



**International Covenant on
Civil and Political Rights**

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parties under article 40 of the Covenant**

Second periodic reports of States parties due in 2008

Benin*

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Introduction

1. The population of Benin was estimated to be 12 million in 2012 and the average annual growth rate is 3.25 per cent. The reasons for this high growth rate — which, if it continues, means that the population will double every 22 years — are a high fertility rate — 5.7 children per woman in 2006 — and a reduction in overall mortality from 15 per cent in 1992 to 12.3 per cent in 2002.¹

2. The third demographic and health survey, conducted in 2006, was part of the effort to implement the Strategic Development Guidelines for Benin 2006 to 2011 and evaluate progress in the achievement of the Millennium Development Goals. That survey followed on from the first two rounds, conducted in 1996 and 2001. The survey is done as part of the international Demographic and Health Surveys project, launched in developing countries in the 1980s, and at the national level is part of the national household survey system. In that regard, the third demographic and health survey was combined with the integrated modular survey on living conditions and households. The survey covered a larger sample than the first two rounds: 180,000 households across all 77 of the country's communes.

3. Furthermore, Benin implements a number of policy and strategy documents, including:

- The declaration on population policy, adopted in May 1996, and reviewed in March 2006, the main aim of which is to improve the standard of living of the population;
- The Benin 2025 national long-term outlook study (Alafia): focuses on social well-being and presents Benin by 2025 as “a beacon of good governance, united and at peace, with a prosperous, competitive economy, and a force for culture and well-being”;
- Growth and Poverty Reduction Strategy document 2007–2009;
- Programming tools: medium-term expenditure framework, budget programme and commune development plan.

4. Benin signed the Memorandum of Understanding on the African Peer Review Mechanism (APRM) on 31 March 2004 and expressed its willingness to be evaluated by its peers. In accordance with the objectives of the APRM, the intention is for Benin to make a sustained effort in the rigorous evaluation of the national situation, in terms of political, economic and institutional aspects of governance, with a view to accelerating its sustainable socioeconomic development and contributing to the strengthening of subregional and continental economic integration in the following thematic areas:

- Democracy and good political governance;
- Governance and economic management;
- Corporate governance and socioeconomic development.

5. The Government's decision to submit Benin to peer review through the APRM marks a commitment towards both the people of Benin and the international community to improve compliance with the principles of democracy and good political, economic and corporate governance for harmonious and sustainable development, with the support of the national and international private sector. By committing to the APRM process, Benin aims to demonstrate how it interprets civil and political rights, respect for which involves good

¹ *Source:* Third national population and housing census (RGPH3).

governance of the country's resources and wealth. All of these efforts at good governance by the Beninese Government are helping to build a nation whose resources are managed better and distributed more fairly for the benefit of the population, while respecting political undertakings to make Benin a prosperous country.

6. The country's economic situation is thus the cornerstone of civil and political rights. As such, it should be noted that from 2005 to 2008 (information updated to 2012), Benin made great strides in terms of public freedoms and democracy by enacting a good deal of legislation and consolidating democratic and political gains. The highlights of that period for Benin included the organization of peaceful legislative, presidential, commune and local elections. All of the efforts undertaken reflect the primary concern of the Beninese State to meet its national and international commitments. The present report has been prepared in accordance with the provisions of article 40 of the International Covenant on Civil and Political Rights.

I. General legal framework for the promotion of civil and political rights: 2005–2008 (updated to 2012)

7. The present report covers the period from 2005 to 2008 and has been updated to 2012. During that period, a number of legislative and regulatory texts related to civil and political rights were adopted.

A. Legislative texts

8. These include:

- Act No. 2005-24 of 8 September 2005, amending and supplementing Act No. 86-014 of 26 September 1986 establishing the Code of Civil and Military Retirement Pensions, *Official Gazette of the Republic of Benin*, 1 November 2005, p. 966;
- Act No. 2001-38 of 8 September 2005 on bailiffs, *Official Gazette*, 15 December 2005, p. 1,076;
- Act No. 2006-19 of 5 September 2006 on sexual harassment and the protection of victims in the Republic of Benin, *Official Gazette*, 1 February 2007, p. 95;
- Act No. 2006-04 of 10 April 2006 on conditions for the displacement of minors and on child trafficking in the Republic of Benin, *Official Gazette*, 1 September 2006, p. 717;
- Act No. 2006-14 of 31 October 2006 on money laundering;
- Act No. 2006-31 of 5 April 2006 on the prevention, care and control of HIV/AIDS in the Republic of Benin, *Official Gazette*, 1 September 2006, p. 714;
- Act No. 2007-28 of 23 November 2007 establishing rules for commune and municipal council elections and village and district council elections in the Republic of Benin, *Official Gazette*, 15 June 2008, p. 624;
- Act No. 2007-25 of 23 November 2007 establishing general rules for elections in the Republic of Benin, *Official Gazette*, 1 February 2008, p. 123;
- Act No. 2007-27 of 23 October 2007 instituting military service in the national interest, *Official Gazette*, 15 March 2008, p. 323;
- Act No. 2001-21 of 16 October 2007 on the protection of consumers in the Republic of Benin, *Official Gazette*, 1 February 2008, p. 116;

- Act No. 2007-03 of 16 October 2007 on rural land tenure in the Republic of Benin, *Official Gazette*, 1 March 2008, p. 232;
- Act No. 2007-01 of 29 May 2007 on court registrars and judicial officers in the Republic of Benin, *Official Gazette*, 15 March 2008, p. 314;
- Act No. 2006-16 of 27 March 2007 establishing the Electricity Code in the Republic of Benin, *Official Gazette*, 15 September 2007, p. 806;
- Act No. 2009-22 of 11 August 2009 instituting the Ombudsman of the Republic of Benin;
- Act No. 2009-09 of 27 April 2009 on the protection of personal information in the Republic of Benin;
- Act No. 2011-11 of 25 August 2011 authorizing accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Act No. 2011-15 of 23 August 2011 authorizing ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;
- Act No. 2011-17 of 23 August 2011 authorizing ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto;
- Act No. 2011-18 of 25 August 2011 authorizing ratification of the African Charter on Democracy, Elections and Governance;
- Act No. 2008-07 of 28 February 2011 establishing the Code of Civil, Commercial and Administrative Procedure;
- Act No. 2011-20 of 12 October 2012 on combating corruption and other related offences in the Republic of Benin;
- Act No. 2011-20 of 9 January 2012 on the prevention and punishment of violence against women.

