



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Concluding observations on the report submitted by Benin under article 29 (1) of the Convention*

1. The Committee on Enforced Disappearances considered the report submitted by Benin under article 29 (1) of the Convention¹ at its 543rd and 544th meetings,² held on 23 and 24 September 2025. At its 557th meeting, held on 2 October 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by Benin under article 29 (1) of the Convention and the written replies³ that it provided to the list of issues⁴ on 25 February 2025.

3. The Committee also welcomes the constructive dialogue that took place, in a hybrid format, with the delegation of the State Party, led by Yvon Détchénou, Minister of Justice, on the measures taken to implement the Convention, and it expresses its appreciation for the openness with which the delegation responded to the questions posed.

B. Positive aspects

4. The Committee notes with satisfaction that the State Party has ratified or acceded to all the international human rights instruments, as well as most of the optional protocols to those instruments, and the Rome Statute of the International Criminal Court.

5. The Committee welcomes the standing invitation issued by the State Party to all special procedures of the Human Rights Council. It also welcomes the commitment undertaken by the State Party to promote the implementation of the Convention and to take account of the Committee's concerns and recommendations in order to ensure the full compliance of its laws and practices with the Convention.

6. The Committee welcomes the positive steps taken by the State Party in areas related to the Convention, including:

(a) The adoption of Act No. 2024-22 of 26 July 2024, which provided for reforms to the Benin Human Rights Commission in order to bring it into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and designate it as the national mechanism for the prevention of torture, and the Commission's official establishment and operationalization following the reforms,

* Adopted by the Committee at its twenty-ninth session (22 September–2 October 2025).

¹ CED/C/BEN/1.

² CED/C/SR.543 and CED/C/SR.544.

³ CED/C/BEN/RQ/1.

⁴ CED/C/BEN/Q/1.



in July 2025, for purposes such as visiting places of detention, making recommendations and ensuring the prevention of torture;

(b) The adoption of Act No. 2019-40 of 7 November 2019, amending the Constitution, which recognizes the right to life, liberty, security and integrity of the person (art. 15), and sets out the obligation to disobey any manifestly illegal order, including any order or instruction relating to the commission of an enforced disappearance (art. 19 (2));

(c) The adoption of Act No. 2024-31 of 2 September 2024, on the granting of Beninese nationality to persons of African descent, which allows persons over 18 years of age who are not citizens of an African country to claim an official link with their ancestral land.

C. Principal subjects of concern and recommendations

1. General information

Competence of the Committee under articles 31 and 32 of the Convention

7. The Committee notes the statement made by the delegation of the State Party during the dialogue that the State Party has reconsidered its position regarding the declarations to recognize the Committee's competence to receive individual or inter-State communications and is willing to consider recognizing that competence (arts. 31 and 32).

8. The Committee invites the State Party to recognize as soon as possible the Committee's competence to receive and consider individual and inter-State communications under articles 31 and 32 of the Convention, with a view to ensuring the full effectiveness of the Convention and strengthening the protection of victims of enforced disappearance, in line with the statement made by the delegation during the dialogue.

Applicability of the Convention

9. The Committee notes that, under article 147 of the Constitution, international treaties and agreements ratified by the State Party take, upon publication, precedence over national laws. It regrets, however, that the State Party did not provide information on decisions of national courts or other competent authorities that have invoked or applied provisions of the Convention (arts. 1, 10–12 and 23).

10. The Committee recommends that the State Party, in compliance with article 147 of its Constitution, ensure that the provisions of the Convention may be directly invoked and applied by national courts and other competent authorities without any qualification or limitation. To this end, the Committee invites the State Party to regularly provide judges, prosecutors and lawyers with training on the Convention, including its scope and direct applicability.

National human rights institution

11. The Committee welcomes the broad mandate of the Benin Human Rights Commission, including as the national mechanism for the prevention of torture since July 2024. However, the Committee shares the concerns highlighted by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in its March 2022 report⁵ and invites the State Party to implement its recommendations.

⁵ https://ghanri.org/wp-content/uploads/2022/04/SCA-Report-March-2022_EN.pdf.

