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**Consideration of reports: reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

Replies of Benin to the list of issues concerning its third periodic report*

[Date received: 9 January 2020]

* The present document is being issued without formal editing.



Reply to paragraph 1 of the list of issues (E/C.12/BEN/Q/3)

1. As the Covenant has been published in the Official Journal, it can be invoked before the courts.
2. Nevertheless, some decisions of the Constitutional Court relate to the protection of economic, social and cultural rights. For example:
 - Decisions DCC 19-271 and DCC 19-272 of 22 August 2019 regarding the dismissal for pregnancy of two members of the defence and security forces.
3. In these two decisions, the Court ruled that the dismissal of the women was unconstitutional.
 - Decision DCC 11-033 of 31 May 2011, in the Ruffin A. Soglo case, regarding the principle of equality in the enjoyment of economic and social rights.

Reply to paragraph 2 of the list of issues

4. Act No. 2012-36 of 15 February 2013 guarantees the financial and human resources necessary for the proper functioning of the Benin Human Rights Commission.
5. As regards financial resources, the Commission draws up its own budget and submits it to Parliament for adoption.
6. Under its budget for the financial year 2020, the institution has been allocated 570,000,000 CFA francs (CFAF) for its operations.
7. In addition to the national budget, several technical and financial partners have also expressed their intention to provide financial support to the institution.

Reply to paragraph 3 of the list of issues

8. Measures have been taken to regulate the exploitation of natural resources such as gravel, marble, wood, fisheries, marine sand and lagoon sand.
9. For instance, the exploitation of marine sand for commercial purposes is prohibited due to coastal erosion.
10. In fisheries, the use of fishing techniques and instruments that do not promote the replenishment of aquatic species is prohibited.
11. The associations given responsibility for the exploitation of these natural resources are involved in imposing and ensuring compliance with various measures.

Reply to paragraph 4 (a) of the list of issues

12. The country's budget is funded essentially through taxes.

Reply to paragraph 4 (b), (c) and (d) of the list of issues

13. Information not available.

Reply to paragraph 5 of the list of issues

14. The decentralized bodies are not autonomous in their operations. They operate under the structure of their line ministries, including in respect of their budgets.
15. Several measures are being taken to increase public spending by decentralized services. These include:
 - The construction and equipment of infrastructure in accordance with standards

- The acquisition of rolling stock
- Recruitment and staff capacity-building
- Increasing the financial resources allocated to the operations of decentralized bodies

16. The State ensures that resources are transferred to the communes through the Support Fund for Communal Development.

Reply to paragraph 6 of the list of issues

17. Several cases of corruption have been referred to the National Anti-Corruption Authority, which also conducts impartial investigations into the various cases brought to its attention. The results of its investigations are made known to the public through press conferences.

18. Some cases have been referred to the competent courts and proceedings are under way.

19. Benin has a national directorate for monitoring public contracts in addition to finance inspectorates and delegations for monitoring public contracts in all ministries. These transparency measures also apply at the communal level.

Reply to paragraph 7 of the list of issues

20. Newly constructed buildings (administrative office blocks, some court buildings, some hospitals, etc.) have ramps to facilitate access for persons with disabilities.

21. Despite our best efforts, it is difficult to quantify in percentages the equipment and services that are available or supplied to the public and that are accessible to persons with disabilities.

22. The process of constructing and renovating public buildings and private buildings for public use so as to facilitate the access of persons with disabilities is ongoing.

23. All ministries, institutions and other bodies must receive approval from the Ministry of Environment and Sustainable Development for the construction of any public building.

Reply to paragraph 8 of the list of issues

24. Harmful practices used against persons with albinism are not common in Benin.

25. Persons with albinism enjoy the same protection as other citizens and are not discriminated against in access to public employment, for example. No restrictions are placed on their enjoyment of economic, social and cultural rights.

Reply to paragraph 9 (a) of the list of issues

26. Following various decisions of the Constitutional Court, the Government plans to amend the Nationality Code of the Republic of Dahomey. A new draft nationality code is currently under consideration by the National Assembly.

27. In addition, Act No. 2018-16 of 28 December 2018 on the Criminal Code re-establishes equality between men and women by removing the provision that formerly referred to adultery committed by women.

Reply to paragraph 9 (b) of the list of issues

28. Act No. 2013-01 of 14 August 2013 on the Code concerning Private and State-owned Land, as amended by Act No. 2017-15 of 26 May 2017, permits men and women equal access to land.

29. 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.

30. The laws in force allow women to inherit on the same basis as men.

Reply to paragraph 10 of the list of issues

31. This new law is being implemented. A short-term assessment will allow us to measure its impact in terms of job security and stability.

