



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined initial and second to ninth periodic  
reports submitted by Benin under article 9 of the  
Convention, due in 2002\***

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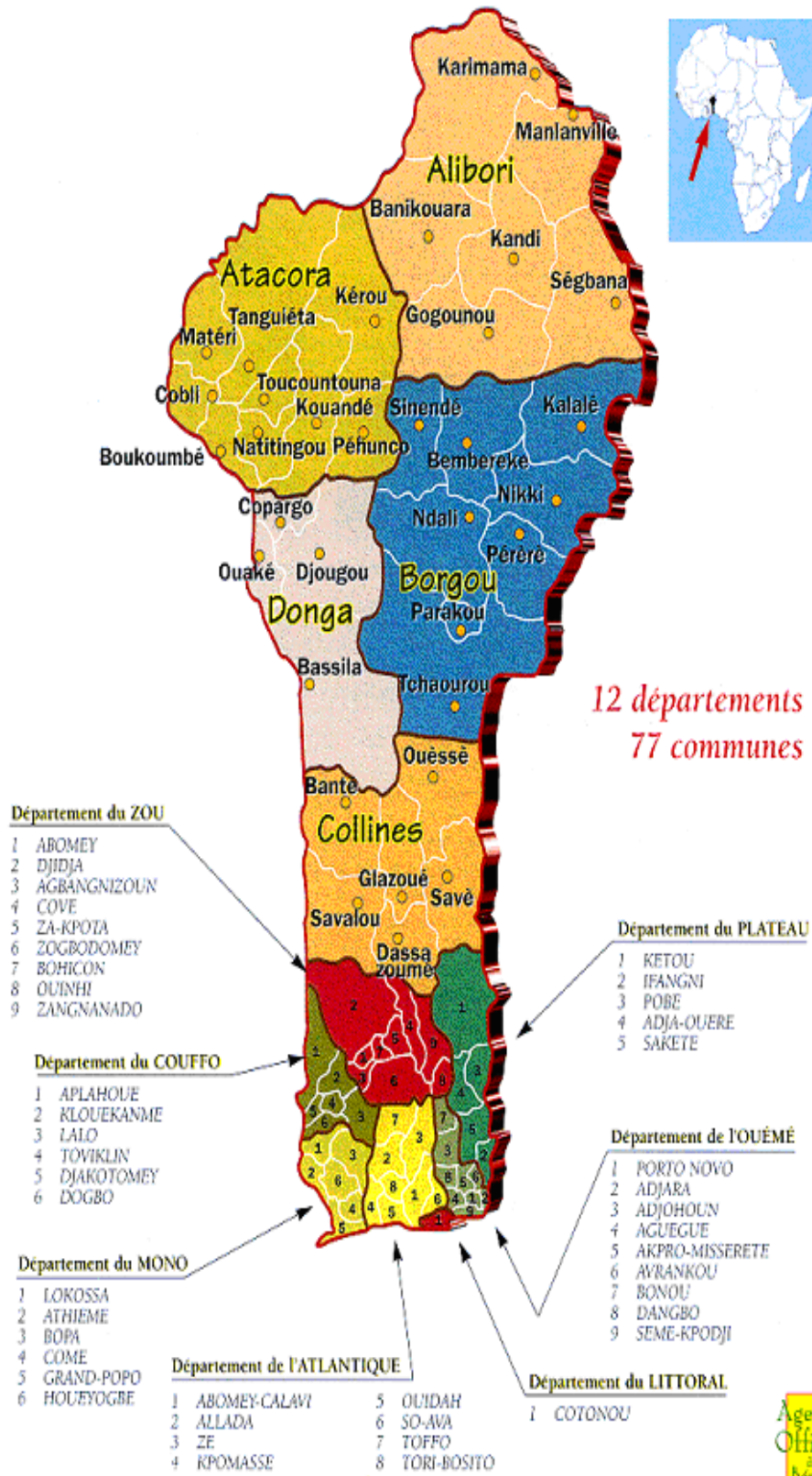
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**CARTE ADMINISTRATIVE DU BÉNIN**



## Introduction

1. Benin ratified the Convention on the Elimination of All Forms of Racial Discrimination on 30 November 2001 and has undertaken, in accordance with article 9 of the Convention, to submit reports on the legislative, administrative and other measures taken to give effect to the provisions of the Convention.
2. This report was prepared through an inclusive process of national consultation, in which State structures and civil society actors contributed to the collection of information under the coordination of the Department of Prison Administration and Protection of Human Rights of the Ministry of Justice and Legislation.
3. The report was validated by the Interministerial Committee for Monitoring the Implementation of International Human Rights Instruments. The process benefited from technical and financial assistance from the West Africa Regional Office of the Office of the United Nations High Commissioner for Human Rights and from the United Nations Development Programme through the Project to Support Improved Access to Justice and Accountability.
4. The report, which covers the period from 2002 to 2018, provides an update on all measures taken to implement the provisions of the Convention. It is subdivided into two parts, namely a common core document and a Convention-specific document.

## Part One: Common core document

### I. General information

5. This section provides general information on the geographical, demographic, socioeconomic and cultural situation of Benin. It also describes the overall framework for the promotion and protection of human rights and gives information on non-discrimination and equality, as well as available remedies.

#### A. Geographical and demographic information

6. The Republic of Benin is located between the equator and the Tropic of Cancer. It is a West African country bordered by Niger to the north, Nigeria to the east, the Atlantic Ocean to the south, Togo to the west and Burkina Faso to the northwest. It covers an area of 114,763 km<sup>2</sup>.<sup>1</sup> Located in the intertropical convergence zone, Benin has a hot, humid climate.
7. Benin is divided into 12 departments: Alibori, Atacora, Atlantique, Borgou, Collines, Couffo, Donga, Littoral, Mono, Ouémé, Plateau and Zou. These departments are further divided into 77 communes, three of which have a special status: Cotonou, Porto-Novo and Parakou. The 77 communes are subdivided into 546 arrondissements comprising 4,386 villages and city districts. The process of decentralization to promote democracy and human rights at the grass-roots level, which began in 2003, is continuing.
8. In the Fourth General Population and Housing Census (4ème Recensement Général de la Population et de l'Habitation – RGPH4), the population of Benin was found to be 10,008,749 inhabitants; women accounted for 51.2 per cent and young people under 20 years of age for 56.9 per cent of the total population. In 2018, the population was estimated at 11,496,140 inhabitants, including 5,849,081 women.
9. According to an analysis published in *Principaux indicateurs sociodémographiques et économiques, RGPH4-2013* (National Institute of Statistics and Economic Analysis (Institut National de la Statistique et de l'Analyse Economique) (INSAE), 2016), approximately 55 per cent of the female population live in rural areas.

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<sup>1</sup> Fourth General Population and Housing Census (RGPH4), 2012.

10. According to INSAE estimates, the population growth rate is 2.77 per cent per year. The following tables provide detailed information on the structure of the population by sex and place of residence, as well as its evolution from 1979 to 2030.

Table 1.  
**Population structure, by sex and place of residence**

	<i>Benin</i>	<i>Male</i>	<i>Female</i>	<i>Urban</i>	<i>Rural</i>
<b>Total</b>	<b>10 008 749</b>	<b>4 887 820</b>	<b>5 120 929</b>	<b>4 460 503</b>	<b>5 548 246</b>
<i>Age group</i>					
0–4 years	17.0	17.6	16.4	16.0	17.8
5–9 years	16.7	17.3	16.1	15.1	18.0
10–14 years	13.0	13.7	12.3	12.4	13.4
15–19 years	10.2	10.6	9.8	10.4	10.0
20–24 years	8.6	8.0	9.2	9.4	8.0
25–29 years	7.7	6.8	8.6	8.4	7.2
30–34 years	6.5	6.1	6.9	7.0	6.1
35–39 years	5.1	5.0	5.3	5.5	4.9
40–44 years	4.1	4.2	4.0	4.3	3.9
45–49 years	2.7	2.8	2.7	3.0	2.5
50–54 years	2.6	2.6	2.6	2.7	2.5
55–59 years	1.3	1.4	1.3	1.5	1.2
60–64 years	1.6	1.6	1.7	1.6	1.6
65–69 years	0.7	0.7	0.8	0.8	0.7
70–74 years	0.8	0.8	0.9	0.8	0.9
75–79 years	0.4	0.3	0.4	0.4	0.4
80–84 years	0.5	0.4	0.6	0.4	0.6
85–89 years	0.1	0.1	0.2	0.1	0.2
90–94 years	0.1	0.1	0.2	0.1	0.2
95–98 years	0.1	0.1	0.1	0.1	0.1
Not available	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 2.  
Population structure, by department

	<i>Benin</i>	<i>Alibori</i>	<i>Atacora</i>	<i>Atlantique</i>	<i>Borgou</i>	<i>Collines</i>	<i>Couffo</i>	<i>Donga</i>	<i>Littoral</i>	<i>Mono</i>	<i>Ouémé</i>	<i>Plateau</i>	<i>Zou</i>
<b>Total</b>	<b>10 008 749</b>	<b>867 463</b>	<b>772 262</b>	<b>1 398 229</b>	<b>1 214 249</b>	<b>717 477</b>	<b>745 328</b>	<b>543 130</b>	<b>679 012</b>	<b>497 243</b>	<b>1 100 404</b>	<b>622 372</b>	<b>851 580</b>
<i>Age group</i>													
0–4 years	17.0	19.4	18.7	16.6	19.2	16.0	16.3	16.8	14.3	15.3	16.5	16.3	16.2
5–9 years	16.7	19.1	18.7	15.2	17.9	16.5	18.7	17.6	12.5	16.2	15.3	16.6	16.3
10–14 years	13.0	12.9	13.2	12.4	12.7	14.2	14.6	13.0	10.6	13.7	12.5	13.3	13.9
15–19 years	10.2	10.1	9.6	9.7	10.4	11.3	11.5	10.1	9.4	10.9	9.7	9.7	10.4
20–24 years	8.6	8.3	7.9	9.1	9.0	8.5	7.7	8.5	10.3	8.4	8.7	8.3	8.1
25–29 years	7.7	7.5	6.7	8.4	7.5	7.2	7.0	7.6	9.9	7.0	8.4	7.9	7.2
30–34 years	6.5	6.1	6.0	7.0	6.2	6.1	5.5	6.4	8.6	5.9	6.9	6.6	6.3
35–39 years	5.1	4.4	4.3	5.8	4.4	5.0	4.9	4.8	6.6	5.2	5.6	5.3	5.3
40–44 years	4.1	3.6	3.9	4.4	3.6	4.1	3.8	3.9	5.1	4.3	4.3	4.2	4.1
45–49 years	2.7	2.0	2.4	3.1	2.2	2.6	2.4	2.6	3.7	3.1	3.1	2.8	2.8
50–54 years	2.6	2.2	2.7	2.7	2.2	2.5	2.4	2.5	3.0	2.9	2.9	2.6	2.7
55–59 years	1.3	1.0	1.3	1.4	1.1	1.3	0.9	1.2	1.9	1.5	1.6	1.4	1.3
60–64 years	1.6	1.3	1.7	1.5	1.3	1.7	1.6	1.6	1.6	1.9	1.8	1.7	1.9
65–69 years	0.7	0.5	0.8	0.7	0.5	0.9	0.6	0.8	0.9	0.9	0.8	0.9	0.8
70–74 years	0.8	0.8	1.0	0.7	0.8	0.9	0.7	1.0	0.7	1.1	0.7	0.9	1.1
75–79 years	0.4	0.2	0.4	0.3	0.3	0.4	0.3	0.4	0.4	0.5	0.3	0.4	0.5
80–84 years	0.5	0.4	0.5	0.4	0.4	0.5	0.7	0.6	0.3	0.7	0.4	0.5	0.7
85–89 years	0.1	0.1	0.1	0.1	0.1	0.2	0.1	0.2	0.1	0.2	0.1	0.2	0.2
90–94 years	0.1	0.1	0.2	0.1	0.2	0.2	0.2	0.2	0.1	0.2	0.1	0.1	0.2
95–98 years	0.1	0.1	0.1	0.2	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Not available	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Table 3  
Population size