12. **The Committee supports the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions to the State Party that it should strengthen the Benin Human Rights Commission by providing it with:**

- (a) **A complete institutional framework and working methods;**
- (b) **A clear, uniform, participatory and transparent process for the selection and appointment of Commission members that ensures that the Commission is, and is perceived to be, genuinely independent;**
- (c) **The financial, technical and human resources necessary for the Commission to carry out its mandate effectively at the national and regional levels, including in relation to enforced disappearance. The Committee also recommends that the State Party take steps to increase awareness of the Commission and its powers, particularly those relating to enforced disappearance, among national and local authorities and the general public.**

Stakeholder involvement in the preparation of the report

13. The Committee notes the State Party's statement that several civil society organizations engaged in human rights advocacy took part in the preparation and validation of the State Party's report to the Committee and that several helpful contributions were incorporated into the report. However, it regrets the lack of information on the extent of the consultations and on how the consultations were carried out (art. 24).

14. **The Committee recommends that the State Party ensure that civil society organizations that work on the issue of enforced disappearance or provide support to victims are invited to participate in all stages of the process of preparing reports to the Committee and are regularly consulted and informed about all matters relating to the implementation of the Convention and the recommendations relating to it.**

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Non-derogability of the prohibition of enforced disappearance

15. The Committee notes the provisions of articles 18 and 19 of the Constitution of Benin on the prohibition of arbitrary detention and the sanctity of the human person. It also notes the delegation's statement that no exceptional circumstances may be invoked to justify a disappearance and that any such violations may be challenged directly before the Constitutional Court. However, the Committee regrets that the legislation in force does not explicitly state that the prohibition of enforced disappearance may not be derogated from or restricted on the basis of any exceptional circumstances (art. 1).

16. **The Committee recommends that the State Party expressly incorporate the absolute prohibition of enforced disappearance into its legislation, in accordance with article 1 (2) of the Convention, so as to ensure that no exceptional circumstances may ever be invoked to justify enforced disappearance.**

Offence of enforced disappearance

17. The Committee notes with satisfaction the delegation's statement that the State Party is considering establishing enforced disappearance as a separate offence in its Criminal Code and providing for penalties that are commensurate with the extreme seriousness of the offence and that may be increased where there are aggravating circumstances. The Committee highlights the urgent need for the State Party to adopt such a measure, as:

- (a) The current definition of enforced disappearance, as it appears in articles 464 and 465 of the Criminal Code, is limited to crimes against humanity of a prolonged duration;
- (b) The reference to a range of existing offences and similar acts is not sufficient to encompass all the constituent elements and modalities of the offence of enforced disappearance as provided for in the Convention and limits the capacity for ensuring that the crime is prosecuted and punished in an appropriate manner (arts. 2–5, 7 and 8).

18. The Committee recommends that the State Party take the following measures expeditiously:

- (a) Ensure that enforced disappearance is made a separate criminal offence, defined in line with articles 2 and 3 of the Convention, and that the offence carries appropriate penalties that reflect its extreme seriousness;
- (b) Ensure that all the mitigating and aggravating circumstances listed in article 7 (2) of the Convention are provided for under domestic law;
- (c) Guarantee that, in accordance with article 8 of the Convention, the statute of limitations applied to enforced disappearance is of long duration and proportionate to the extreme seriousness of the offence and that, given the continuous nature of the offence, it commences from the moment when the offence ceases;
- (d) Amend the definition of enforced disappearance as a crime against humanity under article 465 of the Criminal Code and ensure that it is fully in line with article 2, read together with article 5, of the Convention. To this end, the State Party should remove from the provision the requirement of a prolonged period and ensure that the concept of deprivation of liberty is not limited to arrest, detention and abduction, but also explicitly covers any other form of deprivation of liberty.

Criminal responsibility of superiors and due obedience

19. The Committee notes that articles 28 and 29 of the Criminal Code of Benin may provide a basis for refusing to obey the illegal orders of superiors. However, it is concerned that the Criminal Code does not provide for the criminal responsibility of superiors who exercised effective responsibility for and control over activities concerned with the crime of enforced disappearance, as required under article 6 (1) of the Convention. The Committee is also concerned that the existing legislation does not explicitly provide that due obedience may not be invoked to justify enforced disappearance (art. 6).

20. The Committee recommends that the State Party ensure that its legislation is fully in line with article 6 of the Convention, which provides that no order or instruction from any public authority – civilian, military or other – may be invoked to justify an offence of enforced disappearance, and that subordinates who refuse to obey an order to commit enforced disappearance must not be punished. The Committee also recommends that the State Party ensure that any person who commits, orders, solicits or induces the commission of, attempts to commit, is an accomplice to or participates in an enforced disappearance is held criminally responsible and is duly punished, in accordance with article 6 (1) (a) of the Convention.

