



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2896th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 August 2022, at 10 a.m.

Chair: Ms. Shepherd

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The meeting was called to order at 10.10 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined initial and second to ninth periodic reports of Benin (continued)
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1. *At the invitation of the Chair, the delegation of Benin joined the meeting.*
2. **Mr. Diaby** (Country Rapporteur) said that he would like to know what the principal components of the National Action Plan to Combat Racial Discrimination were, what impact the Plan had had and what action would be taken in follow-up to it. He wondered what steps the State party was taking to ensure that women had a right to Beninese citizenship on an equal footing with men, what progress had been made towards reforming the Nationality Code and when that reform was expected to conclude. It would also be helpful to know what rights foundlings and children whose fathers had not recognized them had to Beninese citizenship.
3. Information on the situation of refugees and asylum-seekers in the State party would be welcome, as would an indication of the progress that had been made towards the adoption of a law on asylum in Benin. It would be interesting to learn what measures were being taken or considered to ensure that non-refoulement was the rule and that unaccompanied minors and other persons with special needs were afforded protection. The Committee would also like to know whether asylum-seekers and refugees had the right to family reunification and what requirements refugees had to meet to become naturalized citizens of the State party.
4. He asked whether foreign nationals had the same property rights and the same right of access to public housing as Beninese nationals. He also would like to learn whether they could create and lead non-profit organizations or trade unions and, if so, on what conditions. Similarly, he wished to know whether foreign nationals, including refugees and asylum-seekers, were eligible for social welfare benefits, universal health coverage in particular, and whether they had access to general education and vocational training.
5. As there was a great diversity of ethnic and linguistic groups in the State party, he would like to know what measures were being taken to promote and protect those groups' cultural rights. He wondered, too, whether progress had been made towards incorporating the many languages spoken in the State party into the school system, what criteria were used to determine whether a language used in the State party was a national language and whether all parts of the country would have a language that was designated a national language. He wished to know what steps were taken to help indigenous peoples, those who lived in lake dwellings in particular, defend their way of life and ensure that they were taken into account in public development plans and had access to education on an equal footing with others.
6. The city of Ouidah on the Atlantic coast had long been critical to the transatlantic slave trade. It would be interesting to learn what legislative measures had been taken to preserve the memory of the city's role in that trade, what steps the Government had taken to reconcile the descendants of the captives who had been sent into slavery and the descendants of their captors and whether the 2018 Porto-Novo Declaration of the High Council of Chiefs of Benin, which called for reparatory justice for those affected by the enslavement of African people, had attracted attention in the State party.
7. He wished to know what measures were taken to promote human rights education in all school and teacher training programmes, how the slave trade was described in textbooks and what was done to promote inter-ethnic harmony and reconciliation, while preserving the memory of that long tragedy. He also wished to know what action was taken to prevent modern-day trafficking in persons and all related forms of exploitation.
8. He asked whether the impact of the State party's plan to eliminate statelessness by 2024 had been assessed and, if so, what the assessment had shown. He also wondered why there were more than a million undocumented persons in the State party, what was being done to help them obtain the identity papers they needed and what efforts were being made to modernize civil registration procedures.

9. **Ms. Tebie** (Country Task Force) said that she would welcome information on the impact of the coronavirus disease (COVID-19) pandemic on the groups of people most vulnerable to discrimination, including refugees, asylum-seekers, stateless persons and migrants. She asked what measures were taken to protect such population groups from the effects of the pandemic, including its social and economic effects, and to combat pandemic-related discrimination, hate speech and stigmatization.

10. She wondered why the Constitutional Court had considered itself incompetent to consider the merits of a claim of discrimination made by a non-governmental organization that had objected to the authorities' decision not to cover the quarantine costs incurred by nationals of other countries arriving by air in the State party, while covering those incurred by Beninese nationals. She would welcome the delegation's comments on reports received by the Committee that the foreign nationals who arrived in the State party by air and had not paid the costs associated with being quarantined in a hotel room had had their passports confiscated; and, if that were true, why foreign and Beninese nationals had been treated differently.

