



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Benin\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) Measures taken to include in the Constitution the guarantee of equality and non-discrimination on the basis of disability;

(b) The harmonization of laws and policies with the provisions of the Convention, and measures to ensure that the concept of disability used in the State party, particularly in Act No. 2017-06 of 29 September 2017 on the Protection and Promotion of the Rights of Persons with Disabilities, fully adheres to the human rights model of disability, including by removing stigmatizing language, such as the term *infirmité*;

(c) The activities undertaken and the resources allocated to implement the National Policy for the Protection and Integration of Persons with Disabilities for the period 2012–2021 (para. 23),<sup>1</sup> the results achieved and plans to adopt a new national policy and action plans for the upcoming period;

(d) Consultations with persons with disabilities, including women and children with disabilities, through their representative organizations, on the design, implementation, monitoring and evaluation of legislation, policies, programmes, regulations and other relevant measures, beyond those that focus on the rights of persons with disabilities, including measures taken in the context of the coronavirus disease (COVID-19) pandemic.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) Measures taken to prohibit all forms of disability-based discrimination in national legislation, in accordance with the Convention and the Committee's general comment No. 6 (2018) on equality and non-discrimination, and to include the recognition of the denial of reasonable accommodation as a form of disability-based discrimination;

(b) Steps taken to ensure effective and affordable access to administrative and judicial remedies for all persons with disabilities who are victims of disability-based discrimination, including those affected by multiple and intersectional forms of discrimination;

(c) Measures taken to prevent, investigate and punish all forms of discrimination against persons with disabilities;

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\* Adopted by the pre-sessional working group at its fifteenth session (28 March–1 April 2022).

<sup>1</sup> Paragraph numbers in parentheses refer to the State party's initial report (CRPD/C/BEN/1).



(d) The number and nature of reported cases of disability-based discrimination, disaggregated by type of impairment, sex, age, type of court, geographical location, sector in which the discrimination occurred and sanctions imposed;

(e) The disability assessment criteria to issue the “equal opportunities card” (para. 35), and whether those criteria are in line with the human rights model of disability enshrined in the Convention.

**Women with disabilities (art. 6)**

3. Please inform the Committee about steps taken to:

(a) Ensure that a disability perspective is included in gender equality legislation and policies, including Act No. 2021-13 of 20 December 2021 amending and supplementing Act No. 2002-07 of 24 August 2004 on the Personal and Family Code of the Republic of Benin and Act No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women and girls, and that a gender perspective is included in disability-specific legislation and policies, such as Act No. 2017-06 and the National Policy for the Protection and Integration of Persons with Disabilities;

(b) Guarantee inclusion of women and girls with disabilities in political discourse at the national and local levels;

(c) Improve access to justice, political and public life, education, income-generating activities and health care, including sexual and reproductive health-care services, and address negative attitudes and multiple and intersectional forms of discrimination faced by women and girls with disabilities, ensuring that strict penalties are imposed on persons violating their rights.

**Children with disabilities (art. 7)**

4. Please provide information on:

(a) Measures taken to account for the specific situation of children with disabilities in the implementation of Act No. 2017-06, Act No. 2015-08 of 8 December 2015 (the Children’s Code of the Republic of Benin), the National Policy for the Protection and Integration of Persons with Disabilities and the National Child Protection Policy for the period 2014–2024;

(b) Measures taken to address all forms of discrimination, including prejudices against and stigmatization of children with disabilities, and strategies to modify or eliminate stereotypes and negative cultural approaches.

**Awareness-raising (art. 8)**

5. Please provide information on:

(a) The implementation and effectiveness of and budget allocations for national awareness-raising campaigns, such as mass media campaigns aimed at eliminating discrimination faced by persons with disabilities. Please indicate whether persons with disabilities, through their representative organizations, are systematically involved in the planning, implementation, monitoring and evaluation of such programmes;

(b) The measures taken, the time frames and the budgets allocated to combat stereotypes, prejudice, stigmatization, harmful practices and deep-rooted cultural beliefs relating to persons with disabilities, including those based on gender and age.

**Accessibility (art. 9)**

6. Please provide information on:

(a) The measures taken and the budget allocated to ensure the effective implementation of the provisions on accessibility of Act No. 2017-06 (para. 46), the mechanisms to enforce compliance with accessibility standards by both public and private institutions, and the applicable remedies and sanctions in place;

(b) Strategies put in place to guarantee access of all persons with disabilities on an equal basis with others to an affordable and sustainable physical environment, in particular public and private infrastructure, facilities and services open or provided to the public, including transport, media and banking services, as well as to printed or electronic information and communications technology, through the provision of information in Braille, Easy Read, sign language and other alternative and augmentative modes and means of communication;

(c) Progress made with respect to the compilation of accessibility standards (para. 47), including the steps taken towards implementing the minimum standards and guidelines for accessibility, and with respect to consultation with and active involvement of organizations of persons with disabilities.