B. Regulatory texts

9. These include the following:
 - Decree No. 2008-276 of 19 May 2008 on the establishment of the Commune Development Support Fund, *Official Gazette*, 15 October 2008, p. 950;
 - Decree No. 2008-274 of 19 May 2008 on the establishment, mandate, organization and operation of the National Commission on Local Finance, *Official Gazette*, 15 September 2008, p. 882;
 - Decree No. 2006-520 of 15 September 2006, defining the legal framework for the national administrative census on civil status, *Official Gazette*, 1 April 2007, p. 266;
 - Decree No. 2006-318 of 10 July 2006 on the establishment and issuance of birth certificates to persons who do not have one, *Official Gazette*, 15 December 2006, p. 993;
 - Decree No. 2005-437 of 22 July 2005 on the environmental inspection procedure in the Republic of Benin, *Official Gazette*, 1 April 2006, p. 249.

II. Information concerning the substantive provisions of the Covenant (arts. 1 to 27)

Article 1

Right of peoples to self-determination

10. There is nothing new to report.

Article 2

Guarantee that all persons (nationals and foreigners) enjoy the rights recognized in the Covenant

11. The citizens of other countries residing in Benin have the same access to social services as Beninese nationals. With specific reference to refugees, the greatest obstacle to their integration is employment, which is very difficult for them to find given the country's economic environment.

12. The successful local integration of refugees remains the most pressing challenge. In recent years, particular emphasis has been placed on strengthening activities to facilitate this process. In order to promote the local integration of refugees, the Office of the United Nations High Commissioner for Refugees has set up projects in the areas of education, professional training and revenue-generating activities.

Article 3

Principle of non-discrimination on the grounds of sex

13. Significant progress has been made in the advancement of women in recent years. For instance, for the first time in the country's history, a woman was appointed as head of the diplomatic corps (2006–2007). With regard specifically to the representation of women in national and local State institutions, the situation is as follows:

- In the Government: women accounted for 4 of the 30 members in 2008, 6 out of 23 in 2007, 5 out of 21 in 2006 and 5 out of 22 in 2005;
- In the National Assembly: 9 of the 83 deputies were women in the 2007–2011 legislative term, compared with 6 in the 2003–2007 term;
- In the Constitutional Court: in the current term of office (2008–2013), two of the seven members are women, including the vice-president; there were also two women in the previous term of office, including the president;
- In the Supreme Court: 7 of the 30 judges are women;
- In the Social and Economic Council: in the third term of office (2004–2009), 2 of the 30 members were women;
- In the Audiovisual and Telecommunications Authority: in the third term of office (2004–2009), two of the nine members were women;
- The number of female mayors has fallen from three — following the commune and municipal elections of 2002 and 2003 — to one, following the 2008 elections.

14. In terms of jurisprudence, the Constitutional Court declared in a 2009 decision that the concept of female adultery was discriminatory.

Article 4
Public emergency

15. There is nothing new to report.

Article 5
Restrictions upon or derogation from human rights

16. There is nothing new to report.

Article 6
Right to life

17. The following points should be noted with respect to the right to life:

- Act No. 2011-11 of 25 August 2011 authorizing accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- 5 July 2012: accession instruments deposited;
- 5 October 2012: entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

18. Furthermore, the problem of mob justice has declined.

Article 7
Prohibition of torture and cruel, inhuman or degrading treatment or punishment

19. Despite considerable progress, cruel, inhuman and degrading treatment persists.

20. On 20 September 2006, Benin became a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. From 18 to 26 July 2008, Benin hosted a visit by the Subcommittee on Prevention of Torture and undertook to implement its recommendations. Work is under way to set up a national prevention mechanism.

21. The perpetrators of acts of torture and other ill-treatment inflicted during judicial investigations are regularly prosecuted and sentenced to criminal and disciplinary penalties. The indictment chambers of the appeal courts impose penalties ranging from warnings to suspension from duty of criminal investigation officers; the Constitutional Court frequently hands down guilty verdicts for acts of torture and cruel, inhuman or degrading treatment committed by police and gendarmerie officers; decisions include DCC 12-095, DCC 12-112 of 10 May 2012 and DCC 12-115 of 22 May 2012.

Article 8
Prohibition of slavery, the slave trade and institutions and slavery-like practices

22. There is nothing new to report.

Article 9

Liberty and security of person (detention and police custody)

23. Between 2005 and 2008, 106 of the total 304 decisions handed down by the Constitutional Court, that is, approximately 50 per cent, concerned deprivation of liberty (police custody and pretrial detention).

24. With regard to police custody, Constitutional Court decision DCC 06-044 of 5 April 2006, Rec. 2006, p. 209, can be mentioned by way of example: “The holding in custody of M.C.T. at the police station in Abomey-Calavi from 25 August to 1 September 2005, for longer than 48 hours, is unauthorized, contrary to the Constitution and gives rise to the right to reparation.”

25. On the basis of that decision, victims may apply to the courts to give effect to the right to reparation, although, in practice, few actually do so.