11. She wished to know what measures were taken to support indigenous peoples, in particular to ensure that they had access to land and the other natural resources that the preservation of their traditional ways of life depended on. She also wished to hear what the Government was doing to protect the artefacts, stolen in colonial times, that were beginning to be returned to the State party and to make them accessible to the people from whom they had been stolen. In addition, she wondered whether the descendants of the victims of the thefts were involved in the ongoing return of the stolen objects.

12. Lastly, she asked what the State party had done in follow-up to the recommendations made by the Benin Human Rights Commission in a recent report on the situation of persons with albinism in the State party, children in particular, who were at risk of bodily mutilation, as their body parts were in demand for witchcraft rituals. What steps had been taken to prosecute the persons who persecuted persons with albinism?

13. **Ms. Esseneme** said that she wondered whether the move to incorporate the State party's national languages into school curricula involved classes to teach students those languages or the national languages being used as languages of instruction for all subjects, including mathematics. She would be interested to hear which national languages had been chosen and why.

14. **Mr. Guissé** said that he wished to know how the State party's political parties were financed, in particular in view of the recent reforms to the party system. He would welcome examples of some of the good practices used in the State party to combat racism. In addition, he wondered whether the State party had organized any activities within the framework of the International Decade for People of African Descent.

15. **Mr. Balcerzak** said that he would like to know what the Government intended to do with the artefacts to be returned to the country from the many European museums in whose collections they were currently held.

16. **Mr. Yeung Sik Yuen** asked whether the State party had made the persecution of persons with albinism a criminal offence in its own right.

17. **Mr. Rayess** said that, since the speech made by French President François Mitterrand at the sixteenth France-Afrique Summit in La Baule in 1990, many African countries had been obliged to create democratic institutions before they had resolved more basic issues, such as the development of a sense of nationhood. Political parties were often formed along tribal lines or were the instrument of a single individual. Constitutional courts frequently had judges who were not competent. The development of proper democracies required the necessary economic, social and cultural conditions and stability, and political leaders who had a full understanding of the guiding principles of democracy.

The meeting was suspended at 10.40 a.m. and resumed at 11 a.m.

18. **Mr. Quenum** (Benin) said that the origins of democracy in Benin lay not in the La Baule speech but in a national conference organized in 1990 by the Beninese people to put an end to the country's Marxist-Leninist regime. A new constitution had been drafted, and

periodic elections were held. The political reform currently under way would strengthen the country's multiparty system, ensuring that the country's political parties could operate nationally, not simply as the instruments of a particular clan or ethnic group. Furthermore, the successive Chief Justices of the Constitutional Court were not only competent, but renowned for their rectitude and their knowledge of the law.

19. An audit of the penitentiary system had recently been carried out in order to assess detention conditions in places of deprivation of liberty. Changes had then been introduced to ensure that prisoners received a minimum of two meals per day and that all food served was of an adequate quality. Law enforcement officers would continue to guarantee the security of prisons but, on a day-to-day basis, inmates would be supervised by dedicated professionals who had received training in the provision of support and assistance, but also in matters relating to their subsequent social reintegration.

20. The Government had no plans to introduce measures specifically aimed at protecting indigenous peoples. In reality, all Beninese nationals could be described as indigenous, since outsiders had never imposed different values or a different way of life on the local population. In recent years, the Government had adopted an open policy on improving literacy levels, under which all Beninese citizens enjoyed access to reading and writing training in their mother tongue. However, public education could not yet be offered in all the languages spoken around the country, as that would require significant investment in new teaching resources and would need to avoid giving priority to one language over any of the others. The country's long-term ambition was nonetheless to offer education in all national languages, without discrimination and on an equal basis.

21. Concerning the restitution of cultural property, an inventory was being drawn up of all the artefacts rightfully belonging to Benin that were currently located abroad. Formal requests for their return would then be submitted. The Government had taken the necessary steps to ensure that any such items arriving in the country were handled appropriately and protected from any damage.

22. A new nationality code was currently being considered by the National Assembly, and it was hoped that the legislation would come into effect before the end of the year. Under the proposed reforms, Beninese women would be able to transmit their nationality to their children born of a foreign father or to a foreign spouse, while the principle of *jus soli* would be applied to children of unknown nationality or parentage.

