

**REPUBLIC OF BENIN**



**COMBINED PERIODIC REPORT FROM THE SIXTH  
TO THE TENTH (6<sup>TH</sup> -10<sup>TH</sup>) PERIODIC REPORTS ON  
THE IMPLEMENTATION OF THE PROVISIONS OF  
THE AFRICAN CHARTER ON HUMAN AND  
PEOPLES' RIGHTS**

Period 2009 –2018



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**List of Acronyms, Initialisms and Abbreviations**

ANLC: National Anti-Corruption Authority

CA: Court of Appeal

ACRWC: African Charter on the Rights and Welfare of the Child

ACHPR: African Charter on Human and Peoples’ Rights

CBDH: Beninese Human Rights Commission

CC: Constitutional Court

ACERWC: African Committee of Experts on the Rights and Welfare of the Child

CNCDH: National Human Rights Advisory Council

CNSAII/DH: National Monitoring Committee on the Implementation of International Human Rights Instruments

DPSNPE: National Child Protection Strategic Policy Document

DSCRIP: Growth Strategy Papers for Poverty Reduction

ENPLT: National Long-Term Outlook Studies

IGSJ: Inspectorate-General for Judicial Services

MJL: Ministry of Justice and Legislation

NGOs: Non-Governmental Organisations

PAAAJRC: Support for Improved Access to Justice and Accountability Project

PAG: Government Programme of Actions

PC2D: Growth Programme for Sustainable Development

PNAF: National Action Plan on the Family

PND: National Development Plan

PNDSJ: National Judiciary Sector Development Policy

PNLBPDR: National Anti-Racial Discrimination and Good Practices Plan

PNLTE: National Anti-Child Trafficking Plan

PNPE: National Child Protection Policy

PNPG: National Gender Promotion Policy

UNDP: United Nations Development Programme

PSNPS: National Social Protection Strategy and Policy

TFPs: Technical and Financial Partners



## **INTRODUCTION**

The Republic of Benin is submitting its combined sixth to tenth periodic report (2009-2018) to the African Commission on Human and Peoples' Rights (ACHPR) in accordance with its commitments under the provisions of Article 62 of the African Charter on Human and Peoples' Rights.

This report reviews developments since 2009 in the regulatory and institutional framework for the promotion and protection of human rights. It specifies the follow-up from the preceding report and gives an account of the

progress, best practices, challenges and initiatives likely to improve the human rights situation on the ground. It also presents the status of implementation by Benin of the MAPUTO Protocol on the Rights of Women in Africa.

The preparation of this report followed an inclusive and participatory process of national consultations during which state structures and civil society actors contributed to information gathering. This process was supported by the United Nations Development Programme's (UNDP) Support Project for Improved Access to Justice and Accountability (PAAAJRC).

The information and data compiled in this report were collected and supervised by the Ministry of Justice and Legislation (MJL) in collaboration with other governmental and non-governmental organisations within the National Committee for Monitoring the Implementation of International Human Rights Instruments (CNSAI/DH).

A team of experts was commissioned to work on a preliminary draft report. This draft report was reviewed by a select working group before its validation by the National Monitoring Committee for the Implementation of International Instruments, enlarged to bring on board the representatives of Non-Governmental Organisations (NGOs) working towards the promotion and protection of human rights.

This report is structured in three (3) parts:

**PART ONE: SOME RESPONSES TO THE COMMISSION'S COMMENTS ON THE LAST REPORT**

**PART TWO: PERIODIC REPORT (2009-2018) ON THE IMPLEMENTATION OF THE CHARTER**

**PART THREE: IMPLEMENTATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA.**

## **PART ONE: SOME RESPONSES TO THE COMMISSION'S COMMENTS ON THE LAST REPORT**

***Recommendation 1: Submit regular reports to the Commission every two years to ensure constant dialogue between the Government of Benin and the African Commission concerning the human rights situation in Benin.***

Regarding the preparation and regular submission of reports, Benin presented to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on March 20, 2019, its consolidated report (initial and periodic) covering the period from 1997 to 2015 on the implementation of the African Charter on the Rights and Welfare of the Child (ACERWC).

This document reflects Benin's commitment to produce its periodic reports on the implementation of the African Charter on Human and Peoples' Rights (ACHPR)

***Recommendation 2: Ratify African human rights instruments to which the State has not yet acceded.***

During the period under review, Benin ratified the following African human rights instruments:

- The African Charter on Democracy, Elections and Governance, ratified on July 11, 2012;
- The Protocol to the Constitutive Act of the African Union on the African Parliament, ratified on September 10, 2018;

- The Protocol to the OAU Convention on the Prevention and Combating of Terrorism adopted on July 2, 2004 in Addis Ababa and ratified on October 11, 2012;
- The Protocol to the African Charter on Human and Peoples' Rights on the African Court on Human and Peoples' Rights adopted on June 9, 1998 in Ouagadougou and ratified on August 22, 2014;
- The African Union Convention on Cross-Border Cooperation of the African Union adopted on June 27, 2014 in Malabo and ratified on September 10, 2018;
- The Charter of the Council of the Entente;
- The Protocol on the Statute of the African Court of Justice and Human Rights, adopted on January 14, 2009 and ratified on July 11, 2012;
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, ratified on March 28, 2012.

***Recommendation 3: Take steps to align its legislation with international human rights obligations***

The process of domestication of international instruments to which Benin is party is continuing. To this end, several pieces of legislation were adopted during the period under review, including the Children's Code, the Law on the Protection and Promotion of the Rights of Persons with Disabilities, and the Penal Code.

***Recommendation 4: Take measures to ensure women's participation in the management of public affairs and their representation in positions of responsibility.***

In an effort to improve women's participation in the management of public affairs and their representation in positions of responsibility, Benin adopted a new electoral code that could improve women's participation in political life. Furthermore, through several attempts to ensure revision, Benin has undertaken to amend its fundamental law to improve women's representation in the National Assembly.

***Recommendation 5: Take appropriate measures with the support of its partners to establish free secondary education***

Benin has continued its efforts to make education accessible to all through the implementation of several programmes, including free school fees. These free schooling programmes have had an impact on both general and technical education. Since 2017, new reforms are underway in the education sector to improve free education.

***Recommendation 6: Take steps to enable all workers to exercise their trade union rights, particularly in the private sector, taking appropriate measures, where necessary, to apply sanctions against employers who oppose the establishment of trade unions in their enterprises.***

The labour code in force in Benin provides a framework for the exercise of trade union freedoms in both the public and private sectors. However, many employers were reluctant to respect trade union rights in the private sector. Steps were also taken to regulate the conditions for exercising trade union freedoms in the public sector.

***Recommendation 7: Take measures to protect workers, especially union leaders, from unlawful dismissals.***

In order to guarantee a peaceful social environment, the Government, the Employers and Trade Unions signed the national charter for social dialogue on August 3, 2016.

This instrument aims, among others, to prevent and manage social conflicts in compliance with laws, regulations, and collective agreements, strengthen the democratic process, ensure good governance in the public administration, maintain social peace and unity, and promote labour relations in services, companies, and institutions.

***Recommendation 8: Reactivate the Benin National Human Rights Commission by adopting a new law in accordance with the Paris Principles, providing the CBDH with adequate resources to strengthen its operations and clearly defining the mandates of the CBDH and the Human Rights Advisory Committee in order to avoid conflict between the two institutions***

Benin enacted Law No. 2012-36 of February 15, 2013, establishing the Benin Human Rights Commission and issued its implementing decree.

Members of the Benin Human Rights Commission (CBDH) were democratically nominated by their peers before being appointed by Decree No. 2018-541 of November 28, 2018. They were officially installed

on January 3, 2019 after a swearing-in ceremony before the Constitutional Court on December 28, 2018.

They benefit from privileges and enjoy certain immunities conferred on them by Articles 29 and 30 of Law 2012-36 establishing the CBDH.

To ensure adequate funding of the Commission, Article 16 of Decree No. 2014-315 of May 6, 2014 on the implementation of Law No. 2012-36 of February 15, 2013 referred to above provides that: "the Commission shall propose a draft annual budget for inclusion in the overall budget of the State. The Commission's draft budget shall be prepared by the Executive Bureau and approved by the General Assembly".

There is no conflict between this Commission and the National Human Rights Advisory Council (CNCDH).

***Recommendation 9: Decongest the Cotonou civilian prison by accelerating the process of transferring convicts to the Akpro-Missérété prison.***

By decision of the Council of Ministers dated June 28, 2017, the prison map was reorganised. Benin now has three civilian prisons and eight remand prisons. In the future, persons actually convicted will be distributed among the civilian prisons. Between 2017 and 2018 more than 600 convicted persons were transferred from the Cotonou and Porto-Novo remand prisons to the civilian prison of Akpro-Missérété.

***Recommendation 10: Take measures to ensure education of minors in the prisons***

Law No. 2015-08 of December 8, 2015 on the Children's Code includes provisions on the compulsory education of minors in detention. In practice, there is no official educational programme for minors in detention. However, several Civil Society Organizations are involved in this area. Furthermore, child and adolescent welfare centres are developing some educational programmes. Children in these centres have the opportunity to go to school and be introduced to a trade. They also benefit internally from educational strengthening.

***Recommendation 11: Adopt anti-corruption legislation by integrating the international anti-corruption instruments to which Benin has acceded into the Beninese legal system by defining corruption and related practices and providing for sanctions for corrupt practices.***

Benin adopted Law No. 2011-20 of October 12, 2011 on the fight against corruption and related offences in the Republic of Benin. This law lists the facts constituting corruption (Article 2). It also establishes a National Anti-Corruption Authority.

***Recommendation 12: Strengthen the Anti-Corruption Observatory by providing it with adequate human, financial and material resources to enable it to carry out its mission.***

This body, which in 2011 became the National Anti-Corruption Authority (ANLC), has its own budget and management autonomy which makes it independent and impartial in carrying out its mission.



## **PART TWO: PERIODIC REPORT (2009-2018) ON THE IMPLEMENTATION OF THE CHARTER**

### **CHAPTER I: GENERAL INFORMATION ON THE LEGAL, INSTITUTIONAL AND PROGRAMMING FRAMEWORK OF THE STATE**

General information concerns the legal, institutional and programming framework for the implementation of the Charter over the period covered by the report.

#### ***SECTION I: LEGAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN AND PEOPLES' RIGHTS***

Benin has ratified several Conventions and is continuously strengthening its legal arsenal to promote and protect human rights and duties as contained in the Charter.