<i>Department</i>	1979*	1992*	2002*	2003	2004	2005	2006	2007	2008	2009
Alibori	213 078	355 950	521 093	537 472	554 856	573 245	592 660	612 605	633 066	654 094
Atacora	294 629	400 613	549 417	566 687	585 015	604 403	624 874	645 903	667 476	689 647
Atlantique	365 910	529 546	801 683	826 882	853 626	881 916	911 786	942 471	973 950	1 006 300
Borgou	277 591	471 975	724 171	746 934	771 092	796 647	823 629	851 346	879 782	909 004
Collines	217 075	340 284	535 923	552 769	570 647	589 559	609 527	630 039	651 083	672 709
Couffo	273 536	395 132	524 586	541 075	558 575	577 087	577 087	616 711	637 310	658 478
Donga	184 975	248 695	350 062	361 065	372 743	385 097	398 140	411 538	425 284	439 410
Littoral	320 348	536 827	665 100	686 006	708 193	731 664	756 445	781 902	808 018	834 856
Mono	203 842	281 245	360 037	371 354	383 365	396 070	409 485	423 265	437 402	451 931
Ouémé	418 146	568 898	730 772	753 742	778 120	803 908	831 137	859 107	887 801	917 290
Plateau	208 722	307 676	407 116	419 913	433 494	447 861	463 029	478 612	494 598	511 026
Zou	353 358	478 714	599 954	618 812	638 826	659 998	682 352	705 315	728 873	753 083
Benin	3 331 210	4 915 555	6 769 914	6 982 711	7 208 552	7 447 454	7 680 151	7 958 813	8 224 642	8 497 827

<i>Department</i>	2011	2012	2013*	2014	2015	2016	2017	2018	2019	2020
Alibori	697 910	720 812	868 046	768 800	793 984	820 032	846 889	874 575	903 116	932 452
Atacora	735 845	759 992	769 337	810 588	837 141	864 605	892 922	922 113	952 204	983 136
Atlantique	1 073 709	1 108 944	1 396 548	1 182 772	1 221 516	1 261 590	1 302 909	1 345 503	1 389 411	1 434 544
Borgou	969 896	1 001 724	1 202 095	1 068 414	1 103 411	1 139 611	1 176 935	1 215 411	1 255 074	1 295 843
Collines	717 772	741 326	716 558	790 680	816 580	843 369	870 991	899 465	928 818	958 989
Couffo	702 588	725 644	741 895	773 954	799 306	825 529	852 566	880 438	909 169	938 703
Donga	468 845	484 230	542 605	516 468	533 386	550 884	568 927	587 526	606 699	626 407
Littoral	890 781	920 013	678 874	981 263	1 013 406	1 046 652	1 080 932	1 116 269	1 152 697	1 190 141
Mono	482 204	498 028	495 307	531 185	548 584	566 582	585 138	604 267	623 987	644 256
Ouémé	978 737	1 010 855	1 096 850	1 078 153	1 113 469	1 149 999	1 187 663	1 226 489	1 266 514	1 307 655
Plateau	545 258	563 151	624 146	600 643	620 318	640 669	661 652	683 282	705 580	728 500
Zou	803 530	829 898	851 623	885 149	914 143	944 133	975 055	1 006 931	1 039 791	1 073 567
Benin	9 067 076	9 364 619	9 983 884	9 988 068	10 315 244	10 653 654	11 002 578	11 362 269	11 733 059	12 114 193

<i>Department</i>	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Alibori	962 637	993 633	1 025 543	1 058 463	1 092 404	1 127 302	1 163 176	1 200 009	1 237 685	1 276 279
Atacora	1 014 961	1 047 642	1 081 286	1 115 995	1 151 782	1 188 576	1 226 400	1 265 236	1 304 960	1 345 651
Atlantique	1 480 983	1 528 669	1 577 761	1 628 407	1 680 624	1 734 314	1 789 504	1 846 171	1 904 135	1 963 510
Borgou	1 337 792	1 380 867	1 425 212	1 470 962	1 518 131	1 566 629	1 616 483	1 667 671	1 720 031	1 773 665
Collines	990 033	1 021 911	1 054 729	1 088 586	1 123 493	1 159 384	1 196 279	1 234 161	1 272 909	1 312 601
Couffo	969 090	1 000 294	1 032 417	1 065 558	1 099 727	1 134 859	1 170 973	1 208 053	1 245 982	1 284 834
Donga	646 684	667 507	688 943	711 058	733 860	757 304	781 403	806 147	831 457	857 384
Littoral	1 228 667	1 268 229	1 308 957	1 350 975	1 394 296	1 438 838	1 484 626	1 531 639	1 579 727	1 628 986
Mono	665 111	686 528	708 575	731 320	754 771	778 883	803 669	829 118	855 150	881 815
Ouémé	1 349 986	1 393 454	1 438 204	1 484 370	1 531 969	1 580 909	1 631 218	1 682 873	1 735 709	1 789 832
Bed	752 083	776 299	801 229	826 949	853 466	880 731	908 758	937 535	966 970	997 123
Zou	1 108 320	1 144 007	1 180 746	1 218 648	1 257 726	1 297 905	1 339 208	1 381 616	1 424 994	1 469 428
Benin	12 506 347	12 909 041	13 323 601	13 751 291	14 192 247	14 645 634	15 111 698	15 590 229	16 079 709	16 581 108

Source: INSAE, revised population projections, 2009.

(\*) Actual census data (RGPH1, 2, 3, 4). RGPH4 data are provisional.

Table 4.  
**Status of the population of Benin, by place of residence**

<i>Indicators</i>	<i>Benin</i>	<i>Urban</i>	<i>Rural</i>	<i>Alibori</i>	<i>Atacora</i>	<i>Atlantique</i>	<i>Borgou</i>	<i>Collines</i>	<i>Couffo</i>	<i>Donga</i>	<i>Littoral</i>	<i>Mono</i>	<i>Ouémé</i>	<i>Plateau</i>	<i>Zou</i>
Number of foreign nationals	188 563	130 561	58 002	28 636	10 395	16 517	22 665	9 647	2 167	7 760	57 516	8 975	17 065	2 605	4 615
Proportion of foreign population (%)	1.9	2.9	1.0	3.3	1.3	1.2	1.9	1.3	0.3	1.4	8.5	1.8	1.6	0.4	0.5
Africa															
Burkina Faso (%)	6.1	4.3	10.0	11.3	27.7	4.7	6.8	3.1	3.6	6.1	2.2	2.6	2.9	3.1	1.9
Niger (%)	35.6	34.6	38.1	60.4	38.6	15.2	60.0	28.7	30.1	19.9	28.5	12.9	27.8	21.7	43.8
Nigeria (%)	19.6	19.0	20.8	22.6	8.8	11.8	13.2	18.1	14.8	14.0	23.3	4.7	30.8	32.2	32.4
Togo (%)	23.0	22.9	23.3	1.8	17.3	46.4	12.9	44.2	42.7	55.6	21.1	48.6	21.2	9.8	13.1
Rest of West Africa (%)	10.7	13.0	5.8	3.7	6.0	15.1	5.9	4.9	7.1	3.2	14.4	29.9	13.2	11.9	6.8
Rest of Africa (%)	3.1	4.2	0.7	0.1	0.6	4.8	0.6	0.3	0.9	0.9	7.2	0.6	2.9	1.2	0.7



<i>Indicators</i>	<i>Benin</i>	<i>Urban</i>	<i>Rural</i>	<i>Alibori</i>	<i>Atacora</i>	<i>Atlantique</i>	<i>Borgou</i>	<i>Collines</i>	<i>Couffo</i>	<i>Donga</i>	<i>Littoral</i>	<i>Mono</i>	<i>Ouémé</i>	<i>Plateau</i>	<i>Zou</i>
World															
France (%)	0.6	0.8	0.2	(*)	0.3	1.1	0.2	0.1	0.2	0.1	1.1	0.3	0.7	0.4	0.5
Rest of Europe (%)	0.2	0.3	0.1	(*)	0.2	0.4	0.1	(*)	0.1	0.1	0.4	0.2	0.3	0.1	0.3
Rest of the world (%)	1.0	1.0	1.1	(*)	0.4	0.4	0.2	0.6	0.5	0.1	1.8	0.1	0.4	19.8	0.5
Female foreign nationals															
Proportion of foreign nationals who are women (%)	49.6	50.0	48.7	47.6	47.9	55.3	47.0	46.3	62.5	50.5	48.9	57.0	51.4	42.5	49.6
Economically active foreign nationals															
Proportion of economically active persons (10 years and above) in the foreign population (%)	71.3	72.0	69.6	27.4	33.0	37.8	30.8	42.8	44.2	31.6	41.1	40.7	38.0	32.0	38.2
Proportion of economically active persons (15–64 years) in the foreign population (%)	61.2	62.4	58.7	26.4	32.2	37.3	30.2	41.6	43.0	30.7	40.7	39.7	37.6	31.7	37.3

## **B. Cultural information**

11. Benin gained independence on 1 August 1960. It is home to several sociolinguistic groups that coexist harmoniously despite the constraints of cultural diversity.

12. The main sociolinguistic groups include the Baatombu, Dendi, Zarma, Groussi, Haoussa, Mossi, Paragourma, Peuls, inhabitants of Atacora, Adja, Fon, Yoruba, Goun, Mahi, Ewé, Gen and Ayizo.

13. The different language groups are unevenly distributed throughout the country. According to the 2002 census, the size of these groups is as follows:

- Fon and related groups 39 per cent
- Adja and related groups 14.6 per cent
- Ede Yoruba and related groups 11.5 per cent
- Dendi and related groups 3.5 per cent
- Yoa-Lokpa and related groups 3.9 per cent
- Gua or Otamari and related groups 6.1 per cent

14. There are as many ethnic groups as there are languages. Indeed, each ethnic group has its own culture, language and traditions. There is therefore not one but many Beninese cultures.

15. Benin is considered to be the cradle of voodoo. Religious practice, whether traditional or modern, is an important part of daily life. The exercise of religion and the expression of beliefs are carried out with respect for the secularity of the State. Public institutions and religious communities carry out their activities without hindrance. They are not subject to State supervision. They regulate and administer their affairs autonomously.

16. There is increasing cultural intermingling among the peoples and national languages of Benin. French has also emerged as the primary language spoken in some households in Benin, in a context of local language diversity and increasing literacy in these different languages.

17. English is mostly spoken by Nigerians who do business in Benin. It is spoken and understood to varying degrees by at least 700,000 Beninese (including students and some traders). The number of English speakers remains modest, however, compared to the commercial prospects of the English-speaking Nigerian giant. Spanish was studied by 812,519 people in Benin in 2017. German is also taught in Cotonou and in secondary schools as a modern language.

18. Television and radio programmes are produced in French and several national languages and are aimed at a wide audience of rural and urban listeners.