23. The Government had not adopted any measures of a discriminatory nature in its efforts to address the COVID-19 pandemic. The restrictions imposed on incoming travellers had applied to everybody entering the country, regardless of their nationality. At various times, people arriving by air had been required to present proof of a negative COVID-19 test or to take a test on arrival, in which case their passports had been held by airport officials until the procedure had been completed. Travellers who had tested positive had been required to quarantine in hotel rooms specially requisitioned by the Government. Those rules had applied to everyone on an equal basis.

24. **A representative of Benin** said that, as a result of the Government's recent efforts to retrieve Beninese cultural property that was being held in other countries, a first batch of 26 artefacts had been returned from France in November 2021. In 2018, the Government had formed a national committee of experts tasked with preparing for the arrival of the items. New legislation on the protection of national culture and heritage, adopted in October 2021 following consultations with local communities, provided for recovered artefacts to pass automatically into the possession of the State as symbols of Beninese identity that would foster a sense of national unity.

25. Benin was not actively seeking reparations for the hardship that its people had suffered in relation to slavery; the Government was more interested in building for the future than trying to obtain such compensation, not least because it was difficult to accurately identify victims of historic slavery in modern society. However, it was carrying out various projects aimed at raising awareness about the history of the slave trade, both at the national level and in cooperation with international partners such as the United Nations Educational, Scientific and Cultural Organization (UNESCO). For example, a former Portuguese fort in Ouidah was being converted into a major international museum on memory and slavery. At the

international level, in the discussions that had led to the adoption of Human Rights Council resolution 49/7 on cultural rights and the protection of cultural heritage, Benin had argued for the need to continue to strengthen international cooperation in relation to the preservation of memory, the prevention of theft of cultural artefacts and the restitution of cultural property to countries of origin.

26. **A representative of Benin** said that the aim of the “Routes of Enslaved Peoples: Resistance, Liberty and Heritage” project launched by UNESCO in Ouidah in 1994 was to contribute to developing knowledge about slavery and the slave trade, with a view to ensuring that such atrocities were never repeated. In 2019, as part of the International Decade for People of African Descent, Benin had hosted an international conference in Cotonou to mark the project’s twenty-fifth anniversary.

27. Access to land in Benin was governed by the provisions of the Land (Private and State-owned) Code. Under that legislation, foreign nationals could only purchase land in urban areas if they were from a country that had signed a reciprocity agreement authorizing the acquisition of its own land by Beninese nationals. Foreign nationals could only purchase land in rural areas through a company structure, but they were entitled to lease and work the land under their own names.

28. An interministerial committee composed of representatives from all the national institutions involved in combating human trafficking had been set up, and Benin had recently signed bilateral agreements to coordinate anti-trafficking efforts with Nigeria, the Niger and Gabon. Coordinated action had also been taken by institutions including the National Police, the Ministry of the Interior and Public Security, the Ministry of Foreign Affairs, African Integration, Francophonie and Beninese Abroad and the country’s overseas embassies to combat the specific issue of the exploitation of Beninese migrant workers in the Gulf States. Under new provisions, anyone wishing to leave the country to work in one of the Gulf States was required to present a legitimate letter of appointment from an approved recruitment agency and provide full information on his or her future employer and address.

29. In 2017, the Government had launched a programme aimed at reducing the number of people who did not possess official identity papers. New legislation had been passed, under which they would be provided with birth certificates and other identity documents. By 2019, thanks to the work carried out under the programme, over 1.3 million new identity papers had been issued, significantly reducing the number of undocumented citizens in the country.

30. **A representative of Benin** said that asylum-seekers were free to choose where they wished to stay while their application was being processed. In the first instance, applications were assessed by an eligibility committee set up within the national commission for refugees and asylum-seekers; its decisions could be challenged before an appeals committee.