26. The Indictment Chamber of the Court of Appeal receives many complaints against members of the criminal investigation officers for wrongful detention. For example, of the 29 old cases on the docket of the Indictment Chamber of the Cotonou Court of Appeal on 24 November 2008, 15 related to wrongful detention. The Indictment Chamber imposes penalties on members of the criminal police who are found guilty. For example, in case No. 058/PG/04 of 22 December 2008, the Indictment Chamber made observations serving as a first warning (see also 080/PG/03 of 26 January 2009).

27. Decision DCC 06-103 of 11 August 2006, Rec. 2006, p. 541, can be cited as an example in relation to arbitrary pretrial detention: “The facts of the case reveal that, between 5 November 1997, the date on which the applicant was brought before the court of first instance of Parakou, and 27 February 2004, the date of his release, no procedural acts were carried out in his case, not even an initial hearing. The applicant therefore spent 6 years and 3 months in the civilian prison in Parakou without having been heard a single time. That is an abnormally long period of time.”

28. The Office of the Ombudsman also regularly receives complaints regarding the excessive length of pretrial detention. The Ombudsman calls on the administrative and judicial authorities to comply with the relevant legislation. For the first time in the history of Benin, in 2011, the Head of State visited a prison – the civilian prison in Cotonou. Since then the Minister of Justice, the Ombudsman and officers of the National Assembly have also visited prisons.

Article 10

Treatment of prisoners

29. The number of prisons has increased from eight to nine with the opening in November 2007 of the prison in Misséréfé, and another prison is under construction.

30. The status of the prison population is as follows:

Table 1

Prison population in Benin as at 30 July 2012

<i>Prison</i>	<i>Original capacity</i>	<i>Total prisoners</i>
Cotonou	800	2 201
Porto-Novo	250	867
Ouidah	150	377

<i>Prison</i>	<i>Original capacity</i>	<i>Total prisoners</i>
Akpro-Misséré	1 000	829
Lokossa	160	529
Abomey	200	1 121
Parakou	200	577
Natitingou	300	396
Kandi	150	362
Total Benin	3 210	7 409

Source: Prison Administration and Social Welfare Department.

31. This overview of the prison population in Benin as at 30 July 2012 reveals overcrowding in civilian prisons compared to the intended prisoner capacity. The occupancy rate of the civilian prisons is 203.71 per cent. Akpro-Misséré is the least crowded prison. It should be noted that that prison serves an international purpose as it is intended to house prisoners convicted by the international criminal courts.

32. The table below shows a breakdown of prisoners by categories.

Table 2

Categories of prisoner by prison

<i>Prison</i>	<i>Remand</i>	<i>Charged</i>	<i>Convicted</i>
Abomey	192	775	154
Cotonou	592	1 322	287
Ouidah	33	207	137
Porto-Novo	124	360	383
Lokossa	67	350	112
Natitingou	44	331	115
Kandi	19	137	70
Parakou	80	313	171
Akpro-Misséré	0	345	484
Total Benin	1 151	4 140	1 913

Source: Prison Administration and Social Welfare Department.

33. This table shows that there are fewer convicted prisoners than remand prisoners.

34. The prisons house both minors and adults, although they are kept in separate quarters.

35. The table below shows data disaggregated by sex and age.

Table 3

Categories of prisoner by prison (men, women, minors)

<i>Civilian prisons</i>	<i>Remand</i>				<i>Charged</i>				<i>Convicted</i>				<i>Total</i>			
	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>
Cotonou	549	33	10	592	1 204	67	51	1 322	262	24	1	287	2 015	124	62	2 201

<i>Civilian prisons</i>	<i>Remand</i>				<i>Charged</i>				<i>Convicted</i>				<i>Total</i>			
	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>	<i>M</i>	<i>W</i>	<i>Mi</i>	<i>T</i>
Porto-Novo	120	4	0	124	307	39	14	360	373	10	0	383	800	53	14	867
Akpro-Misséréké	0	0	0	0	345	0	0	345	484	0	0	484	829	0	0	829
Ouidah	31	2	0	33	182	18	7	207	134	3	0	137	347	23	7	377
Lokossa	66	1	0	67	329	11	10	350	103	8	1	112	498	20	11	529
Abomey	153	11	28	192	700	75	0	775	146	8	0	154	999	94	28	1 121
Parakou	39	0	0	39	391	10	12	413	123	2	0	125	553	12	12	577
Kandi	23	2	1	26	162	4	19	185	149	2	0	151	334	8	20	362
Natitingou	42	2	0	44	302	21	8	331	168	3	0	171	512	26	8	546
Total	1 023	55	39	1 117	3 922	245	121	4 288	1 942	60	2	2 004	6 887	360	162	7 409

Source: Prison Administration and Social Welfare Department.

Legend: M = men; W = women; Mi = minors.

36. These data show that the vast majority of prisoners in Beninese prisons — at least 90 per cent of the prison population — are men. Most female prisoners are in Cotonou, Abomey, Porto-Novo, Ouidah and Lokossa.

37. Prison conditions of detainees:

(a) Accommodation: Despite the opening of the civilian prison in Akpro-Misséréké and the extension of the capacity of the civilian prison in Cotonou, Beninese prisons remain overcrowded;

(b) Food: At present, prisoners are entitled to two meals per day;

(c) Health: Prisoners' living conditions are conducive to the spread of illnesses in prisons, such as malaria, gastrointestinal diseases, skin complaints (scabies, chicken pox, eczema), traumatic lesions (abscesses and wounds), high blood pressure, and HIV/AIDS. Prisoners receive first aid administered by a nurse or nursing aide who is not normally housed in the prison;

(d) Social services: Social services are provided to prisoners. There is a social worker to deal with minors and social cases in each prison;

(e) Entertainment: As there is no space for outdoor games, prisoners simply play dominos, ludo and checkers, watch television or listen to the radio. However, in the courtyards of certain prisons, such as Porto-Novo, Cotonou and Ouidah, makeshift play areas are set up to play football or handball.

