹⁰

9. The authors of Joint Submission 4 recommend that the Act of 10 April 2006 setting out conditions for the displacement of minors and the suppression of child trafficking in Benin should be amended to unequivocally establish the forms of medical, psychosocial and legal assistance to which child victims of trafficking are entitled under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹¹

10. Joint Submission 3 (JS3) indicates that, despite the existence of a solid legal framework on human rights and children's rights in Benin, there is no specific legislation prohibiting and punishing violence against children, and compliance with existing legislation is weak.¹²

C. Institutional and human rights infrastructure and policy measures

11. The authors of Joint Submission 1 refer to recommendation 9, accepted by Benin, on establishing an effective and independent national mechanism for the prevention of torture. According to the authors, it appears that the draft bill establishing such a mechanism has been submitted to parliament for adoption, and they recommend its prompt adoption.¹³

II. Implementation of international human rights obligations

A. Right to life, liberty and security of the person

12. Pending Benin's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the authors of Joint Submission 1 have asked the Government to commute the sentences of those recently sentenced to death.¹⁴

13. The authors of Joint Submission 1 refer to recommendation 16, under which Benin agreed to display greater firmness in preventing abuses of police custody, torture and ill-treatment and bring criminal proceedings against the perpetrators of such violations. They indicate that on 30 March 2012 the parliament of Benin passed the new Code of Criminal Procedure aimed, *inter alia*, at further guaranteeing individual freedoms by limiting the circumstances and length of detention. They recommend that Benin should employ more public prosecutors so that they can make regular unannounced inspections of detention facilities.¹⁵

14. The authors of Joint Submission 1 refer to recommendation 17, under which Benin agreed to take effective measures to ensure that prison conditions were consistent with international standards. They have found that, in addition to overcrowding, the situation in Beninese prisons is characterized by violation of visiting rights; the continual use of hazing; poor hygiene, lack of health care; failure to separate prisoners awaiting trial from those serving sentences; and insufficient and poor-quality food rations.¹⁶

15. The authors of Joint Submission 1 also indicate that access to places of detention is not authorized and that NGOs face obstacles when attempting to visit places of detention, particularly prisons. They recommend that the Beninese authorities should develop clear and objective criteria for selecting NGOs to be authorized to visit places of detention and consider granting those NGOs permanent authorization to visit.¹⁷

16. FI refers to recommendation 11, accepted by Benin, on the situation of so-called “witch children”, and asserts that, despite the concerns expressed by State delegations and other stakeholders during the first universal periodic review of Benin, the ritual infanticide of “witch children” in the north of the country persists.¹⁸

17. FI notes that ritual infanticide consists in killing any child whose birth is considered abnormal. This applies to children born in the breech position, or face down, head first and face up being considered baby’s normal position at birth. Newborns are also killed if they are born prematurely, with tooth buds or visible disabilities, or if the mother dies in childbirth. These babies are killed because tradition has it that, they are a curse on the family and the community.¹⁹

18. FI adds that it is difficult to estimate the magnitude of the problem because the deaths are not systematically registered, nor are they investigated. In addition, deaths of children by ritual infanticide are often obscured by the generally high mortality rate among under-fives.²⁰

19. FI avers that, although at the first universal periodic review the Government of Benin undertook to act appropriately and to accept the recommendations calling for preventive measures to put an end to harmful traditional practices that violate the rights of the child, there has been no sign of significant progress.²¹

20. Regarding prevention, the Government’s consciousness-raising campaigns do not specifically target ritual infanticide or a clearly-identified audience. Nor have they been conducted in partnership with the NGOs or religious organizations that play a key role in community consciousness-raising efforts to combat this scourge.²²

21. From the legal viewpoint, cases of infanticide are rarely reported and the perpetrators are not always prosecuted due to the covert nature of the crime. However, a few court rulings in infanticide cases have resulted in sentences of forced labour, and one in a sentence of life imprisonment. The Ministry of Justice, in collaboration with the Ministry of Family and National Solidarity, has also made some progress in child protection capacity-building among judicial personnel.²³

22. FI recommends that, the complex issue of ritual infanticide of “witch children” should be addressed through a fully integrated national and international three-pronged response aimed at: preventing ritual infanticide, including by continuously calling the attention of local authorities, health workers, communities and families, traditional leaders, religious leaders and the general population in the regions concerned to the harmful effects of certain traditional beliefs on children’s enjoyment of their rights, including the right to life; prosecuting acts by, for instance, ensuring that the offence is explicitly defined and prohibited by law and that appropriate criminal sanctions are imposed on perpetrators; and protecting children, by, inter alia, ensuring that those at risk of ritual infanticide receive proper social and legal protection. Such a response should include coordination among the various stakeholders, namely the Government, civil society, communities, families and schools, with assistance from the international community.²⁴