31. Many refugees and asylum-seekers had been successfully integrated into Beninese society, where they enjoyed access to the same social assistance as Beninese citizens. Thanks to the support of the Office of the United Nations High Commissioner for Refugees, women and girls were provided with hygiene kits, and scholarships and school supplies had been made available to ensure that children had access to education. Refugees and asylum-seekers had the right to form associations and many such organizations had already been formally registered. A new bill on the status of stateless persons and refugees was currently being considered by the National Assembly.

32. **A representative of Benin** said that, during the preparation of its report, the country had received support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme. Sixteen information-sharing workshops, led by experts including former members of the Committee, had been held to provide assistance to those tasked with drafting the report. At the national level, the Government had also consulted around 150 relevant stakeholders, including members of the judiciary, court clerks, police officers and representatives of non-governmental organizations.

33. Approximately 9,200 victims of human trafficking had been identified and taken into care by the Central Office for the Protection of Minors, the Family and the Repression of Human Trafficking. Awareness-raising campaigns organized by the Government on the

issues of human trafficking and racial discrimination had reached approximately 122,000 migrants, as well as thousands of potential employers and law enforcement officers. Around 120 representatives of the State and civil society had participated in regional exchange programmes, and Benin had also benefited from the priority solidarity fund project implemented by the French Embassy in five countries of the Gulf of Guinea.

34. Persons living with albinism constituted a very small proportion of the population. Every year, in collaboration with the non-governmental organization Valeurs Albinos, the Government staged an event to raise awareness of albinism among opinion formers, religious leaders and other sectors of the population. In recent years, the courts had tried three cases in which the victims had been persons with albinism. One of the perpetrators had been sentenced to life imprisonment, while a search was being conducted for another, who was on the run. The police had located a girl with albinism who had been abducted.

35. **A representative of Benin** said that, in 2009, government officials had participated in a regional workshop on racial discrimination organized by OHCHR. In 2010, the Government had held a national workshop on combating racial discrimination at which all relevant stakeholders had received training. Following the workshop, two experts had been recruited to draft what had become the National Action Plan on Combating Racial Discrimination, which had been adopted in 2014. Many of the actions provided for in the Plan had been implemented, although funding shortfalls had prevented certain measures from being taken. Following the constructive dialogue, the Government would draw up a plan on implementing the Committee's recommendations that would serve as a road map for government policy on tackling racial discrimination and xenophobia.

36. **Mr. Quenum** (Benin) said that the question of how political parties were funded had been broadly discussed prior to the 2019 constitutional reform. The discussions had focused on ways of enhancing the transparency of funding and ensuring that a wide range of parties were able to participate in the political life of the country. As part of the reform, the Constitution had been amended to provide for State funding for political parties in accordance with the relevant law. The amount of funds allocated was linked to the national budget every year.

37. The funds were channelled through an independent body that managed them and executed the payments. Under the law, only parties that had participated in the two most recent elections and had won at least 10 per cent of the available seats were eligible to receive public funding. All political parties were required to participate in all elections. Those that did not were no longer allowed to stand candidates in elections. Parties were required to use the funds that they received to train their activists and maintain a dedicated office that was not used for any other purpose.

38. **Mr. Diaby** said that he wished to know whether the Government would conduct an assessment of the outcomes achieved under the National Action Plan to Combat Racial Discrimination. He wondered how many cases of racial discrimination had been brought before the courts and how many reports of racial discrimination had been submitted to the Benin Human Rights Commission. It was still unclear whether non-nationals had access to legal assistance on an equal footing with nationals. The Committee would welcome further information on the implementation of the National Action Plan on the Eradication of Statelessness. It would be interesting to learn what forms of documentation and support were provided to stateless persons and whether the National Commission for Refugees participated in efforts to assist them.

39. In the light of the Porto-Novo Declaration, and in view of the fact that, during the pre-colonial period, certain kings and chiefs had profited from the slave trade, the delegation might describe any measures, including legislative measures, being taken to promote justice and reconciliation between the ethnic groups that had participated in and those that had been victims of the transatlantic slave trade. In that connection, he wished to know whether the descendants of slaves taken from the territory that had subsequently become Benin had the right to acquire Beninese nationality if they decided to settle in the State party and whether steps had been taken to facilitate that process.