These include, among others, the following:

##### ***At the International Level:***

- The Maritime Labour Convention, ratified on June 13, 2011 ;
- The International Convention on the Protection of All Persons from Enforced Disappearance (ICPPED), ratified on 28 March 2012;
- The Second (2nd) Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty, ratified on July 5, 2012;
- The Convention on the Rights of Persons with Disabilities, ratified on July 5, 2012;
- The Optional Protocol to the Convention on the Rights of Persons with Disabilities, ratified on July 5, 2012;
- The amendment to Article 43, paragraph 2 of the Convention on the Rights of the Child, ratified on September 21, 2017;
- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified on November 2, 2017;
- The International Convention against Apartheid in Sports, ratified on November 2, 2017;

- The International Convention for the Suppression of Acts of Terrorism, ratified on November 2, 2017;
- The Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer, ratified on March 19, 2018;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified on July 6, 2018;
- The Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, ratified on June 28, 2018.

***At the regional level :***

- The African Charter on Democracy, Elections, and Governance;
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;
- The Charter of the Entente Council;
- The African Union Convention on Cross-Border Cooperation;
- The Protocol to the Constitutive Act of the African Union on the Pan-African Parliament;
- The Protocol to the OAU Convention on the Prevention and Combating of Terrorism;
- The Protocol on the Statute of the African Court of Justice and Human Rights;
- The Protocol to the African Charter on Human and Peoples' Rights on the African Court on Human and Peoples' Rights.

***At the national level:***

- Several laws and regulatory texts have been enacted to incorporate the various ratified instruments into Beninese positive law.

*Laws*

- Law No. 2011-20 of October 12, 2011 on the fight against corruption and related offences in the Republic of Benin;
- Law No. 2011-26 of January 9, 2012 on the prevention and repression of violence against women and girls in the Republic of Benin;
- Law No. 2012-21 of August 27, 2012 to combat the financing of terrorism in the Republic of Benin;

- Law No. 2018-14 modifying and supplementing Law No. 2015-15 of March 18, 2013 on the Code of Criminal Procedure in the Republic of Benin;
- Law No. 2013-09 of September 3, 2013 on the determination of the electoral map and the establishment of voting centres in the Republic of Benin;
- Law No. 2013-01 of August 14, 2013 on the Land and State Code in the Republic of Benin;
- Law No. 2013-06 of November 25, 2013 on the Electoral Code (revised) in the Republic of Benin;
- Law No. 2012-15 of 18 March 2013 on the Code of Criminal Procedure in the Republic of Benin;
- Law No. 2012-36 of February 15, 2013 establishing the Benin Human Rights Commission;
- Law No. 2014-22 of September 30, 2014 relating to digital broadcasting in the Republic of Benin;
- Law No. 2014-14 of July 9, 2014 on electronic communications and postal services in the Republic of Benin;
- Law No. 2015-08 of December 8, 2015 on the Children's Code in the Republic of Benin;
- Law No. 2015-07 of March 20, 2015 relating to the Code of Information and Communication in the Republic of Benin;
- Law No. 2016-24 of October 11, 2016 on the legal framework of Public-Private Partnership in the Republic of Benin;
- Law No. 2016-16 of October 4, 2016 amending and supplementing Law No. 2008-07 of February 28, 2011 on the Code of Civil, Commercial, Social and Administrative Procedure and Accounts in the Republic of Benin;
- Law No. 2016-15 of October 4, 2016 modifying and supplementing Law No. 2001-37 of June 10, 2002 on the organization of the judiciary in the Republic of Benin;
- Law No. 2016-12 of June 16, 2016 relating to Work of General Interest in the Republic of Benin;
- Law No. 2017-41 of December 19, 2017 on the creation of the Republican Police in the Republic of Benin;

- Law No. 2017-27 of December 18, 2017 relating to the production, packaging, labelling, sale and use of tobacco, its derivatives and similar substances in the Republic of Benin;
- Law No. 2017-04 of October 19, 2017 on the Code of Public Procurement in the Republic of Benin;
- Law No. 2017-06 of September 29, 2017 on the Protection and Promotion of the Rights of Persons with Disabilities in the Republic of Benin;
- Law No. 2018-31 of October 9, 2018 on the Electoral Code of the Republic of Benin;
- Law No. 2018-048 of June 29, 2018 on the Penal Code of the Republic of Benin (pending promulgation);
- Law No. 2017-20 of April 20, 2018 on the Digital Code in the Republic of Benin.

### *Regulatory Texts*

- Decree No. 2011-029 of January 31, 2011 establishing the list of dangerous work forbidden to children in the Republic of Benin;
- Decree No. 2012-416 of November 06, 2012 establishing the norms and standards applicable to the Centres of Reception and Protection of Children in the Republic of Benin;
- Decree No. 2012-28 of August 13, 2012 on the creation, composition, allocation and operation of integrated departmental coordination centres for the care of victims and survivors of gender-based violence;
- Decree No. 2014-315 of May 6, 2014 on the implementation of Law No. 2012-36 of February 15, 2013 on the creation of the Benin Human Rights Commission;
- Decree No. 2014-315 of May 6, 2014 appointing the members of the Benin Human Rights Commission;
- Decree No. 2015-029 of January 29, 2015 establishing the modalities of acquisition of rural land in the Republic of Benin;
- Decree No. 2016-13 of November 25, 2016 relating to the attributions, organization and functioning of the Central Authority in matters of international adoption.

## ***SECTION II: INSTITUTIONAL FRAMEWORK FOR THE PROMOTION AND PROTECTION OF HUMAN AND PEOPLES' RIGHTS***

The institutional framework brings together state and non-state structures that work to improve the conditions for the enjoyment of human and peoples' rights. Over the period under review, we can cite the following:

### **State structures :**

- the Benin Human Rights Commission (CBDH);
- the Mediator of the Republic (MR);
- the National Anti-Corruption Authority (ANLC);
- the National Consultative Council for Human Rights (CNCDH);
- the Department of Penitentiary Administration and Protection of Human Rights (DAPPDH);
- the Central Office for the Protection of Minors, the Family and the Repression of Trafficking in Human Beings (OCPM);
- the Department of Supervised Education and Social Protection of Minors (DESPPSM);
- the Penitentiary Agency of Benin (APB);
- the National Education Council (CNE);
- the National Institute for the Advancement of Women (INPF);
- the Observatory of the Family, Women and Children (OFFE);
- The National Committee for Monitoring the Implementation of International Human Rights Instruments (CNSAIIIDH);
- the National Commission for the Implementation of the Rights of the Child (CNDE);
- the Personal Data Protection Agency (APDP);
- the National Population Identification Agency (ANIP);

- the National Observatory of Electoral Processes (ONPE).

### **Non-state Structures:**

- Women Law and Development in Africa Network (WiLDAF- Benin);
- Network for the Integration of Women of African NGOs and Associations (RIFONGA-Benin);
- Association of Women Lawyers of Benin (AFJB);
- Association of Women Lawyers of Benin (AFAB);
- National Federation of Associations of Persons with Disabilities (FNAPH);
- Regard d'Amour Foundation (FRA);
- Djibril Zakari SAMBAOU Foundation for Human Rights and Peace;
- Social Watch Benin (SW-B);
- Social Change Benin (CSB-ONG);
- Amnesty International of Benin (AIB);
- Prisoners Without Borders (PRSF) ;
- Franciscans International Benin (FI-B) ;
- Association for the Fight against Racism, Ethnocentrism and Regionalism;
- Dispensary for Prisoners and Indigents (DAPI).
- Liaison Committee of Social Organisations for the Defence of Children's Rights (CLOSE);
- ACAT-Benin;
- Association de Lutte Contre le Racisme l'Ethnocentrisme et le Régionalisme (Association for the Fight against Racism, Ethnocentrism and Regionalism);
- Dispensary for Prisoners and Indigents (DAPI).

### ***SECTION III: Programming Framework***

During the period under review, the Beninese State also put in place several national policies and programmes to strengthen human and peoples' rights. These are as follows:

- Poverty Reduction Growth Strategy Papers (PRSPs), third generation 2011-2014, fourth generation - 2015-2018;
- Growth Programme for Sustainable Development (PC2D) ;
- Government Action Programme (PAG 2016-2021);
- National Child Protection Policy and Strategy Document (DPSNPE, 2008-2012);
- National Child Protection Policy (PNPE, October 2014);
- National Social Protection Policy and Strategy (PSNPS) (2004 to 2013);
- National Development Plan (PND) (2016-2025);
- National Gender Promotion Policy (PNPG, 2009-2025);
- National Plan to Combat Child Trafficking (PNLTE, 2008-2012);
- National Action Plan on the Family (PNAF, 2009 to 2016);
- National Action Plan for the Elimination of the Worst Forms of Child Labour in Benin (PAN) 2012-2015;
- National Policy for the Development of the Justice Sector (PNDSJ 2015-2025);
- National Plan for the Fight and Good Practices against Racial Discrimination (October 2014).

## **CHAPTER II: NATIONAL MEASURES FOR THE IMPLEMENTATION OF THE CHARTER**

Benin has taken important steps to give effect to the rights and freedoms recognized and guaranteed in the Charter. These measures concern the promotion of civil and political; economic, social and cultural rights; the rights and duties of peoples; and cooperation efforts. However, there are also difficulties in implementing the provisions of the Charter.

### **SECTION I: CIVIL AND POLITICAL RIGHTS**



## **Non-discrimination (Article 2)**

The principle of non-discrimination requires the full enjoyment of the rights recognized and guaranteed to all without any kind of distinction

Article 8 of the Constitution of 11 December 1990 requires the State to ensure equal access to the various basic social services. The same principle is reaffirmed in Article 26 of the Constitution, which states that men and women are equal in law.

Principles of mutual respect between the sexes, learning to live in community, and the rejection and condemnation of violence and gender inequality are taken into account in the various education programmes.

Benin also has action plans and good practices to combat racial discrimination, xenophobia, intolerance and gender-based violence (GBV).

## **Equality before the Law (Article 3)**

The same law is applicable to everyone in Benin. No distinction is made between citizens in the enactment and application of legal texts.

This practice is consistent with the provisions of Article 26 of the Constitution of December 11, 1990, which provides that

"The State shall ensure equality before the law for all without distinction as to origin, race, sex, religion, political opinion or social position. Men and women are equal before the law..."

The Constitutional Court has handed down several rulings<sup>1</sup> to that end. It includes, among others:

- DCC Decision No. 09 - 039;
- DCC Decision No. 09 - 079;
- DCC Decision No. 09 - 081;
- DCC Decision No. 10 - 011.

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<sup>1</sup> Copies of all rulings listed are attached to the Annex.

### **The right to life and physical integrity (Article 4)**

Benin ratified the Second (2nd) Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty on July 5 July 2012.

By Decision DCC No. 16-020 of January 21, 2016, the Constitutional Court decided that "the entry into force of the Second (2nd) Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty following its ratification renders inoperative all legal provisions providing for the death penalty as a sanction.

In the same vein, the Government of Benin by Decree No. 2018-043 of February 15, 2018 commuting the death penalty to life imprisonment, commuted the sentences of the last fourteen (14) convicts to death. Consequently, there are no longer any persons sentenced to death in the Republic of Benin.

By Law No. 2018-048 of June 29, 2018, Benin adopted a new Penal Code that removes all references to the death penalty.