19. The religious diversity of Benin is a source for the promotion of moral and cultural values. It is also a source of peace and national unity.

Table 5.  
**Ethnicity and religion, by department**

<i>Indicator</i>	<i>Benin</i>	<i>Alibori</i>	<i>Atacora</i>	<i>Atlantique</i>	<i>Borgou</i>	<i>Collines</i>	<i>Couffo</i>	<i>Donga</i>	<i>Littoral</i>	<i>Mono</i>	<i>Ouémé</i>	<i>Plateau</i>	<i>Zou</i>
Ethnic group													
Adja and related groups	15.1	0.2	0.3	15.6	1.0	18	90.7	0.5	17.7	69.0	8.1	1.1	2.4
Fon and related groups	38.4	0.9	1.3	76.3	4.4	38.5	8.5	1.2	56.5	27.8	78.7	29.0	92.3
Bariba and related groups	9.6	37.1	19.0	0.5	37.6	0.4	“ “	2.1	0.9	0.1	0.2	0.1	0.1
Dendi and related groups	2.9	20.1	1.1	0.5	3.2	0.4	“ “	7.5	1.9	0.1	0.3	0.1	0.2
Yoa-Lokpa and related groups	4.3	0.3	2.6	0.5	3.8	2.5	“ “	59.0	1.6	0.1	0.3	0.1	0.2
Peul and related groups	8.6	26.5	12.5	0.1	33.0	5.6	“ “	15.7	0.3	0.1	0.1	0.2	0.3
Gua or Otamari and related groups	6.1	1.2	59.3	0.3	7.6	2.7	“ “	4.6	0.3	“ “	0.1	0.1	0.1
Yoruba and related groups	12.0	5.1	0.9	4.5	6.2	46.2	0.3	6.6	10.9	0.6	10.1	68.7	3.2
Other ethnic groups in Benin	0.9	4.7	1.6	0.2	1.0	0.4	0.1	1.3	1.2	0.2	0.2	0.1	0.4
Foreign nationals	1.9	3.3	1.3	1.3	2.0	1.3	0.3	1.4	8.5	1.8	1.6	0.4	0.5
Religion													
Voodoo	11.6	0.5	6.3	12.1	1.0	5.9	56.5	0.4	1.6	33.1	6.0	7.4	20.1
Roman Catholic	25.5	8.6	20.7	39.3	15.0	37.2	5.9	11.9	51.2	20.6	34.6	24.6	26.6
Methodist	3.4	0.5	1.8	3.3	1.2	8.0	2.2	1.0	3.7	2.4	7.8	5.6	3.1
Other branches of Protestantism	3.4	0.4	2.4	3.5	1.7	2.2	5.6	1.1	2.1	4.1	7.7	3.8	5.0
Celestial Church of Christ	6.7	0.2	0.8	11.0	0.7	6.6	5.7	0.2	5.7	6.2	17.4	10.0	10.8
Islam	27.7	81.3	26.9	4.4	69.8	16.3	0.9	77.9	16.9	1.5	12.1	18.6	3.5

<i>Indicator</i>	<i>Benin</i>	<i>Alibori</i>	<i>Atacora</i>	<i>Atlantique</i>	<i>Borgou</i>	<i>Collines</i>	<i>Couffo</i>	<i>Donga</i>	<i>Littoral</i>	<i>Mono</i>	<i>Ouémé</i>	<i>Plateau</i>	<i>Zou</i>
Other branches of Christianity	9.5	0.9	1.6	15.0	2.8	10.5	15.2	1.8	12.2	14.7	8.3	15.8	16.5
Other traditional religions	2.6	1.8	18.0	0.8	1.3	1.2	1.4	1.8	0.3	1.2	0.6	3.3	1.9
Other religions	2.6	0.4	1.2	4.1	0.8	4.1	2.6	0.5	2.7	4.5	2.3	4.4	4.6
None	5.8	3.5	19.0	5.5	4.3	7.1	2.9	2.4	2.8	10.5	2.3	5.7	7.0

## C. Socioeconomic information

20. Benin is a member of the West African Economic and Monetary Union and the Economic Community of West African States.

### Economic situation

21. Poverty remains a concern, with 40.1 per cent of the population living below the poverty line. The Human Development Index was estimated at 0.48 in 2015, ranking Benin 166th out of 188 countries.

22. According to a study conducted by the World Bank in December 2018, the economy of Benin relies heavily on informal re-export and transit trade with Nigeria (which accounts for about 20 per cent of gross domestic product (GDP)), as well as agriculture.

23. Growth accelerated in 2017, from 4 to 5.6 per cent (or a GDP per capita growth rate of 2.7 per cent), thanks to the dynamism of the agricultural sector, and in particular the increase in cotton production.

24. In addition, growth was driven by an increase in public investment (mainly in infrastructure) and by the very good performance of the services sector, which benefited from the recovery of the Nigerian economy.

25. The inflation rate returned to positive territory, averaging 0.1 per cent in 2017 (compared with -0.8 per cent in 2016), due to rising oil and food prices.

26. The current account deficit widened from 9 to 11 per cent of GDP between 2016 and 2017, driven by energy- and infrastructure-related imports.

### Social situation

27. Despite economic growth of between 4 and 5 per cent per year for the past two decades, poverty remains widespread owing to low per capita growth rates (only 1.6 per cent over the period 2006–2016).

28. The education and health sectors absorb a significant share of public spending (on average, 23 and 7 per cent respectively). The resources allocated to these two sectors must be equitably distributed and more efficiently managed.

29. Poverty remains a concern. In this connection, several strategy papers on poverty reduction and on growth for poverty reduction have been drawn up, implemented and evaluated with a view to reducing poverty, improving access to basic social infrastructure and services, enhancing economic growth, promoting gender equality and ensuring sustainable human development.

30. The Government Action Programme 2016–2021 provides, in its pillar 3 and strategic axis 6, for improvement of people's living conditions by strengthening the provision of basic social services and social protection. This programme also aims to improve the living conditions of high-priority population groups by ensuring social protection of the most disadvantaged people and by implementing a policy to support the creation of income-generating activities, continuing education, entrepreneurship, and the granting of microcredit to finance specific projects.

## D. Political and institutional context

### Political situation

31. Benin enjoys a stable democratic regime. All presidential, legislative and local elections since the end of the Marxist-Leninist regime in 1989 have been held peacefully. The most recent presidential election, held in March 2016, confirmed a handover of power. A reform of the party system, adopted by the National Assembly in September 2018, obliged several political parties and movements to come together to comply with the new Charter of Political Parties. The country now has about 10 political parties recognized by the State,

compared to more than 200 before the reform. The April 2019 legislative elections were held against a backdrop of challenges to the reform of the party system.

32. Subsequently, a dialogue took place among political circles and proposals were made. To take account of these proposals, the Constitution was revised and the laws on the party system (notably the Electoral Code and the Charter of Political Parties) were amended.

### **The institutions of Benin**

33. Act No. 90-32 of 11 December 1990 establishing the Constitution of the Republic of Benin, as amended by Act No. 2019-40 of 7 November 2019, provides for the following institutions: the Presidency of the Republic, the National Assembly, the Constitutional Court, the Supreme Court, the Court of Auditors, the High Court of Justice, the Economic and Social Council, and the High Audiovisual and Communication Authority.

#### *Presidency of the Republic*

34. The President of the Republic is the Head of State and Head of Government. He is the elected representative of the nation and embodies national unity. He is the guarantor of national independence, territorial integrity and respect for the Constitution, treaties and international agreements. He defines and carries out the general policy of the State.

#### *National Assembly*

35. The Beninese parliament is unicameral and its members have the title of deputy. It exercises legislative power and controls the action of the government.

#### *Constitutional Court*

36. The Constitutional Court is the highest court of law of the State in constitutional matters. The Court decides on the constitutionality of laws and safeguards fundamental human rights and public freedoms. It is the regulatory body for the functioning of institutions and the activities of public authorities (article 114 of the Constitution of 11 December 1990).

37. It is the guarantor of fundamental rights and public freedoms.

#### *Supreme Court*

38. The Supreme Court is the highest court of law of the State in administrative and judicial matters and the management of the accounts of the State. It also has jurisdiction over local election disputes. It ensures respect for the rule of law, consolidation of the rule of law and democracy. Its decisions are not subject to appeal. They are binding on the executive and legislative branches of government, as well as on all courts of law.

#### *High Court of Justice*

39. The High Court of Justice is a special court established by the Constitution of 11 December 1990. It is competent to judge the President of the Republic and the members of the government for acts qualified as high treason, contempt of the National Assembly, offences against honour and probity, and offences committed in the exercise of their functions or during the exercise thereof. It is also competent to judge their accomplices in cases of conspiracy against the security of the State (article 136 of the Constitution of 11 December 1990, article 2 of Organic Act No. 93-013 of 10 August 1999 on the High Court of Justice).

#### *Economic and Social Council*

40. The Economic and Social Council gives its opinion on draft laws, ordinances or decrees, as well as on private bills that are submitted to it. Draft laws or proposed programmes of an economic or social nature must be submitted to it for an opinion. The President of the Republic may consult the Council on any problem of an economic, social, cultural, scientific or technical nature. The Council may on its own initiative, in the form of a recommendation, draw the attention of the National Assembly and the Government to economic and social reforms that it considers to be in or against the general interest. At the request of the Government, the Council appoints one of its members to present before the committees of

the National Assembly the Council's opinion on draft laws or private bills that have been submitted to it.

#### *Audiovisual Media and Communications Authority*

41. As the regulatory body for communications and information, the mission of the Audiovisual Media and Communications Authority is to guarantee and ensure the freedom and protection of the press, as well as of all mass media, in accordance with the law.

42. It ensures that ethical standards are observed in the dissemination of information and that political parties, associations and individual citizens have equitable access to official information and communication media.

#### **Institutions attached to the Presidency**

##### *Office of the Presidential Ombudsman*

43. As provided for by article 1 of Act No. 2009-22 of 3 January 2014, a national ombudsman, a non-contentious mediator between the public administration and citizens, is established in the Republic of Benin.

44. In this capacity, the Ombudsman:

- Is in charge of receiving citizens' complaints related to the functioning of central government bodies, decentralized local authorities and public establishments and examining them in order to apply equitable solutions
- Makes proposals to the Head of State for the normal functioning and efficiency of public services
- Contributes generally to improvement of the rule of law and administrative governance
- Submits an annual activity report to the President of the Republic

##### *Grand Chancellery of the National Order of Benin*

45. The Grand Chancellery is responsible for administering the national orders of Benin (National Order of Benin, Order of Merit of Benin, Order of Social Merit, Order of Agricultural Merit). These different orders reward the eminent services rendered to the nation by Beninese personalities and foreigners either in a civil capacity or under arms.

## **II. General framework for the promotion and protection of human rights**

46. In addition to the international instruments ratified by the Republic of Benin during the period under review, several legislative and regulatory texts provide better protection for various categories of the population.

### **A. The Constitution**

47. Act No. 90-32 establishing the Constitution of the Republic of Benin and Act No. 2019-40 of 7 November 2019 revising the Constitution of 11 December 1990 set out the main principles governing all human rights, including first-, second- and third-generation rights. The rights and duties of the individual are thereby incorporated into the domestic legal system. This is done in three ways:

- The preamble to the Constitution affirms the commitment of the Beninese people to the principles of democracy and human rights as defined in the 1945 Charter of the United Nations, the 1948 Universal Declaration of Human Rights, and the African Charter of Human and People's Rights adopted in 1981 by the Organization of African Unity. This affirmation indicates the Beninese people's opposition to any political

regime founded on arbitrariness, dictatorship, injustice, corruption, misappropriation of public funds, regionalism, nepotism, abuse of authority and personal power.