38. The Beninese Government continues to be concerned about the problem of prison overcrowding. Two important measures are planned as part of the current reforms:

- Limiting the duration of pretrial detention;
- Imposing alternative penalties to imprisonment.

39. National and international non-governmental organizations (NGOs) are helping to improve prisoners' living conditions.

40. The Beninese Government regularly signs authorizations for NGOs to visit places of detention.

41. A very important programme, the Prisoners' Legal Aid Programme, has been launched to help prisoners learn about their rights and obligations. The programme came into being in 2002 through a partnership between the Ministry of Justice, Penal Reform International and local NGOs such as the Association des femmes juristes du Bénin (the Association of Women Lawyers of Benin) and Centre Afrika Obota.

42. These activities are relevant and have a real impact. The assistance provided through the Prisoners' Legal Aid Programme has resulted not only in raising awareness among prisoners of their rights and obligations, but also in expediting the processing of their cases. With regard to minors in conflict with the law, juvenile judges are encouraged to impose alternative sentences to imprisonment. Judicial assistants are used to try to find the parents of the children involved.

Article 11 **Prohibition of imprisonment for debt**

43. There is nothing new to report.

Article 12 **Liberty of movement**

44. The Constitutional Court ruled that the retention of a citizen's passport by the police economic and financial squad for several days without judicial intervention deprived them of the fundamental right to come and go. Such retention is in violation of the Constitution (decision DCC 07-076 of 24 July 2007).

Article 13 **Expulsion of foreigners**

45. There is nothing new to report.

Article 14 **Equality of all persons before the courts and tribunals**

46. The distribution of judicial services in Benin has improved significantly. Since the establishment of the new courts, the average distance anyone needs to travel in Benin is 13 kilometres.

47. The judge/population ratio for courts of first instance from 2005 to 2011 is as follows:

Table 4
Judge/inhabitant ratio by court of first instance

	2005	2006	2007	2008	2009	2010	2011
Judges serving in courts of first instance	56	73	76	73	91	133	133
Inhabitants (estimated population)	7 478 251	7 678 952	7 924 618	8 178 268	8 439 973	8 710 052	8 988 773
Inhabitant/judge ratio	133 540	105 191	104 271	112 031	92 747	65 489	67 585

	2005	2006	2007	2008	2009	2010	2011
Interpretation of the ratio	Average of 1 judge per 133 540 inhabitants	Average of 1 judge per 105 191 inhabitants	Average of 1 judge per 104 271 inhabitants	Average of 1 judge per 112 031 inhabitants	Average of 1 judge per 92 747 inhabitants	Average of 1 judge per 65 489 inhabitants	Average of 1 judge per 67 585 inhabitants

Source: Prison Administration and Social Welfare Department.

48. Of the 602 communications received by the Inspectorate-General of Justice Services in 2006, 107, that is 17.77 per cent, were complaints. The complaints were primarily from persons involved in judicial proceedings (85/107) and concerned the slowness of the proceedings (50/107) and the behaviour of members of the justice system. The Inspectorate-General settled 91 of the 107 complaints in 2006 (85.05 per cent).

49. The number of courts established under the Act on the Judiciary improved the distribution of judicial services. The new courts are gradually being set up. Two additional courts of appeal have been established, in Abomey and Parakou, while the courts of first instance are in Abomey Calavi, Allada, Pobè, Aplahoué, Savalou and Djougou.

50. Between 2008 and 2012, 66 judges, 40 court clerks and around 200 legal officials were recruited, trained and deployed in the field. The recruitment of two groups of 2,000 police officers each from 2006 to date has ensured national security cover.

Article 15

Non-retroactivity of penalties

51. There is nothing new to report.

Article 16

Recognition as a person before the law

52. There is nothing new to report.

Article 17

Prohibition of arbitrary or unlawful interference with a person's privacy

53. There is nothing new to report.

Article 18

Freedom of thought, conscience and religion

54. The Constitutional Court reaffirmed the principle of freedom of worship as follows: "No religious community should impose its religious beliefs or practices on others" (decision DCC 08-008 of 17 January 2008).

Article 19

Freedom of opinion and of expression

55. Act No. 2005-030 of 10 April 2005 guarantees the protection of copyright and related rights.

56. The authority responsible for the collective management and defence of these rights, as defined by law, is the Beninese Copyright Office. Its mandate is to administer the intellectual property rights of authors and holders of related rights as defined by law in the territory of Benin, issue operating licences and collect royalties.

57. The pirating of literary and artistic works is today considered a global problem that causes significant harm to the entire audio and video recording industry. The growth of the problem in Benin is due mainly to the permeability of the country's borders. However, the Beninese Copyright Office was quick to embark on efforts to counter it. In this it can count on the support of the entire administration – customs, the police, the gendarmerie, the justice system and resource persons such as artists themselves, producers, publishers and suppliers of audiovisual media. The Office often seizes pirated discs and cassettes sold in markets and on the street. The confiscated items are destroyed.

58. With a view to ensuring ethical conduct by media professionals, the Audiovisual and Communication Authority, by decision No. 5-052/HAAC of 4 April 2005, established a procedure for hearing the perpetrators of ethical violations. Under article 1 of that decision, "Any failure to comply with the rules of ethics by media professionals will give rise to proceedings before the competent bodies of the Audiovisual and Communication Authority." To that end, any legal person or national or foreign institution, may apply to the Audiovisual and Communication Authority, providing supporting documents bearing a signature and exact address (art. 3, para. 1). Article 4 stipulates that the Audiovisual and Communication Authority may act ex officio in respect of any violations that come to its attention. The Press Card and Professional Ethics Commission considers cases, ensuring that both parties are heard. The Commission's conclusions are compiled in a report that is submitted to the Board of Councillors. The report is read out at a meeting by the chairperson of the Commission. It is considered, discussed, amended if necessary and adopted by the Board. If the matter is important enough, the Board will call the parties to a hearing. Unless the Board decides otherwise, the hearing is public.

