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## Economic and Social Council

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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### implementation of the international covenant on economic, social and cultural rights

#### consideration of reports submitted by states parties in accordance with article 16 of the international covenant on economic, social and cultural rights

#### Replies by the Government of Benin to the list of issues (E/C.12/BEN/Q/2) to be taken up in connection with the consideration of the second periodic report of Benin concerning the rights referred to in articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/BEN/2)

[22 February 2008]

#### Replies by the Government of Benin to the questions of the Committee on Economic, Social and Cultural Rights

#### I. Preparation of the second periodic report

*Q 1. Please indicate whether the State party, pursuant to the recommendation contained in paragraph 48 of the Committee's concluding observations on the State party's initial report (E/C.12/1/Add.78), involved non-governmental organizations and other members of civil society in the preparation of its second periodic report.*

1. The Committee's concerns were taken into account at every stage of the preparation of the second periodic report of the Republic of Benin.
2. The consultant appointed to prepare the first draft of the report is a member of civil society.
3. The second consolidated draft report - in which the second report was combined with the third - was written by a university professor.
4. The consolidated draft report was approved at a meeting of the National Committee to Monitor the Implementation of International Human Rights Instruments, with additional representation by people from diverse backgrounds.
5. Those present included representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Chair in Human Rights and Democracy at the University of Abomey-Calavi, the Institute for Human Rights and Democracy in Daily Life, non-governmental organizations (NGOs) and members of the National Human Rights Advisory Council.
6. The National Human Rights Advisory Council is a framework for consultation between State structures and NGOs dealing with human rights issues.
7. The National Committee to Monitor the Implementation of International Human Rights Instruments, which includes representatives of State structures, oversees the application of international human rights treaties.

#### II. General framework within which the covenant is implemented

*Q 2. Please inform the Committee of the status of the Covenant in the State party's domestic law and give examples of decisions by the courts that refer to the provisions of the Covenant.*

8. Article 147 of the Constitution of 11 December 1990 states that: "Treaties or agreements lawfully ratified shall have, upon their publication, an authority superior to that of laws, without prejudice for each agreement or treaty in its application by the other party."

9. In accordance with that provision, the Covenant was published in the 6 September 2006 edition of the *Official Gazette of Benin (Journal Officiel de la République Populaire de Bénin 2006, No. 17 bis, pp. 11-16)*.

10. The Covenant was thereby incorporated in Benin's domestic law. Awareness-raising sessions were organized by lawyers specializing in labour law in order to encourage those involved in the justice system to refer to the provisions of the Covenant before the courts.

11. In addition, in partnership with the Embassy of Denmark, the Human Rights Office ran a workshop from 10 to 12 May 2005, as part of the support project for capacity-building in the Ministry of Justice, Legislation and Human Rights, on enhancing skills for judges in human rights cases.

12. The workshop had the basic aim of familiarizing Beninese judges with international human rights instruments to which Benin is a party and encouraging them to apply those instruments. Examples of decisions by the courts referring to the provisions of the Covenant are not immediately available.

13. In point of fact, the collection of statistics in general and in the judicial sector in particular is a matter of concern for the Government. The competent bodies are working on the creation of a reliable database for the country.

14. To that end, having already installed computer equipment in the courts and set up an intranet, the Internet and electronic mail, the Ministry of Justice, Legislation and Human Rights has decided to expand the project to support the comprehensive programme to strengthen the legal and judicial systems by modernizing the courts, which would include computerization. This will guarantee the quality and reliability of the information processed.

### **III. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

#### **Article 2.2. Non-discrimination**

*Q3. Please indicate whether the State party intends to adopt a specific law prohibiting discrimination against persons with disabilities and introducing a legal obligation to guarantee persons with disabilities access to buildings.*

15. Article 26 of the Constitution of 11 December 1990 states that: "The State shall assure everyone equality before the law without distinction of origin, race, sex, religion ... or social position ... It shall take care of persons with disabilities and the elderly."

16. In 2006, Benin issued its National Policy for the Protection and Integration of Persons with Disabilities. The policy, which aims at multisectoral care for persons with disabilities, is based on:

(a) Equal human rights of men and women;

(b) Sanctity and inviolability of the human person;

(c) Right to life, liberty, security and integrity of the person;

(d) International resolutions or recommendations, including article 23 of the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the African Child, the Salamanca Statement and Framework for Action on Special Needs Education, adopted in June 1994 by the World Conference on Special Needs Education: Access and Quality, held in Salamanca, Spain, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96).

17. The aim of the policy is to:

(a) Improve the legal status of persons with disabilities;

(b) Improve the care of persons with disabilities in health establishments and social advancement centres;

(c) Strengthen and develop a community approach to the care of persons with disabilities;

(d) Improve access by persons with disabilities to buildings and guarantee them safety of movement;

(e) Promote specialized structures to care for persons with disabilities;

(f) Promote access by persons with disabilities to education and occupational training;

(g) Strengthen the economic independence of persons with disabilities;

(h) Promote artistic, cultural, sporting and leisure activities by persons with disabilities;

(i) Improve access by persons with disabilities to information and communication.