Statistical information and national register of disappearances

21. The Committee notes the information provided by the delegation regarding the national register that was recently established in order to track detentions. However, it regrets the lack of statistical data on disappeared persons in the State Party (arts. 1–3, 12, 14, 15 and 24).

22. The Committee recommends that the State Party:

- (a) Establish and regularly update a single national register of disappeared persons in order to generate, without delay, accurate and up-to-date statistical information on such persons, disaggregated by sex, sexual orientation, gender identity, age, nationality and ethnic, religious or geographical origin. This information should include the date of disappearance and the number of disappeared persons who have been found, whether alive or dead, and make it possible to distinguish between cases in which there may have been some form of State involvement in the disappearance within the meaning of article 2 of the Convention, cases of disappearances falling under article 3 and cases involving other offences or types of disappearance that do not fall within the scope of these articles of the Convention;

- (b) Ensure that, in line with articles 14 and 15 of the Convention, which relate to the obligations of States Parties with regard to mutual legal assistance, this register

facilitates the exchange of relevant information with other States Parties engaged in searches and investigations relating to enforced disappearance.

3. Judicial procedure and cooperation in relation to enforced disappearance (arts. 8–15)

Extraterritorial and universal jurisdiction

23. The Committee notes the information provided by the State Party on the applicable legislation in terms of the jurisdiction of the State Party's courts over acts considered under Beninese law to be offences committed abroad (arts. 639 ff. of the Code of Criminal Procedure). However, the Committee notes with concern that, given that enforced disappearance is not a separate offence under domestic law, doubts remain as to whether the State Party may exercise jurisdiction in cases of enforced disappearance where the offence is committed abroad but the perpetrator or victim is a Beninese national or where the alleged perpetrator is a foreign national or stateless person who is not a permanent resident of Benin but is present in the country and has not been extradited or surrendered to another State or to an international criminal tribunal whose jurisdiction the State Party has recognized (arts. 9 and 11).

24. **The Committee recommends that the State Party ensure, in law and in practice, that national courts may exercise jurisdiction over acts of enforced disappearance committed abroad when the perpetrator or the victim is a national of Benin or when the alleged perpetrator is a foreign national or stateless person who is not an official resident of Benin but is present in the country and has not been extradited or surrendered to another State or to an international criminal tribunal whose jurisdiction the State Party has recognized, in compliance with articles 9 and 11 of the Convention and the principle of *aut dedere aut judicare* set out therein.**

Investigations into cases of enforced disappearance and searches for disappeared persons

25. The Committee notes the State Party's statement that there are no cases of enforced disappearance in Benin. However, since enforced disappearance is not a separate offence under national legislation, such a statement cannot be considered fully reliable. The Committee also notes that the delegation indicated that when facts that may constitute enforced disappearance under article 2 of the Convention are discovered or invoked, they are systematically and appropriately investigated and prosecuted by the police and by judges able to hear civil claims raised during criminal proceedings and receive evidence and requests for measures from parties with an interest in the proceedings. In this regard, the Committee is concerned about the insufficient legal framework for ensuring that any allegation of enforced disappearance is promptly, automatically and thoroughly investigated, even if no formal complaint is filed, and for guaranteeing the right of the relatives of the disappeared person to be regularly informed of the status of the investigation and to participate actively in the process (arts. 9–12 and 24).

26. The Committee recommends that the State Party:

(a) Collect, organize and publish reliable and up-to-date statistical data on the number of investigations conducted into incidents that may constitute enforced disappearance under article 2 of the Convention;

(b) Ensure that the authorities promptly initiate rapid, thorough and impartial search and investigation procedures, even in the absence of an official complaint, and that the alleged perpetrators are brought to justice and punished in a manner commensurate with the seriousness of the offence if their guilt is established;

(c) Allow all persons with a legitimate interest, including relatives, loved ones and legal representatives of disappeared persons, to participate in all stages of search and investigation procedures, and explain in advance all the circumstances under which such participation would not be possible;

(d) **Ensure that the authorities put in place official mechanisms to promptly and regularly inform the families of disappeared persons of the status and results of and difficulties involved in ongoing search and investigation processes.**

Combating impunity

27. The Committee is concerned that the Amnesty Act (No. 2019-39) of 7 November 2019, on amnesty for serious, ordinary and minor offences committed during the legislative elections of April 2019, results in impunity for perpetrators of human rights violations, potentially including enforced disappearance in the context of arbitrary detentions (arts. 11, 12 and 24).