### **The right to respect for the inherent dignity of the human person, the prohibition of slavery, torture and other cruel, inhuman or degrading treatment or punishment (Article 5)**

The protection of the inherent dignity of the human person is guaranteed by the Constitution of December 11, 1990, in its articles 8 and 15, which provide respectively that:

- the human person is sacred and inviolable.... ”;
- every individual has the right to life, liberty, security and integrity of person".

It follows that every Beninese or foreigner living on Beninese territory must be respected and protected.

Slavery, torture and other cruel, inhuman or degrading treatment or punishment are prohibited in Benin.

According to Article 18 of the Constitution, the human person shall not be subjected "to torture or to cruel, inhuman or degrading treatment or abuse.

Article 523 of the Penal Code criminalizes torture and other cruel, inhuman, or degrading treatment or punishment.

Benin also continued its efforts to effectively combat trafficking in persons. As part of this effort, several perpetrators and accomplices of child trafficking were arrested, prosecuted, and convicted. Victims are cared for by state and/or private shelters. With the support of Technical and Financial Partners (TFPs), Benin has embarked on a process of adopting an action plan to combat human trafficking with a view to preventing and curbing this practice once and for all and to better protect victims.

The Constitutional Court has handed down several rulings <sup>2</sup> in these subject matters:

- Decision DCC No. 09 - 044;
- Decision DCC No. 09 - 052;
- Decision DCC No. 09 - 069;
- Decision DCC No. 10 - 022.

**Prohibition from arbitrary arrest or detention (Article 6):**

Arbitrary arrest and/or detention is a violation of the right to liberty. In Benin arrests or charges are only made under a law enacted prior to the alleged offence in accordance with Article 16 of the Constitution of December 11, 1990. To ensure strict compliance with this provision, unannounced external and internal checks are often organized in judicial police units. Failure to comply with this provision could result in disciplinary action and prosecution.

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<sup>2</sup> Copies of all rulings listed are attached to the Annex.

External controls are the responsibility of the judicial authorities, in particular the Public Prosecutors, the General Prosecutors, the Presidents of the Courts and of the Court of Appeal, and the General Inspectorate of Judicial Services.

Internal controls are carried out by a number of bodies, including the General Inspectorate of the Armed Forces, the Technical Inspectorate of Judicial Police Units and hierarchical controls.

The Constitutional Court has handed down several rulings<sup>3</sup> to that effect:

- Decision DCC No.-09 – 040;
- Decision DCC No.-09 – 044;
- Decision DCC No.-09 – 045;
- Decision DCC No.-09 – 060;
- Decision DCC No.-09 – 078;
- Decision DCC No.-10 – 019;
- Decision DCC No. -10 – 008.

With regard to detention, efforts were made to improve living conditions in prisons and to ease overcrowding in prisons, including studies to bring old prisons up to standard and to build and equip new prisons.

Several judicial guarantees have been granted to persons deprived of liberty since the advent of the Code of Criminal Procedure, including the creation of the Chamber of Liberty and Detention and the appointment of Liberty and Detention Judges.

All of these measures, far from definitively resolving the problem of poor prison conditions, have significantly reduced overcrowding in prisons and, to some extent, prisoners' sentences.

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<sup>3</sup> Copies of all rulings listed are attached to the Annex

## **The right to a fair trial (Article 7)**

Fair trial requirements are generally well respected. All Beninese citizens have the opportunity to apply to any court of law and to be tried by an independent and impartial judge in a fair trial.

The judge makes his decision in accordance with the principles of legality of the offences and penalties, impartiality, adversarial process, respect for the rights of the defence, reasonable time, etc.

The Government of Benin, through its action programmes, implements various projects and programmes aimed at improving the speed of processing cases in ordinary courts.

To this end, with a view to bringing justice closer to the litigant, the Government of Benin, with the support of technical and financial partners, has built and commissioned the courts of first instance of Allada, Pobè, Aplahoué, Djougou and Savalou.

It has also recruited judicial staff:

- in 2011, four hundred and fifty (450) employees including thirty-eight (38) magistrates, fifteen (15) judicial officers and fifty-seven (57) clerks;
- in 2017, seventy-eight (78) magistrates and one hundred (100) clerks.

Furthermore, the Constitutional Court has issued several rulings<sup>4</sup> regarding reasonable time, respect for the adversarial principle, respect for the rights of the defence, etc. These are, among others,

- Decision DCC No. 10 - 079;
- Decision DCC No. 09 - 027;
- Decision DCC No. 09 - 059;
- Decision DCC No. 09 - 072;
- Decision DCC No. 09 - 073;

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<sup>4</sup> Copies of all rulings listed are attached to the Annex

- Decision DCC No. 09 - 074;
- Decision DCC No. 09 - 093;
- Decision DCC No. 10 - 015.

### **Freedom of conscience, the profession of free practice of religion (Article 8)**

The principle of secularism of the State proclaimed in Article 2 of the Constitution requires political authorities to observe strict neutrality with respect to religions and worship. Likewise, in accordance with Articles 10 and 23 of the Constitution, institutions, religious or philosophical communities develop without hindrance and promote freedom of conscience.

There is a framework for consultation between the public authorities and religious denominations. Additionally, government authorities are represented at major religious events. There were no restrictions on the exercise of religious freedom.

### **Freedom of opinion and the right to information (Article 9)**

Freedom of opinion and freedom of the press were strengthened during the reporting period with the adoption of an Information and Communication Code and a Digital Code.

These codes provide, inter alia, for

- decriminalisation of press offences;
- access of all citizens to administrative information;
- protection of children and adolescents and respect for the human person;
- protection of privacy and the presumption of innocence;
- exclusive right of a personal portrayal and on the use that can be made of it;
- protection of personal data;
- prevention and repression of cybercrime and the promotion of cyber security.

Jurisprudence further strengthens freedom of the press, of opinion and expression in Benin. Several court decisions have been taken in this regard.

### **Freedom of association and of assembly (Article 10 and 11)**

Article 25 of the Constitution enshrines the principle of freedom of assembly.

Associations are established by a simple written declaration to the Ministry of the Interior, accompanied by the deposit of their statutes, internal regulations, the list of founding members and members of the executive body. They freely exercise their activities.

In 2016, the Government issued a Decree (No. 2016-616 of October 05, 2016) prohibiting the activities of federations, unions, associations or umbrella organisations of students in all national universities of Benin. The Constitutional Court, by decision DCC No. 17 - 065<sup>5</sup>, ruled that this Decree was contrary to the Constitution.

### **Freedom of movement and choice of residence (Article 12)**

Under Article 25 of the Constitution, freedom of movement is guaranteed to all persons residing in Benin. Various measures were taken by the government to reduce road hassles/inconveniences.

Several Constitutional Court decisions reaffirmed the primacy of these freedoms.

### **Participating freely in public life (Article 13)**

Citizens regularly participate in promoting public life through the election of their representatives at the local, communal and national levels.

Elections are held periodically and all citizens who meet the conditions prescribed by law may be eligible to stand for election and/or vote. During the period under review:

- Regular reporting sessions were held in the communes;
- grassroots consultation frameworks have been created and reinvigorated;
- Periodic consultations between the government and the unions have taken place;

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<sup>5</sup> Copies of all rulings listed are attached to the Annex



- Parliamentary oversight of public action is regularly carried out through oral questions addressed to the government and parliamentary committees of inquiry;

-Citizens' oversight of public action is also carried out by civil society organisations grouped in various networks.

## **SECTION II: ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Benin has committed itself to the implementation of poverty alleviation policies through several strategy documents. These documents constitute a reference framework aimed at coordinating national policies and the support from all the technical and financial partners. The objective is to alleviate poverty, improve access to basic infrastructure and social services, enhance economic growth, promote gender equality and women's empowerment and also to ensure sustainable human development.

The strategic pillars of these documents have made it possible to achieve a good number of the Millennium Development Goals and are at the heart of the achievement of the Sustainable Development Goals.

The third generation of the Poverty Reduction Growth Strategy (PRGS) 2011-2014 provided for measures for the survival, education and protection of children, equitable access to quality social services, reduction of maternal and neonatal mortality, and feeding infants and young children within the context of HIV/AIDS.

The Government Action Plan (GAP) 2016-2021 provides for improved economic growth and education performance in its strategic areas 4 and 5 of pillar 2. Strategic Area 6 of Pillar 3 of the same programme provides for the improvement of the living conditions of the population by strengthening the provision of basic social services and social protection.

A National Development Plan (2016-2025) has been drawn up and validated. Thus, it covers the remaining period for the implementation of the national development vision accompanied by the Benin 2025: ALAFIA National Long-Term Outlook Study Report (ENPLT).

### ***The right to property (Article 14):***

The Constitution recognizes the right of every person to own property. According to the provisions of Article 22, "Everyone has the right to property. No one may be deprived of his or her property except in the public interest and in return for fair and prior compensation". The realisation of this right is achieved, among others, through the application of the provisions of the Code of Persons and the Family relating to succession (Article 588 et seq).

Furthermore, Law No. 2013-01 of August 14, 2013 establishing the Code on private and state-owned land as amended by Law No. 2017-15 of May 26, 2017 has brought about real changes in order to secure land ownership through:

- the creation of new management bodies (the National Agency for Public and Private Lands (ANDF), the Registry and the Cadastre);
- the reform of lands litigation (the introduction of a pre-judgment phase, the new system of prescription in land matters, and the new framework for the enforcement of judgments);
- the development of new tools for proof of ownership (the land ownership certificate and the rural land certificate);
- improving the management of agricultural property through the national agricultural census.

The government, through the Millennium Challenge Account (MCA) Land Access Project, envisages in its new national policy for the promotion of gender, the establishment of mechanisms that can allow for direct intervention in favour of women in rural land tenure.

### **The Right to work under equitable and satisfactory conditions (Article 15):**

#### *General Employment Situation in Benin*

Law No. 98-004 relating to the Labour Code in the Republic of Benin, amended and complemented in some of its Articles by the Law No. 2017-05 of August 29, 2017 establishing the conditions and the procedure for hiring including the placement of manpower, serves as a reference legal framework in labour relations.

Benin is characterised by a predominance of two sectors: the informal sector, which dominates in urban areas, and the agricultural sector in rural areas.

The table below shows the distribution of the labour force by socio-professional category, place of residence and gender. It shows that there are more wage earners in urban areas than in rural areas and more wage earners among working men than women. In urban areas, 28.6% of working men are wage-earners compared to 10.1% of women. In rural areas, 7.7% as against 3.4%.

Table 1: Distribution of employed workers by socio-professional category, place of residence and gender in Benin in 2015

Socio-professional category	Rural		Urban	
	Male	Female	Male	Female
Wage earners	7.7	3.4	28.6	10.1
Employers	1.1	0.5	3.3	1.4
Self-employed workers	88.4	90.2	64.2	83.0
Apprentices/house helps	2.8	5.9	3.9	5.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source : INSAE, EMICoV 2015

Table 2 shows the distribution of employed workers by age and socio-professional category. It shows that young people aged 15-24 years are mostly self-employed (59.8%); similarly, among adults (25-64 years), self-employed workers have the highest percentage, at 83.7%.