18. The adoption of the National Policy for the Protection and Integration of Persons with Disabilities will be accompanied by a plan of action, which will be implemented.

19. The effective implementation of the plan will be backed up by legislation to protect and promote persons with disabilities. This legislation will take into account the aims of the policy, including providing persons with disabilities access to buildings, safety of movement and access to employment.

**Q 4 . Please indicate whether the State party intends to adopt a policy for the integration of refugees.**

20. Action has been taken to help refugees in Benin, thanks to the Office of the United Nations High Commissioner for Refugees and the Prevention and Civil Defence Office of the Ministry of Internal Affairs, which implements State policy on the refugee integration and repatriation.

**Article 3. Equal rights of men and women**

**Q 5 . Please indicate what measures have been taken by the State party to overcome stereotyped traditions and attitudes that have an adverse effect on women's equal enjoyment of economic, social and cultural rights (para. 68).**

21. In implementation of the Beijing Declaration and Platform for Action, Benin adopted a National Policy for the Advancement of Women in 2001 and a corresponding plan of action in 2002. Following analysis of the situation, the policy identified inequalities between men and women in Benin and the plan of action proposed a number of measures aimed at progressively eliminating stereotyped traditions and attitudes that have an adverse effect on the equal enjoyment by women and men of economic, social and cultural rights.

**Legal framework**

22. Act No. 2002-07 on the Personal and Family Code, adopted on 24 August 2004, targeted polygamy and levirate marriage and promoted freedom of choice of occupation. The Code includes provisions concerning contributions to household expenses, according to the capacity of each spouse; parental authority; marriages to be performed by registry officers; marriageable age of 18 for both boys and girls; spousal consent to marriage; the legal division of moveable and immoveable property; and the right of a surviving spouse to inherit one quarter of the estate.

23. Article 1,030 of the Code provides that "custom ceases to have the force of law in all matters covered by the present Code".

(a) The adoption of Act No. 2003-03 of 3 March 2003 penalizing the practice of female genital mutilation and Act No. 2003-04 of 3 March 2003 on sexual and reproductive health should also be noted.

24. These laws have been translated into the main national languages and are widely available.

25. With regard to improved social status, it is worth drawing attention to:

- (a) The revision of school textbooks with a view to eliminating current stereotyped images of men and women;
- (b) The enhanced value attached to girls' education;
- (c) The promotion of sports activities for women and girls;
- (d) The emergence of women in decision-making bodies in local community management structures;
- (e) The improved quotas for women in public and political decision-making bodies;
- (f) Greater awareness among men about sharing domestic tasks and the need for women's participation in decision-making bodies.

26. At the economic level, measures have been taken to:

- (a) Give women leadership training and strengthen their entrepreneurial capacities;
- (b) Strengthen women's capacities in production activities;
- (c) Grant women microcredit throughout the country to enhance their income-generating activities and ensure their financial independence.

**IV. issues relating to specific provisions of the covenant (arts. 6-15)**

**Article 6. Right to work**

**Q 6 . Please provide additional data, disaggregated by sex, age, urban and rural population, and ethnic group, on the unemployment rate in the State party (paras. 57 #60). Please also provide up-to-date information on the prevalence of employment in the informal sector and on the measures taken by the State party to regularize this sector (e.g. awareness raising, information, education, training and job creation campaigns).**

27. The statistical data are not yet available. Efforts are being made to collect them.

28. In addition to the information provided in the report on the prevalence of employment in the informal sector, the Government has, as part of its growth for poverty-reduction strategy, set up the National Employment Service and strengthened its job-promotion structures.

29. Considerable progress has been made in the area of microfinance. The Government has enhanced the capacity of personnel in the institutions concerned; supported the establishment of the Regional Solidarity Bank and its local Beninese branch; set up funds to support microfinance; and improved the legal and regulatory framework of microfinance institutions.

30. The Government has also organized information, awareness-raising and training campaigns with a view to:

- (a) Cleaning up adulterated petrol rackets and encouraging the establishment of private petrol stations;
- (b) Educating and disciplining drivers of *zemidjan s* (motorcycle taxis); and
- (c) Encouraging retraining with the help of microcredits.

***Q7. Please provide information on the measures taken to increase job opportunities for refugees, particularly for women heads of single-parent families.***

31. Microcredits amounting to CFAF 30,000 have been granted without discrimination to women for skills training and to guarantee their independence.