- Article 147 of the Constitution of 11 December 1990 states that “duly ratified international treaties and agreements shall, upon publication, take precedence over domestic legislation, provided that those treaties and agreements are reciprocally applied”.
- Title II of the Constitution of 11 December 1990, entitled “Rights and duties of the individual”, enshrines the rights and duties of the individual from article 8 to article 40.

## **B. Legislative, regulatory and other measures**

48. During the reporting period, several pieces of legislation have been adopted and implemented. These include:

- Act No. 98-004 of 27 January 1998 establishing the Labour Code
- Act No. 98-030 of 12 February 1999 establishing the framework Environment Act
- Act No. 2001-35 of 21 February 2003 establishing the status of the judiciary in the Republic of Benin
- Act No. 2001-31 of 27 August 2002 establishing the organization of the judiciary in the Republic of Benin
- Act No. 2003-03 of 3 March 2003 establishing repression of the practice of female genital mutilation in the Republic of Benin
- Act No. 2003-04 of 3 March 2003 on sexual health and reproduction
- Act No. 2003-17 of 11 November 2003 on national education policy
- Act No. 2004-07 of 24 August 2004 establishing the Personal and Family Code
- Act No. 2006-04 of 5 April 2006 establishing conditions for the transfer of minors and the suppression of child trafficking in the Republic of Benin
- Act No. 2006-31 of 5 April 2006 on the prevention, care and control of HIV/AIDS
- Act No. 2008-07 of 28 February 2011 establishing the Code of Civil, Commercial, Social, Administrative and Accounting Procedure, which entered into force on 1 March 2012
- Act No. 2011-20 of 12 October 2011 on combating corruption and related offences in the Republic of Benin
- Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission
- Act No. 2012-15 of 18 March 2013 establishing the Code of Criminal Procedure in the Republic of Benin
- Act No. 2012-21 of 27 August 2012 on combating the financing of terrorism in the Republic of Benin
- Act No. 2013-01 of 14 August 2013 establishing the Land (Private and State-owned) Code in the Republic of Benin
- Act No. 2013-09 of 3 September 2013 determining the electoral map and the location of voting centres in the Republic of Benin
- Act No. 2013-06 of 25 November 2013 establishing the Electoral Code (revised) in the Republic of Benin
- Act No. 2014-14 of 9 July 2014 on electronic communications and postal services in the Republic of Benin



- Act No. 2014-22 of 30 September 2014 on digital broadcasting in the Republic of Benin
  - Act No. 2015-07 of 20 March 2015 establishing the Information and Communication Code in the Republic of Benin
  - Act No. 2015-08 of 8 December 2015 establishing the Children’s Code in the Republic of Benin
  - Act No. 2016-16 of 4 October 2016 amending and supplementing Act No. 2008-07 of 28 February 2011 establishing the Code of Civil, Commercial, Social, Administrative and Accounting Procedure of the Republic of Benin
  - Act No. 2016-15 of 4 October 2016 amending and supplementing Act No. 2001-37 of 10 June 2002 establishing the organization of the judiciary in the Republic of Benin
  - Act No. 2016-24 of 11 October 2016 establishing the legal framework for public-private partnerships in the Republic of Benin
  - Act No. 2017-06 of 29 September 2017 establishing protection and promotion of the rights of persons with disabilities in the Republic of Benin
  - Act No. 2017-04 of 19 October 2017 establishing the Public Procurement Code in the Republic of Benin
  - Act No. 2017-27 of 18 December 2017 on the production, packaging, labelling, sale and use of tobacco, tobacco products and related products in the Republic of Benin
  - Act No. 2017-41 of 19 December 2017 establishing the National Police in the Republic of Benin
  - Act No. 2017-20 of 20 April 2018 establishing the Digital Code in the Republic of Benin
  - Act No. 2018-31 of 9 October 2018 establishing the Electoral Code in the Republic of Benin
  - Act No. 2018-048 of 28 December 2018 establishing the Criminal Code in the Republic of Benin
  - Act No. 90-32 of 11 December 1990 establishing the Constitution of the Republic of Benin, as amended by Act No. 2019-40 of 7 November 2019
49. The following regulations have also been adopted:
- Decree No. 2011-029 of 31 January 2011 establishing the list of hazardous types of work prohibited to children in the Republic of Benin
  - Decree No. 2012-28 of 13 August 2012 on the creation, composition, powers and operation of integrated departmental coordination centres for the care of victims and survivors of gender-based violence
  - Decree No. 2012-416 of 6 November 2012 on the standards applicable to children’s shelters in the Republic of Benin
  - Decree No. 2014-315 of 6 May 2014 on the modalities of application of Act No. 2012-36 of 15 February 2013 on the establishment of the Benin Human Rights Commission
  - Decree No. 2014-315 of 6 May 2014 appointing the members of the Benin Human Rights Commission
  - Decree No. 2015-029 of 29 January 2015 setting the terms and conditions for the acquisition of rural land in the Republic of Benin
  - Decree No. 2015-161 of 13 April 2015 on the creation, powers, organization and operation of the National Institute for the Advancement of Women

- Decree No. 2016-713 of 25 November 2016 on the powers, organization and operation of the Central Authority for International Adoption
- etc.

50. In addition, several general policy measures have been adopted and made operational. These include:

- Development, in 2015, of the National Action Plan for the Implementation of United Nations Security Council Resolution 1325
- Carrying out of a number of studies, in particular on trends in poverty in Benin during the period 2007–2015, on household income inequality and polarization, and on key sectors of the Beninese economy
- Organization, in September 2016, of the fourth National Evaluation Days on the theme “Using evaluation findings to change people’s living conditions”
- Development of the National Action Plan for elimination of the worst forms of child labour in Benin (2012–2015)
- Development, in 2014, of a national action plan to combat racial discrimination
- Development of the National Health Development Plan (2009–2018)
- Adoption, in October 2014, of the National Child Protection Policy
- Adoption, in 2017, of the second cycle of the national policy on development of the justice sector

### **C. Instruments ratified**

51. Benin has ratified several conventions and is continually strengthening its legal arsenal to promote and protect human rights, as described below.

*At the international level*

52. The following instruments have been ratified:

- Arms Trade Treaty
- Convention on Cluster Munitions
- Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption
- Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure
- International Covenant on Civil and Political Rights and its first Optional Protocol
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights establishing a communications procedure
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention against Discrimination in Education
- International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Convention on the Elimination of All Forms of Discrimination against Women

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- International Convention on the Suppression and Punishment of the Crime of Apartheid
- International Convention against Apartheid in Sports
- ILO Minimum Age Convention, 1973 (No. 138)
- Maritime Labour Convention
- Convention on the Protection of All Persons from Enforced Disappearance
- Convention on the Rights of Persons with Disabilities
- Optional Protocol to the Convention on the Rights of Persons with Disabilities
- Amendment to Article 43 (2) of the Convention on the Rights of the Child
- Convention on the Prevention and Punishment of the Crime of Genocide
- International Convention for the Suppression of Acts of Terrorism
- Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182)
- Rome Statute on the International Criminal Court

*At the regional level*

- African Charter on Human and Peoples' Rights
  - African Charter on the Rights and Welfare of the Child
  - Protocol to the African Charter on Human Rights on the Establishment of an African Court on Human and Peoples' Rights
  - Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
  - African Charter on Democracy, Elections and Governance
  - African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa
  - Charter of the Council of the Entente
  - African Union Convention on Cross-Border Cooperation
  - Protocol to the Constitutive Act of the African Union on the Pan-African Parliament
  - Protocol to the Organization of African Unity Convention on the Prevention and Combating of Terrorism
  - Protocol to the African Charter on Human and Peoples' Rights on the African Court on Human and Peoples' Rights
53. To give effect to these international commitments and obligations, Benin has:
- Taken steps to strengthen its legal and institutional framework for the exercise of human rights

- Established mechanisms for the promotion and protection of human rights
- Taken steps to ensure the promotion and protection of all human rights on the ground

#### **D. Institutions for the promotion and protection of human rights**

54. The institutional framework includes State and non-State structures that work to improve conditions for the enjoyment of human and peoples' rights. Over the reference period, mention may be made of:

##### *State structures*

- Benin Human Rights Commission
- National Ombudsman
- National Anti-Corruption Authority
- National Advisory Council on Human Rights
- Directorate of Penitentiary Administration and Protection of Human Rights
- Central Office for the Protection of Minors, the Family and the Repression of Human Trafficking
- Department of Supervised Education and Social Protection of Minors
- Benin Prison Agency
- National Education Council
- National Institute for the Advancement of Women
- Observatory on the Family, Women and Children
- National Committee for Monitoring the Implementation of International Human Rights Instruments
- National Commission for the Implementation of Children's Rights
- Personal Data Protection Agency
- National Agency for Population Identification
- National Observatory of Electoral Processes
- Department of Family, Children and Adolescents

##### *Non-State structures*

- Women in Law and Development in Africa (WiLDAF-Benin)
- Réseau pour l'Intégration des Femmes des ONG et Associations Africaines (Network of African NGOs and Associations for the Integration of Women) (RIFONGA-Benin)
- Association des Femmes Juristes du Bénin (Association of Women Jurists of Benin) (AFJB)
- Association des Femmes Avocates du Bénin (Association of Women Lawyers of Benin) (AFAB)
- Fédération Nationale des Associations des Personnes Handicapées (National Federation of Associations of Disabled Persons) (FNAPH)
- Fondation Regard d'Amour
- Social Watch Benin
- Changement Social Bénin (Social Change Benin) (CSB)
- Amnesty International Benin

- Prisonniers Sans Frontières (PRSF)
- Franciscans International Benin
- Comité de Liaison des Organisations Sociales de Défense des Droits de l'Enfant (Liaison Committee of Social Organizations for the Defence of Children's Rights) (CLOSE)
- Dispensaire Ami des Prisonniers et Indigents

### **III. Information on non-discrimination and equality and effective remedies**

#### **A. Non-discrimination and equality**

55. Under the principle of non-discrimination, all persons must enjoy recognized and protected rights without distinction of any kind.

56. Pursuant to article 8 of the Constitution of 11 December 1990, the State is required to ensure equal access to all basic social services. This principle is reaffirmed in the new article 26 of the Constitution, which provides that men and women enjoy equal protection under the law and that special provisions may be established by law to improve the representation of women in public life.

57. The principles of mutual respect between men and women, living together harmoniously, and the rejection and condemnation of gender-based violence and inequality are all reflected in the school curricula.

58. Benin also has action plans and best practices to combat racial discrimination, xenophobia, intolerance and gender-based violence.

#### **B. Effective remedies**

59. Citizens have access to several types of remedies allowing them to bring proceedings before the competent authorities if their rights are violated. The same remedies, which include both judicial and non-judicial measures, may be invoked in cases of racial discrimination.

60. An administrative body – the Office of the National Ombudsman – has been established to receive and review complaints.

61. The population is aware of and uses these remedies.

62. The Constitutional Court has handed down several decisions on cases referred to it by citizens in respect of rights violations related to discrimination, including:

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

## **Part Two: Treaty-specific document**

### **Article 1: Definition of racial discrimination**

63. Beninese law does not specifically define racial discrimination. However, the principles of non-discrimination and equality before the law are enshrined in the Constitution and national legislation.

