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Report of the Working Group on the Universal Periodic Review*

Benin

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document is being issued without formal editing.



Introduction

1. This document has been prepared in accordance with paragraphs 16 and 32 of the annexes to Human Rights Council resolutions 16/21 and 5/1. It sets out the position of the Republic of Benin on the recommendations that it received during the interactive dialogue on its fourth national report, which it presented on 26 January 2023 for the fourth cycle of the universal periodic review.
2. The Republic of Benin welcomes the quality of the contributions of all the participants in the interactive dialogue, which made it possible to bring to light the significant progress made by Benin in the promotion and protection of human rights since the previous consideration of its human rights record, which took place on 10 November 2017, during the third cycle of the universal periodic review, as well as the shortcomings and challenges that the country still faces.
3. By the close of the dialogue, Benin had received 258 recommendations. After national consultations, Benin decided to follow up on the recommendations in the manner indicated below.

I. Recommendations supported

4. 1, 9–12, 15–21, 23–29, 31–37, 39–43, 46–63, 65–81, 83–86, 88–91, 100, 103, 106–142, 144–214, 216–236, 238, 240–244 and 255.

II. Recommendations supported and considered fully implemented

5. *Recommendations 2 and 3:* Benin ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 6 July 2018 pursuant to Act No. 2018-07 of 30 March 2018 on ratification of the Convention. Benin submitted its initial report on 9 September 2022 and is awaiting its appearance before the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.
6. *Recommendation 22:* Benin has a permanent national mechanism for implementing, reporting on and following up on human rights recommendations: the National Committee for Monitoring the Implementation of International Human Rights Instruments, which was established under Decree No. 1996-433 of 4 October 1996, as amended by Decree No. 2004-304 of 25 May 2004. The work of the Committee, which includes representatives of the national human rights institution and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Chair in human rights, as well as government stakeholders, is coordinated by the Minister of Justice and Legislation.
7. *Recommendation 30:* The Benin Human Rights Commission operates in accordance with the Paris Principles and was granted category A status by the Global Alliance of National Human Rights Institutions in March 2022 (the accreditation certificate was presented at a ceremony in Geneva on 15 March 2023).
8. *Recommendation 44:* Efforts to raise public awareness and disseminate Act No. 2005-31 on the prevention, treatment and control of HIV/AIDS are being bolstered by the relevant measures that have been provided for under pillar 3, component 6, of the Government Action Programme, which focuses on improving the public's access to basic social services and social protection.
9. *Recommendation 77:* The Supreme Council of Justice was reorganized under Act No. 2018-02 of 2 July 2018, which amended and supplemented Organic Act No. 94-027 of 18 March 1999 on the Supreme Council of Justice. This amendment made it possible for the Council to function more effectively and to increase the number of its members from 10 to 15 through the addition of three external members designated by the Bureau of the National Assembly and two members from the Government, namely the minister responsible for the

civil service and the minister in charge of economic affairs and finance. In addition, efforts to combat corruption have been stepped up through the establishment of a special court, the Court for the Prevention of Financial Offences and Terrorism (Act No. 2018-13 of 2 July 2018).

10. *Recommendation 82*: Prisoners in this situation – that is, who have been imprisoned for longer than the term established for the offence of which they are accused – are released on a quarterly basis.

11. *Recommendations 215 and 237*: On 17 March 2023, Benin adopted an emergency plan involving zero tolerance for the worst forms of child labour in sectors in which the prevalence of such forms of labour is high. The plan includes measures focused on communication, stakeholder and community mobilization, inspection, monitoring, case management and the arrest of persons who exploit children.

12. *Recommendation 239*: Act No. 2022-32 of 20 December 2022 on the Nationality Code of Benin gave women the right to pass on their nationality and eliminated all sex-based discrimination in the acquisition of Beninese nationality.

III. Recommendations supported and considered partially implemented

13. *Recommendation 45*: Benin supports the portion of the recommendation relating to albinism. With respect to the portion relating to HIV/AIDS, efforts to raise public awareness and disseminate Act No. 2005-31 on the prevention, treatment and control of HIV/AIDS are being bolstered by the relevant measures that have been provided for under pillar 3, component 6, of the Government Action Programme, which focuses on improving the public's access to basic social services and social protection.

14. *Recommendation 87*: Benin will continue making efforts to improve the legal aid available to the public. With respect to the portion of the recommendation dealing with land affairs, the country adopted Act No. 2022-16 of 19 October 2022 on the establishment of a special land court that is competent, where it has territorial jurisdiction, to hear cases involving real estate or expropriation in the public interest.

15. *Recommendation 143*: The part of the recommendation that deals with achieving the goals set by the International Conference on Population and Development is supported. With respect to the latter part of the recommendation, Benin, whose current legislation on sexual and reproductive health reflects a progressive outlook, has withdrawn from the Geneva Consensus. The withdrawal was duly notified to both the Permanent Mission of the United States of America in New York and to the Office of the Secretary-General of the United Nations in March 2022.

IV. Recommendations supported/noted

16. *Recommendation 38*: The second part of the recommendation, on a national action plan to combat racial discrimination, is supported. The first part of the recommendation, on the adoption of a specific law to combat racial discrimination, is noted.

Explanation

17. At this point in the country's social development, such a specific anti-discrimination law is not needed. Under article 26 of the Constitution, everyone is equal before the law, regardless of his or her origin, race, sex, religion, political opinion or social status.

18. However, since the 2014–2019 national action plan against racial discrimination had not been fully implemented owing to insufficient funding, Benin, in an appearance before the Committee on the Elimination of Racial Discrimination, undertook to develop a new plan to implement the recommendations made following the Committee's consideration of its

combined initial and second to ninth periodic reports. This recommendation will be addressed in the development of the new action plan.

19. *Recommendation 104*: The first part of the recommendation, on guaranteeing freedom of expression, is supported. The second part, on the amendment of the Digital Code, is noted.

Explanation

20. The Constitution guarantees the freedom of expression and opinion of all citizens. The Digital Code does not violate the right to freedom of expression and opinion; rather, it makes authors responsible for information posted online. Given this aim and the state of digital law in Benin and worldwide, the amendment of Act No. 2017-20 on the Digital Code would not be opportune.

21. However, the Government plans to assess, together with media umbrella organizations and the Audiovisual and Telecommunications Authority, the application of the Information Code (Act No. 2015-07 of 20 March 2015) with a view to making amendments that will strengthen the freedom of the press and improve the living and working conditions of media professionals.

V. Recommendations noted

22. 4–8, 13, 14, 64, 92–99, 101, 102, 105, 245–254 and 256–258.

23. Among the recommendations noted, some – specifically, those relating to the Digital Code – run counter to the current state of the law on the matter. Others do not have the support of Benin because they are not, at this point, in line with the social values and norms of the Beninese people.

Conclusion

24. In total, of the 258 recommendations received, Benin:

- Supports 224, of which 10 have been fully implemented and 3 have been partially implemented
- Supports/notes two
- Notes 32

25. As can be seen, Benin supports a large majority of the recommendations (224 out of 258, or 86.82 per cent), in keeping with its commitment to the universal periodic review and the global agenda for the promotion of the Sustainable Development Goals and the protection and promotion of human rights and fundamental freedoms.

26. The Government of Benin wishes to commend the secretariat of the universal periodic review and the troika of Kazakhstan, Lithuania and Somalia for their excellent work in facilitating the review of Benin for the fourth cycle. The Government also wishes to thank all the United Nations Member States for their participation in the review and the constructive recommendations that they made.

27. A table summarizing all the recommendations, relevant comments and the follow-up given to the recommendations is attached as an annex.