28. **The Committee recommends that the State Party ensure, without delay, that:**

(a) **Searches and thorough and impartial investigations are promptly carried out in all cases of enforced disappearance, past and present, and continue until the fate of the disappeared person has been clarified;**

(b) **All persons involved in the commission of an enforced disappearance, including military and civilian superiors, are prosecuted and, if found guilty, receive punishments commensurate with the seriousness of their acts.**

Suspension of officials suspected of having committed an enforced disappearance

29. The Committee notes the State Party's statements regarding the mechanisms that ensure that any members of law enforcement or security forces or other public officials suspected of involvement in the commission of an enforced disappearance are suspended from duty from the outset of the search and investigation or excluded from all related processes and that, in the light of the evidence available, allow investigations to be assigned to bodies or institutions other than those of the officials concerned. However, the Committee regrets that the State Party did not provide specific examples of the application of such exclusions in practice (art. 12).

30. **The Committee recommends that the State Party:**

(a) **Guarantee the effective and practical implementation of provisions relating to the suspension from duty of any official suspected of having participated in the commission of an enforced disappearance from the outset of the investigation and for its entire duration, and of provisions relating to the exclusion of any law enforcement or security force whose members are suspected of having participated in an enforced disappearance from the investigation;**

(b) **Establish clear and transparent screening procedures to prevent persons suspected of violations of the Convention from serving as public officials or being promoted.**

Protection of persons who report cases of enforced disappearance or participate in the investigations

31. The Committee notes that, according to the State Party, witness protection is provided for under the Persons and Family Code. The Committee regrets not having received sufficient information on the practical implementation and effectiveness of this legislative framework and of the institutional framework in place to accompany it, for the purpose of protecting victims, their relatives, witnesses and human rights defenders from intimidation or reprisals when they report cases of enforced disappearance, and on the specific measures taken by the State Party in this regard (art. 12).

32. **The Committee recommends that the State Party ensure that its legislative and institutional framework guarantees that complainants, witnesses, relatives of the disappeared person, their lawyers and all persons participating in the investigation are effectively protected from all acts of reprisal or intimidation for having made a complaint or witness statement, regardless of their ethnic, religious or geographical origin or the date, place and circumstances of the disappearance, in line with article 12 (4) of the Convention.**

Extradition

33. The Committee takes note of the information provided by the State Party on the legal framework applicable to extraditions and is concerned about the consequences of the application of the dual criminality requirement in existing extradition treaties, given that enforced disappearance is not a separate offence under the Criminal Code (art. 13).

34. **The Committee recommends that the State Party make enforced disappearance a separate offence under domestic law without delay and, in addition, include it as an extraditable offence in any existing or future extradition treaty.**

4. Measures to prevent enforced disappearances (arts. 16–23)

Non-refoulement and extradition

35. The Committee notes with satisfaction that Benin is a Party to the Convention relating to the Status of Refugees and that the principle of non-refoulement is set out in its national legislation. However, the Committee regrets the lack of information on the legal safeguards in place against the risk of being subjected to enforced disappearance as a result of refoulement and in particular on:

- (a) The specific criteria used to assess the risk and the procedure and means used to verify the existence of such a risk in practice;
- (b) The conditions under which the State Party may accept diplomatic assurances when there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance;
- (c) The requirement that an appeal against a decision authorizing expulsion, return, surrender or extradition be filed within three days after the decision is taken;
- (d) Examples of specific cases in which article 16 of the Convention has been applied by the State Party (art. 16).

