



Economic and Social Council

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Committee on the Economic, Social and Cultural Rights Pre-sessional Working Group

List of issues concerning the third periodic report of Benin*

I. General information

1. Please provide examples of judicial decisions in which the provisions of the Covenant are cited.
2. Please provide information on the measures taken by the State party to ensure that the Benin Human Rights Commission has the human and financial resources necessary to fulfil its mandate in an independent manner and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Right to dispose freely of natural wealth and resources (art. 1 (2))

3. Please indicate what remedial measures have been taken by the State party to address the negative impact of the exploitation of natural resources, such as the extraction of gravel in the South-West region and industrial fishing in the coastal region, on the exercise of the economic, social and cultural rights of the communities concerned and to ensure the participation of those communities in decisions that have an impact on their access to natural resources.

Obligation to take steps to the maximum of its available resources (art. 2 (1))

4. Provide information on trends over the past 10 years with respect to the following:
 - (a) The share of public expenditure funded through taxes;
 - (b) The rates of tax on company profits and personal income, the rate of value added tax (VAT) (excluding VAT on luxury goods, tobacco, alcohol, sugary drinks, meals and fuel), and the percentage of total revenue that comes from tax levied on the income of the richest 10 per cent of the population;
 - (c) The level of public expenditure, as a percentage of gross domestic product, and the share of total public expenditure allocated to cover social priorities (education, food, health, water and sanitation, and housing);

* Adopted by the Pre-sessional Working Group at its sixty-fourth session (11–15 March 2019).



(d) The level of public expenditure allocated to cover these social priorities, in absolute figures, adjusted for inflation, with an indication of the resources freed up by debt relief measures.

5. With reference to paragraph 10 of the State party's third periodic report (E/C.12/BEN/3), please provide information on the mechanisms established to increase public spending by the decentralized services of the sectoral ministries and to balance State expenditure between the central and local authorities. Please provide information on the effectiveness of those mechanisms.

6. Please provide information on how the legal framework for combating corruption is working, including on cases of corruption and prosecutions involving senior State officials and the impact of the activities undertaken by the National Anti-Corruption Authority to which reference is made in paragraph 6 of the State party's report. Please provide information on the measures adopted to promote transparency in that regard.

Non-discrimination (art. 2 (2))

7. Provide figures, in percentages, on the equipment and services that are available or supplied to the public and that are accessible to persons with disabilities. Please indicate how effective the measures taken to eliminate barriers to accessibility have been.

8. Please provide information on the measures taken to eliminate the various forms of discrimination faced by persons with albinism, particularly with regard to the stereotypes and beliefs that, on the one hand, stigmatize them and are at the root of harmful practices, such as ritual killings, dismemberment and the use of their body parts for the purposes of witchcraft and, on the other hand, represent de facto obstacles to the exercise of their economic, social and cultural rights.

Equal rights for men and women (art. 3)

9. On the subject of equal rights for men and women, please provide information, including statistics if possible, on:

(a) The impact that the decisions of the Constitutional Court of Benin concerning Act No. 65-17 of 23 June 1965 and articles 336 to 339 of the Criminal Code, as mentioned in paragraph 12 of the State party's report, have had on the effective realization of equality for men and women;

(b) The implementation of the provisions of the Personal and Family Code that are intended to ensure men's and women's equal access to landownership and the right to housing, particularly in the framework of inheritance.

III. Issues relating to the specific provisions of the Covenant (arts. 6 to 15)

Right to work (art. 6)

10. Please explain to what extent Act No. 2017-05 of 29 August 2017, in particular articles 13 and 60 of the Act, provides for proper safeguarding of workers' rights in terms of job security and stability.

11. Please provide information, together with supporting data, on the measures taken, and the effectiveness of those measures, to guarantee equal access to employment for:

- (a) Rural and urban populations
- (b) Men and women
- (c) Persons with disabilities

12. Please provide information, together with supporting data, on the impact of the measures listed in paragraph 25 of the State party's report that were taken to address the problem of precarious employment for young people, guarantee them decent work in the

public and private sectors and address the issue of youth unemployment, especially in the case of young women.