40. **The Chair** said that she wished to know what children were taught in history lessons, including about the slave trade, and whether history was compulsory at all levels of the school

system. In particular, she wondered whether children were taught that pre-colonial African rulers had been primarily responsible for the trade or whether it was described as a partnership between those rulers and merchants from Western nations. It would be interesting to know whether children were taught about the fate of persons sold into slavery and what the general public thought about the issue of reparations.

41. **Ms. Tebie**, recognizing the efforts deployed by the Government of the State party to combat the COVID-19 pandemic, said that she wished to know whether non-nationals who contracted the virus, unlike nationals in the same situation, were required to bear the cost of being quarantined in a hotel. With reference to the candidate in the 2016 presidential elections who had been accused of not knowing the country, she wondered whether the same comment would have been made to a candidate born in Benin to two Beninese parents.

42. **Mr. Quenum** (Benin) said that, in a debate between political candidates, it was legitimate to accuse one's opponent of lacking knowledge of a particular area of policy. In the case in question, the candidate had been accused of not knowing important information about agriculture in Benin. The criticism had not been made to attack the candidate's ethnic or national origins, but to highlight his ignorance about a certain matter. Benin was not a xenophobic country and all Beninese nationals had family members who were of mixed heritage. Under the Constitution, it was a requirement that candidates for the presidency should have Beninese nationality but not that both their parents should also have Beninese nationality.

43. All Governments around the world had faced difficult challenges following the outbreak of the COVID-19 pandemic. In Benin, as a result of the Government's effective, non-discriminatory programme for tackling it, relatively few people had died from the disease. Compensation had been granted to the family members of the victims, irrespective of whether they had worked in the formal or the informal sector. As both nationals and non-nationals worked in both sectors, the Government's response could not be said to have been discriminatory. The owners of hotels requisitioned by the Government for quarantine purposes had been granted compensation on equal terms, irrespective of their nationality. The Government had never intended to profit from the pandemic by charging non-nationals for treatment or services.

44. As far as the delegation was aware, no court had invoked the Convention in a trial related to racial discrimination. It was not known whether any cases involving such discrimination had been brought before the courts. All persons living in Benin who fulfilled the relevant conditions had an equal right to legal assistance, irrespective of their nationality. A bill on legal aid that was currently under consideration contained no discriminatory provisions.

45. A total of 2,000 stateless persons lived on the Île aux Oiseaux, over which Benin had exercised jurisdiction since the issuance of a ruling by the International Court of Justice in connection with a border dispute between Benin and the Niger. The Government had not expected to be awarded jurisdiction over the island, which was why the persons living on it were stateless. When the last population census had been carried out, the inhabitants of the island had not considered themselves to be Beninese nationals. However, all inhabitants of the island who wished to apply for Beninese nationality could do so.

46. In the Government's view, the best way to ensure justice for the descendants of enslaved persons and members of their ethnic groups was to provide guarantees of non-repetition. School history books should provide true and unbiased accounts of the transatlantic slave trade, highlighting the barbaric nature of the trade while making it clear that it involved both Africans and merchants from Western countries. The Government did not intend to seek reparations for slavery but to keep alive the memory of the trade. To that end, it had constructed a number of monuments related to the trade in the city of Ouidah and was currently building a museum which would host a number of cultural assets that had been returned from France.

47. The granting of Beninese nationality to members of the diaspora was a subject of debate. The formalities required of members of the diaspora who wished to return to and settle in the country had been streamlined and consideration was being given to granting such persons status as honorary citizens on their return to the country, prior to commencement of

the naturalization process. Two Jamaican families had been able to recover and settle on land 20 years previously and had started the naturalization process. The Government recognized the rights of the diaspora and sought to facilitate their integration in the national community.

48. **Mr. Rayess** said that citizens needed to understand certain basic principles in order to make progress on human rights and the organization of a democratic society. To be able to participate in a democratic society, they must be educated in the workings of democracy, including the purpose of political parties and the need for them to have a basis that went beyond region or ethnicity. He would appreciate the delegation's comments on the view that restrictions on civil society affected the foundations of democracy and that the State should equip its citizens to become strong, fully-fledged citizens. The awarding of land to non-nationals based on the principle of reciprocity with their country of origin indicated that individuals were not treated equally, irrespective of their nationality.

