



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
14 July 2022
English
Original: French
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

107th session

8–30 August 2022

Item 4 of the provisional agenda

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

List of themes in relation to the combined initial and second to ninth periodic reports of Benin

Note by the Country Rapporteur*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session¹ that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 3, 4 and 6)

2. Statistical data on the number of refugees and asylum seekers residing within the territory of the State party.² Update on economic and social indicators for the different groups living in its territory, disaggregated by ethnicity, sex and age, with particular reference to minority groups and non-nationals, in particular refugees and asylum seekers.³

3. Examples of cases in which the provisions of the Convention have been invoked and directly applied by domestic courts; detailed information on measures taken to raise awareness of the Convention among judges, magistrates, law enforcement officials, public officials and lawyers, as well as among the general public, and information on effective remedies.⁴

4. Measures taken to ensure that all the grounds set out in article 1 of the Convention are fully covered by the provisions of the Constitution relating to non-discrimination and equality, as well as in all other texts of the State party's legal system.⁵

5. Measures taken to introduce in the State party's legislation a definition of racial discrimination consistent with articles 1, 2 and 4 of the Convention, including the concepts of direct and indirect discrimination.⁶

* The present document was submitted after the deadline in order to reflect the most recent information.

¹ [A/65/18](#), para. 85.

² [CERD/C/BEN/1-9](#), para. 10 (Table 4).

³ *Ibid.*, paras. 128–134. See also [E/C.12/BEN/CO/3](#), paras. 5–6.

⁴ [CERD/C/BEN/1-9](#), para. 47.

⁵ *Ibid.*, paras. 63–65 and 74–77.

⁶ *Ibid.*, para. 63.



6. Information on the introduction of special measures in the State party's domestic law, in accordance with articles 1 (4) and 2 (2) of the Convention.
7. Incorporation in domestic law of article 4 of the Convention. Information and statistical data on complaints registered before the courts and the Benin Human Rights Commission for acts of racial discrimination and racist hate speech and crimes, including on the Internet and in the media, and on the number of investigations, prosecutions and convictions of perpetrators, in particular pursuant to the relevant provisions of Act No. 2015-07 of 20 March 2015 establishing the Information and Communication Code, Act No. 2017-20 of 13 June 2017 establishing the Digital Code, article 281 of the Criminal Code, Act No. 2018-31 of 9 October 2018 establishing the Electoral Code, and article 5 of Act No. 2018-23 of 17 September 2018 establishing the Charter of Political Parties.⁷
8. Specific measures taken to prevent and combat racial profiling by police officers. Specific disciplinary and correctional measures to investigate cases of racial profiling and to punish them in practice. Measures to include racist motivation as an aggravating circumstance for offences in the Criminal Code. Examples of cases in which racist motivation was taken into account during sentencing.⁸
9. Information on access to legal aid for non-nationals, especially refugees and asylum seekers.⁹
10. Measures to prevent and combat all other forms of segregation, particularly in the areas of housing and education, relating specifically to minorities or vulnerable populations.¹⁰
11. Information on the independence of the Benin Human Rights Commission and the human and financial resources allocated to it. Activities of the Commission relating to racial discrimination.¹¹ Information on the activities of the Office of the Ombudsman to combat racial discrimination and the human and financial resources allocated to it.¹²
12. Information on the implementation, evaluation and results of action plans against racial discrimination, xenophobia and intolerance.¹³

Situation of minorities and non-citizens, including refugees, asylum seekers, stateless persons and migrants (art. 5)

13. Measures taken to allow Beninese women to transmit their nationality to their foreign husbands or to their children born of a foreign father, on an equal footing with Beninese men. Update on the adoption of a new nationality code.¹⁴
14. Information on the possibilities and conditions for non-nationals to access and own property, without discrimination, and on the conditions for non-nationals, especially refugees and asylum seekers, to access social housing.¹⁵ Information on the possibilities for non-nationals to form and join associations or trade unions and to hold positions of responsibility in such organizations, and the conditions applicable for them to do so.¹⁶
15. Information on the access of non-nationals, in particular refugees and asylum seekers, to the social security system, and specifically to universal health insurance, and to health care in general.¹⁷ Information on access to education and vocational training for the same groups, with statistics.¹⁸

⁷ Ibid., paras. 86–90 and 188–195.

⁸ The State does not provide any information on this issue in its report.

⁹ CERD/C/BEN/1-9, para. 196.

¹⁰ Ibid., paras. 82–83.

¹¹ Ibid., para. 54. See also E/C.12/BEN/CO/3, paras. 7–8, and CAT/C/BEN/CO/3, paras. 28–29.

¹² CERD/C/BEN/1-9, paras. 43–44.

¹³ Ibid., para. 58.

¹⁴ Ibid., paras. 104–108. See also A/HRC/WG.6/28/BEN/1, para. 35.

¹⁵ CERD/C/BEN/1-9, paras. 112–114 and 150–151.

¹⁶ Ibid., paras. 123–125 and 147.

¹⁷ Ibid., paras. 144 and 169.

¹⁸ Ibid., paras. 172–187.

16. Information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the different groups protected by the Convention, including non-nationals, in particular refugees, asylum seekers, stateless persons and migrants. The measures taken to: (a) protect them against the effects of the COVID-19 pandemic; (b) protect them from discriminatory acts and counter hate speech and stigmatization in connection with the pandemic; and (c) mitigate the socioeconomic consequences of the pandemic for such persons and groups.

17. Measures to promote and protect the cultural rights of different ethnic groups, including the teaching of national languages in the school curriculum.¹⁹

18. Measures taken to prevent trafficking in persons and all forms of exploitation, in particular of refugee and asylum-seeking women, and to combat such phenomena. Information on investigations and prosecutions of perpetrators and protective measures available to victims.²⁰

Education to combat prejudices and promote understanding (art. 7)

19. Measures taken to promote human rights education, specifically with regard to racial discrimination, in all school curricula and teacher training, and information on the impact of such measures.²¹ Initiatives to promote good understanding and tolerance among the different ethnic groups living in the territory of the State party.²²

¹⁹ [E/C.12/BEN/CO/3](#), paras. 47–48.

²⁰ [A/HRC/WG.6/28/BEN/2](#), para. 34.

²¹ The State does not provide this information in its report.

²² [CERD/C/BEN/1-9](#), para. 215.