## **Article 7. Right to just and favourable conditions of work**

***Q8. Please indicate whether the State party intends to increase the guaranteed minimum wage so that it affords a decent standard of living for all workers and their families, in accordance with article 7, paragraph (a) (ii) ( paras. 128-133).***

32. The latest increase in the guaranteed minimum wage was in 2003. Sectoral wages are currently being determined.

***Q9. Please provide information on the enforcement of workplace health and safety standards in the State party ( paras. 136 -141). Please also provide information on the implementation of the right of workers to refuse to work in dangerous conditions without the risk of dismissal.***

33. As regards the enforcement of workplace health and safety standards by the State, a strategy to that end has just been adopted, supplementing several legislative and regulatory texts, including:

- (a) Decree No. 2000-178 of 11 April 2000, on the organization and operation of the National Health and Safety at Work Commission;
- (b) Inter-ministerial Order No. 031/MFPTRA/MSP/DC/SGM/DT/SST of 5 May 1999, on the powers, organization and operation of workplace health services;
- (c) Order No. 022/MFPTRA/DC/SGM/DT/SST of 19 April 1999, on general health and safety measures at work;
- (d) Order No. 008/MFPTRA/DC/SGM/DT/SST of 10 February 2000, on the powers of medical labour inspectors;
- (e) Order No. 054/MFPTRA/DC/SGM/DT/SST of 6 November 1998, regulating pre-employment medical examinations, periodic check-ups, medical examinations on return to work and on-demand consultations;
- (f) Order No. 051/MFPTRA/DC/SGM/DT/SST of 26 October 1998, on measures to supply technical equipment and goods, medicines and pharmaceutical goods to workplace health services;
- (g) Order No. 052/MFPTRA/DC/SGM/DT/SST of 26 October 1998, setting limits on the free provision of necessary medicines and goods by employers to workers and children residing with them;
- (h) Inter-ministerial Order No. 132/MFPTRA/DC/SGM/DT/SST of 7 November 2000, specifying the categories of work and workplaces prohibited for pregnant women and children, and the corresponding age restrictions;
- (i) Act No. 98-004 of 27 January 1998, on the Labour Code and the Health and Safety at Work Committee;
- (j) International Labour Organization (ILO) Occupational Safety and Health Convention, 1981 (No. 155);
- (k) ILO Occupational Safety and Health Recommendation, 1981 (No. 164).

## **Article 9. Right to social security**

***Q10. Please provide disaggregated statistics on the categories of workers covered by social security and on the benefits granted following the entry into force of Act No. 98-019 of 21 March 2003, on the Social Security Code ( paras. 166 and 167).***

### **Categories of workers covered by social security**

34. In accordance with articles 1 and 4 of Act No. 98-019 of 21 March 2003, on the Social Security Code, the following categories of worker are covered:

Workers in the formal sector who are covered by the Labour Code, without distinction as to sex, race, nationality or origin, where their main employment is in the national territory with one or more public or private employers, whatever the nature, form or validity of the contract or the nature or amount of the remuneration.

35. The categories listed above are governed by a general regime. The categories below are also covered:

- (a) The self-employed, farmers and those working in the informal sector are governed by a special regime;
- (b) Managers of limited liability companies and of private companies, except in the case of people holding over 50 per cent of the shares;
- (c) Students at occupational institutions, trainees and apprentices, whether remunerated or not;
- (d) Members or managers of cooperative production societies.

36. It should, however, be noted that the two latter categories are covered only for occupational hazards.

37. Likewise, workers holding specific ranks in the civil service who are seconded to companies or other State bodies having an independent budget are covered only for occupational hazards.

38. The law establishing the organization and operation of the special regime for the self-employed, farmers and those working in the informal sector has not yet been adopted. Mutual Social Security Associations have, however, been established.

**Q11. Please indicate whether the State party plans to ratify the ILO Convention concerning Minimum Standards of Social Security (No. 102) (para. 156).**

39. Benin plans to ratify ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

**Q12. Please provide updated information on the development of the Mutual Social Security Association for the Informal Sector, including the number of members, the minimum retirement and sickness benefits and the prospect of extending coverage throughout the territory of the State party (paras. 162- 165).**

40. One of the main purposes of social security is to provide access to medical care at the lowest cost in order to guarantee workers an income in case of illness. For that reason, the Government has adopted a policy of extending social security to workers in the informal sector by setting up mutual social security associations in the towns of Cotonou in 1999, Parakou in 2002, Porto Novo in 2004 and Natitingou in 2007.

41. Mutual social security associations operate by looking after the health of workers in the informal sector, including by paying for the benefits set out in the table below:

Benefits covered	Rate of coverage	Benefits not covered
General medical consultation, adults and children		
Specialist consultation		
Prenatal and postnatal consultation		Prosthetic dentistry
Simple, complex or caesarean deliveries		Prescription spectacle frames
Hospitalization (outpatient)		Fertility treatment
Hospital stay	70 per cent	Medicines and pharmaceutical consumables sold in private pharmacies
Surgery		Chronic diseases such as HIV/AIDS
Laboratory tests		Persons having such requirements are directed to national care institutions
Medical scans (radiology and ultrasound)		
Nursing care		
Medical consumables and medicines delivered by pharmacies attached to recognized health institutions		

42. As for retirement benefits, a mutual association is entitled, under its statute, to provide such benefits to workers in the informal sector. Difficulties have been observed, however, with regard to understanding of the product and its acceptance by the workers themselves.