49. **Ms. Esseneme** said that, while she welcomed the adoption in 2014 of the five-year National Action Plan to Combat Racial Discrimination, she understood that it had only been partially implemented. She wished to know what its outcomes had been and whether a follow-up plan would be developed.

50. **A representative of Benin** said that a national human rights policy had been developed, but that neither it nor the Action Plan had been fully implemented due to a lack of resources. A number of stakeholders, including journalists, had been involved in drafting the Plan and that had led to reforms to the public dissemination of information, including media broadcasts being made available in almost all national languages, with the translated versions provided within a week of the original broadcast. The Action Plan had also led to the celebration of all ethnic identities and the important events of the various ethnic and sociolinguistic groups. All ethnic groups were encouraged to join together for such events, some of which had even been made national holidays. Training was another area of the Action Plan that had been implemented, with training on addressing racial discrimination provided to the law enforcement agencies and the judiciary.

51. **A representative of Benin** said that the introduction in 2016 of visa-free travel to Benin for all African nationals was an example of the measures taken to combat all forms of discrimination, and consideration was being given to extending that measure to cover persons of African descent. The exhibition of the 26 artefacts returned by France had been reopened at the request of members of the diaspora, in order to allow them to view those artefacts during their holidays in Benin. Nationals and non-nationals alike had been able to view them free of charge, which meant that all persons had access to their culture. Non-nationals were able to hold high-level posts in the public service – indeed, the deputy head of the customs services was Senegalese and had been selected based on experience and expertise. Appointments to such posts were made on the basis of ability to contribute to the country's development.

52. The project to build the International Museum of Memory and Slavery included the development of a new narrative and curriculum on the history of the transatlantic slave trade and the training of guides who would present that new understanding. The history of the slave trade was also taught in primary and secondary schools, and researchers at the university level had worked extensively on the subject. History was kept alive through the annual marking of 10 January as the national holiday of indigenous religions. The Porto-Novo Declaration on restorative justice had been signed by the High Council of Chiefs of Benin, traditional chiefs were recognized in the Constitution and a committee of experts and historians had been established to advise the Government on the drafting of a law to implement restorative justice. That committee would also consider how to ensure that traditional chiefs could play their role as guardians of traditional customs. The different groups in the country coexisted and mixed peacefully.

53. **Ms. Tebie** said she would welcome the delegation's comments on the fact that a decision of the Cabinet of Ministers of Benin, in response to the COVID-19 pandemic and effective from 17 March 2020, provided that all persons who entered the country by air would be required to quarantine in hotel rooms requisitioned for that purpose, and that non-nationals would be required to cover the costs of the quarantine, whereas the costs of nationals were covered by the State. The decision to charge non-nationals had been challenged by a non-

governmental organization, but the Constitutional Court had ruled that the case fell outside the scope of its competence.

54. **Mr. Diaby** said that, in terms of the Porto-Novo Declaration and the idea of promoting restorative justice rather than financial reparations, he would be interested to hear about any public policy measures taken to provide other forms of reparation to groups that had particularly suffered from the effects of the transatlantic slave trade, given that the consequences of that trade had echoed down through history to the present day.

55. **Mr. Quenum** (Benin) said that no discriminatory measures had been enacted in response to the COVID-19 pandemic. Article 1 (2) and (3) of the Convention made it clear that the Convention's provisions were not applicable to distinctions made between citizens and non-citizens or to legal provisions concerning nationality, citizenship or naturalization, provided that they did not discriminate against any particular nationality. Quarantine measures had been imposed on all non-nationals on an equal basis in the context of an emergency situation and the pandemic had quickly been brought under control.

56. He thanked Committee members for their questions and their careful reading of the combined periodic report. His Government was committed to implementing the Convention and would take into account all recommendations made by the Committee. The additional information requested, including statistics, would be provided in writing.

57. **The Chair**, noting that the delegation had 48 hours to submit additional information in writing, thanked the delegation for a fruitful dialogue.

The meeting rose at 1 p.m.