59. The media professionals associations also help keep their industry clean. In particular, the Media Ethics Observatory ensures compliance with the Beninese Code of Press Ethics. This body is responsible for defending press freedom, protecting the public's right to free, complete, honest and accurate information, and ensuring the safety of journalists in carrying out their duties. The Observatory can examine cases on its own initiative or have cases referred to it by anyone affected by the publication of information in the media, or for a breach of ethics.

Article 20

Prohibition of propaganda for war and advocacy of national, racial or religious hatred

60. There is nothing new to report.

Article 21

Right of peaceful assembly

61. There is nothing new to report.

Article 22

Freedom of association

62. The right to freedom of association in Benin is developing, with a growing number of associations being created every year. Thus, according to the Centre for the Promotion of Non-Governmental Organizations, the number of associations grew from 2,308 in 2005 to more than 6,000 in 2012. In order to encourage this trend, the Government of Benin has just launched a national census of civil society organizations, including associations, with a view to establishing a dynamic database of associations in Benin. There is also a project to improve the legal framework for associations with a view to developing modern legislation regulating freedom of association to replace the Associations Act of 1 July 1901.

Trade unions

63. A new General Collective Labour Agreement has been signed by the trade union federations and the National Council of Employers to replace the 1974 agreement. Article 38 of the Agreement provides:

“The contracting parties recognize the right to freedom of opinion and freedom to act in the collective defence of their professional interests, in accordance with applicable laws and regulations. In accordance with this provision, when taking decisions concerning recruitment, the performance or distribution of work, disciplinary measures, dismissal or promotion, employers undertake:

- Not to take into consideration whether employees are members of a trade union or not or whether they perform union duties or not;
- Not to take into account employees’ political or philosophical opinions, religious beliefs, or origin;
- Not to put pressure on employees to support a particular trade union.

For their part, employees undertake not to take into consideration the following in their work:

- The opinions of other workers;
- Whether they belong to a particular trade union.

The contracting parties undertake to strictly comply with the undertaking set out above and to endeavour to ensure that their members fully comply with them.

If one of the contracting parties considers that an employee has been dismissed in violation of trade union rights as defined above, the two parties shall seek to establish the facts and find a just solution to the dispute. This intervention does not preclude the parties from obtaining reparation for harm through judicial means.”

64. There are eight trade union federations in Benin, none of which has any membership figures.

65. In recent years, there have been several strikes in the public sector, leading in some cases to certain authorities being paralysed for months, as happened, for example, in the

judiciary, health, finance, education and other sectors. The demands centred primarily on improving living and working conditions. The Government provided appropriate solutions to these problems within the limits of available resources by granting a 25 per cent pay rise. Higher-education teaching staff pay was also raised, at a cost of more than 13 billion CFA francs (CFAF). These increases do not seem to be enough to meet workers' claims. The Government is focusing on negotiating with workers' representatives in order to gradually find suitable solutions to the various demands.

66. The Constitutional Court declared unconstitutional letter No. 278/MISD/DGPN/SP-C of 13 April 2004, whereby the Director General of the National Police attempted to block the formation of a trade union by staff of the National Police. The Court based its decision on article 23, paragraph 1 (freedom of thought, conscience, religion, worship, opinion and expression), and article 25 (freedom of association, assembly, procession and demonstration) of the Constitution, and on texts governing the staff of the National Police, particularly Decree No. 97-622 of 30 November 1997 on the special status of the personnel of the National Police (decision DCC 05-059 of 7 July 2005, Rec. 2007, pp. 301–304).

Political parties

67. There are 146 officially registered political parties in Benin. Political parties are proliferating, and more so in the run-up to elections.

Article 23

Protection of the family

68. Pursuant to the recommendations of the 2002 subregional symposium on the family, the Government set up the Observatory for the Family, Women and Children in 2004. The statutes of the Observatory were adopted on 17 August 2005.

69. In cooperation with the other departments and units of the Ministry for the Family, the Observatory for the Family, Women and Children is responsible for:

- Collecting documents connected with the family, women, children and gender;
- Publishing those documents;
- Providing information highlighting the rights of women and children;
- Promoting gender equality;
- Setting up a database on the family, gender and children.

70. The Observatory organized a workshop to set up a national system to gather data on the various issues affecting children with special needs. With technical and financial support from the United Nations Children's Fund (UNICEF), and on behalf of the Ministry for the Family, the Observatory has installed a database known as "Childprod" in all departments. A series of training sessions on the application and administration of the database was organized for persons involved in the area of child protection. An educational training guide on gender-based budgeting was prepared with the financial support of the United Nations Population Fund (UNFPA) and the outcome document approved. The Observatory's website is www.offebenin.org.

71. Women and gender equality. The national policy document on gender equality was prepared by the Ministry for the Family through a participatory approach involving all sectors of Beninese society. The national policy will now be used as the frame of reference for strategies and activities aimed at achieving equality and equity between men and women by 2025, for sustainable human development in Benin. The national policy is

divided into five strategies. The first is to introduce measures to ensure equality and equity between men and women in access to education, literacy and decision-making structures in all spheres, including at the individual, family, community, national and international levels. The second strategy aims at boosting gender mainstreaming at all levels and effectively implementing national agreements and texts on equality and equity between men and women. The third strategy involves reinforcing the engagement of civil society and raising women's and men's awareness of gender equality, and getting men properly involved in the process. The aim of the fourth strategy under the national policy is to empower women and ensure that gender is taken into account to a greater extent in community development programmes. As for the fifth strategy, the focus is on reducing women's financial poverty with a view to ensuring that they have fair access to and control of resources.