43. For this reason, a study is currently under way, with ILO support, to improve the product.

**Membership**

44. The table below shows the numbers of people who have signed up for sickness benefits.

**Cotonou Mutual Social Security Association: membership 2000-2007**

Year	Association membership	Individual membership	Annual total	Cumulative total
2000	19	1	20	20
2001	79	1	80	100

2002	137	16	153	253
2003	405	46	451	704
2004	263	42	305	1 009
2005	406	115	521	1 530
2006	829	231	1 060	1 060
2007	598	96	694	1 754

### **Porto Novo Mutual Social Security Association**

Members: 391; beneficiaries: 671.

### **Parakou Mutual Social Security Association**

Members: 265; beneficiaries: 621.

### **Reforms envisaged**

45. Following several years of operations, the mutual associations have encountered difficulties as regards both the benefits they pay out and the communication strategy required to attain a larger membership. On analysis, it appears that the difficulties relate to:

- (a) Organization and improvement strategies;
- (b) Lack of responsibility of elected bodies;
- (c) Insufficient training for elected board members and technical personnel;
- (d) Care provision.

46. Reforms have therefore been proposed. One proposal is to reform the structure of mutual associations by giving more responsibility to elected bodies and wide participation to grass-roots bodies.

47. To that end, in preparation for the establishment in 2008 of the Benin Mutual Social Security Association, a single umbrella structure was set up in 2007, bringing together the strategic activities of all the mutual social security associations. This led to the opening of local branches in Cotonou, Porto-Novo, Parakou and Natitingou, with the possibility of further branches in the towns of Lokossa and Abomey in 2008.

### **Article 10. Protection of the family, mothers and children**

*Q13. Please provide information on the legal framework for combating domestic violence, including spousal rape and sexual abuse as well as violence against children in the family, and on the measures taken to prevent domestic violence, such as training of police officers and judges, awareness-raising campaigns and provision of medical, social and legal assistance to victims of domestic violence, who are often reluctant to report cases of abuse.*

48. Benin has adopted a number of initiatives to reform family protection. These include the adoption, on 24 August 2004, of Act No. 2002-07 on the Personal and Family Code. The Code consists of 1,031 articles in four books.

49. The contents of the books are as follows:

#### **Book 1**

- (a) Regulation of civil registration;
- (b) Technical organization of civil registration.

#### **Book 2**

- (a) Requirement of consent for both future spouses, even where they are minors;
- (b) Requirement to respect the minimum marriageable age, set at 18 for both sexes;
- (c) Prohibition of marriage between people who are related, whether directly or collaterally;
- (d) Monogamous marriage;
- (e) Requirement for marriage ceremony to be conducted by registry officers;
- (f) Symbolic significance of dowry;
- (g) Joint household management;
- (h) Parentage of children born within/outside marriage;

- (i) Provisions on adoption;
- (j) Disposal of property acquired by the spouses before and during the marriage.

### **Book 3**

- (a) Recognition of inheritance rights for the surviving spouse;
- (b) Elimination of any discrimination against the children, whether born within the marriage or born out of wedlock, when the inheritance is divided up.

### **Book 4**

Provisions on the settlement of conflicts of laws in time and space and on conflicts of jurisdictions

50. The Office of Family and Children's Affairs is tackling the task of disseminating the Personal and Family Code.

51. In addition, a draft bill of rights of the family was drafted in February 2006 and is going through the enactment process. The charter emphasizes parents' responsibility and calls for the establishment of a higher council for the family in order to combat domestic injustice and violence effectively. The draft is now before the Supreme Court, which is to give a reasoned opinion.

52. Lastly, the National Action Plan on the Family was drawn up in June 2006 and is awaiting adoption by the Council of Ministers. It is based on articles 11 to 14 of the above-mentioned document. The Action Plan addresses nine priority areas, namely:

- (a) Poverty reduction;
- (b) Right to social services;
- (c) Combating the main causes of morbidity and mortality;
- (d) Rights, duties and responsibilities;
- (e) Right of the family to protection;
- (f) Strengthening of family ties;
- (g) Environmental protection;
- (h) Peace and security;
- (i) Monitoring, evaluation and control.

53. As part of its capacity-building for actors in the justice system and other specific groups, the Ministry of Justice organized a series of training workshops in March 2005 for specialist police units, in May 2005 for judges, and in November 2005 for health workers in contact with patients and for local elected officials from all departments of Benin.

54. Awareness campaigns are also organized both by the State human rights structure and by NGOs such as the Association des femmes juristes du Bénin (Association of Women Lawyers of Benin) and Wildaf Benin, which provide victims with the necessary legal aid.