Reply to paragraph 11 (a), (b) and (c) of the list of issues

32. The measures taken by the State to ensure equal access to employment for citizens are of a general nature and concern all citizens without distinction.

33. Nevertheless, the jobs done by rural populations are different from those done by urban populations.

34. The Act on the Protection and Promotion of the Rights of Persons with Disabilities provides for special protection with respect to employment for persons with disabilities. Moreover, the Labour Code encourages employers to recruit workers with disabilities by exempting them from the payment of the employers’ share of the progressive tax on salaries, wages, pensions and life annuities for each individual employed.

35. The State plans to conduct a study on equal opportunities in employment and occupation. This study will provide an overview of areas of concern and enable the necessary steps to be taken to strengthen the implementation of the principle of equal opportunities in employment and occupation.

Reply to paragraph 12 of the list of issues

36. Specific steps 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

37. 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

38. The establishment of a national roster of teachers has resulted in approximately 13,000 new teachers being recruited to schools and colleges.

39. The asphaltting work being carried out in the communes of Grand Nokoué has generated jobs for young people.

Reply to paragraph 13 of the list of issues

40. The measures taken by the State to protect the rights of Beninese workers also apply to foreign workers. The penalties established for employers found guilty of breaches of labour law make no distinction as to the nationality of the injured worker. The definition of a worker contained in article 2 of the Labour Code includes sufficient information on its scope of application.

Reply to paragraph 14 of the list of issues

41. As of 24 April 2014, the minimum wage was increased by 26.48 per cent, from 31,625 to 40,000 CFA francs (CFAF).

42. Clearly, the cost of living has risen since 2014 and that amount would not allow workers and their families to have a decent standard of living today.

43. Discussions are under way between stakeholders on planned measures to increase the minimum wage.

44. In the public sector, the minimum wage is respected. However, further efforts are needed in the private sector, despite the deployment of labour inspectors to places of work.

Reply to paragraph 15 of the list of issues

45. The following measures have been taken to prevent work-related accidents and occupational illnesses:

- The establishment of health and safety committees in companies
- Awareness-raising and training in occupational safety and health (on the wearing of protective equipment, etc.)
- Inspections and monitoring activities in companies

46. Other measures include the regular holding of sessions of the National Occupational Safety and Health Council; the development in 2018 of the national occupational safety and health profile; medical examinations and periodic medical check-ups; and the ongoing development of the national occupational safety and health policy, the implementation of which will ensure optimal protection and healthy workplaces free of occupational hazards and illnesses.

Reply to paragraph 16 of the list of issues

47. 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 public administration; to maintain social peace and social unity; and to promote labour relations in services, enterprises and establishments.

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

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

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

Reply to paragraph 17 of the list of issues

51. The improvement of living conditions is a priority of the Government Action Programme for 2016–2021. The Programme provides for the replacement of the Universal Health Insurance Scheme by a wider-reaching social programme called “Insurance for the Strengthening of Human Capital”. In addition, it provides for the creation of a mechanism for the protection of the poorest and most vulnerable, with the ultimate goal of providing 4 million Beninese persons with coverage under the universal health insurance system.

52. A Mutual Social Insurance Fund has also been established to provide coverage for workers in the informal economy.

53. In addition, there is speedy processing of pension applications for retirees: the average time taken by the National Pensions Fund to process applications has fallen from six months to four weeks.

Reply to paragraph 18 (a) of the list of issues

54. In 2017, action taken by the Ministry of Labour and Public Service to combat child labour made it possible to identify and provide care for 1,035 children engaged in the worst forms of child labour.

55. In 2019, several awareness-raising campaigns to combat child labour and trafficking resulted in the training of 1,520 stakeholders involved in the protection of children’s rights, ranging from members of federations and associations of skilled workers to religious leaders and members of civil society.

Reply to paragraph 18 (b) and (c) of the list of issues

56. The aim of child-friendly courts is not to prevent child labour.

57. However, since the setting up of the two child-friendly courts in 2014 and the establishment in each commune of a committee to monitor and coordinate the referral of children in the justice system, chaired by juvenile court judges with territorial jurisdiction, action has been taken to prevent the recruitment, accommodation, transfer and transportation of children for the purposes of exploitation.

58. In this context, 115 stakeholders (judges, criminal investigation officers, local elected officials, justice-system social workers, doctors and personnel from social advancement centres) have been trained in child referral mechanisms.

59. This training has had a strong impact on child protection, including the prevention of child labour.

60. In view of the results achieved during the pilot phase, the process of establishing child-friendly courts was extended in 2017 to all national courts with the support of the United Nations Children’s Fund (UNICEF) and the agency Wallonie-Bruxelles International.