72. The Government established the National Institute for the Advancement of Women by Decree No. 2009-728 of 31 December 2009 on the establishment, mandate, organization and operation of the Institute. Under article 3, the mission of the Institute is to promote women's participation in and contribution to public and political life. Article 4 sets out its mandate as follows:

- To launch and conduct studies and research on women and their impact on development;
- To collect, update and disseminate data on the situation of women in Benin;
- To compile and produce statistics on gender;
- To propose policies and strategies to improve women's living conditions;
- To work towards reducing inequalities between men and women;
- To build girls' and women's skills through theoretical, technical and practical training.

Article 24

Protection of children

73. Benin published the Convention on the Rights of the Child on 5 September 2006, having ratified it on 3 August 1990 (*Official Gazette*, 5 September 2006, p. 3). The Constitutional Court had rejected a plea alleging a violation of the provisions of the Convention on the following grounds: "The Convention on the Rights of the Child of 20 November 1989 was ratified by Benin on 3 August 1990 but was never published and is therefore not part of Beninese positive law." In the case in question, a civil servant had asked the Court to "declare the disciplinary measure imposed on her for refusing to move to a new post because of her child's health to be in breach of the Convention" (decision DCC 03-009 of 19 February 2003, Rec. 2003, pp. 45–49). A draft children's code has been prepared and is pending adoption by the National Assembly.

74. Children enjoy special protection before the courts under articles 403 and 404 of the new Code of Civil, Commercial, Administrative and Accounting Procedure, which provide: "In accordance with the provisions of the Convention on the Rights of the Child, children who are capable of forming their own views shall be heard on matters concerning their best interests in all judicial proceedings, either directly or through the intermediary of their legal representative" and "children may be heard either at their own request or that of their legal representative or at the request of the judge".

Birth registration

75. According to the Code of Persons and the Family, all children must be registered in a civil registry within 10 days of birth in order to obtain a birth certificate. If this time limit is not respected, only the courts of first instance may authorize the registrar to register the birth, and that takes more time and resources. In order to evaluate the real situation with respect to civil registration in Benin, the Government organized a national forum with the support of technical and financial partners, notably UNICEF, on civil registration. The two main recommendations arising from the forum were:

- To reorganize civil registration in Benin;
- To computerize civil registration in Benin.

76. A commission has been set up to undertake the necessary reforms to enable the recommendations to be implemented.

77. In general, according to the third demographic and health survey in 2006, 6 out of 10 children (60 per cent) under the age of 5 are registered, compared to 70 per cent in the second survey, that is, a decrease of 10 percentage points. By contrast, in 2006, 31 per cent of children were not registered, compared with 26 per cent according to the second survey. Of those registered, only one in three (20 per cent vs 60 per cent) has a birth certificate.

78. The birth registration rate is much higher in urban areas (68 per cent), and especially in Cotonou (78 per cent), than in rural areas (56 per cent).

79. The Beninese State has introduced the Civil Status Census (RAVEC) project to issue civil status certificates free of charge to thousands of Beninese citizens who have none. These certificates are issued by mobile units. The project gives effect to the right of every citizen to civil status.

Child labour

80. With the support of the International Labour Organization (ILO), concerted efforts have been made to combat child labour. There are frequent unannounced visits to workplaces and NGOs promptly report violations.

81. The police minors protection unit frequently takes mistreated children into custody and returns them to their biological parents or obtains judicial protection to place them in orphanages.

82. One of the advances made in this area was the adoption of Decree No. 2011-029 of 31 January 2011 setting out a list of dangerous occupations for children in the Republic of Benin.

Female genital mutilation

83. According to the second demographic and health survey, 13 per cent of women reported that they had undergone excision. This percentage is considerably lower than the estimate from the previous survey (17 per cent). However, caution should be exercised in comparing the percentages of women undergoing excision in 2001 and in 2006. The adoption of the 2003 Act punishing the practice of female genital mutilation, and a climate ever less conducive to maintaining the practice may explain why some women did not wish to declare that they had been excised.

Health

84. In the area of health, and in an effort to reduce the infant mortality rate, the Government has decreed that health care for children up to the age of 5 and for the treatment of malaria and pregnant women is free of charge.

Table 5
Infant mortality rates and maternal health

<i>Indicators</i>	<i>Previous rates 2001</i>	<i>Current rates (2006–2007)</i>
Under-5s mortality rate	160%	125%
Infant mortality rate	89%	67.6%
1-year-olds vaccinated against measles	81%	99%

Source: National Institute for Statistics and Economic Analysis (INSAE), 2006.

85. The above table shows that the mortality rate of children under 5 decreased from 160 per thousand in 2001 to 125 per thousand in 2006/07; the objective for 2015 is 65 per thousand. The infant mortality rate, meanwhile, has in general improved considerably, falling from 89 per thousand in 2001 to 67.6 per thousand in 2006/07, that is, a decrease of 21.4 percentage points in five years. Lastly, the proportion of 1-year-old children vaccinated against measles rose from 81 per cent to almost 100 per cent between 2001 and 2007.

Table 6
Maternal mortality rate

<i>Indicators</i>	<i>1996</i>	<i>2000</i>	<i>Current rates (2006–2007)</i>
Maternal mortality rate	498 per 100 000	Not available	397 per 100 000
Assisted deliveries	Not available	72.9%	82%
Antenatal care coverage	Not available	87.3%	91%

Source: National Institute for Statistics and Economic Analysis, 2006.

86. There has been a significant decrease in the maternal mortality rate, which has dropped from 498 per one hundred thousand in 1996 to 397 per one hundred thousand in 2006. This trend has been accompanied by a decrease in the infant/child mortality rate from 160 per thousand to 125 per thousand in the same period. These results may be attributed to a significant increase in the proportion of assisted deliveries and in the coverage of antenatal care, which increased from 72.9 per cent and 87.3 per cent respectively to 82 per cent and 91 per cent from 2000 to 2006.