55. With the help of the United Nations Development Programme (UNDP) human rights promotion support project, the Human Rights Department has set up and trained local human rights teams and school human rights clubs in the department of Alibori.

***Q14. Further to the recommendation contained in paragraph 37 of the Committee's concluding observations on the State party's initial report ( E/C.12/1/Add.78 ), please report on the steps taken by the State party to end the practice of " vidomégon " and on their effectiveness. Please also describe the impact of the measures introduced to combat trafficking in children ( paras. 179-190) and indicate whether the State party also intends to adopt legislative measures to punish trafficking in adults.***

56. The following steps have been taken:

- (a) Creation of local committees in 28 municipalities (1,375 in all), to work at the community level to protect children in general and combat child trafficking in particular;
- (b) Two joint campaigns along the borders, run by Benin on the one hand and Togo and Nigeria on the other;
- (c) Act No. 2006-04 of 5 April 2006 on conditions for the displacement of minors and suppression of child trafficking in Benin;
- (d) Development of the Child Protection Policy and Strategy, which sets standards for all action to be taken on child protection;
- (e) Development of a national plan of action to combat trafficking in children for labour exploitation;
- (f) Signing of a partnership agreement with Nigeria to address child trafficking in the two countries;
- (g) Development of a joint annual workplan;

(h) Signing of a multilateral agreement to combat child trafficking between 10 countries, including Benin.

***Q15. Please inform the Committee of the measures taken by the State party, including legislative ones, to prevent and put a stop to killings of so-called “witch children”, motivated by traditional beliefs that persist in some regions, and of infants with disabilities. Please also provide updated data on the number of cases of infanticide reported to the police, the number of perpetrators brought to justice and the penalties imposed on them.***

57. The Children’s Code makes provision for all categories of vulnerable children, including so-called “witch children”, and the victims of infanticide.

58. In addition, people who live in the departments where these practices persist have been made aware that mothers-to-be should be monitored during pregnancy and give birth in a health facility.

59. No statistical data are available.

***Q16. Please provide information on the prevalence of child labour, including informal sector work, among children under 14 years of age, the effectiveness of labour inspections and the legal framework for combating child labour.***

60. The most widespread forms of labour among children under 14 in the informal sector are plantation work, domestic work, work on construction sites as apprentices, market work, work in gravel quarries and work on the streets.

61. Benin’s action in this regard has aimed chiefly at reducing the number of child workers. In 2004, 1,000 children were removed from paid work and the Ministry of Labour and the Civil Service was given an allocation of 300 million to combat child labour.

62. Labour inspections are also a way of curbing this practice, and inspectors commend employers who comply with the existing regulations.

63. In addition, Benin has been a party to ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour since 28 May 2001, and to ILO Convention No. 138 concerning Minimum Age for Admission to Employment since 11 June 2001. The new Children’s Code, Act No. 98-004 (Labour Code), and various other regulations, including inter-ministerial decree No. 132/MFPTRA/DC/ISGP/DT/SST of 7 November 2000, on the exclusion of women and children from certain work, establish the legal framework for combating child labour.

## **Article 11. The right to an adequate standard of living**

***Q17. Given that 29.6 per cent of the population is living below the poverty line (para. 196), the State party is requested to provide additional information on the measures taken under the poverty reduction strategy for 2002-2004 and the Government’s plan of action for 2001-2006, and on their effectiveness (para. 6).***

64. As part of the fight against poverty the Government has adopted a number of benchmark texts for Benin, namely the national long-term outlook studies, the second government programme of action (PAG II) and a poverty-reduction strategy paper (PRSP). The strategies developed in these three documents share a single objective, namely to increase Benin’s prosperity and combat poverty.

65. The aim of the long-term outlook studies is to make Benin, by 2025, “a beacon of good governance, united and at peace, with a prosperous, competitive economy, and a force for culture and well-being”.

66. One of the main components of PAG II is the consolidation of good governance and intensification of the fight against poverty.

67. The PRSP expresses the Government’s vision, the priorities being strengthening of the microeconomic framework, good governance and bringing the poor into decision-making and production processes.

68. These documents have led to the development and implementation, with the support of development partners, of various poverty-reduction programmes, including the Local Development Support Project (PADEC), the PRSP Support Programme and the Good Governance Support Programme.

69. In 1996, Benin adopted a declaration on population policy that aims to guarantee every citizen a better standard of living.

70. The poverty-reduction strategy has served as a basis for dialogue between the Government and donors and has been used in developing the practice of joint missions and budgetary support, adopting two economic and financial programmes supported by the International Monetary Fund (IMF) and helping Benin qualify for the highly indebted poor countries initiative (HIPC).

71. Applying the lessons learned from the implementation of various poverty-reduction strategies, Benin has developed the Growth and Poverty Reduction Strategy 2007-2009, whose main strategic thrusts are accelerating growth, infrastructure development, strengthening of human capital, promotion of good governance, and balanced, sustainable development of the national territory.