Table 2: Distribution of the active working class by age and socio-professional category in Benin in 2015.

Socio-professional category	Age group	
	15-24 years	25-64 years
Wage earners	10.0	14.0
Employers	0.9	1.8
Self-employed workers	59.8	83.7
Apprentices/ House helps	29.3	0.5
Total	100.0	100.0

Source : INSAE, EMICoV 2015

It is worth mentioning that 83.7% of workers in the (25-64) age group are self-employed (the self-employed) compared to 59.8% of workers in the (15-24) age group.

Table 3: Breakdown of active workforce by growth areas and gender in 2010.

Activities	Male		Female		Total	
	Workforce	%	Workforce	%	Workforce	%
Agriculture	682150	51,7	550179	37,5	1232329	44,3
Cotton-Textile	58120	4,4	68786	4,7	126906	4,6
Commerce-Logistics	234635	17,8	533879	36,4	768513	27,6
Agro-food industry	9416	0,7	39590	2,7	49006	1,8
Public works-building materials	74153	5,6	4456	0,3	78609	2,8
Culture and tourism	39011	3,0	176518	12,0	215529	7,7
Other Industrial & Craft Works	66629	5,1	7676	0,5	74305	2,7
Other services	137580	10,4	71955	4,9	209536	7,5
Undeclared employment	16698	1,3	12735	0,9	29433	1,1
<b>Total</b>	<b>1318390</b>	<b>100,0</b>	<b>1465775</b>	<b>100,0</b>	<b>2784165</b>	<b>100,0</b>

Source: INSAE, EMICoV 2010

This table shows that out of 2,784,165 employed workers, 1,232,329 or 44.3% are in agriculture. One hundred and twenty-six thousand nine hundred and six workers (126,906) are in the cotton-textile sector and 768,513 or

27.6% are in trade and logistics. Cultural and tourist activities have absorbed 215,529 workers, or 7.7% of the total number of employed workers.

The analysis of Table 3 by gender reveals that agriculture and commerce-logistics alone has more than 2/3 of the employed workforce, whether men or women. In fact, 51.7% of the working population are in agriculture and 17.8% in commerce/logistics, compared to 37.5% and 36.4% respectively for women. Apart from agricultural activities, men are found in construction and the manufacture of building materials, as well as in industrial crafts representing respectively 5.6% and 5.1% of the active population. Women, for their part, are in culture and tourism activities with 12.0% of the active population.

### Public Employment

The State is the main employer in Benin. The civil service is composed of two categories of employees: Permanent State Employees (APE) and Contractual State Employees (ACE). The trend in the number of these employees since the last report is as follows:

**Table 4 :** Trends in the number of government employees by status

Year	Workforce		
	APE	ACE	TOTAL
2008	35022	12153	47175
2009	35247	12388	47635
2010	35434	15670	51104
2011	31247	34897	66144
2012	29274	41201	70475
2013	25492	44835	70327

2014	24076	44965	69041
2015	23247	49843	73090

Source : **FUR, 2015**

This table shows a steady increase in the size of the Beninese civil service. In spite of this upward trend, the Beninese administration has a deficit in staff of all categories. Several reasons for this state of affairs, including a freeze on recruitment for several years and massive retirements. The table below provides a forecast of retirements over the period 2016 to 2020.

Table 5 : Assessments of retirements over the period from 2016 to 2020.

<b>Year</b>	<b>APE</b>	<b>ACE</b>	<b>TOTAL</b>
2016	3351	79	3430
2017	2703	105	2808
2018	351	127	478
2019	258	162	420
2020	312	268	580
<b>TOTAL</b>	<b>6975</b>	<b>741</b>	<b>7716</b>

Source : **FUR, 2015.**

Since 2008, the process of transferring casual employees in the public administration has significantly increased the number of employees.

An index point revaluation coefficient of 3.5 has been granted to higher education teachers and a coefficient of 1.25 has been progressively applied to employees of other administrative bodies.

## **Specific measures targeted at youth employment.**

Specific measures have been taken to promote youth employability. Among these measures, one can mention programmes implemented by the government through:

- The National Agency for the Promotion of Employment (**ANPE**);
- Facilitation of access to credits and to the Micro Credit programme to the Poorest (**MCP**);
- The National Fund for the Development of Enterprises and Youth Employment (**FNPEEJ**);
- The establishment of the National Youth Volunteers Development Corps (**CNJVD**) in the Republic of Benin.

The implementation of the various measures for the year 2016, enabled particularly the **ANPE**, to undertake the following:

- Renew the work of six thousand four hundred and ninety-four (6.494) trainees of the 2015-year group;
- recruit approximately two thousand (2,000) trainees who benefit from its programmes;
- operationalise nine (9) Business Promotion Centres (BPC) which are resource centres dedicated to employment;
- Transform three (3) Business Promotion Centres (BPC) into incubation centres that will host 200 companies for approximately two (2) years.
- On April 17, 2014, the amount of the SMIG increased from **31,625 CFAF** to **40,000 CFAF**, an increase of **26.48%**.

## ***Trade Union Rights***

The Government, the Employers Organisations and the trades unions signed the national charter on social dialogue on 3 August 2016. This instrument aims, among others, at preventing and managing social conflicts in compliance with the laws, regulations and collective agreements, strengthening the democratic process, good governance within the public

administration, maintaining social peace and social unity and promoting professional relations in the departments, businesses and establishments.

Furthermore, there is a national consultative and collective bargaining Commission between the Government and the Trade Union Organisations.

A Sectoral Committee for Social Dialogue has been established and made operational in every Ministry.

Some restrictions on the right to strike have been imposed in certain sectors deemed sensitive in order to guarantee the enjoyment of other fundamental rights.

### **Social Security**

The Social Security Code provides protection for all citizens. The social security system is administered by the National Social Security Fund and reconciles the idea of security with the quality of worker (whether a wage earner or not).

The government has made improved living conditions a priority under its 2016-2021 action plan. Within this framework, it has been planned to establish an insurance scheme to strengthen human capital (ARCH). It is also projected under the same plan to establish a protection mechanism for the poorest and most vulnerable to eventually support four million (4.000.000) citizens of Benin through a universal health insurance system.

A one-stop shop employment window is also underway to improve support services for employment.

***The right to the best attainable state of physical and mental health (Article 16)***

### ***Constant Improvement of Conditions of Existence***

#### ***Sufficient Food***

Benin is among the countries which have achieved target 1.C of the SDGs which aims at “*Reducing by half, between 2000 and 2015, the proportion of the population suffering from hunger*”, with a proportion of 11.2% of the population identified as suffering from hunger in 2014.



Benin has recorded an appreciable food self-sufficiency for certain staple food products such as maize, cassava, yam, etc.). In 2017, according to the Global Vulnerability and Food Security Analysis (AGVSA, 2017), 9.6% of the population was living in food insecurity, accounting for 1.09 million people with 0.7% living in severe food insecurity (or 80 000 people). Compared with 2013, the overall food insecurity reduced by 1.4 points from 11% to 9.6% in 2017.

However, it must be indicated that data were not collected over the same period. An expectation of improvement of the rates for post-harvest period could still become a reality. Generally, according to this survey, 47.5% of the Beninese population is living in food insecurity while 42.9% live in conditions bordering on food security. This means that their food security is adequate but they run the risk of slipping into food insecurity in the event of severe or frequent shocks. According to data by the Demographic and Health Survey of 2011 and the MICS of 2014, the proportion of children under 5 years suffering from weight loss decreased from 21.3% in 2011 to 18% in 2014 (INSAE, 2015). According to the results of the AGVSAN surveys of 2009 and MICS of 2014, the prevalence of general acute malnutrition decreased from 4.7% in 2009 to 4.5% in 2014 with 0.7% and 0.9% respectively accounting for severe acute malnutrition. At the national level, the proportion of children with ages between 6 and 59 months suffering from chronic malnutrition dropped from 37% in 2009 to 34% in 2014 with 12.2% and 12.1 % respectively experiencing severe stunted growth. In all the departments in Benin (except the Littoral region) more than 30% of children between 6 and 59 months suffer from chronic malnutrition, which translates into a serious nutritional situation, according to the thresholds established by the WHO.

To further improve this situation, the Government of Benin adopted in November 2017 the Agricultural Development Strategic Plan (PSDSA, 2017-2025) and its National Agricultural Investment and Food and Nutritional Security Plan (PNIASAN 2017-2021). The PSDSA defines the agricultural policy in Benin up to 2025.

Benin hopes to make the agricultural sector a dynamic, competitive, attractive, resilient to climate change and creator of wealth, employment and responding equitably to the needs of food and nutritional security and to the needs of economic and social development of all segments of the population by 2025.

The diagnosis of the agricultural sector shows that four major challenges have to be addressed to achieve this vision. They include:

- The coverage of food and nutritional needs through local production and safeguarding the means of existence;
- Increased incomes of the population;
- Improvement in the attractiveness of agricultural activities and the rural communities;
- Adoption of relevant innovations leading to the mitigation of the carbon footprint on agriculture.

In order to address these challenges, Benin has retained five strategic pillars, namely:

- Improved productivity and production in the agricultural sectors;
- Promotion and equitable structuring of the Value-Added Chains;
- Strengthening of the resilience of agricultural farms vis-à-vis climate change and improvement in food and nutritional security among the vulnerable population;
- Equitable improvement in the governance of the agricultural sector and food and nutritional security;
- Establishment of financing mechanisms and adapted and accessible insurance (Support Fund for Development of the Communes (FADeC) provided to agriculture for communal and intercommunal structuring investments, the National Fund for Agricultural Development (FNDA) to support private investments and Agricultural Mutual Insurance of Benin (AMAB) to cover insurable risks).

## **Access to water**

The Government and the Technical and Financial Partners (TFPs) are constantly making efforts to increase access to potable water for the population.

According to the statistics of the last five (5) years, the rate of distribution of potable water has increased considerably. At the national level, this rate was up to 68.2% in 2014 as against 65.7% in 2013. Laudable efforts have been made to facilitate access to potable water for the populations in the most remote locations. The number of people using potable water has increased from year to year.

The Government has concluded a financing agreement to the tune of 22 billion for the supply of potable water in the rural areas.

### **Access to Housing**

A lot of initiatives have been taken by the government to promote access to housing. Among these actions, one may mention low-cost housing scheme at Ouèdo, Lokossa, Parakou etc. Mention must also be made of the enactment of Law No. 2018-12 on the legal regime on housing tenancy in the Republic of Benin.

This legal regime suggests that the general rules for the conclusion and execution of the contract govern rents, deposits and other guarantees, the obligations of the lessor and the lessee, the transfer and sub-letting of the lease as well as the cancellation of the contract.

