



13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Benin and welcome your constructive engagement and that of your Government during the 28th session of the UPR Working Group in November 2017.

As the final outcome report on the review of Benin was recently adopted by the Human Rights Council at its 37th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review of Benin – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 82 countries, Benin's presentation and responses, and the action taken by Benin to implement the 123 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I welcome a series of positive measures taken by your Government since Benin's previous UPR with a view to strengthening human rights in the country, in particular the Plan of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, adopted in 2014, the establishment of the National Anti-Corruption Authority in 2013, the adoption of the Children's Code in 2015, as well as other legislative and institutional measures aimed at strengthening the protection of children, the ruling of the Supreme Court of 2016, declaring that "no one can now be sentenced to capital punishment" and Decree No. 2018-043, of 15 February 2018, aimed at commuting the death sentence of 14 persons for sentences to life imprisonment.

I further welcome the National Implementation Plan for UPR recommendations, developed with the technical and financial assistance of my Office and UNDP, and recommend strengthening the plan by integrating the areas contained in the annex in order to achieve concrete results and to facilitate Benin's preparations for the fourth cycle of the UPR. Such efforts should involve consultations with all stakeholders, in particular civil society organizations, and where necessary, the support of international organizations, as well as continued cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations entities under the leadership of the UN Resident Coordinator.

H.E. Mr. Aurélien Agbenonci,
Minister for Foreign Affairs and International Cooperation
Benin

I encourage efforts towards strengthening the national mechanism for comprehensive reporting and follow-up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Benin the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I note that Benin submitted a mid-term report regarding the implementation of the recommendations made during the first cycle, however not during the second cycle. I encourage it to submit such a report for the third cycle, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals”*.

I look forward to discussing with you ways in which my Office may assist Benin to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Continuing to strengthen its normative framework by ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families; the Optional Protocol to the Committee on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW);;

National human rights framework

- Appointing the members of the National Human Rights Commission as soon as possible, and guaranteeing the Commission's independence by ensuring its financial autonomy and adequate resources to enable it to fulfil its mandate in accordance with the Paris Principles;
- Adopting legislation on gender equality and women's participation in political life, and establishing a national monitoring mechanism for women's rights;
- Speeding up the adoption of the new Criminal Code, and the law on trafficking in persons, and continuing its efforts to harmonize domestic legislation with international human rights law.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Withdrawing the discriminatory provisions against women from domestic legislation. In particular, amend Act No. 65-17 (1965) on nationality, with a view to granting women equal rights with men regarding the retention or loss of their nationality.

Development, the environment, and business and human rights

- Strengthening the social responsibility of the private sector by developing public/private partnerships, in particular with the tourism and travel sector, Internet access providers, telecommunications companies, transport-sector unions and the media; and encouraging all hotels, tour operators and transporters to sign the Code of Conduct in order to combat child sex tourism.



B. Civil and political rights

Right to life, liberty and security of person

- Considering to abolish in law the death penalty, in line with Benin's commitments under the Optional Protocol to the International Covenant on Civil and Political Rights, ratified by Benin. In particular, ensuring conformity of the new Criminal Code with the Optional Protocol to the Covenant, and meanwhile commuting all death sentences to prison sentences;
- Conducting investigations in order to identify and prosecute the perpetrators of extrajudicial killings, impose appropriate penalties, and running campaigns to raise awareness of the illegal nature of summary mob justice, and of the criminal responsibility of the perpetrators;
- Expressly defining and criminalize torture into the new Criminal Code; in line with the Convention against Torture; establishing a national observatory for the prevention of torture in addition to an independent mechanism for the systematic consideration of related complaints, and conduct investigations into all related allegations;
- Strengthening efforts to improve the precarious prison conditions, including by: a) reducing prison overcrowding -to this end, it would be positive to continue implementing the prison construction projects and applying alternatives to pre-trial detention; b) improving hygiene conditions and access to food and health care; c) regularly monitoring conditions of detention and d) ensuring that prisoners are separated according to their category, age and sex.