23. The authors of Joint Submission 2 make similar recommendations. With a view to encouraging the reintegration of “witch children”, they also ask the Government of Benin to provide additional resources for consciousness-raising campaigns and to support the work already being done by social workers and the NGOs that run reception and training centres for these children to enable them to re-establish contact with their biological families or find adoptive parents.²⁵

24. The authors of Joint Submission 2 report that the economic exploitation of children is rife in Benin, in the form of child trafficking, and child labour sometimes involving heavy work. The child victims belong to poor families who, out of necessity, send their

children — aged 4–17 — out to earn their living. The girls are mainly involved in *vidomegon* domestic service, manual trades and commerce while the boys work in quarries, on plantations and in manual trades.²⁶

25. The authors of Joint Submission 2 recommend that Benin should take steps to ensure implementation of national and international standards governing the fight against economic exploitation of children.²⁷ On this issue, JS3 recommended that Benin should, *inter alia*, strengthen its efforts to ensure access to schools to all children; in particular, waive school fees to include secondary education, so as to strengthen the strategies for maintaining children in schools, as a measure to prevent child economic exploitation and child labour; strengthen its efforts to improve the provision of social and protection services throughout the country, including education, health services, drinking water, and social aid to stop children from remote areas moving to urban centres for the lack of such services, and therefore prevent them from children in street situations.²⁸

26. The authors of Joint Submission 2 report that the sexual exploitation of children is relatively covert and takes many forms in Benin. Sexual exploitation on the streets and especially through the Internet is becoming clearly visible. However, neither the national laws nor the anti-cybercrime bodies are yet sufficiently developed and the scope of the problem far outstrips the authorities' capacity to overcome it.²⁹ The authors of Joint Submission 2 recommend that Benin should take measures to raise awareness of the seriousness of child sexual abuse and assault and should ensure that perpetrators of sexual abuse and sexual exploitation are brought to justice.³⁰

27. JS3 reports that child trafficking persists in Benin, which is considered a supplier, country of transit, and country of destination for victims of child trafficking. It recommends Benin *inter alia* to ensure awareness-raising and information among the population and children at risk, of the existing legislation against child trafficking; implement existing legislation in this regard, and ensure that those responsible for child trafficking are promptly brought to justice; strengthen its efforts to continue promoting girls' access to quality primary and secondary education; and ensure economic empowerment of families, with a focus on women.³¹

28. Global Initiative to End all Corporal Punishment of Children (GIEACPC) underlines that a 2009 study involving interviews with girls and mothers and a survey of women and men found that corporal punishment at home and in schools was very common. When asked about the reasons for violence experienced in particular by girls, many interviewees said that it was for "education".³² JS3 expresses similar concerns,³³ and recommends that Benin should strengthen its efforts to raise awareness among children, families, communities, as well as teachers and all professionals working with children of the harm caused by corporal punishment, and promote alternative, non-violent forms of discipline; openly prohibit by law all forms of violence against children as well as corporal punishment in families, in schools, and in other institutions, and ensure that perpetrators of violence against children are brought to justice; develop an educational programme to fight violence against children and corporal punishment; and ensure rehabilitation and social reintegration of all child victims of violence.³⁴

29. L'Organisation pour la Promotion et la Protection des Droits de l'Enfant, des Jeunes et de la Femme (Organisation for the Promotion and Protection of Children, Youth and Women Rights) (AUTRE VIE) and the authors of Joint Submissions 2 and 3 make similar recommendations.³⁵

B. Administration of justice and the rule of law

30. The authors of Joint Submission 1 refer to recommendation 14, which Benin accepted, and call on the authorities, pursuant to this recommendation, to amend the Criminal Code to stipulate that no statement obtained under torture may be invoked in proceedings, except against the person accused of torture, and that orders from a superior may not be invoked as a justification of torture.³⁶

31. The authors of Joint Submission 1 refer to recommendation 23, under which Benin agreed to reform its judiciary, highlighting in particular an insufficient number of judges, especially in the south of the country; a corrupt justice system; and poor enforcement of sentences. They recommend that Benin should recruit more criminal investigation officers, judges and clerks of the court and continue courthouse construction.³⁷