***Q18. Further to the recommendation contained in paragraph 40 of the Committee’s concluding observations on the State party’s initial report (E/C.12/1/Add.78), please provide additional information on the efforts made by the State party to introduce a consistent public housing scheme for disadvantaged and marginalized people, arrange for rents for public housing to be regulated and avoid any forced evictions without compensation or replacement housing.***

72. Benin recently adopted measures for the construction of low-cost housing.



73. To improve land security the Government of Benin plans to take the following action:

- (a) Development of a national land policy covering rural and urban land;
- (b) Enactment of the law on rural land and the preparation of rural land plans;
- (c) Land surveys in urban centres;
- (d) Enhancement of cartographical and typographical capabilities in agencies administering land;
- (e) Formalization of land ownership rights at reduced cost;
- (f) Information, education and communication with population groups;
- (g) Enhancement of registration and property information services.

***Q19. Please provide information on the measures taken to help the homeless and those living in insanitary shanty towns (paras. 224-237).***

74. In Cotonou, where the problem is taking on alarming proportions, the Government and the municipality are taking steps to sensitize the population and clean up the environment.

75. There are NGOs helping with garbage collection and cleaning up insanitary areas.

***Q20. Please inform the Committee of the steps taken by the State party to improve prison conditions, particularly with respect to nutrition and health and medical infrastructure, and to deal with prison overcrowding.***

76. A new 1,000-place prison has been built in Akpro-Misséréké, in the department of Ouémé, for Beninese prisoners and for others detained by the International Criminal Tribunal for Rwanda. Appropriate measures are being taken to make it fully operational. The staff is in place. Numbers to be taken from Benin's other eight prisons have been decided and in November 2007, 350 convicts were transferred.

77. Cooperation agreements have been signed with development partners, including UNDP, to improve prisoners' detention conditions.

78. The State is making the necessary arrangements to provide medical care to prisoners. The justice department is working with the health department to put in place an appropriate framework and the necessary medical personnel.

79. NGOs specializing in medical care for prisoners are also supporting the Government's efforts in this area.

80. Mechanisms for partial remission of sentence, including parole and presidential pardon, are helping to reduce the prison population.

81. A project to construct civil prisons in Abomey and Parakou is under way. There are also plans to build civil prisons in the departments of Couffo and Donga, and to extend the civil prison in Lokossa.

82. Alternatives to prison have been instituted and those working in the justice system have been made aware of their existence and trained to make use of them.

83. Steps are being taken to make legal provision for community service.

84. A hot meal is served to all prisoners every day. Provision is being made to increase the daily food ration.

**Article 12. Right to physical and mental health**

***Q21. Please provide additional information on the measures taken to improve access to safe drinking water and sanitation in the State party, particularly in rural areas and shanty towns, and on the results achieved (paras. 241-242).***

85. In rural areas, Benin had installed a total of 12,089 water points as at 31 December 2005, giving coverage of 41 per cent of the rural population nationwide.

86. The Government plans:

- (a) To accelerate the extension of drinking water supply to cover around 4 million people; and
- (b) To ensure the sustainability of investments in the sector and increase their impact.

87. In urban areas, the Benin Water Corporation (SONEB) currently supplies the 69 regional capitals. Cotonou, Porto-Novo, Savalou, Abomey and Bohicon account for 80 per cent of demand for water, and towns and smaller urban centres for the remainder. Fifty per cent of the urban population has no access to water.

88. In this context the Government is considering, inter alia:

- (a) Rehabilitating and expanding the water treatment stations in Védoko and Godomey;
- (b) Connecting two wells in the new borefield;
- (c) Rehabilitating water towers;
- (d) Laying water pipelines;
- (e) Systematizing measures to protect water resources from pollution;
- (f) Ensuring implementation of the policy on drinking water supply.

***Q22. Further to the recommendation contained in paragraph 31 of the Committee's concluding observations on the State party's initial report (E/C.12/1/Add.78), please provide information on the progress made in combating genital mutilation, in particular by passing a law that makes the practice a punishable offence, by establishing mechanisms for the protection of women and through programmes of education and financial support for practitioners of excision who cease their activities.***

89. The prevention and punishment of female genital mutilation (FGM) has given and continues to give Benin's Government cause for concern.

90. This concern is reflected in its enactment of legislation to address the issue, namely Act No. 2003-04 of 3 March 2003 on sexual and reproductive health and Act No. 2003-03 of 3 March 2003 penalizing the practice of female genital mutilation in Benin.

91. In implementing Act No. 2003-03, Benin has taken a decisive step towards the abolition of female genital mutilation by making explicit and specific provision for the punishment of the practice. The Act makes Benin one of the most advanced countries in the West African subregion in terms of combating excision.