Right to just and favourable conditions of work (art. 7)

13. Please describe the measures that the State party intends to take to provide for effective criminal or administrative penalties for abusive employers and to foster effective protection for migrant workers and their family members against violence, threats, intimidation, xenophobia and discrimination, including by amending the Criminal Code.

14. With reference to paragraph 37 of the State party's report, please state whether the guaranteed minimum wage is sufficient to allow workers and their families to live decently. Please indicate what measures are foreseen, if any, to increase the minimum wage in order to guarantee a decent standard of living. Please describe to what extent public and private sector employers comply with the minimum wage requirement in practice.

15. With regard to paragraphs 38 and 39 of the State party's report, please provide information, together with supporting data, on the measures and effectiveness of measures adopted by the State party to reduce the incidence of work-related accidents and occupational illnesses, including those taken to address the problem of non-compliance with prescribed prevention measures. Provide information on legislative, policy and other measures instituted to improve safety and health at work, particularly with regard to ensuring that labour inspection measures are taken in all workplaces.

Trade union rights (art. 8)

16. With reference to paragraph 41 of the State party's report, please provide information on the guarantees established to ensure, in law and in practice, the unrestricted right to form a trade union and to strike without any risk of reprisals. Please also provide statistics on the impact of action taken to apply the guarantees provided for in the National Charter of Social Dialogue. Lastly, please describe how the amendments made to Act No. 2001-09 by Acts Nos. 2018-34 and 2018-01 are compatible with the exercise of the right to strike, as provided for in article 8 of the Covenant.

Right to social security (art. 9)

17. Please provide information on the progress made towards establishing a social security system which, based on the legislative framework described in paragraphs 45–47 of the State party's report, includes social protection floors and guarantees universal coverage. Please provide statistics on the number of older persons who do not receive a pension and the number who receive other forms of social assistance. Please indicate to what extent the Universal Health Insurance Scheme guarantees universal access to all basic medical services and supply supporting statistics, disaggregated by sex and age. Please identify groups, if any, that are not covered by the scheme.

Protection of the family and children (art. 10)

18. With regard to child labour and child trafficking, please provide updated information on:

(a) The prevalence of child labour in the State party, including disaggregated statistics and information, with supporting statistics disaggregated by age and sex, on the results of measures taken to eliminate child labour. Include information on the National Plan of Action to Prevent and Eliminate the Worst Forms of Child Labour (2012–2015) and the Cooperation Agreement between the Government of the Republic of Benin and the Government of the Republic of the Congo on Combating Child Trafficking that was signed on 20 September 2011 and is intended to eliminate child labour and offer better protection to children and adolescents;

(b) The impact that the “child-friendly courts” in two jurisdictions have had on the prevention of child labour since they were established in 2014;

(c) The penalties for those who exploit child labour or relatives who employ children, with examples of court decisions in which convictions have been handed down to those who have put minors to work.

Right to an adequate standard of living (art. 11)

19. In the light of the increase in the incidence of poverty, to which reference is made in paragraph 7 of the State party's report, please describe the measures taken to ensure that the significant increase in gross domestic product per capita in the State party is translated into an adequate standard of living for the entire population, including the most disadvantaged groups.

20. With reference to paragraphs 50 to 52 of the State party's report, please provide statistical information on the prevalence of malnutrition in the State party over the past decade and on the measures taken – and the impact of those measures – to guarantee an adequate supply of food. Please include statistics, disaggregated by region, age and gender, among other criteria.

21. Please provide information on specific measures that the State party has taken, including the establishment of social housing programmes, the regulation of rental accommodation and the adoption of the Code on Private and State-owned Land, as mentioned in paragraphs 59 to 61 of the State party's report, to ensure access to adequate housing for all, particularly disadvantaged persons and families living in unsanitary shanty towns. Please indicate the impact of such measures. Please provide statistics, disaggregated by sex, age, ethnic origin and health status, among other criteria, concerning homeless persons in the State party. Describe the measures taken to guarantee the right to adequate housing for these persons and the impact of such measures.