### **Physical and mental health**

The management of the system is carried out by the Ministry of Health which is responsible for the implementation of the policy defined by the government in the area of health. To that end, it initiates health actions, plans its implementation, coordinates and controls the implementation of the tasks outlined.

The infrastructural facilities at the headquarters include:

- The National University Teaching Hospital and Centre (CNHU);
- The National University Hospital Centre of Mother and Child Lagune (CHU-MEL);
- The National Pneumo-phtisiology Hospital Centre (CNHPP);
- The National Neuro-Psychiatric Hospital (CNHNP).

At the intermediary level, the link of national health policy is undertaken by the Departmental Health Directorates (DDS) whose actions fall within the purview of the strategy adopted at the national level.

There are five (5) Departmental Hospital Centres (CHD) situated in the Departments of Ouémé, Borgou and Atacora, Zou and Mono. In the Littoral Department, the facility is the CNHU which, in addition to being a national facility, plays the role of a Departmental Hospital Centre for the Littoral region (CHD-Littoral).

In the outlying communities, we find health zones which are the most decentralised operational entities of the Beninese health system. The health zone is made up of primary health care services: Village Health Unit (UVS), Maternity centres and dispensaries, Health Centre (CS) and private health facilities, all of these supported by the first referral hospital (Zonal Hospital), public or private, and designed to provide health services to an area with a population of between 100 and 200 thousand inhabitants.

There are now about thirty-four (34) zonal health facilities. This strategy helps to provide viable and effective quality services and at the same time it promotes decentralisation, community participation and partnership with the public and private sectors.

In the National Health Development Plan of Benin (2009-2018), 66% of households have access to a health facility in their locality within a radius of 5 kms.

Regarding access to first referral health facilities, it can be seen that more than 50% of the population have access to a referral hospital when the need arises. However, 13% of the population still live at about 30kms from a referral facility. The majority of rural communities do not have hospitals within less than 5 kms.

### **Availability of Health Staff (medical doctor, nurse and mid-wife)**

The health coverage is still inadequate in view of the high population growth rate. Many efforts are underway to improve this state of affairs, particularly

through staff recruitments, establishment of technical platforms and an increase in the budget allocated to the Ministry of Health...

### *Trends of major infections and recurring diseases*

Malaria and acute respiratory infections (ARI) are still the major causes of morbidity and mortality. These are followed by anaemia which may originate from infections and/or from nutritional sources.

But in recent years, some viruses, such as Lassa and Ebola, have emerged. Malaria is the disease which affects most Beninese. The percentage of consultation for malaria causes was 40.6% in 2014 just as in 2013 and 41.4% in 2012. It is followed by acute respiratory infections (12.9% in 2014 against 13.3% in 2013 and 12.3% in 2012). Gastro-intestinal infections affected only 6.6% of patients in 2014 against 6.8% of patients in 2013 and 6.5% in 2012.

The Government and NGOs have intensified awareness raising campaigns among the population with the free distribution of insecticide treated mosquito nets.

Thanks to the efforts made materially and financially, the infectious diseases such as leprosy and onchocerciasis have slowed down significantly and dracunculiasis (Guinea worm) has been eradicated.

But in spite of these satisfactory results, malaria continues to be the first line of scourges that have to be addressed. Towards that end, an Accelerated Anti-malaria Plan (LAPA), has been launched with the aim of reducing by 50% malaria-related deaths by 2025, by 30% between 2010 and 2015, and by 20% between 2015 and 2025. In the same vein, the rate of morbidity and the socio-economic incidence of malaria must be reduced by the same proportions by 2025.

### **Reduction of the costs of healthcare**

Several organisational reforms have been implemented since 2010 towards the reorganisation of the health sector, among them are the following:

- Reforms at the Central Procurement Agency for Essential Medicines (CAME);
- The Universal Health Insurance Regime (RAMU)/Promotion of Mutual Health Insurance Scheme;

- Drive to combat fake medicines;
- Contractualisation/Results-based Management ;
- Decentralisation/ Devolution in the sector;
- Practical Arrangement for the Construction of Modern Regional Referral Hospital;
- Free Caesarian section operation.

These various measures taken by the government aim at helping and ensuring good health for the entire population especially the most underprivileged sections.

Concerning the RAMU, it must be noted that it is a social health insurance which allows the population, especially the underprivileged segments to benefit from low-cost healthcare. The first experience launched just took into account a segment of the population. The Government plans to improve this programme through the Insurance for Strengthening Human Capital Project (ARCH), the first phase of which took off in January 2019.

The Free Caesarian section operation is a measure taken by the government to reduce the medical costs of women when they are compelled to go through childbirth by means of surgical operation. Generally, 44 hospital centres across the length and breadth of the national territory have been selected. Precisely, all the departments of Benin are covered by this measure: 11 in the Atlantique Littoral; 6 in Ouémé-Plateau; 6 in the Mono-Couffo; 5 in the Zou-Collines; 6 in Atacora-Donga; 10 in Borgou-Alibori.

However, it is necessary to improve the system in order to enable mothers who have benefitted from healthcare to continue the treatment after the intervention in case of complications.

### **Prevalence of HIV/AIDS**

Among the transmissible infections, a greater emphasis has been put on combating AIDS. The prevalence rate of AIDS obtained from sentinel sites reached 2.16% in 2014 against 1.9% in 2013 all over the country with a wide disparity according to the location of residence. The prevalence of HIV is low in Benin, but has gone up with the situation in certain departments which is of concern, such as the Littoral (3.05%), the Atlantique (2.79%), the Mono (2.76%) and Ouémé (2.72%).

Table No. 6: Prevalence of HIV per Department in 2011, 2013 and 2014

Departments'	2011			2013			2014		
	Urban	Rural	together	Urban	Rural	together	Urban	Rural	together
Alibori	0,8	0,8	0,8	1	0,6	0,77	1	0,6	1
Atacora	1,7	0,6	1	1,59	1,9	1,77	1,59	1,9	1,59
Atlantique	2,9	0,7	1,5	2,79	0,67	1,58	2,79	0,67	2,79
Borgou	1,3	0,8	1	1,25	1,07	1,14	1,25	1,07	1,25
Collines	1,3	0,9	1	0,67	0,75	0,72	0,67	0,75	0,67
Couffo	5	2,4	2,9	2,53	1,8	2,1	2,53	1,8	2,53
Donga	2,3	1,8	1,9	1,99	1,99	1,99	1,99	1,99	1,99
Littoral	3,1	-	3,1	3,05	0	3,05	3,05	0	3,05
Mono	2,1	2	2	2,76	3,59	3,27	2,76	3,59	2,76
Ouémé	1,7	3,5	2,5	2,72	3,17	2,98	2,72	3,17	2,72
Plateau	2	0,9	1,2	2,21	1	1,49	2,21	1	2,21
Zou	1,1	0,5	0,7	1,95	0,5	1,1	1,95	0,5	1,95
<b>BENIN</b>	2,2	1,8	1,9	2,16	1,44	1,9	2,16	1,44	2,16

*Source: Health Statistical Yearbooks (2011, 2013 and 2014)*

### **Vaccine coverage per type of vaccine**

Vaccination is important and receives special attention with the development of the Expanded Programme on Immunization (EPI) after some years. The rates calculated concern only the population targeted by the EPI, namely children under one year.

According to health statistics, the coverage rate of Bacillus Calmette-Guérin (BCG) in 2014 was 122.5% as against 113.0% in 2013 and 119.1% in 2012. In 2014, at the national level, the immunisation coverage (children of between 0-11 months) in PENTA 3 (Pentavalent 3rd dose) reached 115.6% against a

new relatively low coverage in 2013 (101%). The average immunisation coverage in VAR anti-measles was 109% in 2014 against 96.1% in 2013 and 94,7% in 2012 all over the country.

### **Use of Health Services**

The level of use of health services is always low. In 2014, 50.4% of the population used health services. There was a decline of 2.3 percentage points as compared to 2013. This rate saw an upward trend between 2013 and 2014 in the Departments of Donga (59.0% to 60.2%), Atacora (45.2% to 46.8%) and Atlantique (47% to 48.9%). But in the Departments of Borgou (82.3% to 76.1%), Ouémé (54.3% to 43.3%) and the Littoral (70.1% to 66.2%), this rate declined. Furthermore, in 2014, the Departments of Couffo (28%), Plateau (28.7%) Collines (37.6%) experienced the lowest rates of utilisation of health services.

The coverage rate in antenatal consultations increased from 96% in 2007 to 101.0% in 2012, and to 98.9% in 2013 then to 98% in 2014. On the other hand, postnatal consultations recorded a downward trend between 2007 (43%) and 2011 (38.9%) before a slight upward adjustment in 2012 (41,1%) but dropped in 2014 (37.7% as against 40.0% in 2013). In 2013, the rate of childbirth with assistance by a health personnel is estimated at 91.8% against 90.3% in 2011

### ***Protection of the family, mother and child (Article 18)***

Regarding the protection of the family, mother and child, the most significant measures adopted within the period under review are:

- The adoption of the Children's Code which strengthens the substantive and procedural rights of children (rights further guaranteed by the Personal and Family Code as well as by the criminal procedure code);
- The issuance of Decree No. 2011-029 of 31 January 2011 determining a list of jobs prohibited for minors;
- The establishment in five (5) pilot courts: Cotonou, Abomey, Abomey-Calavi, Parakou and Kandi, Child Friendly Courts (TAE) with the support of UNICEF. Furthermore, all the courts were trained on the thematic issue in order to



provide children an accessible and equitable justice whether they are victims or perpetrators. The purpose of this mechanism is to ensure an effective implementation of national and international instruments geared towards the protection of children. It includes both Government and private actors.

Dix (10) units of the police adapted to children are supported by judges who deal in cases of children. This enabled about 17400 children to have access to protection services and also reduce the duration of pre-trial detention to 5 months and the number of children detained to 108 in 2017.

When children go to court, they receive assistance from the Association of Women Lawyers of Benin which has graciously offered defence counsel services to 1342 children who fell foul of the law between 2015 and 2017.

- The establishment of the Central Office for the Protection of Minors, the Family and Repression of Trafficking in Human Beings;
- The formulation of a National Action Plan (PAN) for the Elimination of the Worst Forms of Child Labour in Benin (PFTE - 2012-2015). This plan is structured around six main pillars, namely: harmonisation of the legal framework; information, sensitisation and mobilisation; education and training; reducing the socio-economic vulnerability of households; protection, uptake and monitoring of children who are victims of the worst forms of child labour (PFTE) as well as enhancing the knowledge bases and institutional mechanisms for the implementation and sustainability of the gains of the National Action Plan (PAN).
- The improvement of the legal arsenal in the area of women's protection and gender promotion;
- The popularisation of the legal texts on the protection of women and gender promotion;
- The provision of care for victims of gender-based violence, particularly the setting up and operationalisation (since 2010) of counselling services for victims.