61. Articles 500 to 504 of Act No. 2018-16 of 14 January 2019 on the Criminal Code of the Republic of Benin punish all forms of trafficking in persons, including those involving the recruitment of children for purposes of exploitation.

62. Articles 396 to 398 of the Children’s Code also punish the same offence.

Reply to paragraph 19 of the list of issues

63. The following measures have been taken to ensure an adequate standard of living for the population:

- The “Microcredit for the Poorest” programme
- The increase in the minimum wage from CFAF 31,625 to CFAF 40,000

- Conditional and unconditional cash transfers

64. In order to benefit from these various transfers, it is necessary to have been identified as a household living below the poverty line.

Reply to paragraph 20 of the list of issues

65. Information not available.

Reply to paragraph 21 of the list of issues

66. A number of initiatives have been undertaken by the public administration to promote access to housing. These include the construction of social housing in places such as Ouedo, 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.

67. 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 lease.

Reply to paragraph 22 of the list of issues

68. In order to improve access to drinking water for the population, the Government created the National Agency for the Provision of Drinking Water in Rural Areas.

69. This agency's strategic objective is to provide drinking water to an additional 5.5 million people living in 18,731 rural localities who will benefit from the activities included in the subsector master plan for rural areas and thereby to ensure sustainable access to drinking water for 9,349,100 people in 28,426 rural localities by 2021.

70. Several measures have been taken at national level to guarantee access to drinking water. They include:

- The implementation of several drilling projects in different localities to facilitate the population's access to drinking water
- The transformation of boreholes equipped with human-powered pumps into autonomous water stations in Savalou, in order to reduce water shortages due to breakdowns and insufficient water during the dry season
- The improvement of the drinking water supply process through the speeding up of building works and involvement of the population in the decision-making process
- The installation of a device for the repair of simple hydraulic structures
- The establishment of collaboration mechanisms between town halls and other stakeholders to meet drinking water needs in rural areas

71. With respect to sanitation measures, the following actions have been taken:

- Awareness-raising about good hygiene and sanitation measures through radio broadcasts and accountability sessions
- The promotion of hygiene and basic sanitation through the "community-led total sanitation" approach, which promotes putting an end to open defecation and adopting good hygiene practices in a community spirit
- The construction and equipping of latrines in institutions and public places (including schools, markets, stadiums and bus stations)
- The introduction of rainwater sanitation systems to allow for new housing developments and provide opportunities for the poorest households

Reply to paragraph 23 of the list of issues

72. In terms of prevention, the following developments have taken place:
- The introduction of a ban on the use of pesticides
 - The collection and recycling of household waste to make compost, which is then sold to market gardeners
 - A progressive increase in the accessibility of waste collection services to the general public
73. A basic policy for household waste management is also included in municipal development plans. All of these measures help to reduce the negative health effects of poor household waste management.
74. Other measures taken include raising awareness about the negative consequences of poor household waste management and about good practices, and constructing social and community infrastructure tailored to the localities where the central household waste treatment depots are located.

Reply to paragraph 24 of the list of issues

75. 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.
76. The actions carried out in this context have involved:
- The stepping up of public awareness-raising activities supported by the distribution of free treated mosquito nets, particularly to pregnant women and nursing mothers
 - The drafting of a National Health Development Plan: Benin 2009–2018, as a result of which 66 per cent of households have access to a health-care facility within a 5-kilometre radius
77. Numerous efforts are under way through the recruitment of staff, the establishment of appropriate technical platforms and the increase in the budget assigned to the Ministry of Health.

Reply to paragraph 25 (a) of the list of issues

78. These phenomena are due to poverty, ignorance, delayed accessing of health services, self-medication and other factors.
79. 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
 - The dismantling of all informal networks for the distribution and sale of counterfeit medicines
80. The purpose of these various measures taken by the Government is to assist and promote the good health of the entire population, especially the most disadvantaged sectors. Through the Insurance for Human Capital Strengthening project, the Government has begun to provide free care to 300 extremely poor patients in the communes of Sö-Ava and Abomey-Calavi.

Reply to paragraph 25 (b) of the list of issues

81. With regard to access to first-level referral health-care facilities, it should be noted that 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 kilometres from a referral hospital.

Reply to paragraph 25 (c) of the list of issues

82. The State implements awareness-raising campaigns aimed at the residents of the departments of Couffo, Plateau and Collines.