22. With reference to the information set out in paragraphs 53 to 57 of the State party's report, please provide updated information on the measures taken by the State party to guarantee access to drinking water and sanitation, particularly in rural areas and informal housing settlements, and on the impact of those measures. Please provide information on the outcome of measures taken to curb the practice of open defecation, namely action to improve hygiene awareness among the population and to develop sanitation infrastructure that permits the exercise of the right to water and sanitation, in particular in areas of substandard housing.

Right to physical and mental health (art. 12)

23. Please provide information on the measures taken to prevent mismanagement of domestic waste and pesticide misuse from having an adverse effect on health and on the impact of those measures.

24. With reference to paragraph 80 of the State party's report and article 12 of the Covenant, please indicate to what extent the State party is able to implement the Accelerated Malaria Control Plan and eradicate malaria, in line with target 3.3 of the Sustainable Development Goals.

25. With regard to access to care and the utilization of medical services, please provide updated information on:

(a) Maternal and infant mortality rates and their causes and the impact of measures taken by the State party to address the issue, particularly in rural areas;

(b) The efforts and results of efforts undertaken by the State party to facilitate access by populations to health services. Please include statistics, disaggregated by region and sex, among other criteria;

(c) The measures taken or envisaged to address the decline in the utilization of health services, particularly in the departments of Couffo, Plateau and Collines;

(d) The prevalence of albinism in the State party and the specific medical assistance measures put in place by the State party to respond to the health needs of persons with albinism, in particular to prevent skin cancer, a disease to which these persons are

highly vulnerable, and to sensitize the population to this genetic condition so as to combat prejudices and mistaken beliefs about the condition;

(e) The measures taken by the State party to make information available to the public with regard to public policy on drugs and on the health-care services available for drug users.

26. With regard to the right to sexual and reproductive health and with reference to paragraphs 86 and 87 of the State party's report, please provide updated information on:

(a) The efforts made by the State party to give women and girls access to reproductive health services and prenatal visits, including in rural areas, and access to proper medical care during pregnancy and during and after childbirth, and the impact of those efforts;

(b) The impact of access to free caesarean sections on the mortality rate among pregnant women nationwide;

(c) The measures taken or planned to improve access to antiretroviral therapies and the measures in place to reduce HIV infection rates and prevent new infections, especially through mother-to-child HIV transmission.

27. Please describe the progress made with respect to the specific targets set out in the Benin Health Development Plan, such as the review of existing legislation on mental health by the end of 2009 and the establishment of three functioning public and/or private centres to care for persons with "mental health conditions", "drug addiction issues", "mental impairments" or "senile dementia" by 2018.

28. Please provide information on the practice of female genital mutilation in the State party and on the measures taken to fully eradicate that practice and the impact of those measures.

Right to education (arts. 13 and 14)

29. Please provide updated statistics on school enrolment rates and the measures taken – and the impact of those measures – to progressively guarantee universal school education and the completion of primary education, particularly for working children, children living in rural and remote areas and children with disabilities or albinism. Please also explain why the completion rate is higher among boys than girls and provide updated information on the measures taken, and the impact of those measures, to achieve gender parity in school enrolment and the completion of studies at all levels of education. In that connection, please indicate the measures taken to tackle the sociocultural stereotypes that impede girls' access to and full integration in the education system, and the impact of those measures.

30. Please provide information on the measures taken, and their impact, to ensure that primary education is free of charge in practice, including by addressing the associated costs that are currently borne by schoolchildren's families. Please provide information on the measures taken, including the resources allocated, to address the shortages of classrooms and furniture in public schools and to ensure that sanitary facilities are provided in all schools.

31. Please provide information on the impact of measures instituted to reduce illiteracy in the State party. Please include updated statistics, disaggregated by sex, age and ethnic affiliation, on the number of persons who are illiterate.

Cultural rights (art. 15)

32. Please provide information on the measures taken by the State party to promote and protect the linguistic and cultural heritage of Benin.

33. Please provide information on the measures taken, and their impact, to facilitate access to the fields of science and technology, in particular in schools and for girls and women in the State party.