92. Under article 9 of Act No. 2003-04 on sexual and reproductive health, "everyone has the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment of their body in general and of their reproductive organs in particular. All forms of violence and sexual abuse of the human person are prohibited". Beninese law provides for punishment of excision, marital rape, sexual abuse and domestic violence.

***Q23. Please inform the Committee of the steps taken by the State party to improve access by women and young people to reproductive health care, sex education, contraception and family planning services, particularly in rural areas.***

93. With regard to the access of women and young people to reproductive health care, sex education, contraception and family planning services, under article 3 of Act No. 2003-04 of 3 March 2003, "any individual or couple has the right to determine the size of their family freely and at their own discretion, and to have access to the information they need".

94. In addition, articles 5 to 7 of the Act give further details on the right to reproductive health care and services, with due regard for children's rights, clearly stating that age is no impediment to the exercise of rights in this regard.

### **Articles 10 and 13**

95. Domestic violence, spousal rape and sexual abuse are social problems that are common in many places, Benin being no exception.

96. A legal framework penalizing such acts is provided by legislation that deals with most of Benin's social problems.

97. Threats, assault, desertion, rape and paedophilia are punishable under the Criminal Code, articles 305, 306, 308, 332 and 357.

98. There is no specific legislation covering violence against women. Violence against women is treated under Beninese law no differently from any other act of violence or any offence of a general nature. The Constitution does, however, afford special protection to mothers and children because they are usually the most vulnerable to harassment and abuse within the family (art. 26). Microloans are granted to practitioners of excision to help them retrain for other work.

99. Article 18 of Act No. 2003-04 of 3 March 2003 recognizes the right of people suffering from sexually transmitted infections (STI) and HIV/AIDS to exercise all civil, political and social rights, and their right to special assistance, basic care and treatment and guaranteed confidentiality in their dealings with social and health workers.

100. The Government of Benin is aware of the seriousness of the HIV/AIDS epidemic and has set up a national AIDS control programme that aims at reducing the spread of STI/HIV/AIDS by enhancing blood safety and developing intersectoral cooperation and general solidarity with these efforts.

101. In addition, people living with HIV/AIDS (women and men) receive special help and the State, by implementing this legislation, protects their social rights such as the right to employment, social security and housing.

***Q24. Please provide additional information on the progress made in combating AIDS, particularly with respect to prevention services, education on HIV/AIDS transmission, establishment of voluntary HIV/AIDS testing services, provision of free antiretroviral drugs, and development and implementation of programmes and strategies to combat HIV/AIDS (paras. 275-279).***

102. For more than a decade Benin's health policy has made the fight against STI and HIV/AIDS one of its priority areas.

103. Awareness-raising through the media, and neighbourhood and door-to-door awareness-raising efforts on the part of all those working in this area have improved the HIV/AIDS prevalence rate, which went down to 2 per cent in 2005, from 4.1 per cent in 2001.

104. Education on transmission is carried out in schools, using peer educators, and in local neighbourhoods, training workshops, marketplaces, churches and public spaces, as well as for workers in all sectors. This can only increase the number of people who understand the issue.

105. The adoption of Act No. 2005-31 of 10 April 2006 on the prevention, care and control of HIV/AIDS in the Republic of Benin has filled the gap in the law that previously existed in respect of the fight against HIV/AIDS. In addition, the following framework documents have been produced:

- (a) Policy, standards and procedures for psychosocial support for people living with HIV/AIDS and children and orphans at risk;
- (b) National action plan for the care of children and orphans at risk, 2006-2010;
- (c) Second national anti-HIV/AIDS strategic framework, 2007-2011, covering the care of children and orphans at risk and setting out clearly defined objectives;
- (d) Ministry of the Family and Children, operational plan 2006-2010;
- (e) AIDS impact analysis for Benin, highlighting the prevalence of HIV/AIDS among women and children.

106. The following may also be noted:

- (a) The Ministry of the Family and Children has set up frameworks for consultation within municipalities that allow for exchanges on children at risk and for monitoring and follow-up of the work being done by municipalities for children at risk; and
- (b) A total of 242 support centres have been set up and their work has helped reduce the HIV prevalence rate considerably.

107. Moreover, the Head of State's personal involvement in combating HIV/AIDS is a demonstration of political will that encourages all leaders of society, all social and economic strata and all sectors in Benin to do more to contain the epidemic.

108. With a view to stepping up the fight against HIV/AIDS, the Head of State, as Chair of the National Anti-HIV/AIDS Committee, attended the annual session of Burkina Faso's National Anti-HIV/AIDS Committee in December 2007.

109. Antiretrovirals are distributed free of charge to AIDS patients.

110. Anti-HIV/AIDS strategies and programmes have been set up in all sectors but there are material and financial problems in some places.