Administration of justice, including impunity and the rule of law

- Consider reforming the judiciary in order to guarantee its independence, , making sure that the executive branch did not influence its activity or interfere in the appointment, promotion or dismissal of judges, and ensure implementation of the National Development Plan in the Area of Justice.

Fundamental freedoms and the right to participate in public and political life

- Decriminalizing defamation and placing it within a civil code that is in accordance with international standards;
- revising article 143 of the Constitution, which allows the Head of State to appoint the High Authority for Audio-visual Media and Communication, and guarantee the independence and impartiality of that institution;
- Ensure conformity of the Information and Communication Code with international law, and in particular with the International Covenant on Civil and Political Rights.

Prohibition of all forms of slavery

- Adopting a national action plan to end child sexual exploitation, including an adequate monitoring and evaluation of the plan, and establishing an inter-agency working group on child sexual exploitation and the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography;

- Taking urgent measures to protect children victims of forced labour under the practice of *vidomégon*, in particular girls *vidomégon* -who are also often victims of prostitution, and integrating *vidomégon* children them into the educational system.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Effectively implementing the National Policy for Employment (2011-2015), including by ensuring a human rights based approach, and by creating a database to track related progress;
- Intensify technical and vocational training for women in traditionally male-dominated fields.

Right to an adequate standard of living

- Adopting integrated local development plans to improve the living conditions and standards of vulnerable populations and provide vulnerable families with equitable access to social and protection services.

Right to health

- Making the universal health insurance scheme operational and increase its coverage to vulnerable groups of the population;
- Adopting a comprehensive sexual and reproductive health policy for adolescents and ensuring that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent both girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections.

Right to education

- Ensuring implementation of the Education Sector Plan for the period 2017-2025, drawing up objectives for improving the quality of education and providing everyone with learning opportunities, without discrimination or exclusion;
- Make efforts to guarantee the provision of education free of charge, including by ensure that school fees are abolished completely and removing any obstacle to education for disadvantaged children.

D. Rights of specific persons or groups

Women

- Make additional efforts to implement in practice the legislative measures already taken to eliminate harmful practices, in particular the practice of female genital mutilation. To this end: a) systematically training judges and law enforcement officers; b) establishing mechanisms to facilitate victim identification; and c) ensuring effective regional and bilateral cooperation with neighbouring countries to ensure the prosecution and punishment of all acts of female genital mutilation;
- Strengthening initiatives aimed at encouraging the sustainable economic empowerment of women, in particular in rural areas, including through training on



microenterprise development and management, and periodically monitor the impact of those initiatives;

- Adopting special temporary measures to increase women's participation in all aspects of public and political life, and expeditiously adopting the draft law establishing quotas for women in elected positions.

Children

- Adopting a cross-cutting approach centred on children's rights and which aims to put in place an overarching strategic framework for comprehensive child protection;
- Raising awareness among parents and religious leaders of the negative consequences of child marriage; informing children about the promotion and protection of their rights; and tackling the root causes of the problem by effectively implementing the action plan and national policy on the advancement of children;
- Establishing effective mechanisms, including community-based mechanisms, to protect children from abuses and economic exploitation, in particular, the *vidomegons*, *talibé* children and those living in the street, and those who are retained in voodoo convents because of family traditions and beliefs. In particular, investigating and prosecuting perpetrators and removing children from environments where such practices take place; and considering to raise the minimum age for admission to employment or work to 15 years.

Persons with disabilities

- Adopting the law on the rights of persons with disabilities which had been before the National Assembly since 2016;
- Increasing efforts to develop inclusive education; ensuring that children with disabilities have access to health care and combating the stigmatization of and prejudice against children with disabilities.

Stateless persons

- Continue implementing the regulatory framework regarding birth registration, by removing practical and bureaucratic obstacles to registration of births and issuance of birth certificates; considering establishing a monitoring mechanism to ensure the enforcement of the regulatory framework; and carrying out awareness raising campaigns on the importance of birth registration.