### **Article 17- paragraph1: *Right to Education***

The commitment of Benin to ensure that education is accessible to all is gradually being achieved. The government and several private institutions are working to actualise the right to education.

In this regard:

- The “10-Year Education Sector Development Plan Phase 3 -2013-2020” consisting of a comprehensive study on the education system was adopted and it proposes many opportunities;
- The policy of free education is ongoing. It has been extended to secondary education up to the 10th grade for general education. Furthermore, at the technical and vocational education levels, the government has taken up 2/3 of the tuition fees for girls.
- The government has embarked on a rationalisation plan at the higher education level. Thus, the university mapping has been reviewed. The number of public universities has therefore changed from seven (7) in 2015-2016 to four (4) as at the re-opening in 2016-2017 for purposes of rational and efficient management of available resources and to ensure quality training programmes. A list of approved private universities has been established and made available.

At the academic level:

- Reforms have made it possible to accredit several training programmes implemented by private higher educational institutions.
- The competence-based approach programmes (APC) have been initiated in the educational system and they enable students to participate actively in the learning process in order to better appreciate the concepts. They therefore aim at acquiring and applying the learning and skills in practical daily life.
- The National Education Council ensures compliance with educational standards. Based on the decision taken at the Council of Ministers Meeting on 11 May 2016, the Government decided to set up a Technical Committee responsible for the implementation and monitoring of reforms in the administration of the education system.

The Beninese education system is organised in four main cycles: kindergarten, primary, secondary (general and technical) and higher education.

The primary level has the highest school population, and in principle, it brings together children from 6 to 11 years old according to Beninese legislation.

The Table below provides the performance level at the primary school and it is distributed by gender.

Table No.7: Indicators on primary school performance by gender from 2011 to 2014

Indicators	2011			2012			2013			2014		
	T	B	G	T	B	G	T	B	G	T	B	G
Admission rate	130,7	133,7	127,5	143,6	145,9	141,2	142,7	144,7	140,7	145,28	146,81	143,65
Completion rate	67,86	73,15	73,15	71,49	76,8	65,77	76,85	81,6	71,72	77,61	81,28	73,66
Gross enrolment rate	112,6	115,9	109,1	119,7	122,5	116,8	121,13	123,4	118,7	122	123,68	120,18
Repetition rate	13,27	13,3	13,23	11,9	11,83	11,88	11,61	11,44	11,53	11,53	11,53	11,33
Drop-out rates	14,41	13,63	15,31	13,39	12,97	13,86	13,76	13,48	14,07	11,65	11,55	11,76

Source: DPP/MEPS: DPP/MEESFTPRIJ; DPP/MEMP (B: Boys G: Girls T: Total)

Secondary education (general educational institutions and high schools) covers the whole country.

During the period under review, the government strengthened the offer by building school infrastructure, recruited teaching staff and invested in their training.

Technical education contributes to vocational training. The rationale for this component is the capacity for professional integration of the learners, or even their employability.

It must be noted that technical education encapsulates seven (7) aspects, namely:

- ❖ Science and Industrial Techniques (STI) ;
- ❖ Science and Administrative Techniques and Management (STAG);
- ❖ Science and Agricultural Techniques (STA) ;
- ❖ Science and Medico-Social Sciences (STMS);
- ❖ Science and Hospitality Industry Techniques, Restaurant and Tourism (STHRT);
- ❖ Science and Arts and Crafts Techniques;
- ❖ Science and Family and Social Education Techniques (STEFS).

The steps taken during the period under review can be summed up as development of interest by the government in technical and vocational training, establishment of new agricultural and industrial high schools, equipping the schools with modern teaching and learning materials, ensuring the availability of teaching staff and administrative personnel and the adoption of incentives to motivate the learners.

The vocational training comprises a diploma course and skills training. The learning takes place in skills training centres in public and private high schools. The cutting-sewing and hairdressing training centres are spread across the entire country. The major action which characterised the training sector in recent years is the organisation of examinations towards the Skills Qualifying Certificate Examination (CQM) since 2013 as indicated in the Table below:

*Table No, 8* : Statistics of the Skills Qualifying Certificate Examinations (CQM) from 2013 to 2015

<b>YEARS</b>	<b>ENROLLED</b>	<b>PRESENT</b>	<b>ADMITTED</b>	<b>PERCENTAGES</b>
October Session 2013	1190	1188	1143	96,21%
April Session 2014	2780	2777	2326	83,75%
October	2802	2800	2574	91%

Session 2014				
April 2015	3997	3992	3863	96,76%

Source : DEC/2016

At the higher education level, Benin embarked on a reconfiguration of university programmes and the organisation of universities and schools according to the First Degree-Master -Doctorate academic model (LMD) in line with the CAMES Resolution (2006) and the UEMOA Directive (2007).

The need to better train the students in administrative courses made the government give exclusive priority to disciplines at the National School of Administration and Magistracy. The government further promoted the creation and deconcentration of certain courses. The Table below presents the status of higher educational institutions over the period from 2009 to 2016.

*Table 9: Number of institutions according to the status from 2009-2010 to 2015-2016*

<b>Academic Years</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>	<b>2015/2016</b>
Public Universities	2	2	2	2	4	4	7
Private Universities	7	7	7	7	7	7	7
Public University Entities	33	37	38	39	58	58	58
Private University Entities	35	35	35	35	36	36	36
Private Higher Education Centres	64	69	74	82	88	93	93
Private University Entities and Private Higher Education Centres	99	104	109	117	124	129	129

*Source : MESRS/2016*

## **(Article 17-paragraph 2): Right to take part in the Cultural Life**

Several public and private initiatives contribute to the effectiveness of the right of citizens to take part in cultural life. Among the most significant ones, one may emphasize the following:

- The adoption of Decree No. 2011-322 of 2 April 2011 on the status of the artist in the Republic of Benin;
- The adoption of Decree 2015-486 of 7 September 2015 on the creation, responsibilities, organisation and functioning of the Fund to support Culture. This Fund provides financial support for initiatives driven by stakeholders in the world of culture;
- The organisation of several events, namely:
  - The Benin International Festival of Drama (FITHEB);
  - Quintessence, the International Films Festival of Ouidah;
  - Lagoon Pictures, the Cotonou Films Documentaries Festival;
  - *Sica*, the African Cultural Integration Star;
  - The *Gaani*, the Traditional Festival of the *Batombous* in Nikki in the North of the country;
  - The celebration of 10 January of each year as the Festival of the Vodoun;
  - The annual organisation of the Kings' Conference;
  - The Annual Election of Miss Benin;
  - The Annual Organisation of Cultural Days in Colleges of General Education.

In Benin, there are several Federations of Cultural Associations which contribute to the promotion of culture. They operate in diverse domains, from artistic creation to training through the promotion and dissemination of products. They are also in the forefront of defending the interest of cultural actors of Benin. The Association of actors along sectoral lines create an umbrella association per sector with the ultimate aim of forming a future confederation. They include, among others, the:

- ❖ Federation of Associations of Artists of Benin (Faaben);
- ❖ Federation of Musicians of Benin (FMB);
- ❖ National Federation of Drama (Fénath);
- ❖ African League of Drama Professionals (La prothéâtre) ;
- ❖ Federation of Women Artists of Benin...

Furthermore, initiatives are underway for the repatriation of Beninese Cultural Heritage kept in external museums.

### **Role of the Family: Article 18 paragraphs 1 and 2**

The Beninese legislator recognises the critical role of the family. This recognition is reflected in Article 26 of the Constitution of Benin and in Article 18 of the African Charter on Human and Peoples' Rights which provides as follows *"The family shall be the natural and moral basis of the human community. It is placed under the protection of the State"*.

Article 155 of the Personal and Family Code reminds couples to this effect that *"together they must ensure the moral and physical direction of the family. They shall provide education for the children and prepare their future."*

Articles 159, 160 et seq determine the modalities for the contribution of spouses to the household responsibilities.

The Children's Code recognises the right of the child to have a home setting in its Article 21. The Code establishes precise duties of parents, namely, feeding the child (Art.35), educating the child (Art.36), counselling the child (Art.38); administering family discipline (Art.39) subject to certain limits (respect for physical integrity, prohibition of torture and cruel treatment).

### **Children in conflict with the law:**

The adjudication of offences committed by minors is regulated by Articles 651 to 720 of the Code of criminal procedure. The code guarantees the basic principles of respect of the right to a fair trial (presumption of innocence, principle of adversarial justice, second hearing, the right to defence, the right to have an interpreter) and it determines the age of criminal responsibility, makes the presence of parents an obligation, the study of the personality before any decision.



The adjudication of offences of minors complies with the principle of confidentiality prohibiting the publication of proceedings and punishing the violation of the said principle.

A special court for children is competent to issue some measures against any minor below 13 years who is accused of committing an offence. These are measures designed for protection, assistance, supervision and education: (Article 655 of the Code of Criminal Procedure).

The conditions of detention of the minor are defined in Articles 656 et seq, confirming its exceptional nature. Alternative measures for incarceration are prioritised in Articles 686 to 720 of the Criminal Procedure Code.

Minors detained are lodged in minors' wards in compliance with the required separation. However, efforts are yet to be made to actualise this reform.

The Children's Code strengthens all these special provisions in favour of the minor who falls foul of the law in Articles 208 to 319. Among these actions taken within the context of the administration of justice concerning minors, one may cite the following:

- the appointment of eleven (11) judges for minors;
- training session for stakeholders in the justice system for minors (judicial police officers, judges, court clerks);
- the appointment of social assistants at all the courts for minors;
- the establishment since 2014 of Child Friendly Courts (TAE) in five (5) courts: Cotonou, Abomey, Abomey-Calavi, Parakou and Kandi. Since 2018, an effort has been made equip and establish Child Friendly Courts (TAE) in the other courts .

## **RIGHTS OF WOMEN**

The promotion of gender and the rights of women in Benin stems from international commitments made by Benin in such matters

and it is based on the socio-political and cultural foundations of the country. In this regard, measures and actions have been implemented by the Beninese government for the domestication and compliance with these commitments, and they include, the ones made in respect of the African Charter and its Optional Protocol on the Rights of Women. Among the steps taken by the Beninese government, the foremost ones include, the effective combating, by all possible means, of female genital mutilation and the establishment of pro-women micro-finance institutions.

## **Situation of the Beninese Woman**

### **Gender Issue**

The government of Benin adopted on 18 March 2009 a National Gender Promotion Policy (PNPG) with the overall object of “achieving by 2025 equality between men and women”.

The implementation of this policy will help to do away with discriminatory behaviours and practices, significantly improve the status of women by offering to men and women the same opportunities and chances as provided for in the Strategic Development Guidelines (OSD) 2006-2011. The PNPG Paper has been broken down into plan, programmes and projects.

The establishment on 31 December 2009, of the National Women’s Promotion Institute falls within the framework of practical measures adopted to eliminate all forms of discrimination.