111. For that reason the technical and material capacities of the agencies need to be strengthened.

### **Articles 13 and 14. Right to education**

***Q25. Please indicate whether the State party, further to the recommendation contained in paragraph 45 of the Committee's concluding observations on the State party's initial report and in accordance with article 14 of the Covenant, has adopted a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory primary education free of charge for all (para. 292).***

112. In 2005 the Government of Benin adopted a letter on education policy that aims to consolidate past achievements while firmly setting Benin's education system on the road to Education for All by 2015, in line with the Millennium Development Goals.

113. Based on this letter and the policy guidelines it contains, a 10-year development plan for the education sector was developed and, following approval by the Council of Ministers in December 2006, was endorsed by the technical and financial partners; as a result, Benin was selected for the Education for All fast-track initiative (FTI) in February 2007.

114. In response to the crisis that has beset the education sector in recent years, the Head of State convened the National Forum on the Education Sector, which met from 12 to 16 February 2007. The Forum was an undoubted success and resulted in a number of key recommendations.

115. The Forum's recommendations were set forth in a detailed action plan complementing the 10-year plan. The action plan is the first in a series of measures leading up to a round table of technical and financial partners that the Government has decided to organize to ensure financing for the entire sector.

116. With Benin now in the fast-track initiative (FTI), in accordance with the procedure for access to the Catalytic Fund for Education for All, a request for financing was sent to the FTI secretariat to cover funding for nursery, primary and literacy education for the next three years (estimated at US\$ 93,035 million or CFAF 46,517 billion). This interim request, pending mobilization by the FTI secretariat of additional resources from the technical and financial partners for the other years, was approved by the Catalytic Fund Strategy Committee on 22 May 2007 and Benin was granted US\$ 76.1 million (around CFAF 37 billion) for 2007/2008, for the launch of the 10-year plan.

***Q26. Please indicate the level of the budgets for primary, secondary and higher education and the measures taken to improve educational infrastructure and increase the number of schools and teachers. Please provide additional information on the measures adopted with a view to eliminating traditional modes of thinking that hinder girls' education, guaranteeing equal access by girls and young women to all levels of education, retaining girls in school and improving literacy rates among women and girls, and on their effectiveness (paras. 305 and 312).***

117. For 2005, Benin's tax and non-tax resources, excluding grants, totalled CFAF 383,550 million.

118. Out of this amount, total allocations to the education sector were CFAF 86,511 million (22.55 per cent), distributed as follows:

- (a) Preschool: CFAF 670 million (0.17 per cent);
- (b) Primary: CFAF 42,949 million (11.19 per cent);
- (c) Secondary: CFAF 20,917 million (5.45 per cent);
- (d) Technical and vocational: CFAF 4,185 million (1.10 per cent);
- (e) Higher: CFAF 17,558 million (4.57 per cent).

119. Allocations have increased in all branches of the education sector because external resources have become available from donations and loans from the technical and financial partners.

120. Thus, for the higher education subsector, from an initial amount of CFAF 17,558 million, the budget has risen to CFAF 27,237,924,784.

### **Measures taken to improve the educational infrastructure**

121. In higher education, of the total allocation of CFAF 17,558 million, an amount of CFAF 14,325,838,096 went towards projects relating to:

- (a) Strengthening Beninese national universities' teaching and administrative infrastructure; and
- (b) Improving students' living and working conditions.

122. However, of those CFAF 14,325,838,096 only CFAF 9,797,858,963 was actually spent, i.e. an expenditure rate of 68.39 per cent.

123. An amount of CFAF 5,456,042,114 was allocated to raising the quality of higher education, of which CFAF 5,355,595,237 was actually spent (98.16 per cent).

***Q27. Please provide additional information on the steps taken by the State party to mitigate the adverse impact on family budgets of the steep increase in registration fees at the national universities as from the beginning of the 2004/05 academic year.***

124. Following the increase in registration fees at national universities as from the beginning of the 2004/05 academic year, no specific steps have been taken to mitigate the negative impact on family budgets. However, all the measures taken by the State to reduce poverty among the population at large, increase the per capita gross domestic product (GDP) and strengthen people's purchasing power, have eased the burden on students' families.

125. Similarly, scholarships and other assistance to university students went up by 15 per cent over the same period.

126. The quality of the services universities provide to students has also improved, for example with the purchase of buses and construction of new residences, classrooms and a 1,000-seat auditorium, and the number of teachers rose from 693 in the 2003/04 academic school year to 785 in 2004/05.

*Sources:*

- (a) Ten-Year Development Plan for the Education Sector 2006-2015;
- (b) Ministry of Higher Education and Scientific Research programme budget 2005: Performance Report.

### **Article 15. The right to participate in cultural life**

***Q28. Please inform the Committee of the measures taken by the State party to protect its linguistic heritage, pursuant to the recommendation contained in paragraph 47 of the Committee's concluding***

*observations on the State party's initial report (E/C.12/1/Add.78).*

127. A ministry responsible for literacy and the promotion of national languages has recently been created.

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