#### **Right to life (art. 10)**

7. Please provide updated information on steps taken to eliminate ritual infanticide of children with disabilities in some communities, including measures taken to investigate cases of killings of children with disabilities and to bring to justice those responsible for such crimes.

#### **Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on:

(a) The efforts made to ensure that the work of the National Civil Protection Agency and the National Solidarity Support Fund (paras. 57–58) is guided by the Convention and the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities, particularly women and older persons with disabilities, on an equal basis with others, and specifically in the context of the public health emergency resulting from the COVID-19 pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the scope of the pandemic and the prevention of the spread of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that social benefits for persons with disabilities are guaranteed at all times.

#### **Equal recognition before the law (art. 12)**

9. Please indicate the steps taken to:

(a) Review legislation that denies or restricts the legal capacity of persons with disabilities, particularly article 76 of Act No. 2019-43 of 15 November 2019 (the Electoral Code of the Republic of Benin) and article 457 of the Personal and Family Code (para. 60);

(b) Replace a substituted decision-making regime with a supported decision-making regime that complies with the Convention, taking into account the Committee's general comment No. 1 (2014) on equal recognition before the law.

#### **Access to justice (art. 13)**

10. Please provide updated information on:

(a) The current status, time frame and budget allocated for the establishment of a legal aid system to support persons with disabilities (para. 65), and the consultation and active involvement of organizations of persons with disabilities in that process;

(b) Procedural, gender and age-appropriate accommodation available to persons with disabilities in legal proceedings, particularly judicial and administrative processes (para. 63), and the measures taken by and the budget allocated to the specialized social services departments (para. 67);

(c) Measures taken to ensure the equal rights of persons with disabilities to provide testimony and to act as witnesses in court;

(d) Steps taken to ensure the systematic and continuous training of personnel in the judicial system and law enforcement agencies to promote and ensure effective access to justice for persons with disabilities.

**Liberty and security of person (art. 14)**

11. Please provide information on:

(a) Any laws, policies or practices that allow for the deprivation of liberty of persons with disabilities in hospitals or other facilities without their consent and free will, based on their actual or perceived impairment, particularly persons with intellectual disabilities and persons with psychosocial disabilities; women and children with disabilities; and measures to seek consent for any form of deprivation of liberty from persons with disabilities;

(b) The type of support provided to persons with disabilities in prison and other measures taken to implement the rights of persons with disabilities, including persons with intellectual disabilities and persons with psychosocial disabilities, in penal institutions, including by providing a primary multidisciplinary assessment, accessible infrastructure and services, rehabilitation services, access to health-care services and confidential, accessible and effective complaint mechanisms.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

12. Please provide information on steps taken to:

(a) End all forms of forced medical procedures and treatment, chemical and mechanical restraints, seclusion and isolation and other forms of ill-treatment in all settings;

(b) Establish a national mechanism for the prevention of torture that has the independence, staff, resources and budget necessary to effectively fulfil its mandate, which must include the monitoring of all settings in which persons with disabilities are deprived of their liberty (para. 74).

**Freedom from exploitation, violence and abuse (art. 16)**

13. Please provide information on:

(a) Measures taken to enforce Act No. 2017-06 in order to prevent and punish all forms of neglect, exploitation, harmful practices, violence and abuse, including sexual abuse, against persons with disabilities (para. 78), in particular women and girls with disabilities, especially in their homes, institutions and communities;

(b) Statistical data, disaggregated by sex and age, on the number of complaints of exploitation, violence and abuse against persons with disabilities, and the investigations, prosecutions, convictions and sentences resulting from those complaints;

(c) Steps taken to ensure that persons with disabilities who are victims of exploitation, violence and abuse have access to effective reporting mechanisms as well as to health care and psychological support, rehabilitation, justice, compensation and social reintegration services;

(d) Measures taken to ensure that the six counselling centres and the three integrated centres (para. 79) are inclusive and accessible, including with regard to the physical environment, information and communication, to persons with disabilities who are victims of exploitation, violence and abuse, particularly women and girls with disabilities, and to expand the centres to rural areas;

(e) Steps taken to explicitly prohibit corporal punishment of children, including children with disabilities, in all settings.

**Protecting the integrity of the person (art. 17)**

14. Please provide information on:

(a) Any cases brought by persons with disabilities under the legislation referenced in the State party report (paras. 80–82);

(b) Measures adopted to prevent and prohibit the forced contraception and/or forced sterilization of persons with disabilities, particularly women and girls with disabilities, including women with autism;

(c) Steps taken to enforce Act No. 2003-03 of 3 March 2003 on the Prevention and Punishment of Female Genital Mutilation in the Republic of Benin, to intensify awareness-raising efforts and to develop new intervention strategies to eradicate this harmful practice, including with regard to women and girls with disabilities;

(d) Measures to ensure that the free and informed consent of persons with disabilities, including persons with psychosocial disabilities and persons with intellectual disabilities, is obtained for any form of medical, surgical, invasive or psychiatric treatment or procedure.