36. **The Committee recommends that the State Party strengthen its legal framework to ensure that the principle of non-refoulement is respected whenever there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance. In this regard, the Committee recommends that the State Party:**

- (a) **Explicitly prohibit in its domestic legislation any expulsion, return, surrender or extradition where there are substantial grounds for believing that the person concerned would be in danger of being subjected to enforced disappearance;**
- (b) **Set clear, specific criteria for expulsion, return, surrender or extradition and ensure that a thorough individual assessment is consistently conducted to determine and verify the risk faced by the person concerned of being subjected to enforced disappearance in the country of destination, even if the country is considered safe;**
- (c) **Ensure that diplomatic assurances are effectively examined, with the utmost care, and that they are not accepted in any case where there are substantial grounds for believing that the person would be in danger of being subjected to enforced disappearance;**
- (d) **Provide training on the concept of enforced disappearance and on the assessment of related risks to staff involved in asylum, return, surrender or extradition procedures, particularly border police officers;**
- (e) **Ensure that any decision taken in the context of a return for the purposes of carrying out an expulsion order can effectively be appealed within a reasonable time frame and that any such appeal has suspensive effect.**

Enforced disappearance in the context of trafficking in persons, migration, forced displacement and counter-terrorism activities

37. The Committee welcomes the commitment undertaken by the State Party to prevent and eradicate trafficking in persons. However, the Committee regrets the lack of information from the State Party on how it addresses the risk of enforced disappearance in the context of trafficking in persons, as well as in the contexts of migration, forced displacement and counter-terrorism activities, and on the services available to assist and support victims (arts. 2, 3, 14–16 and 24).

38. **The Committee urges the State Party to:**

(a) **Ensure that all allegations of disappearance in the context of trafficking in persons, migration, forced displacement or counter-terrorism activities are systematically registered and thoroughly investigated and that it is taken into account that the alleged acts may constitute enforced disappearance;**

(b) **Ensure that perpetrators are prosecuted and, if found guilty, given appropriate sentences and that victims, including children in situations of cross-border mobility, receive full reparation for the harm suffered and appropriate protection and assistance;**

(c) **Strengthen international mutual legal assistance to prevent the disappearance of persons in the context of trafficking in persons, migration, forced displacement and counter-terrorism activities and facilitate the exchange of information and evidence for searches and investigations among the countries concerned;**

(d) **Strengthen nationwide awareness-raising programmes, carried out in all national languages, and ensure that sessions are regularly held on the risks of enforced disappearance in the context of migration and trafficking in persons and that the issue is systematically addressed in school curricula.**

Detention and fundamental legal safeguards

39. The Committee notes the State Party's assertion that secret detention is not authorized but regrets that the prohibition is not expressly set out in national legislation (art. 17).

40. **The Committee recommends that the State Party expressly prohibit any form of secret detention in its legislation and take all the practical measures needed to ensure the systematic application of that absolute prohibition, making sure that all persons deprived of liberty are held solely in officially recognized and supervised places of deprivation of liberty at all stages of proceedings.**

41. The Committee notes the information provided by the State Party on the existence of registers of persons deprived of liberty in prisons and police stations. It also notes the information provided by the delegation regarding the project to set up a unique national electronic register that would guarantee the traceability of any deprivation of liberty and the stages of the criminal proceedings relating to it. However, the Committee regrets that the registers currently in place do not cover all places of deprivation of liberty and do not systematically guarantee timely access to information (arts. 17, 18, 20 and 21).

42. **The Committee recommends that the State Party ensure the prompt and effective implementation of the unique national register of persons deprived of liberty, covering all cases of deprivation of liberty, without exception, and containing, at a minimum, the information required under article 17 (3) of the Convention. In this regard, the State Party should:**

(a) **Ensure that the register is accessible throughout the country and that the officials responsible for maintaining it have the necessary material resources and receive regular training to make sure that the register is used properly and that the information recorded in it is systematically updated;**

(b) **Ensure that existing and future registers of persons deprived of liberty are immediately accessible to the authorities responsible for carrying out searches for**

disappeared persons and investigations into their disappearances and to any person with a legitimate interest;

(c) Punish the failure to comply with the obligation to record all deprivations of liberty, transfers and releases, the registration of inaccurate or incorrect information, the refusal to provide information on a deprivation of liberty and the provision of inaccurate information.

43. The Committee notes the safeguards that persons deprived of liberty enjoy, beginning during the police investigation, under articles 18 and 19 of the Constitution and articles 168–172 of the Criminal Code. However, it is concerned about allegations that these safeguards are not always applied in practice, especially with respect to detainees' access to a lawyer and their relatives and the timely access to information about a deprivation of liberty or transfer. In this regard, the Committee is concerned about claims regarding, in particular, Steve Amoussou and Hugues Comlan Sossoukpè, who were allegedly abducted abroad before being brought before the courts of the State Party, completely outside the bounds of the law (arts. 17, 18, 20 and 21).