64. Article 26 (1) of Act No. 90-32 of 11 December 1990 establishing the Constitution of Benin provides that: “The State shall ensure equality before the law for all, without distinction as to origin, race, sex, religion, political opinion or social status.”

65. This constitutional provision covers discrimination based on race and national or ethnic origin and is complemented by article 39 of the Constitution, which provides that foreign nationals residing in Benin have the same rights and freedoms as Beninese citizens.

66. The constitutional principles described above are reflected in article 1 (1) of Act No. 2002-07 of 24 August 2004 establishing the Personal and Family Code, which provides that: “Every human being, without distinction of any kind, in particular as to race, colour, sex, religion, language, political or other opinion, national or social origin, property, birth or other status, is a subject of law from birth until death.”

67. The same principles are reflected in article 7 of the Children’s Code, which provides that: “Every child is entitled to enjoy all the rights and freedoms recognized and guaranteed in the present Act and, in particular, is entitled to equal treatment as regards services, property and benefits, irrespective of the child’s or his or her parents’ or legal guardians’ race, origin, ethnic group, national or social origin, sex, language, religion, political or other opinion, property, birth, disability, family situation or other status.”

68. Under article 5 of the new Charter of Political Parties, political organizations must, in their programmes and activities, proscribe intolerance, regionalism, ethnocentrism, fanaticism, racism, xenophobia and incitement and/or recourse to violence in all its forms.

69. Benin has made no reservation, restriction, limitation or derogation with respect to the prohibition of racial discrimination. The differential treatment practised on the basis of nationality or alien status essentially concerns access to jobs related to national sovereignty, such as those in national defence, the diplomatic service and the judiciary, which are reserved exclusively for nationals.

70. During the reporting period, Benin did not adopt any legislation that has the purpose of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms on a non-discriminatory and equal basis, nor did it take specific measures aimed at protecting or promoting any specific racial or ethnic group. Some positive steps have been taken to promote the effective enjoyment of rights by specific categories of persons, such as persons with disabilities, older persons, women and children. However, these measures do not target any specific racial or ethnic group. Article 3 (3) of the Constitution of Benin provides that:

Any law, regulation or administrative act contrary to these provisions is null and void. Consequently, every citizen has the right to bring proceedings before the Constitutional Court against laws, regulations and acts that he or she believes to be unconstitutional.

## **Article 2: Condemnation of racial discrimination**

71. Benin is a party to international instruments on combating racial discrimination and intolerance and strives to guarantee equal treatment for all. Articles 18 (1), 26 (1) and 36 of the Constitution provide that:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

...

The State shall ensure equality before the law for all, without distinction as to origin, race, sex, religion, political opinion or social status.

...

Every Beninese national has the duty to respect and consider his or her fellow beings without discrimination and to maintain relations aimed at safeguarding, reinforcing

and promoting respect, dialogue and mutual tolerance for the sake of peace and national cohesion.

72. Article 11 of the Constitution provides that: “All the communities making up the Beninese Nation enjoy the freedom to use their spoken and written languages and to develop their own culture while respecting those of others. The State shall promote the development of national languages used for communication.”

73. Article 15 of the Constitution provides that: “Every individual has the right to life, liberty, security and integrity of the person.”

74. Article 4 of Act No. 98-004 of 27 January 1998 establishing the Labour Code of the Republic of Benin provides that:

Subject to the explicit provisions of the present Code or any other text of a legislative or regulatory nature protecting women and children, as well as provisions relating to the status of foreign nationals, employers may not take into account employees’ sex, age, race, ethnic background or family ties in making decisions relating, in particular, to recruitment, the conduct and distribution of work, professional development, advancement, promotion, remuneration and other working conditions, allocation of social benefits, disciplinary measures or termination of an employment contract.

75. Articles 5 and 6 of Act No. 2018-12 of 2 July 2018 on the Legal Regime Governing Residential Leases in the Republic of Benin provide that:

No person may be denied the tenancy of a dwelling on the basis of his or her ethnic origin, identity, sex, employment status, marital status, disability, political opinion, race or religion.

...

In the event of a dispute regarding the application of article 5 above, the person who is denied tenancy may take legal action. The president of the court with jurisdiction in the area where the building is located, to whom the matter is referred for a summary judgment, shall, within one month of the referral, take all measures that he or she deems conducive to the installation of the person concerned in the rented premises.

76. Racial discrimination is also prohibited under article 215 of Act No. 2015-08 of 23 January 2015 establishing the Children’s Code of the Republic of Benin, which provides that: “All forms of discrimination against young workers are prohibited.”

77. Articles 704 and 705 of Act No. 2018-16 of 28 December 2018 establishing the Criminal Code of the Republic of Benin provide the following.

78. Article 704:

The following persons are subject to a term of imprisonment of 2 months to 1 year or a fine of 100,000 to 1 million CFA francs (CFAF) or both:

- Any person supplying or offering to supply goods or services who, without good reason, except in matters of racial discrimination, refuses to do so, whether directly or through an agent, on account of the origin of the person requesting such goods or services or his or her sex, family status, health status, disability or real or supposed membership or non-membership of a given ethnic group, nationality, race or religion, or any person who makes an offer conditional on origin, sex, family status, health status, disability, membership or non-membership of a given ethnic group, nationality, race or religion, or political and philosophical beliefs.
- Any person who, in the circumstances referred to in paragraph 1 of the present article, refuses to supply goods or services to a legal entity or to a member thereof on account of the origin of all or some of the members or because of their sex, real or supposed membership or non-membership of an ethnic group, nationality, race or religion or political and philosophical beliefs.

79. Article 705:

The penalties set forth in article 704 above are also applicable to any person who, by act or omission, contributes to impeding the conduct of any activity under normal conditions:

- By any natural person on account of his or her family status, health status, disability, nationality, sex, real or supposed membership or non-membership of a given ethnic group, race or religion or philosophical and political beliefs.
- By any legal entity on account of the family status, health status, disability, national origin, sex, real or supposed membership or non-membership of a given ethnic group, race or religion or philosophical and political beliefs of all or some of its members.

80. Benin has been involved in several international and regional initiatives condemning racial discrimination. During its membership of the Human Rights Council (2011–2014), Benin voted in favour of resolution 24/26 (A/HRC/RES/24/26) of 11 October 2013, through which the Council launched a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance.

### **Article 3: Condemnation of racial segregation and apartheid**

81. Benin is not affected by apartheid but condemns this practice, which violates fundamental human rights.

82. The commitment of Benin to stamping out this practice is reflected in its support for all initiatives against racial segregation and apartheid. During its membership of the Human Rights Council (2011–2014), Benin participated in the drafting and voted in favour of resolutions condemning apartheid and racial segregation.

83. The African Charter on Human and Peoples' Rights, which forms an integral part of the Constitution, contains anti-discrimination provisions, including the following:

- Article 2: "Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status."
- Article 18 (3): "The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions."
- 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."

### **Article 4: Measures intended to prohibit incitement to racial hatred**

84. Articles 11, 26 and 36 of Constitution of the Republic of Benin emphasize the equality of all Beninese citizens in all respects.

85. Article 11 of the Constitution makes it clear that: "All the communities making up the Beninese Nation enjoy the freedom to use their spoken and written languages and to develop their own culture while respecting those of others. The State shall promote the development of national languages used for communication."

86. This constitutional requirement is reflected in several legislative provisions, for example:

- Article 36 of Act No. 2015-07 of 20 March 2015 establishing the Information and Communication Code of the Republic of Benin, which provides that: "Journalists shall refrain from making any publication that incites regionalism, ethnocentrism, discrimination, hatred, xenophobia, violence or debauchery. They shall also refrain from any incitement to commit an offence or suicide and shall not extol crime."



- Article 211 (1) of Act No. 2015-07, which provides that: “No one may use the press or audiovisual means of communication to incite hatred, violence, xenophobia, gender-based discrimination, tribalism or regionalism.”
- Article 229 (2) of Act No. 2015-07, which provides that: “Programmes that undermine public morality or that extol or celebrate crime, ethnocentrism, regionalism, slavery or violence are prohibited.”
- Article 273 (2) of Act No. 2015-07, which provides that: “Insults aimed at a group of persons belonging to a particular race, ethnic group or region, by virtue of their origin, or to a given religion or philosophical movement or community for the purpose of inciting hatred among citizens or residents is punishable by a fine of CFAF 10 million.”

87. Various other Beninese legal provisions also condemn incitement to racial hatred along similar lines, including:

- Article 7 of Act No. 2017-20 of 13 June 2017 establishing the Digital Code of the Republic of Benin, which provides that:

The principles of equal treatment, non-discrimination of operators and transparency of procedures must be respected by all administrative authorities, including the Regulatory Authority, including in the context of procedures applicable to legal regimes governing electronic communications activities in the Republic of Benin. The Regulatory Authority is prohibited from adopting any discriminatory measures or provisions, including measures based on the nationality or origin of operators, their shareholders or their managers. The administrative authorities shall ensure that operators have access to schemes in accordance with the rules of free competition.

- Act No. 2014-022 of 30 September 2014 on Digital Broadcasting in the Republic of Benin
- Act No. 2002-07 of 24 August 2004 establishing the Personal and Family Code
- The Code of Ethics of the Beninese Press of 24 September 1999
- The Criminal Code, which defines various offences related to incitement to racial hatred and violence in all their forms and makes them punishable by severe penalties. For example, article 281 of the Criminal Code provides that:

Any person who publicly undermines, whether in a speech, in writing, in a statement or in a religious sermon, the symbols, values and representations of the State, the Nation, the Republic, traditions, ethnic groups or any organized and legally constituted community will be punished by a prison sentence of 5 to 10 years and a fine of CFAF 2 million to 20 million.

- Further examples can be found in articles 706 and 707 of the Criminal Code.

88. The authorities frequently take steps to peacefully resolve conflicts between Fulani herders and farmers. In that connection, a bill has been proposed to replace the now obsolete Act No. 87-013 of 21 September 1987 on Grazing, Livestock and Transhumance.

89. Regarding the measures taken to prohibit public authorities from inciting or encouraging manifestations of racial superiority, Benin adopted Act No. 2018-31 of 9 October 2018 establishing the Electoral Code of the Republic of Benin, which contains provisions on the organization of gatherings in the context of election campaigns.

90. Furthermore, article 5 of Act No. 2018-23 of 17 September 2018 establishing the Charter of Political Parties of the Republic of Benin imposes an important obligation on political parties:

Political parties must, in their programmes and activities, proscribe intolerance, regionalism, ethnocentrism, fanaticism, racism, xenophobia and incitement and/or recourse to violence in all its forms. No political party may be established or conduct activities on the basis of or with aims related to sectarianism or nepotism, adherence to one single religion, philosophical current, linguistic group or region, restriction to

one sex or one ethnic group, professional status, or membership of a development association or non-governmental organization.

## **Article 5: Protection against racial discrimination**

### **A. Right to equal treatment**

91. Pursuant to article 26 of the Constitution, Benin has adopted legislation that protects the right of all persons to equality before the law, irrespective of their origin, race, sex, religion, political opinion or social status.

92. The Criminal Code, the Code of Criminal Procedure, the Code of Civil, Commercial, Social, Administrative and Accounting Procedure and the laws governing the organization of the judicial branch promote the equal treatment of all persons before the courts.

93. Measures are being taken to facilitate access to justice. The distribution of judicial services in Benin has been revised, with 14 out of 28 planned new courts up and running. Various other courts, including the Commercial Court of Cotonou and at least three child-friendly courts, have been established and are already operational. Commercial courts of appeal are also being established.