**Liberty of movement and nationality (art. 18)**

15. Please describe the measures taken to ensure the birth registration of children with disabilities immediately after birth, particularly in rural areas and among migrant and refugee populations.

**Living independently and being included in the community (art. 19)**

16. In the light of the Committee's general comment No. 5 (2017), please specify whether the right to live independently and be included in the community is expressly recognized by law and, if so, indicate the budgetary allocation to ensure its effective implementation, including the provision of personal assistance and community-based services.

17. Please provide information on the measures taken to:

(a) Establish accessible and affordable housing in the community and ensure that the National Solidarity Support Fund and the Community Rehabilitation Programme (paras. 86–91) provide appropriate community-based support;

(b) Adopt strategies for the deinstitutionalization of persons with disabilities, including information on specific time frames and budget allocations and how deinstitutionalization strategies include children and women with disabilities;

(c) Ensure that children with disabilities have access to community services on an equal basis with other children so that they do not end up begging.

**Personal mobility (art. 20)**

18. Please provide information on measures taken to:

(a) Guarantee access to affordable mobility aids and assistive devices for persons with disabilities, and the number of persons with disabilities who have received mobility aids and assistive devices distributed by the National Solidarity Support Fund (para. 93), especially in rural areas;

(b) Facilitate the application of tax and customs exemptions for the purchase of mobility aids and assistive devices for persons with disabilities, as provided for in articles 67–69 of Act No. 2017-06 (para. 92);

(c) Ensure that the built environment and transportation in both urban and rural areas are accessible and guarantee personal mobility of persons with disabilities using mobility aids;

(d) Facilitate training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities.

**Freedom of expression and opinion, and access to information (art. 21)**

19. Please indicate:

(a) The measures taken, on the basis of article 62 of Act No. 2017-06 (para. 95), to ensure the availability of media information, both public and private, to persons with disabilities in accessible and usable formats, including sign language, captioning, Braille, Easy Read, pictograms, plain language, audio descriptions and other augmentative and alternative means, modes and formats of communication;

(b) The current status of the bill on the official recognition of Beninese sign language and the bill on access to information, and the time frame for their adoption (para. 95).

**Respect for privacy (art. 22)**

20. Please provide information on the measures taken to effectively protect and promote the right to privacy of persons with disabilities, as enshrined in article 51 of Act No. 2017-06 (para. 99); to include persons with disabilities in the implementation of Act No. 2009-09 of 22 May 2009 on the Protection of Personal Data in the Republic of Benin (para. 100) and Act No. 2017-20 of 20 April 2018 on the Digital Code (para. 102), with a view to ensuring the protection of personal data and respect for privacy of persons with disabilities; and to sanction any violations and provide remedies.

**Respect for home and the family (art. 23)**

21. Please describe the legal and other measures in place to prohibit separation of children from their parents on the basis of the children's disability, or their parents' disability, and to provide support to children with disabilities and their families, and to parents with disabilities in carrying out their parental responsibilities.

**Education (art. 24)**

22. Please provide information on:

(a) The legal and policy measures taken to promote quality inclusive education for children and other students with disabilities, in accordance with article 24 of the Convention and the Committee's general comment No. 4 (2016) on the right to inclusive education and as reflected in Sustainable Development Goal 4, and the timeline for their implementation, including human, technical and financial resources;

(b) The number of teaching and support staff who have been trained in Braille, Easy Read, sign language and accessible modes of teaching, and on the core competencies and values required for working in an inclusive educational environment;

(c) Steps taken to provide accessible materials, adaptive learning environments and sufficient individualized accommodation for students with disabilities at all levels, regardless of type of impairment;

(d) The number of children enrolled in inclusive education and in segregated education, in regular and in special schools, disaggregated by type of impairment, sex, age and geographical location;

(e) Please provide information on the access of children and adults with disabilities to accessible online educational programmes, including during the COVID-19 pandemic period, and on support and accommodation available for children with disabilities who access education by means of the digital environment.

**Health (art. 25)**

23. Please provide information on steps taken to:

(a) Ensure that persons with disabilities have access to health-care facilities, equipment and services free of charge or at reduced cost in all parts of the State party, and to guarantee that sexual and reproductive education and services are available, accessible and affordable to women and girls with disabilities;

(b) Provide systematic training to health personnel and traditional healers on the rights of persons with disabilities and ensure the effective involvement of persons with disabilities, through their representative organizations, in those activities.

