

Benin's review in the Working Group
Wednesday 7 May 2008, Morning 9.00-12.00
Overview of the Working Group session

The Troika

The Troika was composed of representatives from Nicaragua, Madagascar and Germany. None of them took the floor during the interactive dialogue.

Presentation by Benin

Recognition of problems and/or concerns: considerable challenges remain in the eradication of torture and implementation of international human rights instruments in general.

Measures taken/achievements made: a legal framework and institutional and political structures were set up to ensure the rule of law; since the adoption of the constitution in 1990 Benin has acceded to most international human rights conventions; the framework for the enjoyment of human rights has been strengthened; *legal and regulatory mechanisms* were established to include recommendations from treaties bodies e.g. for the code for persons in the family (2006), the code on children (2007), the acts on terrorism and on white-washing (2006), the law on political parties and the law on the media. *New institutions* to promote human rights have been created e.g. a constitutional court, a senior authority for communication techniques, a high court of justice, an advisory council on human rights, a committee for the follow up of the implementation of international legal instruments, an economic and social council, a national commission on the rights of the child, a president mediator and a brigade for the protection of minors. *Measures taken* to protect and promote human rights include kindergarten and primary school teaching for free since 2006, a programme for micro-financing, a law on the status of women, free health care for children from 0-5 years old and free mosquito nets for pregnant and breast-feeding women. *Strategies adopted to combat poverty:* strategy documents for poverty reduction – priorities are good governance and strengthening the micro-economic framework. A new educational policy guarantees education for all by 2015. On housing: improvement of land tenure systems, drafting of a national land policy. On torture: Benin is a party to the OP-CAT since 2006 and a national mechanism has been set up. Benin welcomes a visit of the torture committee in 2008. Victims of torture have been compensated.

No specific reference was made to the written questions that were submitted prior to the review session.

Interactive dialogue

Number of countries that took the floor

39 States took the floor during the interactive dialogue; **23 members States of the Human Rights Council** (*Brazil, China, the Philippines, Russian Federation, Mali, Canada, France, Malaysia, Azerbaijan, Angola, Cuba, Bangladesh, Republic of Korea, Senegal, Nigeria, Egypt, Netherlands, UK, Pakistan, Italy, Slovenia, Mexico, South Africa*); **16 non-member States** (*Belgium, Democratic Republic of Congo, Guinea, Latvia, Denmark, Holy See, Côte d'Ivoire, USA, Ireland, Morocco, Syria, Tunisia, Burkina Faso, Chad, Mauritania, Sudan*).

Questions/issues raised

Education – Algeria (achievement of free and universal primary education); gender equality – Nigeria, Mauritania; **Literacy** – Algeria, Syria; especially of women – Mali, Angola, Tunisia; **Rights of the Child:** *Child labour* – Brazil; *violence against children* – Brazil; *seek international assistance* – Brazil; *malnutrition* – Belgium; *trafficking in children* – Belgium, Philippines (role of village committees), DRC, Holy See (measures to combat it), Chad (regional cooperation to combat it), Mali, Mexico; *poverty* – Belgium; *protection* – China, Burkina Faso, Italy; *corporal punishment* – Russia (prohibition); *infanticide* – France; *education* – Azerbaijan; *sexual abuse* – Mexico **Water** – Brazil (percentage of households with water supply should increase); **Food** – Belgium; **Prison**

conditions: improvement of – China, UK; **Disabled persons** – China (protection); combat discrimination against – Ireland; ratification of disability convention – Egypt;

Assistance from the international community – Russia (technical assistance from the High Commissioner to present reports to Treaty Bodies); Morocco, Senegal (specify priority areas in which it would like to see assistance); Egypt (measures to complement international assistance); South Africa (cooperation with international community to deal with socio-economic challenges);

Women: *health* – Russia (practices impeding women's health); *Female Genital Mutilation* – France, Mauritania; *forced marriages* – France, Belgium (measures to combat it such as education); *marital violence and rape* – France; *positive discrimination* – Côte d'Ivoire; *gender equality* – Azerbaijan; *discrimination against* – Syria; *protection of* – Burkina Faso, Italy; **Death penalty:** *abolition* – France, Netherlands, Mexico; **Torture:** *plans to combat it* – Denmark; *establishment of national preventive mechanism under the OP-CAT* – Denmark; *stance of Benin on CAT* – Côte d'Ivoire; *inclusion of torture as an offence under criminal law* – Republic of Korea; *ratification of OP-CAT* – Mexico; **Prison conditions:** Angola (improvement of); **Justice:** reform of in the family code – Syria; lack of information among public which impedes access to justice – Netherlands; access to the constitutional court – Pakistan; **UPR Report from Benin** – Indonesia (gender perspective); Malaysia (strategy for growth and poverty reduction); **Housing:** South Africa (status of provision of adequate housing); **King:** Guinea (role of the King of Benin in the resolution of conflicts in the country); **International human rights instruments:** invitation of special procedures – Latvia; ratification of the convention on migrant workers – Senegal; **Elections** – USA (steps taken to ensure free and fair elections); **Corruption** – USA (steps taken to combat it)

Recommendations

Education

- Extension of free education to the secondary level; continue information campaign in favour of admitting girls to school (**Algeria**)

Cooperation with the international community

- Promote institutions and human rights bodies and search for the support of the international community (**Brazil**)
- The international community should assist Benin in the protection of human rights in the country (**Mali**)
- The international community should provide the necessary resources and take concrete supportive steps (**Bangladesh**)
- The international community should intensify its cooperation efforts with Benin, especially in the area of prison conditions (**Cote d'Ivoire**)
- Benin should better cooperate with international human rights instruments (**Mexico**)