94. However, difficulties in implementing this constitutional requirement persist. For example, the geographical reach of courts, judges and judicial officials is regrettably still inadequate, which affects the ratio of judges to the population. To meet these challenges, a programme has been launched to promote the recruitment of judges, court clerks and judicial officials and to put new courts into service.

### **B. Right to security of person and protection by the State against violence or bodily harm**

95. Articles 15 to 20 of the Constitution protect the right to security of person and enshrine the inviolability of the human person. The effectiveness of the protection provided by the State is evidenced in the various measures it has taken to ensure the peace of mind of citizens. For example, an act on preventing and punishing violence against women and girls has been adopted (Act No. 2011-26 of 9 January 2012 on the Prevention and Punishment of Violence against Women and Girls in the Republic of Benin); the phenomenon of mob justice, which had its roots in a lack of trust of the judicial system among the population, has finally been brought under control; and the public security forces have been reorganized into an efficient police force with a presence throughout the country. In addition, transhumance, which can give rise to infringements on security of person, is now regulated by State measures.

### **C. Political rights**

96. Political rights are protected under article 5 of the Constitution, which provides that: "Political parties contribute to the exercise of the right to vote. They are formed and carry out their activities freely under the conditions determined by the Charter of Political Parties. They shall respect the principles of national sovereignty, democracy, territorial integrity and the secularity of the State."

97. Article 13 (1) of the African Charter on Human and Peoples' Rights, which is an integral part of the Constitution, provides that: "Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law."

98. Article 2 of the Personal and Family Code provides that: "Political rights are acquired, retained and lost in accordance with the Constitution, laws and regulations."

## **D. Other civil rights**

### **1. The right to freedom of movement and residence within the borders of a State**

99. Under article 25 of the Constitution, all persons residing in Benin have the right to freedom of movement. The Government has taken various measures to reduce harassment on the highways.

100. The Constitutional Court has recalled the primacy of the freedoms of movement and residence in several of its decisions.

101. The provisions of the African Charter on Human and Peoples' Rights are applied in this area. Article 12 (1) of the Charter provides that: "Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law."

102. At the subregional level, Benin is a party to various treaties on the free movement of people and goods.

103. Article 25 (2) of the Constitution provides that: "Every individual has the right to leave any country, including his or her own, and to return to his or her country. This right may only be subject to restrictions provided for by law for the protection of national security, law and order, public health or morality."

### **2. The right to nationality**

104. Act No. 65-17 of 23 June 1965 establishing the Code of Dahomean Nationality governs the principle of nationality in Benin. A new nationality code is being considered by the National Assembly with a view to eliminating the gender-based discrimination with regard to nationality identified by the Constitutional Court as present in Act No. 65-17.

105. This gender-based discrimination does not concern the acquisition of nationality by women, but rather their ability, as a mother or wife, to transmit their nationality, on the same basis as men, to children born of a foreign father or to their foreign husband.

106. With regard to motherhood, article 8 of Act No. 65-17 provides that children born in Benin of a mother who was herself born in Benin, who have inherited Beninese nationality from their mother, may renounce Beninese nationality; however, under article 7 of the same Act, children born of a Beninese father in the same circumstances do not have this option. Given that nationality is not merely a right but an invaluable service that a sovereign State may offer to an individual, such a difference in treatment diminishes the power of women to transmit their nationality permanently and irreversibly, on the same basis as men.

107. The difference in treatment is starker when it comes to married women: while article 18 of Act No. 65-17 provides that a foreign woman married to a Beninese man may acquire Beninese nationality, there are no provisions allowing for a foreign man married to a Beninese woman to acquire Beninese nationality.

108. In Constitutional Court Decision No. 14-172 of 16 September 2014, the Constitutional Court ruled on the constitutionality of articles 8, 12 (2), 13 and 18 of Act No. 65-17. According to the Court, the articles in question "introduce, without justification, distinctions in the attribution or acquisition of Beninese nationality based either on birth in Benin, or on relationship by descent or marriage. Accordingly, they are discriminatory in that they infringe on the principle of equality between men and women."

### **3. The right to marriage and choice of spouse**

109. Book two, title one (arts. 113 et seq.) of the Personal and Family Code concerns marriage.

110. According to article 123 of the Personal and Family Code, "marriage may be contracted only between a man at least 18 years of age and a woman at least 18 years of age, unless the age requirement is waived for serious reasons by an order of the president of the court of first instance at the request of the public prosecutor". In accordance with this legal provision, marriages are celebrated without any discrimination.

111. Various awareness-raising programmes are being implemented in the education sector to combat prejudices and stereotypes that may constitute obstacles to marriage.

#### **4. The right to own property, alone as well as in association with others, and to inherit**

112. The Constitution affords all persons the right to own property. According to article 22: “Every person has the right to own property. No one may be deprived of his or her property except in the public interest and subject to fair and prior compensation.”

113. This right is realized through, inter alia, the application of the provisions of the Personal and Family Code relating to succession (arts. 588 et seq.).

114. Moreover, Act No. 2013-01 of 14 August 2013 establishing the Land (Private and State-owned) Code, as amended by Act No. 2017-15 of 26 May 2017, has brought about real change in terms of enhancing land tenure security through the:

- Establishment of new land management agencies (the National Estate and Land Agency, the Land Register and the Land Cadastre)
- Reform of the procedure for handling land disputes through the establishment of a pretrial phase, a new statute of limitations applicable to land matters and a new framework for the enforcement of judgments in such matters
- Development of new tools for proving ownership (a landownership certificate and a rural land certificate)
- Improvement of the way agricultural properties are managed, thanks to the national agricultural census

115. Through the “Millennium Challenge Account” land access project, the Government aims to promote gender equality in a new national policy by establishing mechanisms that allow for direct intervention on behalf of women in issues regarding rural land tenure.

116. However, the reality of social organization in certain areas has not yet been brought into line with the requirements of the law. Efforts are being made to raise awareness of the law in these areas to eliminate such discrimination.

#### **5. Right to freedom of thought, conscience and religion**

117. Article 23 of the Constitution protects these rights. The first paragraph of the article provides that: “Everyone has the right to freedom of thought, conscience, religion, worship, opinion and expression, subject to respect for public order, as established by the law and regulations. Worship and the expression of beliefs shall be carried out in a manner consistent with the secular nature of the State.”

118. The Constitutional Court has reaffirmed this principle of freedom of worship in the following terms: “No religious community may impose its religious beliefs or practices on another” (Constitutional Court Decision No. 08-008 of 17 January 2008).

#### **6. Right to freedom of opinion and expression**

119. Freedom of opinion and expression and freedom of the press have been reinforced over the period under consideration by the adoption of the Information and Communication Code.

120. The Code provides, inter alia, for:

- Decriminalization of press offences
- Access to administrative information for all citizens
- Protection of children and adolescents and respect for the human person
- Protection of privacy and the presumption of innocence
- The exclusive right to one’s own image and control of its use

121. Case law has further strengthened freedom of the press, opinion and expression in Benin.

122. For example, in its judgment No. 019/17-CH1. Civ. Mod of 22 May 2017, Cotonou Court of First Instance (a class one court) ordered the High Audiovisual and Communications Authority to pay the company Idéale Production SARL CFAF 50 million in damages in connection with a case involving the adoption of interim measures against the television channel SIKKA-TV.

## 7. Right to freedom of peaceful assembly and association

123. Article 25 of the Constitution establishes the principle of freedom of assembly.

124. Associations may be established through the submission to the Ministry of the Interior of a simple written statement along with their statutes, rules and regulations and a list of the founder members and the members of the executive body. They exercise their activities freely.

125. On 5 October 2016, the Government adopted Decree No. 2016-616, prohibiting the activities of student federations, unions, associations or umbrella organizations in all national universities. Following an appeal, the Constitutional Court, by its decision No. 17-065,<sup>2</sup> found this decree unconstitutional.

## 8. Economic, social and cultural rights

### (i) Right to work

General employment situation in Benin

126. Act No. 98-004 establishing the Labour Code, as amended by Act No. 2017-05 of 29 August 2017 establishing the conditions and procedure for recruitment and job placement, is the basic legal framework for labour relations.

127. Two sectors play a predominant role in Benin: the informal sector in urban areas and the agricultural sector in rural areas.

128. The table below shows the distribution of the labour force in terms of occupational category, place of residence and sex. It shows that there are more employees in urban than in rural areas, and that more men are employees than women. In urban areas, 28.6 per cent of economically active men are employees, compared to 10.1 per cent of women. In rural areas, the figures are 7.7 per cent and 3.4 per cent.

Table 1  
**Distribution of the employed labour force by occupational category, place of residence and sex in Benin in 2015**

Occupational category	Rural		Urban	
	Male	Female	Male	Female
Employees	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/Domestic workers	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, integrated modular survey on household living conditions, 2015.

129. Table 2 presents the distribution of the employed labour force by age and occupational category. It shows that the majority of young people between the ages of 15 and 24 are self-employed (59.8 per cent). Self-employed persons also constitute a high proportion (83.7 per cent) of adults between the ages of 25 and 64.

<sup>2</sup> A copy of the decision is annexed.

Table 2  
**Distribution of the employed labour force by age and occupational category in Benin in 2015**

Occupational category	Age group	
	15–24	25–64
Employees	10.0	14.0
Employers	0.9	1.8
Self-employed workers	59.8	83.7
Apprentices/Domestic workers	29.3	0.5
<b>Total</b>	<b>100.0</b>	<b>100.0</b>

Source: INSAE, integrated modular survey on household living conditions, 2015.

130. In the 25–64 age group, 83.7 per cent of workers are self-employed, compared to 59.8 per cent of workers in the 15–24 age group.

Table 3  
**Distribution of the employed labour force by growth pole and sex in 2010**

Activities	Male		Female		Total	
	Number of persons	Percentage	Number of persons	Percentage	Number of persons	Percentage
Agriculture	682 150	51.7	550 179	37.5	1 232 329	44.3
Cotton/textiles	58 120	4.4	68 786	4.7	126 906	4.6
Trade/logistics	234 635	17.8	533 879	36.4	768 513	27.6
Agrifood	9 416	0.7	39 590	2.7	49 006	1.8
Public works, construction and construction materials	74 153	5.6	4 456	0.3	78 609	2.8
Culture and tourism	39 011	3.0	176 518	12.0	215 529	7.7
Other industrial and craft activities	66 629	5.1	7 676	0.5	74 305	2.7
Other services	137 580	10.4	71 955	4.9	209 536	7.5
Undeclared	16 698	1.3	12 735	0.9	29 433	1.1
<b>Total</b>	<b>1 318 390</b>	<b>100.0</b>	<b>1 465 775</b>	<b>100.0</b>	<b>2 784 165</b>	<b>100.0</b>

Source: INSAE, integrated modular survey on household living conditions, 2010.

131. This table shows that, of the 2,784,165 employed persons, 1,232,329, or 44.3 per cent, work in agriculture, 126,906 work in cotton and textiles, 768,513 or 27.6 per cent work in trade and logistics and 215,529, or 7.7 per cent, work in cultural activities and tourism.

132. The gender breakdown in Table 3 shows that more than two thirds of employed persons, both men and women, work in agriculture and trade/logistics. In fact, 51.7 per cent of employed men work in agriculture and 17.8 per cent in trade/logistics, while the corresponding figures for women are 37.5 per cent and 36.4 per cent, respectively. Aside from agricultural activities, men work in public works, construction and the manufacture of construction materials, as well as in industrial and craft activities, which account for 5.6 per cent and 5.1 per cent of the employed labour force, respectively. Women work in cultural activities and tourism, which account for 12.0 per cent of the employed labour force.