#### **Habilitation and rehabilitation (art. 26)**

24. Please provide information on the measures taken to:

(a) Extend access to comprehensive and community-based habilitation and rehabilitation programmes for persons with disabilities, including in rural areas (para. 129), and to increase the number of rehabilitation professionals;

(b) Monitor private and public rehabilitation centres for violations of the rights of persons with disabilities.

#### **Work and employment (art. 27)**

25. Please provide information on:

(a) Measures adopted to effectively enforce the right of persons with disabilities to work, under article 30 of the Constitution (para. 131), to prohibit discrimination during recruitment processes and through the demotion or dismissal of persons with disabilities, and to ensure fair conditions of service and career advancement, including the removal of the ban on the participation of persons with disabilities in competitive examinations in the public sector;

(b) Steps taken to remove structural barriers that limit access to work and employment for persons with disabilities, particularly women with disabilities, and measures taken to promote their employment in the public and private sectors in the open labour market. Please provide data, disaggregated by type of impairment, sex, age and geographical location, on persons with disabilities who are employed in the public and private sectors;

(c) The practice of the authorities and the courts with respect to the legal provisions on the protection of persons with disabilities from discrimination in work and employment, in particular articles 31–34 of Act No. 98-004 of 27 January 1998 (the Labour Code) and articles 37–43 of Act No. 2017-06, including the reporting mechanisms in place (paras. 132–133);

(d) Whether the denial of reasonable accommodation in the workplace constitutes a form of disability-based discrimination and, if so, what remedies are available to victims;

(e) The guidelines for the establishment of a national commission that certifies the status of persons with disabilities for employment purposes (para. 132) and whether they are based on the human rights model of disability;

(f) The extent of public financial support for the promotion of entrepreneurship for persons with disabilities;

(g) The government programme to empower women by providing equipment for seed production and animal care instead of providing them with jobs in the open labour market.

#### **Adequate standard of living and social protection (art. 28)**

26. Please provide information on:

(a) Measures adopted to ensure that persons with disabilities are included in socioeconomic development programmes and social protection and poverty reduction efforts (paras. 136 and 138), and steps taken to develop and implement targeted programmes and services for persons with disabilities, particularly women with disabilities, living in situations of poverty. Please indicate whether persons with disabilities, through their representative organizations, effectively contribute to the design, implementation and monitoring of such initiatives;

(b) Any plans to establish disability support pension schemes or a disability fund to enable persons with disabilities to earn a living in the community;

(c) The status of the Insurance for the Strengthening of Human Capital plan (para. 138) and whether organizations of persons with disabilities are involved in the development, implementation and monitoring of this health insurance scheme;

(d) Measures taken to ensure access by persons with disabilities to social housing programmes.

#### **Participation in political and public life (art. 29)**

27. Please provide information on the steps taken to:

(a) Repeal discriminatory legal provisions, such as article 44 of the Constitution, articles 555 and 557 of the Personal and Family Code and article 48 of the Criminal Code that restrict the participation of persons with disabilities in electoral processes;

(b) Ensure the physical accessibility of all polling stations and the use of accessible formats, including Braille, in electoral material and that all persons with disabilities are guaranteed secrecy in the voting process;

(c) Increase the number of persons with disabilities, particularly women with disabilities, in political and public life, including as elected representatives, and support candidates with disabilities to stand for elections.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

28. Please inform the Committee about any steps taken to:

(a) Ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

(b) Ensure that persons with disabilities, including children with disabilities, have access to inclusive sports, leisure and cultural activities;

(c) Adequately fund the National Paralympic Committee to ensure effective development and participation of persons with disabilities in sports, and promote the participation of persons with disabilities in sports activities in schools and colleges.

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

29. Please provide information on efforts made to establish a system for collecting data on the situation of persons with disabilities, to increase the systematic collection and dissemination of disaggregated data on disability, including in household surveys and in the next national census, to improve coordination among all public bodies and State agencies and to ensure that the statistical data collected contributes to evidence-based policy design and implementation. Please indicate whether the Washington Group short set of questions on disability and the related methodology is used.

#### **International cooperation (art. 32)**

30. Please provide information on the measures taken to involve organizations of persons with disabilities in foreign policy decisions and to facilitate access to international cooperation funds that are intended for disability-specific projects or that target persons with disabilities. Please also indicate whether any steps have been taken to ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa, adopted by the African Union in 2018.

#### **National implementation and monitoring (art. 33)**

31. Please provide information on:

(a) The activities of and resources allocated to the national committee responsible for monitoring the implementation of international human rights instruments (para. 151), the



level of representation of persons with disabilities in the national committee and their involvement in all its activities through their representative organizations;

(b) The selection and appointment process of the members of the Human Rights Commission of Benin, and the human, technical and financial resources allocated to enable it to carry out its mandate effectively and independently, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(c) The designation of focal points within the Government for matters relating to the implementation of the Convention, and the establishment of a coordination mechanism to facilitate related action in different sectors and at different levels.

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