87. Every year, more than 40,000 children die before the age of 5 and 1,300 women die in pregnancy. The maternal and neonatal mortality rates are 470 maternal deaths per 100,000 live births and 38 neonatal deaths per thousand live births.

88. According to Ministry of Health statistics, the most frequent illnesses registered during consultations are: malaria (34 per cent); acute respiratory infections (16 per cent); gastrointestinal illnesses (8 per cent), diarrhoea and traumas (6 per cent). Among children under the age of 5, the most frequent illnesses are malaria (34 per cent), acute respiratory illnesses (15 per cent), gastrointestinal illnesses (8 per cent) and anaemia (5 per cent).

89. The illnesses presented most frequently during hospitalization are practically the same, although in lesser proportions. Among children under the age of 5, the most frequent are malaria (31 per cent), anaemia (25 per cent), acute respiratory infections (9 per cent), gastrointestinal illnesses (4 per cent) and diarrhoea (3 per cent).

Nutrition

90. In 2006, less than one in four children under the age of 5 (18.4 per cent) at the national level were moderately underweight. In poor households, this proportion was one in

four at 25.1 per cent, which is significantly higher than in affluent households, where only 1 in 10 children or 10.3 per cent, were affected. Rates are lower among girls than boys (16.2 per cent and 20.5 per cent respectively for moderate malnutrition and 4.4 per cent and 5.5 per cent respectively for severe malnutrition) although the gaps are wider (rich/poor ratio 3.2 for girls and 2.2 for boys, for moderate malnutrition). The prevalence of moderate or severe underweight is higher in rural areas (20.5 per cent and 5.8 per cent respectively compared with 14.5 per cent and 3.84 per cent in urban areas).

91. The challenges to be met in reversing this trend include:

- Strengthening efforts to combat malnutrition;
- Implementing interventions targeting the period from conception to 24 months, which is the critical period during which the foundations are laid for a healthy and long life;
- Diversifying agriculture, particularly in rural areas.

92. A national centre to combat malnutrition was set up in 2012.

Education

93. The Beninese Government made primary school education free at the beginning of the school year in October 2006. This measure led to the enrolment of an additional 150,000 Beninese children, who as a result have been saved from a life of ignorance.

94. A national forum on the education sector was held in February 2007, enabling the various stakeholders to evaluate the situation of education in Benin and agree on what would be needed to improve it.

95. Several support measures have been introduced to implement free kindergarten and primary education, including the building of classrooms out of both permanent and temporary materials, acquiring teaching materials and training teachers.

96. The State also uses strategies to improve the quality of teaching as well as the working and living conditions of teaching staff.

97. School fees have been waived for children up to the second year of junior high school. Fees for other classes have been standardized across the national territory since the school start in October 2006.

98. Budget allocations to education have grown continuously. From CFAF 53,750,337 in 2003, including CFAF 30,706,775 for primary education, the allocation increased to CFAF 82,141,821 in 2006, including CFAF 51,570,764 for primary education.

99. The gross enrolment rate went up from 66.76 per cent in 1995 to 98.94 per cent in 2007 and 104.27 per cent in 2008; in other words, an increase of 37.51 percentage points. However, this progress masks major disparities between urban and rural areas. Similarly, the gap between the gross enrolment rates for boys and for girls has improved, dropping from 32 percentage points in 2003 to 10.71 points in 2008. These encouraging results have been achieved thanks to the “All girls in school” campaign conducted over the past few years with the support of partners in the education system, such as UNICEF, the Danish international development agency (DANIDA) and Swiss Support for the Promotion of Girls’ Education (ASPEF).

100. In the higher education sector, students are exempt from enrolment fees.

Table 7
Primary education rates

<i>Indicators</i>	<i>1998</i>	<i>2000</i>	<i>2001</i>	<i>Current rates 2007/2008</i>
Net primary enrolment rate	Not available	80% (gross enrolment rate)	Not available	79.87%
Primary completion rate	64.3% (percentage of pupils who complete the fifth year of primary school)	Not available	Not available	59%
Literacy rate	Not available	Not available	35.9%	45.5%

Source: National Institute for Statistics and Economic Analysis (INSAE), 2007.

101. The table shows that the gross enrolment rate remained almost constant (80 per cent) between 2000 and 2007, which means that there is still a shortfall of approximately 20 percentage points compared with the target for 2015. By contrast, there was a marked improvement in the primary school completion rate, from 64.3 per cent in 1998 to 59 per cent in 2007.

102. The gross preschool enrolment rate increased from 4.2 per cent in 2004 to 4.5 per cent in 2007. The rate remains low because preschool is primarily available to children in urban areas, such as Cotonou and Porto-Novo. Preschool education is an option only for children whose parents have the financial means to pay for it.

103. The objectives in terms of access and coverage have been achieved and even exceeded (the gross admission rate rose from 109 per cent to 119 per cent and the gross enrolment rate from 93 per cent to 98 per cent between 2006 and 2007). However, the dropout rate remains high and the completion rate has plateaued (66 per cent in 2007). Furthermore, the pupil/teacher ratio has improved overall in recent years, but there has been no corresponding reduction in the territorial disparities in terms of the distribution of teachers. The proportion of qualified teachers has declined considerably since 2004 (in 2007, only 44 per cent of public school teachers were qualified, compared with 72 per cent in 2004). Similarly, the textbook/pupil ratio (1:86) has not improved and remains below target (2). The quality of education is not what it might be and some thought needs to be given to this; 30 per cent of pupils in the final year of primary education leave school with reading and writing difficulties.

104. According to National Institute for Statistics and Economic Analysis (INSAE) statistics, there has been an improvement in the enrolment gap between girls and boys at primary level, which was 0.75 in 2006.