## Public employment

133. The State is still the main employer in Benin. The public sector is composed of two categories of officials: permanent State employees and contractual State employees. The change in the number of these employees since the previous report is as follows:

Table 4  
Changes in the number of State employees by status

Year	Number of employees		Total
	Permanent	Contractual	
2008	35 022	12 153	47 175
2009	35 247	12 388	47 635
2010	35 434	15,670	51 104
2011	31 247	34 897	66 144
2012	29 274	41 201	70 475
2013	25 492	44 835	70 327
2014	24 076	44 965	69 041
2015	23 247	49 843	73 090

Source: Central Reference File, 2015.

134. Although this table shows that there has been a steady increase in the number of public sector workers in Benin, the administrative authorities are nonetheless faced with a shortage of all categories of staff. There are diverse reasons for this situation, including the freeze on recruitment for several years and the huge number of retirees. The following table shows the forecasted number of retirements during the period from 2016 to 2020.

Table 5  
Estimated number of retirements during the period from 2016 to 2020

Year	Permanent	Contractual	Total
2016	3 351	79	3 430
2017	2 703	105	2 808
2018	351	127	478
2019	258	162	420
2020	312	268	580
<b>Total</b>	<b>6 975</b>	<b>741</b>	<b>7 716</b>

Source: Central Reference File, 2015.

135. The process of transferring casual workers to public administration posts has greatly increased the number of employees since 2008.

136. An index point adjustment coefficient of 3.5 was applied to the salaries of higher education personnel and a coefficient of 1.25 was gradually applied to the salaries of other public administration employees.

## Specific measures to promote youth employment

137. Specific measures have been taken to promote youth employment. These include programmes implemented by the State through:

- The National Agency for the Promotion of Employment
- Easier access to credit facilities and the “Microcredit for the Poorest” programme
- The National Fund for the Promotion of Youth Enterprise and Employment

- The creation of a National Corps of Young Volunteers for Development in the Republic of Benin

138. Thanks to the implementation of these various measures, in 2016 the National Agency for the Promotion of Employment:

- Renewed its collaboration with 6,494 trainees from the class of 2015
- Recruited approximately 2,000 trainees to benefit from its programmes
- Set up nine business promotion centres, which serve as resource centres dedicated to employment
- Transformed three business promotion centres into incubation centres to house approximately 200 companies for two years

139. On 17 April 2014, the guaranteed minimum wage was raised by 26.48 per cent from CFAF 31,625 to CFAF 40,000.

#### Trade union rights

140. On 3 August 2016, the Government, employers and trade unions signed the National Charter on Social Dialogue. This instrument is intended, inter alia, to prevent and manage social conflicts in accordance with legislation, regulations and collective agreements; to strengthen the democratic process; to achieve good governance within the public administration; to maintain social peace and social unity; and to promote labour relations in services, enterprises and establishments.

141. In addition, there is a National Commission for Consultation and Collective Bargaining between the Government and trade union organizations.

142. Furthermore, a sectoral committee for social dialogue has been established and made operational within each ministry.

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

#### Social security

144. The Social Security Code provides protection to everyone. The social security system is managed by the National Social Security Fund and ties the concept of social security to the status of worker (wage-earning or otherwise).

145. The improvement of living conditions is a priority of the Government Action Programme for 2016–2021. As part of this initiative, there are plans to introduce an insurance scheme to be known as the Insurance for the Strengthening of Human Capital. In addition, the Programme provides for the creation of a mechanism for protection of the poorest and most vulnerable people, with the ultimate goal of providing 4 million Beninese with coverage under the universal health insurance system.

146. There are also plans to improve employment support services with the help of a one-stop-shop approach.

#### (ii) *Right to form and join trade unions*

147. On 3 August 2016, the Government, employers and trade unions signed the National Charter on Social Dialogue. This instrument is intended, inter alia, to prevent and manage social conflicts in accordance with legislation, regulations and collective agreements; to strengthen the democratic process; to achieve good governance within the public administration; to maintain social peace and social unity; and to promote labour relations in services, enterprises and establishments. In addition, there is a National Commission for Consultation and Collective Bargaining between the Government and trade union organizations.

148. Furthermore, a sectoral committee for social dialogue has been established and made operational within each ministry.



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

(iii) *Right to housing*

150. Numerous initiatives have been undertaken by the public administration to promote access to housing. These include the construction of social housing in places such as Ouédo, Lokossa and Parakou. Another example is the adoption of Act No. 2018-12 on the Legal Regime Governing Residential Leases in the Republic of Benin.

151. This law lays down the general rules for the signing and execution of rental contracts, deposits and other guarantees, the obligations of the lessor and the lessee, the assignment and transfer of the lease and subletting of the leased space, and the termination of the contract.

(iv) *Right to public health, medical care, social security and social services*

Physical and mental health

152. The system is managed by the Ministry of Health, which is responsible for implementing the Government's health policy. To that end, it launches health initiatives, plans their implementation and coordinates and monitors the fulfilment of the specified tasks.

153. At the national level, the health infrastructure consists of:

- National University Hospital Centre
- Lagoon Mother and Child University Hospital Centre
- National Pulmonology and Tuberculosis Hospital Centre
- National Neuropsychiatric Hospital Centre

154. At the regional level, national health policy is implemented by the departmental health offices, whose activities are in line with the central strategy.

155. There are five departmental hospitals in the departments of Ouémé, Borgou, Atacora, Zou and Mono. The National University Hospital Centre serves, alongside its national role, as the departmental hospital in Littoral.

156. At the local level are the health zones, which are the most decentralized operational entities of the Beninese health-care system. A health zone is composed of a network of primary care services: village health units, maternity clinics and dispensaries, health centres and private health-care facilities, all of which are supported by a public or private first-referral hospital (zone hospital) designed to serve an area with between 100,000 and 200,000 inhabitants.

157. There are currently 34 health zones. The strategy facilitates the provision of viable and high-quality services while promoting decentralization, community participation and public-private partnerships.

158. Under the National Health Development Plan: Benin 2009–2018, 66 per cent of households have access to a health-care facility within a radius of 5 km.

159. With regard to access to first-referral health-care facilities, more than 50 per cent of the population have access to a referral hospital in case of need. Nevertheless, 13 per cent of the population still live more than 30 km from a referral hospital. Most rural communities do not have a hospital within 5 km.

Availability of health-care personnel (doctors, nurses, midwives)

160. Health-care coverage remains insufficient owing to high population growth. Numerous efforts are under way to improve the situation through the recruitment of staff, the provision of technical facilities and an increase in the budget allocated to the Ministry of Health.

#### Major infections and recurring diseases

161. Malaria and acute respiratory infections are still the main causes of morbidity and mortality. They are followed by anaemia, which can have infectious and nutritional causes.

162. In recent years, the Lassa and Ebola viruses have also emerged.

163. Malaria is the most widespread disease in Benin; the percentage of consultations due to malaria was 40.6 per cent in 2014 and 2013 and 41.4 per cent in 2012. It is followed by acute respiratory infections (12.9 per cent in 2014, 13.3 per cent in 2013 and 12.3 per cent in 2012). Gastrointestinal infections affected only 6.6 per cent of patients in 2014, 6.8 per cent in 2013 and 6.5 per cent in 2012.

164. The State and non-governmental organizations are stepping up their public awareness-raising actions, along with the free distribution of insecticide-treated mosquito nets.

165. Material and financial measures have led to a significant decline in infectious diseases such as leprosy and onchocerciasis and the eradication of dracunculiasis.

166. Despite these satisfactory results, the fight against malaria still presents a major challenge. An Accelerated Malaria Control Plan has been launched with the aim of reducing the number of deaths due to malaria by 50 per cent by 2025 (by 30 per cent between 2010 and 2015 and by 20 per cent between 2015 and 2025). It is hoped to achieve similar reductions in the morbidity rate and the socioeconomic impact of malaria by 2025.

#### Reduction in the cost of health-care services

167. A number of organizational reforms of the health sector have been implemented since 2010. They include:

- Reform of the Essential Medicines Purchasing Centre
- The Universal Health Insurance Scheme/promotion of mutual insurance associations
- Issuance of contracts/results-based management
- Decentralization/devolution in the sector
- Practical arrangements for the construction of a modern regional referral hospital
- Free caesarean sections

168. The purpose of these various measures taken by the Government is to facilitate and promote the good health of the entire population, especially the most disadvantaged sectors.

169. The Universal Health Insurance Scheme enables the population, especially disadvantaged sectors, to benefit from lower-cost health-care services. The initial experiment targets only part of the population. The Government is planning to improve this programme through the Insurance for the Strengthening of Human Capital project, whose first phase was initiated in January 2019.

170. The free caesarean section initiative was launched by the Government to alleviate medical expenses for women who require surgery to give birth. A total of 44 hospitals throughout the country have been designated for the purpose. All the country's departments are covered by the measure: 11 of the hospitals are in Atlantique-Littoral, 6 in Ouémé-Plateau, 6 in Mono-Couffo, 5 in Zou-Collines, 6 in Atacora-Donga and 10 in Borgou-Alibori.

171. However, the system needs to be improved to enable mothers who have had a caesarean section to receive further treatment after the operation in the event of complications.

#### Right to education and training

172. The commitment of Benin to making education accessible for all is gradually being fulfilled. The State and several private institutions are working to give effect to the right to education.

173. Accordingly:

- The Ten-year Development Plan for the Education Sector: Stage 3 (2013–2020), including a detailed study of the education system, has been adopted and describes a variety of prospects.
- The policy of free schooling continues. It has been extended for secondary education up to the first year of upper secondary school. Moreover, in technical education and vocational training, the State covers two thirds of the fees payable by girls.
- The Government has streamlined higher education establishments, changing the structure of the university system. The number of public universities was reduced from seven in 2015/16 to four at the beginning of the 2016/17 academic year, to ensure the rational and efficient management of available resources and the provision of high-quality education. An approved list of private universities has been drawn up and published.

174. At the academic level, reforms have made it possible to approve several training programmes run by private higher education institutions.

175. Skills-based programmes have been introduced in the education system and enable students to participate actively in lessons and thereby gain a better understanding of the concepts taught. The programmes are thus intended to help students acquire and incorporate knowledge and skills that can be applied in their daily lives.

176. The National Education Council ensures compliance with education standards. By decision of the Council of Ministers on 11 May 2016, the Government decided to set up a technical committee to implement and monitor reforms concerning the administration of the education system.

177. The Beninese education system consists of four main cycles: nursery, primary, secondary (general and technical) and higher education.

178. Primary education has the largest number of students and comprises, in principle, all children aged between 6 and 11 years, in accordance with national legislation.

179. The table below provides information on performance in primary education by gender.

Table 6  
Performance indicators by gender for primary education 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
Dropout rate	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:* Office of Programming and Planning/Ministry of Primary and Secondary Education; Office of Programming and Planning/Ministry of Secondary Education, Technical and Vocational Education, Retraining and Youth Integration; Office of Programming and Planning/Ministry of Preschool and Primary Education (B: boys; G: girls; T: total).

180. The secondary education system (general lower secondary schools and upper secondary schools) covers almost the entire country.

181. During the period under review, the Government has increased provision by building school infrastructure and recruiting and training teachers.