C. Right to privacy, marriage and family life

32. JS3 indicates that in spite of all activities carried out by the Government with some partners on birth registration, a great number of children are still not registered at birth and do not have their birth certificates. JS3 recommends to Benin, inter alia, that legislation that ensures the issuing of a free of charge birth certificate should be enforced and effectively implemented throughout the country, and that parents should be properly informed; that it should raise awareness of the importance of birth registration among mothers, families and communities, as well as among social workers, health-care and professionals responsible for providing birth registration and birth certificates; bring the centres of civil status closer to the places of residence of the populations; and reinforce the capacities of civil registration services by providing sufficient human, technical and financial resources to fulfil their activities.³⁸

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

33. Article 19 refers to recommendation 10, accepted by Benin, to amend its criminal law to comply with international standards, but notes that this commitment does not extend to the reform of defamation legislation. Under the law, defamation remains a criminal offence.³⁹

34. Article 19 observes that the current Government has not used the 1997 Press Code as extensively as the previous one, and it is also believed that some judges are reluctant to prosecute libel cases. Nonetheless, journalists continue to be imprisoned for libel since the first UPR.⁴⁰

35. While, in general, journalists can practise their profession without being regularly attacked for their work, there are a record number of such incidents in 2009 and 2010. This trend was particularly strong in June and July 2009, prompting two media groups to bring complaints before the High Authority for Audio-Visual Media and Communications (HAAC), Benin's official media regulator.⁴¹

36. Criticism of the State media in Benin has been growing over the last few years. Only the State channel covers approximately 80 per cent of the national territory. The other private commercial channels are reduced to a radius of 100 kilometres around their town of location and are obliged to submit requests to HAAC if they want to extend their coverage area. This situation is strengthened by the media law which favours the State channel.⁴²

37. Article 19 expresses concern about a number of recent regulatory decisions of HAAC that may have the effect of silencing the free media in Benin. It is also concerned about incidents of censorship apparently originating from the Government itself.⁴³

38. Article 19 calls on the Human Rights Council to urge the Government of Benin to repeal all criminal defamation provisions and replace them with appropriate civil laws; create an enabling environment for the media via tax reductions, advertising regulations, and the provision of media resources; introduce regulation on political funding of media outlets and the full transparency of media ownership; refrain from using subsidies and advertising contracts to influence media content, and from showing favouritism to public media outlets; ensure that police show restraint in policing protests and demonstrations; adopt comprehensive freedom of information legislation; strengthen the independence of HAAC vis-à-vis the Government and other forces.⁴⁴

E. Rights to health

39. The authors of Joint Submission 2 have found that in recent years alcohol, drug and tobacco use has increased, especially among young people 15 to 19 years of age. According to Ministry of Health statistics, the prevalence of alcohol abuse is 59.3 per cent, consumption being higher among the least educated sectors of the population. The authors of Joint Submission 2 recommend that Benin should strengthen its measures to address the problem of child and youth alcoholism and drug use and conduct awareness-raising campaigns on the social and health impact of addiction to these substances; and provide the necessary human and financial resources for the smooth functioning of treatment centres for drug addiction and drug- and alcohol-related psychiatric disorders.⁴⁵

F. Right to education

40. The authors of Joint Submission 2 note the progress the Government of Benin has achieved over the past 10 years with regard to increasing school enrolment rates. However, several problems persist in the education system, such as school dropout, repeated years, and a low pass rate, particularly for the primary education certificate examination and entry into year six.⁴⁶

41. The authors of Joint Submission 2 also refer to recommendations 24 and 25 under which the Government undertook to focus more on girls' enrolment in its education programmes, but have found there to be still a wide disparity between boys and girls, even more pronounced in rural areas and among the poorest sectors of the population. In addition, girls still encounter obstacles and violence in school, including gender-based violence, obstacles that often lead to their low retention rate.⁴⁷

42. The authors of Joint Submission 2 also point to the quantitative and qualitative shortcomings of the education on offer, with regard to insufficient and poor infrastructure, textbooks, teaching materials and supervision; frequently overcrowded classrooms; and teachers' inadequate training and work overload. These problems have led to a proliferation of private schools at all levels (primary, secondary and university), accessible mainly to children from more affluent families. What is more, the Government has no control over these private schools, which independently manage their school curricula, materials, teacher training, etc.⁴⁸

43. The authors of Joint Submission 2 recommend that Benin should take the necessary measures to provide free primary education and to prevent children from dropping out of primary school, take measures to increase enrolment in secondary and technical schools, pay special attention to the disparities between men and women and the socioeconomic and

regional disparities in access to education, develop a plan to rebuild and standardize the education system throughout the country, and improve the quality of education by providing suitable and recurrent teacher training.⁴⁹