### **Discrimination against Women**

The government continues to take specific measures focused on the promotion of women and girls. These measures consist of laws, policies, programmes and projects.

The government, in partnership with national NGOs together with the technical and financial support of development partners, has implemented a number of programmes and projects specifically targeted at women. For instance, they include projects or programmes to combat forced marriages, capacity building and management of candidates or elected representatives in order to strengthen actions towards the representation of women in policy

matters with the view to popularising the law on repression of female genital mutilation; enrolling girls in order to strengthen the legal status and the socio-economic capacity of women; the capacity building of the local women's structures with a view to fighting against gender-based violence and to building the capacity of mid-wives in Benin for the benefit of maternal and reproductive health, etc.

## **Access by Women to Credit**

The Republic of Benin launched a Micro-Credit Programme for the Poorest (PMCPP) on 27 February 2007 to enable the poorest segments of the population to become economically active, especially women. The beneficiaries receive an initial loan of 30.000 CFAF with an interest rate of 2% per year and a rebate of 3% in the form of contribution. The base rate has been increased recently to 50. 000 CFAF with the passage of the digital finance.

There has therefore been a significant effort on the part of the government to create access for women to obtain micro-finance credits as compared to men even though a lot remains to be accomplished, particularly for rural women.

It is also projected as part of the Government's (2016-2021) Plan of Action to target the economic autonomy of women.

## **Female Genital Mutilation (FGM)**

The Ministry of the Family and National Solidarity in charge of women and gender promotion matters and members of civil society committed themselves to popularising the laws against FGM and raising awareness among the population about the applicable sanctions in case of violation of the provisions governing FGM.

The same actions were taken in respect of the already existing laws that punish gender-based violence. The citizens, organised civil society forces, the technicians of social action, health employees, public security forces, administrative and moral authorities were

greatly involved in the awareness raising campaigns among the citizenry.

Various codes in force incriminate FGM practices and render the perpetrators liable to very serious punishments.

### **Article 18-paragraph 3: Rights of the Child.**

Benin adopted the Code of the Child, a National Child Protection Policy (PNPE) and a plan of action for its implementation.

A Directorate General of Civil Status was established in 2012 within the Ministry of the Interior and Public Security whose actions in collaboration with the partners has helped particularly to enrol 25,231 children without any birth certificate since 2014. Similarly, 1406 school pupils in Class 4 (CM2) have been given birth certificates.

Furthermore, awareness raising campaigns have been carried out both by State and non-State institutions in order to accelerate the free issuance of birth certificates to children.

Other measures have been taken to improve the conditions for the placement and care of minors who fall foul of the law. The major ones include the following:

- prohibition of incarceration of minors under thirteen (13) years of age (Article 236 of the Code of the Child);
- mediation in criminal cases (Article 240 of the Code of the Code);
- in-service training for teachers of reformatory education.

### **RIGHTS OF PERSONS WITH DISABILITIES (Article 18-paragraph 4)**

Benin has taken several steps for the benefit of persons with disabilities.

#### **In the area of standards**

- The adoption of Law No 2017-06 of 29 September 2017 on the protection and promotion of the rights of persons with disabilities in the Republic of Benin.

This Law, among others, aims at guaranteeing respect for human dignity, the rights and freedoms of persons with disabilities, their autonomy and integration into families, participation in the social, public and political life, the exercise of civil, economic and heritage rights.

Furthermore, under the terms of Article 18 of Law 2017-06 of 29 September 2017, an “equality of opportunities” card has been introduced and this enables the bearer to enjoy certain rights and benefits (rebate or free) in terms of access to health care, readapting to financial and technical assistance (tricycles, white canes, match rods, wheelchairs).

### **At the institutional and political level**

The following can be highlighted:

- The Observatory of the Family, Women and Children (OFFE) which is a science-based institution dealing with the collection, analysis , use and dissemination of statistical data;
- Community-based Rehabilitation Management Unit (UGRBC) responsible for the functional rehabilitation of persons with disabilities;
- The establishment of a National Solidarity Support Fund (FASN) which paved the way to assist pupils and students with disabilities by giving financial support to the tune of one hundred thousand francs (100.000) CFAF to every individual. The above-mentioned Fund also lends assistance to persons with disabilities in the form of technical assistance (tricycles, wheel chairs, canes, crutches, etc.) and support such as equipment to apprentices with disabilities at the end of their training to help them set up on their own.
- The establishment of the National Protection and Integration Policy for Persons with Disabilities (PNPIPH) over the period from (2007-2016) and (2012-2021).
- The sensitisation of heads of corporate entities on the right to employment for persons with disabilities by the Ministry of Social Welfare;

Every year, sensitisation sessions are organised during the commemoration of the following international days:

- International Day of the Hearing-Impaired;
- the International White Cane Day;
- International Day of Persons with Disabilities;
- International Day of Intellectual Deficients (trisomy 21);
- International Day of Albinos;
- African Child's Day;
- Universal Day of Human Rights;
- National Day of Rights and Duties of the Citizen.

The Technical and Financial Partners (TFPs) and civil society organisations (CSOs) also support the Government in these awareness raising campaigns through several activities such as:

- The sensitisation of the elected local representatives of the Communes in the Departments of the Atlantique, Littoral, Ouémé, Plateau, Zou and the Collines on the rights of persons with disabilities by the Directorate of Prisons Administration and Human Rights Protection of the Ministry of Justice and Legislation with the financial support of the West Africa Regional Office of the High Commissioner for Human Rights (HCDH/BRAO) ;
- The training and sensitisation of men of the media in collaboration with RIFONGA Benin, on the handling of the impressions about persons with disabilities;
- The training and sensitisation of media practitioners on the coverage of the exercise of the right to vote of persons with disabilities during the 2016 presidential election;
- The sensitisation of persons with disabilities on their right to vote;

- The sensitisation of officials of Benin (ORTB) Radio and Television Broadcasting Network to grant the thematic translation of the electoral campaigns in sign language;
- The sensitisation of mayors and heads of districts to facilitate voting for persons with disabilities during elections;
- The sensitisation of the population on marriage of persons with disabilities with the financial support of the Network of Women's Organisations in Francophone Africa (ROFAF);
- The sensitisation and training of local and communal elected representatives and civil society organisations on the inclusion of persons with disabilities in local development with funding from the Coopération Suisse and la Maison de la Société Civile;
- The training of persons with disabilities on the Convention on the Rights of Persons with Disabilities financed by Handicap International ;
- The sensitisation and training of police officers and magistrates on the rights of persons with disabilities by the Federation of Associations of Persons with Disabilities with the financial support of Handicap International;
- The production of past documentaries on the national television network to bring to the fore the capacities and the contribution of persons with disabilities to national development.

To ensure effectiveness in the principle of access for the benefit of persons with disabilities, the following actions have been carried out or are underway, and they include:

- The construction and upgrading of structures in order to facilitate access by persons with disabilities to public and private buildings used by the general public;
- The building of ramps in forty (40) voting centres as part of the implementation of the project, code-named "access by persons with disabilities to elections through a change in behaviour of the population" (ADEPT) with the financial support of USAID, in the Departments of Zou, the Collines, the Atlantique and the Littoral;

- The production by Handicap International of a compilation of standards on accessibility;
- The translation of official events into sign languages for the benefit of persons with disabilities;
- The inclusion of accessibility for persons with disabilities in the design of Communal Development Plans;
- A time slot of twenty-six (26) minutes per week has been set aside since 1st August 2015 for information dissemination to persons with hearing challenges on the national television network. Furthermore, persons with disabilities with hearing disabilities facilitate programmes for the benefit of their colleagues on the national radio broadcasting station for one hour every week.
- The translation into sign language of highly important national events;
- Technical aids and school equipment every year (white canes, match rods, tricycles, learning books, bags ...) are distributed to persons with disabilities all over the country. In 2014, forty-eight (48) educational resources were translated into braille. This number is projected to increase to 1200 copies by 2018.
- Access to 40 primary and secondary schools in four (4) Departments (Zou-Collines-Atlantique and Littoral) for persons with disabilities thanks to the financial support of USAID and the Réseau RIFONGA Benin,
- The recruitment of four (4) path assistants as part of the Support Programme for Enrolment of Children of Benin (PASEB) particularly in its aspect on School Integration for Children with Disabilities (ISEH) with the view to lending a hand to the permanent teachers in charge of supervision of persons with disabilities.

There are also many training and education centres for persons with disabilities.

Regarding public schools, the following can be mentioned:



- A special public college for persons with hearing challenges in Cotonou with a total enrolment of 36 students made up of 25 boys and 11 girls<sup>6</sup> ;
- A public primary school for the hearing-impaired in Vêdoko;
- Three (3) public primary schools for persons with sight impairment in Cotonou, Parakou and Glazoué;
- Two (2) vocational training centres for persons with disabilities in Akassato and Péporyakou;
- A library accessible to persons with disabilities at the Cotonou Court of Appeal.

Regarding private institutions, the following can be mentioned:

- Centres for the hearing-impaired at Bohicon, Parakou, Zê, Péporyakou, Cotonou (Agla) and in Porto-Novo (Louho);
- Centres for the Blind at Parakou, Djanglanmè, Adjohoun, Abomey and in Allada;
- Education, training and integration programme for persons with hearing impairment at Louho;
- Schools for Inclusive Education in Cotonou (Les Hibiscus, Le Jardin des Oliviers, l'école Sainte Jocelyne) ;
- The School for the hearing-impaired at Sénandé and Agla in Cotonou.
- The National Community-Based Rehabilitation Programme (RBC) established in 1989 provides rehabilitation programmes for persons with disabilities from thirty-three (33) communes.

Other initiatives have been taken within the local government areas for the inclusion of the disability dimension in policies and community development programmes. These resulted, among others, in the recruitment of persons with disabilities in several communes.

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<sup>6</sup> source DPP/MESTFP

In the area of international cooperation, different actions have been taken with the support of several partners. They include, in particular: a partnership between the United Nations High Commissioner for Human Rights, the West Africa Regional Office. In this regard, the following activities were carried out:

- The organisation in January 2017 of a workshop on ownership of the Convention on the Rights of Persons with Disabilities and its Optional Protocol for about thirty State actors and non-State actors on the promotion and protection of human rights;
- The publishing, dissemination and popularisation of instruments on the protection and promotion of the rights of persons with disabilities.
- The organisation of the sensitisation Day for one hundred (100) locally elected representatives of the communes in the Departments of Zou, Collines, Mono, Couffo, Ouémé, Plateau, Atlantique and the Littoral in September 2017 on the Convention relating to the rights of persons with disabilities and its Optional Protocol;
- the organisation of a workshop for data collection for the preparation of the initial report of Benin on the implementation of the Convention on the rights of persons with disabilities;
- The organisation of the International Day of persons with disabilities by the Ministry in charge of Family Affairs;
- The sensitisation of several communal councils on the inclusion of disability in the actualisation of communal development plans.
- The organisation of a validation workshop on the initial consolidated report on the implementation of the Convention on the rights of persons with disabilities with the support of the United Nations Development Programme.