Children

- Intensify efforts to favour assistance to the most marginalized families and to guarantee children with right to education and high standard of living (**Belgium**)
- Develop a national policy for disabled children (**Ireland**)

Sexual orientation

- Consider decriminalizing homosexual activity between consenting adults (**Ireland, Denmark**)

National Human Rights Institution

- Consider the establishment of national human rights institution in accordance with Paris principles (**Philippines, Mexico**)

Trafficking

- Better apply existing laws on trafficking (**Canada**)
- Take further steps against trafficking (**UK**)

Torture

- Establish torture as a criminal offence in according with art 1 of the CAT, orders of superiors cannot justify it (**Canada, UK**)
- Investigate cases of torture and bring perpetrators to justice (**Canada**)

Judiciary

- Make a priority of judicial reform to better combat impunity and corruption (**Canada**)
- Continue efforts to provide for legal protection for vulnerable groups like women and children (**Netherlands**)

Women

- Strengthen the fight against discriminatory practices and violence against women (**France, UK**)
- Continue efforts to ensure greater promotion of women and girls' rights in areas of education and health care (**Tunisia**)
- Strengthen efforts to combat the practice of FGM (**Canada**)

Police

- Prevent abuses occurring in police custody (**Denmark**)

Prison conditions

- Measures to ensure that prison conditions are consistent with international standards (**Netherlands**)

Poverty

- Acceleration of poverty alleviation strategies

Encouragements**Women**

- Strengthen the national policies and mechanism to protect women and girls (**Philippines**)

Poverty

- Continue eradication of poverty (**Nigeria**)

Answers provided by Benin (on issues/questions and recommendations)

Trafficking in children (Belgium, Philippines, DRC, Holy See, Mali, Mexico, Canada, UK, Chad); **violence against women** (France, Burkina Faso, UK); **torture** (Denmark, Cote d'Ivoire, Republic of Korea, Canada); **infanticide** (France); **prison conditions** (China, UK, Netherlands); **sexual orientation** (Ireland, Denmark); **education** (Algeria, Nigeria, Mauritania); **literacy** (Algeria, Syria); **food crisis** (Belgium); **drinking water** (Brazil); **micro-credit**; **corruption** (USA); **FGM** (France, Mauritania, Canada); **disabled persons** (Ireland, Egypt); **Family code** (Syria); **death penalty** (France, Netherlands, Mexico); **the King** (Guinea)

Issues for follow-up

Delegation of Benin: the delegation mentioned it is drafting a law to **include torture in criminal law**, setting up national machinery to prevent torture and that it is looking forward to the planned **visit of the CAT committee in 2008**. Furthermore, work is underway to **eradicate child trafficking**, **prevent infanticide** of witch children and **extend prison capacity** to tackle the problem of overcrowding. Benin aims to have all children going to **primary school** and have **eradicated corruption by 2015**. Measures are taken to do away with **FGM**; Benin expects the phenomenon to disappear in the **coming two years**. Benin plans to sign the **disability convention** soon. It also currently respects the **moratorium on the death penalty** but fears to become a refuge for criminals

from neighbouring countries. It will however try to overcome this problem by cooperation with neighbouring countries.

Questions/recommendations from other states: several states pointed out that Benin has not established **torture as a criminal offence**. The Philippines and Mexico recommended that Benin should set up a national **human rights institution**. Many States recommended that Benin should strengthen its efforts to improve the rights of women and children.

States that made solely welcoming statements

The following countries took the floor during the interactive dialogue but did not ask questions nor did they make recommendations: **Sudan, Cuba**

Human Rights mentioned in the NGOs reports but not raised during the review

Implementation of the Rome Statue, detention conditions and civil rights of women.

Human Rights mentioned during the review but on which Benin did not give a response

Literacy of women – Mali, Angola, Tunisia; **Rights of the Child:** *Child labour* – Brazil; *violence against children* – Brazil; *seek international assistance* – Brazil; *malnutrition* – Belgium; *poverty* – China, Burkina Faso, Italy; *corporal punishment* – Russia (prohibition); *education* – Azerbaijan; **Assistance from the international community** – Russia (technical assistance from the High Commissioner to present reports to Treaty Bodies); Morocco, Senegal (specify priority areas in which it would like to see assistance); Egypt (measures to complement international assistance); South Africa (cooperation with international community to deal with socio-economic challenges); **Women:** *forced marriages* – France; *positive discrimination* – Côte d' Ivoire; *gender equality* – Azerbaijan; *discrimination against* – Syria; **Torture:** *establishment of national preventive mechanism under the OP-CAT* – Denmark; *ratification of OP-CAT* – Mexico; **Justice:** ; lack of information among public which impedes access to justice – Netherlands; access to the constitutional court – Pakistan; **UPR Report from Benin** – Indonesia (gender perspective); Malaysia (strategy for growth and poverty reduction); **Housing:** South Africa (status of provision of adequate housing); **International human rights instruments:** invitation of special procedures – Latvia; ratification of the convention on migrant workers – Senegal; **Elections** – USA (steps taken to ensure free and fair elections); **National human rights institution.**

Speaking times

Overall duration of the review: 2 hours 51 minutes

Of Benin:

- Opening statement: 11 minutes
- Overall speaking time employed to respond to other States' questions during the interactive dialogue: 44 minutes
- Answers to last question and concluding remarks: 11 minutes

Of other States

Most states stayed well within the time limit, a significant number of states spoke less than 2 minutes (3 being allowed). Brazil, Nigeria and Bangladesh went significantly over the time limit.

Disclaimer: note that this document only represents an overview with the aim of providing the list of issues that were raised during the discussion and should therefore not be quoted as an official document of the UPR process. This document is protected by copyrights and is property of UPR-info.org. Should you wish to use any of its content and solely for non-commercial purposes, you must attribute it to its author.