44. **The Committee requests that the State Party:**

(a) Guarantee that all persons, from the outset of their deprivation of liberty and regardless of the offence with which they are charged, have effective access to a lawyer and a medical examination and that their relatives, any other person of their choice and, in the case of foreign nationals, their consular authorities are immediately and effectively informed of their deprivation of liberty and their place of detention and are able to regularly visit them;

(b) Ensure that any person deprived of liberty, including any person held in police custody, and, if enforced disappearance is suspected, any person with a legitimate interest may challenge the lawfulness of the deprivation of liberty before a court and have the court promptly hear the appeal and order the person's release if the deprivation of liberty is unlawful;

(c) Continue its efforts to raise awareness among police officers, gendarmes and prison staff, with a view to ensuring that persons deprived of liberty are informed of all their rights and enjoy them in practice, in all places and under all circumstances, and that their relatives and representatives are duly informed about their fate and whereabouts.

45. The Committee notes the State Party's assertions that the period of police custody provided for under the Constitution of Benin is 48 hours and that that period may be extended only after presentation before a judge, under exceptional circumstances that are fully substantiated. However, the Committee shares the concerns expressed by the Committee against Torture in 2019 with respect to the fact that the maximum period of police custody can be extended for up to eight days by the public prosecutor.⁶ Although custody orders may be reviewed by the Constitutional Court of Benin, the Committee considers a period of eight days to be excessive, as it places detainees at a heightened risk of enforced disappearance, including in the context of counter-terrorism activities (arts. 17, 18, 20 and 21).

46. The Committee urges the State Party to ensure that the maximum period of police custody does not exceed 48 hours, including non-working days, irrespective of the charges, and that it may be extended only under exceptional circumstances that are fully substantiated and with strict judicial oversight in order to ensure that persons facing prosecution are immediately brought before a judge and that their relatives and representatives have immediate access to information on their precise whereabouts and are able to visit them.

47. The Committee notes the information provided by the State Party on the provisions of Decree No. 2024-1153 of 9 October 2024, on the organization and internal rules of prisons, that ensure that, if a person deprived of liberty is transferred, his or her relatives and representatives and any person with a legitimate interest may be informed without delay of

⁶ [CAT/C/BEN/CO/3](#), para. 10.

his or her whereabouts. However, the Committee is concerned about information it received, which the State Party confirmed during the dialogue, regarding the difficulties involved in transfers between places of deprivation of liberty located far away from each other, which increase the risk of enforced disappearance (arts. 17, 18, 20 and 21).

48. The Committee recommends that the State Party systematically ensure that, when a detainee is transferred from one place of deprivation of liberty to another, particularly when the two places of deprivation of liberty are located far away from each other, his or her relatives, representatives or lawyers and any person with a legitimate interest have access without delay to information about the authority responsible for the transfer, the final destination and the person's whereabouts throughout the journey (art. 18).

Training

49. The Committee notes the information provided by the State Party that training sessions on enforced disappearance will be held for officials in the criminal justice system and that steps will be taken to integrate modules related to the Convention into training programmes. The Committee also welcomes the State Party's openness to receiving support from the Committee in that regard. However, the Committee is concerned that the training sessions are still not available and that the training programmes are not open to all officials that may be involved in searches or investigations or in measures to prevent enforced disappearance or provide support to victims (art. 23).

50. The Committee recommends that the State Party ensure that all law enforcement personnel, whether civilian or military, and all medical practitioners, public officials and other persons who may be involved in the custody or treatment of persons deprived of liberty, including judges, prosecutors and other justice officials of all ranks, receive appropriate and regular training on enforced disappearance and the Convention. The Committee reminds the State Party that it is available to support these efforts.

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Victims' rights

51. The Committee notes the State Party's statement that, under article 2 of the Code of Criminal Procedure, the concept of victim includes any person who has personally suffered harm as the direct result of an offence and that a civil action for damages may be brought by any duly registered person or association that, despite not having suffered direct personal injury, has a legitimate interest in bringing such an action. However, the Committee regrets that there is still no definition of a victim of enforced disappearance in the laws of the State Party and that the State Party did not provide detailed information on how the rights of victims are safeguarded in practice, particularly their rights to comprehensive reparation and access to information, and on participation in the search and investigation processes (art. 24).