182. Technical education is part of vocational training. Its fundamental aim is to promote students' employability and employment prospects.

183. Technical education includes seven different programmes:

- Industrial science and technology
- Administration and management
- Agricultural science and technology
- Medical and social science and technology
- Applied social science, tourism and hotel management

184. The action taken during the period can be summed up as a renewal of government interest in technical education and vocational training with the establishment of new agricultural and industrial technical secondary schools, the provision to these schools of teaching materials, administrative personnel and teachers, and the adoption of incentives to encourage students.

185. Vocational training includes courses leading to qualifications and skills training. It takes place in vocational training centres based in public and private secondary schools. Training centres for dressmaking and hairdressing are the most prevalent throughout the country. The major action taken in this training sector in recent years is the organization of the vocational qualification certificate examinations since 2013, as indicated in the table below:

Table 7  
**Statistics for vocational qualification certificate examinations (2013–2015)**

<i>Year</i>	<i>Registered</i>	<i>Attended</i>	<i>Passed</i>	<i>Percentage</i>
October 2013 session	1 190	1 188	1 143	96.21 %
April 2014 session	2 780	2 777	2 326	83.75 %
October 2014 session	2 802	2 800	2 574	91.00 %
April 2015 session	3 997	3 992	3 863	96.76 %

*Source:* Directorate of Examinations and Competitions, 2016.

186. With respect to higher education, pursuant to a resolution adopted by the African and Malagasy Council for Higher Education in 2006 and a directive issued by the West African Economic and Monetary Union in 2007, Benin has embarked on the reconfiguration of university curricula and the organization of universities and schools according to the bachelor's/master's/doctorate academic model.

187. The need to provide better training to students on courses in public administration led the Government to give the exclusive right to teach such courses to the National Civil Service and Judiciary Training School. The Government has also promoted the establishment and decentralization of other courses. The following table shows the situation of higher education establishments during the period from 2009 to 2016.

Table 8  
**Number of institutions in terms of status from 2009/10 to 2015/16**

<i>Academic year</i>	<i>2009/10</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>	<i>2015/16</i>
Public universities	2	2	2	2	4	4	7
Private universities	7	7	7	7	7	7	7
Public university institutions	33	37	38	39	58	58	58
Private university institutions	35	35	35	35	36	36	36
Private higher education centres	64	69	74	82	88	93	93
Private university institutions and private higher education centres	99	104	109	117	124	129	129

*Source:* Office of Programming and Planning /Ministry of Higher Education and Scientific Research.

## **Article 6: Right of victims to a remedy**

188. The third paragraph of article 3 of the Constitution provides that “Every citizen has the right to bring proceedings before the Constitutional Court against laws, regulations and acts that he or she believes to be unconstitutional.”

189. With respect to remedies, Benin has both judicial and non-judicial mechanisms.

190. The judicial mechanisms include the conciliation courts, courts of first instance, courts of appeal, the Supreme Court and the Constitutional Court.

191. The non-judicial mechanisms include the Office of the Ombudsman, the Benin Human Rights Commission and other non-formal mechanisms.

192. Citizens whose rights have been violated are able to use one of the mechanisms put in place.

193. The Constitutional Court effectively exercises the powers it has been granted under the Constitution. It regularly rules on human rights cases brought before it by citizens. It produces a wealth of case law on human rights and other matters falling within its competence, which is issued in the form of compendiums and available on the Internet. The constitutional reviews it carries out are effective and lead to different kinds of decisions. The Constitutional Court is now in its fourth five-year term and enjoys great authority in Benin.

194. In addition to their freedom to apply to the courts to have the rights to which they are laying claim upheld, citizens may bring a case before the Constitutional Court concerning any fact or legal situation alleged to constitute a human rights violation.

195. The Office of the Ombudsman receives complaints from members of the public about the operation of central and local government authorities and public institutions and studies them in order to provide fair solutions. The Office makes suggestions to the Head of State aimed at the normal functioning and efficiency of public services. It makes a general contribution to improving the rule of law and administrative governance.

196. A legal aid mechanism to facilitate access to justice is currently being established.

197. Articles 345 and 424 of the Code of Criminal Procedure make clear that French is the usual language of proceedings but that interpretation may be necessary.

198. Article 772 of the Code provides that arrested persons must be informed in a language they understand of the reasons for their arrest and that they will be brought before a judicial authority within five days.

## **Article 7: Education and information on the prohibition of racial discrimination**

199. The determination of Benin to honour its international human rights commitments is reflected in the country’s education policy. The right to education without discrimination is enshrined in articles 8, 12, 13 and 14 of the Constitution.

200. Both citizens and foreign nationals have access to education. There is no discrimination in the drafting or implementation of education policies and curricula.

201. No racial discrimination has been observed with respect to the enrolment and retention of students in the education system. The same applies to the recruitment, training and posting of teachers. The teaching staff includes teachers who are foreign nationals.

202. New curricula have been designed and the old ones reviewed to eliminate stereotyping of girls and boys.

203. Regarding infrastructure, many primary and secondary schools have been built and made operational throughout the country in recent years.

204. The university system has also undergone significant changes.

205. The formal education system is also open to private institutions, both secular and faith-based. These private education institutions are subsidized.

206. Benin also encourages foreign communities present in the country to put in place and promote the curricula of their countries of origin, under the conditions established by law. For example, the French, Chinese and Lebanese communities have education institutions that teach the curricula of their education system of origin.

207. Foreign students enrol in national universities on the same footing as Beninese nationals.

208. The following table illustrates the numbers of students in education between 2011 and 2015.

Table 9  
Changes in numbers of students (in figures and as a percentage)

<i>Education cycle</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>
<b>Preschool</b>	<b>109 449</b>	<b>110 671</b>	<b>118 403</b>	<b>128 703</b>	<b>151 732</b>
Public	81 001	82 586	91 831	96 428	103 262
Private	28 448	28 085	26 572	32 275	48 470
Percentage of total	26.0 %	25.4 %	22.4 %	25.1 %	31.9 %
<b>Primary</b>	<b>1 850 658</b>	<b>1 987 182</b>	<b>2 064 031</b>	<b>2 133 330</b>	<b>2 238 185</b>
Public	1 580 064	1 661 380	1 713 226	1 739 060	1 743 431
Private	270 594	325 802	350 805	394 270	494 754
Percentage of total	14.6 %	16.4 %	17.0 %	18.5 %	22.1 %
<b>General secondary (first cycle)</b>	<b>530 767</b>	<b>599 083</b>	<b>643 172</b>	<b>661 684</b>	<b>704 646</b>
Public	446 432	499 213	542 329	588 446	608 740
Private	84 335	99 870	100 843	73 238	95 906
Percentage of total	15.9 %	16.7 %	15.7 %	11.1 %	13.6 %
<b>General secondary (second cycle)</b>	<b>168 334</b>	<b>195 210</b>	<b>203 156</b>	<b>211 406</b>	<b>237 043</b>
Public	131 053	150 037	158 173	178 857	191 172
Privates	37 281	45 173	44 983	32 549	45 871
Percentage of total	22.1 %	23.1 %	22.1 %	15.4 %	19.4 %
<b>Technical secondary (first and second cycles)</b>	<b>24 101</b>	<b>21 458</b>	<b>20 723</b>	<b>21 915</b>	<b>25 213</b>
Public	9 715	10 498	11 004	12 403	17 345
Private	14 386	10 960	9 719	9 512	7 868
Percentage of total	59.7 %	51.1 %	46.9 %	43.4 %	30.6 %
<b>Higher</b>	<b>99 005</b>	<b>93 246</b>	<b>110 147</b>	<b>132 190</b>	<b>125 616</b>
Public	74 030	79 839	97 148	109 270	95 318
Private Numbers	24 975	13 407	12 999	22 920	30 298
Percentage of total	25.2 %	14.4 %	11.8 %	17.3 %	24.1 %
<b>Vocational and professional training centres</b>	<b>4 167</b>	<b>4 723</b>	<b>1 939</b>	<b>1 758</b>	<b>3 934</b>
Public	871	855	803	728	2 120
Private	3 296	3 868	1 136	1 030	1 814
Percentage of total	79.1 %	81.9 %	58.6 %	58.6 %	46.1 %
<b>Literacy classes</b>	<b>56 928</b>	<b>52 611</b>	<b>48 779</b>	<b>32 352</b>	<b>65 613</b>
Initial literacy	37 796	<b>52 611</b>	31 294	16 132	23 086
Post-literacy	19 132		17 485	16 220	42 527

<i>Education cycle</i>	<i>2010/11</i>	<i>2011/12</i>	<i>2012/13</i>	<i>2013/14</i>	<i>2014/15</i>
<b>Alternative education</b>		<b>582</b>	<b>2 638</b>	<b>3 838</b>	<b>4 490</b>
Barka centres		<b>582</b>	1 321	1 952	2 154
Accelerated learning programme		-	1 317	1 886	2 336
<b>Sports training centres</b>			<b>500</b>	<b>625</b>	<b>1 290</b>

*Source:* Offices of Programming and Planning for the education ministries (2015).

209. In general, the number of students in almost all cycles of formal and non-formal education increased between 2010/11 and 2014/15. The largest increases were in preschool education, in which the number of students increased by 39 per cent during the period to reach 151,732 students in 2015. The numbers of students in general secondary and higher education increased by 35 per cent and 27 per cent, respectively, to reach an estimated 941,689 students and 125,616 students in 2015. However, 2015 saw a break in the upward trend for the number of students in higher education observed between 2011 and 2014, when the number of students reached a peak of 132,190.

210. Non-formal education is based on:

- (i) Apprenticeships in the workplace for various trades
- (ii) Alternative forms of education, generally aimed at helping students over the school starting age to catch up with their schooling or learn a trade. The teaching of the basic knowledge needed for school or of a trade gives students a choice between returning to school or continuing to learn their chosen profession. This is the experience of the accelerated learning programmes and the Barka centres established under the Project to Support the Education of Children Outside the Education System
- (iii) Farming and business training (offered by the Songhai Centre based in Porto-Novo, with branches in other parts of the country).

#### *Language policy in education*

211. In accordance with article 8 of Act No. 2003-17 of 11 November 2003 on National Education Policy, education is provided mainly in French, English and the national languages.

212. There is a directorate responsible for literacy, which works towards the revitalization, revaluation and promotion of national languages.

213. As part of the ongoing decentralization of Benin since 2003, article 99 of Act No. 97-029 of 15 January 1999 on the Organization of Municipalities requires municipalities to promote national languages for use in written and oral form.

214. More practically, in accordance with article 874 of Act No. 2002-07 on the Personal and Family Code, the use of national languages is allowed on a provisional basis in handwritten wills; however, these must subsequently be drafted in French, the country's official language, by the drafting officer, who writes or dictates them. Article 874 provides that: "A handwritten will may be drafted in a language other than French. It shall be null and void if it is found that the testator was illiterate or did not know the language in which the will was drafted and copied writing of whose meaning he or she was unaware" and article 877 adds: "The will may be dictated in a language other than French, if the recording officer and the witnesses understand that language. It shall then be drafted in French by the drafting officer, who writes it or dictates it."

## **Conclusion**

215. Benin has several different ethnic groups. The social relations between its patchwork of ethnicities are good, despite some apparent ethnic divisions and discord.

216. No public policy has been developed or implemented with the intention of discriminating against any ethnic group. Measures are constantly being taken to ensure that everyone can exercise his or her rights on the basis of fairness and equality.

217. However, there are still challenges that must be addressed in order to combat all forms of racial discrimination effectively.

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