G. Persons with disabilities

44. The authors of Joint Submission 2 report that children with disabilities are excluded because of those disabilities, which are sometimes regarded as a curse. They refer to “*toxossou*”, or deformed children seen as river spirits. Even today, many of these children are still thrown into a body of water or hidden in the backyards of homes because they are viewed as a disgrace to the family, a phenomenon particularly pronounced in rural areas. The authors of Joint Submission 2 recommend that Benin should intensify its consciousness-raising campaigns on the situation of these children throughout the country, especially in rural areas; train professionals in the skills they need for teaching children with disabilities, in order to ensure their social advancement; and support the work of civil society, particularly NGOs which work on the rehabilitation and reintegration of children with disabilities and which often lack the required facilities and resources.⁵⁰

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status):

Civil society

ARTICLE 19	Global Campaign for Free Expression
AUTRE VIE	Organisation pour la Promotion et la Protection des Droits de l’Enfant, des Jeunes et de la Femme, Porto-Novvo, Bénin
FI	Franciscans International, Genève, Suisse
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom
JS1	Fédération Internationale de l’Action des Chrétiens pour l’Abolition de la Torture (FIACAT France) et Action des Chrétiens pour l’Abolition de la Torture Bénin (ACAT Bénin) (Joint Submission 1)
JS2	Istituto Internazionale Maria Ausiliatrice (IIMA) and International Volunteerism Organization for Women, Education, Development (VIDES International) (Joint Submission 2)
JS3	Plan International, Right To Play, Terre des Hommes, CLOSE and ReSPESD (Joint Submission 3)
JS4	Comité de Liaison des Organisations Sociales de Défense de Droits de l’Enfant (CLOSE) et End Child Prostitution, Child Pornography and Child Trafficking for sexual purposes (ECPAT International)
JS5	World Coalition Against the Death Penalty (WCADP) (Joint Submission 5)

² FI, p. 4, para. 12.

³ JS1, p. 2.

⁴ JS5, p. 2, paras. 3 and 4.

⁵ JS2, p. 5, para. 20.

⁶ JS1, p. 3.

⁷ JS1, pp. 3 and 7.

⁸ JS2, p. 5, para. 20.

⁹ JS4, pp. 2 and 3.

¹⁰ JS4, p. 3.

¹¹ JS4, pp. 3 and 4.

¹² JS3, pp. 3 and 4, para. 15.

¹³ JS1, pp. 2, 3 and 7.

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- ¹⁴ JS1, p. 2.
¹⁵ JS1, pp. 4 and 5.
¹⁶ JS1, p. 5.
¹⁷ JS1, p. 3.
¹⁸ FI, p. 2, para. 4.
¹⁹ FI, p. 2, para. 5.
²⁰ FI, p. 3, para. 7.
²¹ FI, p. 3, para. 9.
²² FI, pp. 3 and 4, para. 10.
²³ FI, pp. 4 and 5, paras. 12 and 13.
²⁴ FI, pp. 5 and 6, para. 15.
²⁵ JS2, p. 4, para. 16.
²⁶ JS2, pp. 5 and 6, para. 21.
²⁷ JS2, p. 6, para. 24.
²⁸ JS3, p. 6, paras. 28–30.
²⁹ JS2, p. 6, para. 23.
³⁰ JS2, p. 6, para. 24.
³¹ JS3, pp. 4 and 5, paras. 16–23.
³² GIEACPC, p. 2, paras. 2.3–2.5.
³³ JS3, pp. 6–8, paras. 31–39.
³⁴ JS3, p. 8, paras. 40–42.
³⁵ AUTRE VIE, pp. 7 and 8; JS2, pp. 9 and 10, para. 40; JS3, p. 8, paras. 40–42.
³⁶ JS1, pp. 3 and 4.
³⁷ JS1, pp. 6 and 7.
³⁸ JS3, pp. 8–10, paras. 43–55.
³⁹ ARTICLE 19, paras. 2 and 3.
⁴⁰ ARTICLE 19, para. 4.
⁴¹ ARTICLE 19, para. 5.
⁴² ARTICLE 19, para. 9.
⁴³ ARTICLE 19, paras. 12–16.
⁴⁴ ARTICLE 19, para. 18.
⁴⁵ JS2, pp. 6 and 7, paras. 25–28.
⁴⁶ JS2, pp. 7 and 8, paras. 30 and 31.
⁴⁷ JS2, p. 8, para. 33.
⁴⁸ JS2, p. 8, paras. 35 and 36.
⁴⁹ JS2, p. 9, para. 40.
⁵⁰ JS2, pp. 3 and 4, paras. 12–14.
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