105. On 18 April 2008, the Government of Benin, represented by the ministers of finance and education, and technical and financial partners supporting education, signed an agreement for a donation from the Catalytic Fund of the Education for All Fast Track Initiative as well as a joint financial arrangement. At a total of US\$ 76.1 million (approximately CFAF 34 billion), the donation from the Catalytic Fund is intended to support the Beninese State's policy of primary education for all, as set out in the 10-year plan for the education sector 2006–2015 adopted by the Government in December 2006. This 10-year plan forms part of efforts to achieve education for all under the Millennium Development Goals, and to implement the Beninese Education Act.

106. The programme financed by the Catalytic Fund aims to support the preschool and primary education sectors and the literacy drive. The main objectives of the programme are:

- To improve access to education, equity and retention rates by constructing, renovating and equipping schools;

- To improve the quality of teaching and literacy training by reinforcing teachers' skills, introducing the national languages into the education system and distributing textbooks and teaching guides;
- To improve the administration of education and strengthen management capacity.

107. The Fund's resources are administered by the World Bank on behalf of all the partners involved.

108. As part of its support for the education sector in Benin, the Danish international development agency (DANIDA) attaches particular importance to education for children with disabilities. Accordingly, a pilot project for the inclusion of children with disabilities in mainstream schools was launched in 2004. The overall objective is to promote access to mainstream education. This Danish-Beninese project is being run in the department of Zou with a budget of 250 million for 2004–2006. The support is provided in the form of a public-private partnership through an administrative unit made up of a number of specialized structures, namely the Programme for Community-Based Rehabilitation of the Ministry for the Family and the NGOs Equilibre Bénin and ASUNOES. The project involves 198 children, 85 of them girls, who have a range of disabilities (motor, intellectual, visual, hearing, cerebral palsy, etc.).

Trafficking

109. Several children have been the victims of trafficking and the Government, through the police and the gendarmerie, particularly the minors protection unit, is leading the fight against trafficking in cooperation with national and international NGOs.

110. Act No. 2006-04 of 10 April 2006 on conditions for the displacement for minors has been adopted and implementing decrees have been issued. The State security forces frequently arrest the perpetrators of such acts and the courts hand down sentences.

Article 25

Right to take part in the conduct of public affairs and to have access to public service in one's country

111. Local council meetings are public. All individuals are entitled to go and consult the minutes and/or summaries of local councils' deliberations and decisions and make copies at their own expense (Act No. 97-029 of 15 January 1999 on the organization of the communes in the Republic of Benin).

112. During the reporting period, elections were held in Benin in timely fashion.

113. The following elections were held:

- The 2006 presidential election was held normally, as was the 2007 legislative election. The 2011 presidential and legislative elections were not only held on time but also on the basis of the computerized permanent electoral register;
- Local elections were held in 2008 and the local councils were formed. A number of disputes have arisen from those local elections and have been brought before the Supreme Court.

114. The Government's decentralized activities are part of the strategic framework of the national decentralization/devolution policy. The project combines decentralization, devolution and land use policy to promote grass-roots development. In order to strengthen the programme, the Government set up the Support Fund for Commune Development. The national decentralization/devolution policy and the Support Fund for Commune

Development, whose budget increased from CFAF 1.4 billion in 2007 to CFAF 5.4 billion in 2008, are the Government's most important schemes for local authorities. Through this Fund, communes can mobilize resources enabling them to implement their development plans. In addition to the Fund, the National Commission for Local Finance has been established to study how resources can be transferred to the communes. Furthermore, the Government has set up the National Commission for Decentralized Cooperation to monitor decentralized cooperation. Lastly, the Observatory for Local Governance has been set up to create the conditions necessary for strategic thinking on local governance. It also aims to analyse the progress made in governance at both the national and the regional levels.

Cost of elections

115. With a view to respecting the right of citizens to "vote and to be elected at genuine periodic elections", Benin has endeavoured over the years to invest the necessary resources to this end. Since 1990, the presidential election budget in Benin has grown significantly, increasing from CFAF 1.4 billion in 1995 to more than CFAF 14 billion in 2006. It therefore became necessary to develop the computerized permanent electoral register.

Article 26 Equality of all persons before the law

116. The Constitutional Court reaffirmed the principle of the equality of all citizens before the law in its decision DCC 05-019 of 3 March 2005 (Compilation of Constitutional Court decisions and opinions (Rec. CC.) 2005 of 3 March 2005, pp. 93-95).

117. In that case, Mr. R.H., an office employee at the Benin-Niger Rail and Transport Organization (OCBN), did not receive an administrative reclassification, unlike his colleague J.T. who was in the same situation as him. The Constitutional Court ruled that this measure violated the provisions of article 26, paragraph 1, of the Constitution of 11 December 1990, which provides: "The State guarantees all persons equality before the law without discrimination on the grounds of origin, race, sex, religion, political opinion or social status."

Article 27 Rights of ethnic, religious or linguistic minorities

118. Act No. 2003-17 of 11 November 2003 on the national education system provides for the introduction of the national languages into the formal education system.

119. The measures taken to give effect to this provision are not yet complete. Of the 60-odd languages in Benin, 33 mother tongues with a grammar and a vocabulary have been selected and are ready to be introduced into formal system. However, there are some difficulties with regard to implementation. The issue is being given further consideration with a view to finding appropriate solutions to the problem.

Conclusion

120. It is clear that, in the period from 2005 to 2008, as updated to 2012, Benin has made considerable efforts to give effect to civil and political rights. To a certain extent, these efforts have been hampered by the international economic crisis. The Beninese Government, in cooperation with political stakeholders and social partners, is determined to

pursue the reforms and actions necessary to guarantee the ever-increasing enjoyment of civil and political rights in general and human rights in particular.