Reply to paragraph 25 (d) of the list of issues

83. Persons with albinism are considered vulnerable persons with special needs and treated as such in health centres.

84. An association of persons with albinism has created a fund called the National Fund for the Empowerment of Persons with Albinism and Parents of Children with Albinism. Through this fund, the association offers medical assistance for managing the skin and eye problems faced by persons with albinism.

85. The fund also provides kits containing photochromic lenses, wide-brimmed hats, sun creams, etc., for the prevention of skin cancer.

Reply to paragraph 25 (e) of the list of issues

86. A number of awareness campaigns have been organized to inform the public about the harmful effects of drug use.

87. The issue is taught in schools and colleges.

88. Benin also has a specialized health service that works with drug users.

Reply to paragraph 26 (a) of the list of issues

89. Benin has produced a guide to conducting parent-child dialogue on sexual and reproductive health. This guide is disseminated through training courses for the following target groups:

- Heads of social advancement centres and heads of the gender equality promotion service
- Girls who are victims of early marriage or pregnancy
- Community contact points in several departments
- Leaders and members of parents' associations in several departments
- Religious and community leaders
- Teachers in the areas where school sex education is being piloted in Beninese schools

Reply to paragraph 28 of the list of issues

90. In Benin, female genital mutilation is prohibited by law.

91. The practice of female genital mutilation has declined in the various localities affected by the phenomenon. The fear of being punished, the stepping up of awareness-raising campaigns and the rise in the level of girls' schooling are responsible for the awakening of public consciousness and the decline in the practice.

Reply to paragraph 26 (b) of the list of issues

92. The implementation of the policy of free caesarean sections has led to a significant reduction in the mortality rate of pregnant women nationwide.

93. A study has been planned to assess the impact of this measure on the mortality of pregnant women.

Reply to paragraph 26 (c) of the list of issues

94. With respect to transmissible infections, special emphasis is placed on combating AIDS. HIV prevalence is low in Benin. The prevalence rate of AIDS obtained from sentinel sites stood at 2.16 per cent in 2014, compared with 1.9 per cent in 2013 for the country as a whole. Modern health practices help to prevent mother-to-child HIV transmission.

95. Awareness-raising campaigns are continuing through programmes that protect the family, mothers and children.

Reply to paragraph 27 of the list of issues

96. Benin has a National Teaching Hospital for Psychiatry and several private centres that treat various types of mental illness. In these centres, the mentally ill receive appropriate therapeutic care for the restoration of their dignity.

97. Public awareness-raising on risk behaviours is ongoing.

Reply to paragraph 28 of the list of issues

98. Answer provided in the reply to paragraph 26 (a).

Reply to paragraphs 29, 30 and 31 of the list of issues

99. 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.

100. Accordingly:

- The policy of free schooling continues. It has been extended for secondary education up to the first year of lycée. Moreover, in technical education and vocational training, the State covers two-thirds of the fees payable by girls.
- School canteens have been set up in several establishments in order to keep learners on site during break times.
- Primary education has the highest rate of enrolment and comprises, in principle, children aged between 6 and 11 years, in accordance with national legislation.
- The table below provides information on performance in primary education by gender.

Table 1
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
Enrolment 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	20.09	12.97	13.86	13.76	13.48	14.07	11.65	11.55	11.76

Source: Programming and Planning Directorate/Ministry of Primary and Secondary Education; Programming and Planning Directorate/Ministry of Secondary Education, Technical and Vocational Education, Retraining and Youth Integration; Programming and Planning Directorate/Ministry of Pre-school and Primary Education (B: boys; G: girls; T: total).

101. Secondary education establishments (secondary schools and colleges) exist in virtually all parts of the country.

102. Special emphasis is placed on technical education.

103. 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-Master-Doctorate academic model.

Table 2
Number of institutions in terms of status from 2009/10 to 2015/16

Academic year	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
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 + private higher education centres	99	104	109	117	124	129	129

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

104. Literacy programmes in national languages are run for the public in several localities.

105. In addition, the Government has improved the education on offer by building school infrastructure and recruiting and training teachers.

Reply to paragraph 32 of the list of issues

106. Cultural blending is gradually occurring among the peoples and national languages of Benin. French has also emerged as the main language spoken in some households in Benin in a context of diverse local languages and increasing literacy.

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

108. Benin has drawn up a national programme to promote national languages. Initiatives are under way to introduce some local languages into the formal education system.

Reply to paragraph 33 of the list of issues

109. National legislation does not create any barriers to girls' and women's access to science and technology.

110. Moreover, through affirmative action, the State encourages women to be successful in the fields of science and technology by awarding scholarships to the most deserving female students.

111. This policy will lead to an increase in the number of women and girls interested in the fields of science and technology in the short term.