#### **Paragraph 4: RIGHTS OF OLDER PERSONS**

The Older persons are taken into consideration in all the legal arsenal on human rights promotion and protection in Benin.

The sociological landscape includes older persons in community life of the people without the need to distinguish them from the active population.

In the past, by decision of the Council of Ministers in its 21 May 2008 session, the universal health insurance regime (RAMU) was established. This social protection mechanism was intended to significantly improve the current low coverage of the health risk by promoting financial access for majority of the Beninese population to quality healthcare. Older persons can subscribe to it under flexible and affordable conditions.

Since the adoption in December 2016 of the Government's Programme of Action (PAG), the RAMU has been replaced by the ARCH (Human Capital Consolidation Insurance). The ARCH mechanism is the principal implementation tool of the social protection strategy in Benin.

It is a package of four (4) social protection services (Health Insurance, Training, Micro-credit and retirement insurance) which are offered at a one-stop shop).

## **SECTION IV: RIGHTS AND DUTIES OF THE PEOPLE**

**ARTICLE 19:** Equality of the people in dignity and in right.

**The principle of equality of the people is enshrined in the preamble to the Constitution of Benin.**

Based on this, Benin maintains and strengthens its cooperation with the people who share the ideals of freedom, justice, human solidarity based on the principles of equality, reciprocal interests and mutual respect, national sovereignty and territorial integrity.

Similarly, it is making efforts to maintain the implementation of the same principle to all people who are constituents of the nations.

### **Article 20: Right of Peoples to self-determination**

Benin is pursuing development along the lines of economic liberalism as decided in 1990 during the Conference of all the Active Forces in the nation. During the period under review, the highlights concerning economic and social development were, among others:

- The continuation of the decentralisation process through the formulation and implementation of different programmes and policies;
- The formulation and implementation of the second and third generations of municipal development plans;
- The formulation and implementation of the national decentralisation and devolution policy (PONADEC 2009-2020);
- The establishment and operationalisation of the Municipal Development Support Fund (FADEC) ;
- The formulation and implementation of Poverty Reduction and Development Strategies Papers (PRSP);
- The preparation and implementation of Sustainable Development and Growth Programmes (PC2D);

- The formulation of the National Development Plan (PND);
- The alignment of development plans on Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs);
- The formulation of a development framework plan with the United Nations System (UNS);
- The creation of thematic groups together with the Technical and Financial Partners (TFPs) and all the stakeholders for dynamic brainstorming on the development.

**Article 21: Rights of all people to freely dispose of their wealth and their natural resources in the exclusive interest of the people**

- **Right to the legitimate recovery of one's property and to adequate compensation in the event of dispossession.**

Benin exercises the right to the legitimate recovery of its property in the event of dispossession in accordance with the sovereignty achieved on 1<sup>st</sup> August 1960 and expressed in the Constitution of 11 December 1990.

Two daring acts were initiated in this regard:

- President Nicéphore SOGLO supported a Pan-African Movement for Compensation of the Black People for the slavery perpetrated by the Western powers;
- More recently, the current President undertook the restitution of the cultural heritage kept by France.

In fact, the government of President Patrice TALON took the important decision aimed at restoring the Beninese cultural heritage (more than 5 000 artefacts, doors of palaces, statues, sceptres, jewels, a throne. These tens of artworks appear today in the collections of the Musée du quai Branly-Jacques-Chirac, in Paris, which has exhibited the most beautiful collections).

Already, the French President Emmanuel MACRON is making efforts to return these properties.

Benin attaches a great deal of interest to its cultural heritage and in recent years, it is strengthening its legal framework for their protection in order to make it a key instrument to address poverty.

Thus, Benin has decided to establish modern tourist infrastructure. "It is along these lines that Benin has undertaken to build three museums to be equipped with the most modern means of conservation and exhibition to show to the world, in a new spirit, its place and its contribution and role in the development of humanity.

With the restitution of its cultural artefacts, Benin hopes to rehabilitate and offer to the world the epic of its kings and horsewomen, the vestiges of the largest port in West Africa in the history of slavery and the wealth of its arts and cultures of the Voodoo heritage.

### **3. The free disposal of its wealth and natural resources is exercised without prejudice to the obligation to promote**

**international economic cooperation based on mutual respect, equitable exchange and the principles of international law.**

Benin attaches great importance to cooperation based on mutual respect, equitable exchange and the principles of international law.

**Exercising the right to free disposal of wealth and natural resources in order to reinforce African unity and solidarity.**

In accordance with the values of solidarity and cooperation enshrined in the Constitution of 11 December 1990, Benin is making efforts to engage in an amicable settlement of conflicts with other African countries in the area of natural resources.

Benin and the other neighbouring countries have established a co-management mechanism for border natural resources (Niger Basin Authority, Volta Basin Authority).

## **ARTICLE 22**

**Nothing to report on.**

**ARTICLE 23:** The people have a right to peace and security both at the national level and at the international level. The principle of solidarity and friendly relations affirmed implicitly in the Charter of the United Nations Organisation and reaffirmed by the Organisation of African Unity is applicable to our relations with States.

On the security front, Benin has embarked on strengthening its public security forces both quantitatively and qualitatively. It has

taken steps to establish the Republican Police by enshrining the merger of the Police and the Gendarmerie (Law No. 2017-414 of 29 December 2017 on the establishment of the Republican Police). On the international front, Benin, respectful of its international commitments and in the spirit of solidarity with other peoples, is actively participating in different peacekeeping operations in various African countries and outside the continent. It is also engaging actively in the process of mediation on the African continent.

**ARTICLE 24:** All peoples have a right to a satisfactory global environment suitable for their development.

Various national and sectorial policy documents on the environment have been formulated. They include, among others :

- Biodiversity Strategy and Plan of Action (SPANB) 2011-2020;
- Space Agenda;
- Improvement of the business environment through the adoption of various regulatory provisions;
- Anti-corruption drive in all its facets;
- Law on public/private partnership;
- Improvement in the security environment.

**ARTICLE 25:** The State Parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that measures to ensure that these freedoms and rights as well as corresponding obligations and duties are understood.

**Nothing to report on**



**ARTICLE 26:** State parties to the present Charter have the duty to guarantee the independence of the courts and shall allow the establishment and Improvement of appropriate national institutions entrusted with the promotion and protection of rights and freedoms guaranteed by the present Charter.

Regarding the institutional and organisational reforms in the judiciary in Benin, the Government has included in Chapter 7 of the SCRP 2011-2015 “**Deepening of the quality of governance**”.

The justice system has been included in this pillar at two levels, namely: (i) Strengthening of administrative governance, that seeks, among others, to continue with legal and judicial reforms by bringing the justice system closer to litigants and the modernisation of the legislative framework through the formulation of new codes; (ii) the promotion of human rights and strengthening of legal capacity among the poor.

Benin has also developed a National Justice Sector Development Policy (PNDSJ 2016-2023).

## **CHAPTER II: DUTIES**

### **ARTICLE 27**

1. Every individual shall have duties towards family and society, the State and other legally recognised communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard for the rights of others, collective security, morality and common interest.

## **Nothing to report on**

**ARTICLE 28:** Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

## **Nothing to report on**

**ARTICLE 29:** The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State of which he is a national or resident;
4. To preserve and strengthen national independence and territorial integrity of the fatherland and generally to;
5. Contribute to the defence of his country under conditions determined by law;
6. Work, to the best of his abilities and competence, to honour the payment of his taxes imposed by the law to safeguard the fundamental interests of the society;
7. Preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation, and in general,

contribute to the promotion of the moral well-being of the society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

### **Nothing to report on**

## **SECTION V: INTERNATIONAL COOPERATION**

In this area, significant actions have been carried out, the most salient are:

- The ratification of a series of regional and international human rights Conventions;
- The signing of the Agreement between the Republic of Congo and Benin to combat child trafficking (Pointe-Noire on 20 September 2011);
- The signing of the cooperation agreement between Benin and Gabon in the area of cross border child trafficking (9 November 2018);
- The signing with the European Union on 29 November 2014, of the National Indicative Programme of Benin under the 11th European Development Fund (EDF) for the period 2014-2020;

These different agreements have created a cooperation framework to better promote and protect human rights.

Other measures were also implemented:

- The visit in May 2017, of the Registrar of the United Nations Mechanism for International Criminal Courts. This visit was in keeping with the review of the framework agreement concerning Rwandan detainees welcomed by Benin;
- The organisation of a colloquium on Human Rights Defenders in Cotonou from 27 March to 1st April, in partnership with the Special Rapporteur of the African Union on Human Rights Defenders.

- Furthermore, the State submitted its initial consolidated report on the implementation of the African Charter on the Rights and Welfare of the Child (1997-2015) on 20 March 2019.

Eighteen (18) Beninese NGOs enjoy Observer status with the African Commission on Human and Peoples' Rights.

### **CHAPTER III: DIFFICULTIES ENCOUNTERED IN THE IMPLEMENTATION OF THE CHARTER**

In spite of the various measures outlined above and adopted within the framework of Human and Peoples' Rights, some obstacles still persist.

#### **A- OBSTACLES TO THE PROMOTION OF HUMAN AND PEOPLES' RIGHTS**

The following can be mentioned:

- High rate of illiteracy among the population;
- Inadequate financial resources for the implementation of certain programmes;
- Corruption which impedes the realisation of certain promising and forward-looking programmes in spite of the mechanisms put in place to address this canker;
- Lack of a national policy and a plan of action concerning human rights;
- Lack of a policy document in the area of human rights education;
- Poor knowledge on law on the part of the population;
- Lack of a unified statistical database on human rights.

#### **B - OBSTACLES TO THE PROTECTION OF HUMAN AND PEOPLES' RIGHTS**

The following can be mentioned:

- Socio-cultural bottlenecks;

- Discrimination;
- Inadequate staffing of the judicial service;
- Inadequate specialised training on standards relating to promotion and protection of human rights;
- Inadequate culture of respect for human rights.

## **CHALLENGES AND OPPORTUNITIES**

- Intensify awareness raising campaigns, information and education in the area of human rights;
- Incorporate education on human rights at all levels of the educational curriculum and in the training of the armed forces, public security agencies and other relevant agencies;
- Introduce into the training curricula of social welfare assistants and medical personnel the theme of protection for specific groups.
- Translate fundamental human rights legislation into easy-to-read language and national languages;
- Establish a unified database and make it functional;
- Allocate more financial resources to the National Monitoring Committee on the Implementation of International Human Rights Instruments;
- Formulate different policy instruments and their plans of action;
- Increase the allocation of financial resources disbursed for the implementation of the different policies and programmes;
- Strengthen cooperation actions with international and regional mechanisms for the promotion and protection of human rights;
  
- Institutionalise human rights awareness raising among all social segments of the population through the new information and communication technology (ICT).