52. The Committee recommends that the State Party:

(a) Ensure that any individual who has suffered harm as a direct result of enforced disappearance has access to a system of adequate, comprehensive reparation, as provided for under article 24 (4) and (5) of the Convention and other relevant international standards, that is applicable even if no criminal proceedings have been initiated and that is based on a differentiated approach that reflects a gender perspective and takes into account the specific requirements of victims;

(b) Put in place and apply an official mechanism for informing the relatives of disappeared persons of the steps taken to search for the persons and investigate their alleged disappearances, the progress made and the challenges faced;

(c) Allow the relatives of disappeared persons to participate in searches and the investigations into the alleged disappearances whenever they wish to do so and, when their participation is not possible for reasons beyond the State Party's control,

explain in advance to the family members and other loved ones why that is the case and inform them of the results of the measures taken;

(d) Ensure that information provided by relatives of disappeared persons is duly taken into account in the formulation and implementation of search and investigation strategies.

Legal situation of disappeared persons whose fate has not been clarified and that of their relatives

53. The Committee notes the procedure put in place by the State Party to determine the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, which provides for the issuance of a declaration of absence after two years or a declaration of death after seven years. However, given the continuous and complex nature of enforced disappearance, the Committee recalls that, in principle and unless there is concrete evidence to the contrary, there is no reason to presume that a disappeared person is dead so long as his or her fate has not been clarified (art. 24).

54. The Committee recommends that the State Party issue regulations addressing the legal situation of disappeared persons whose fate has not been clarified and that of their relatives, in full compliance with article 24 (6) of the Convention, including by ensuring that there is never a requirement of a declaration that a disappeared person is presumed dead. To this end, the Committee recommends that the State Party provide in its legislation for the issuance of declarations of absence by reason of disappearance, irrespective of the duration of the disappearance.

Situation of women and children who are victims of enforced disappearance, relatives of disappeared persons and a differentiated approach

55. The Committee recalls the limitations faced by Beninese women with respect to inheritance and access to social benefits that were reported by the Committee on the Elimination of Discrimination against Women: (a) the high prevalence of child marriage in the State Party, especially in rural areas and among poor communities; (b) the persistence of polygamy and the limited legal and economic protection for women in de facto unions, women married under customary law and women in polygamous unions; and (c) the lack of information about discriminatory customary laws related to marriage and family relations, divorce, child custody and inheritance⁷ (art. 24).

56. The Committee recommends that the State Party ensure that all women and girls who are relatives of disappeared persons are able to exercise, without restriction, all the rights recognized in the Convention.

57. The Committee is concerned about the lack of protocols or guidelines on searches and investigations in suspected cases of the enforced disappearance of a woman or child, but it welcomes the State Party's willingness to adopt and implement such instruments (arts. 7 and 23–25).

58. The Committee recommends that the State Party, taking into account similar instruments adopted in other countries, expeditiously adopt search and investigation protocols that guarantee that a differentiated approach is taken to meet the specific needs of women and children who are disappeared persons or relatives of disappeared persons.

Right to form and participate freely in organizations and associations

59. The Committee welcomes the State Party's willingness to encourage the creation of associations whose purpose is to help establish the circumstances of enforced disappearances and provide those associations with support. It is, however, concerned about allegations regarding the restrictions that civil society stakeholders currently face in the State Party when

⁷ CEDAW/C/BEN/CO/5, paras. 43 and 44.

they seek to prevent and address human rights violations, including enforced disappearances (art. 24).

60. The Committee recommends that the State Party respect and promote the right of all persons, irrespective of their ethnic, religious or geographical origin, to form and participate freely in organizations and associations whose purpose is to help establish the circumstances of enforced disappearances, clarify the fate of disappeared persons and assist victims of enforced disappearance.

6. Measures to protect children from enforced disappearance (art. 25)

Wrongful removal of children

61. The Committee welcomes the information provided by the State Party on the legal safeguards provided for in the Children's Code and its implementing decrees. However, the Committee is concerned that the State Party's national legislation does not specifically provide for the punishment of the acts described in article 25 (1) of the Convention. It also regrets the lack of information on measures taken to protect children and adolescents from enforced disappearance, in particular in the context of trafficking in persons, migration and forced recruitment, and to locate child victims of wrongful removal or enforced disappearance, including measures relating to cooperation with other States Parties and the prosecution of perpetrators (arts. 14, 15 and 25).

62. The Committee recommends that the State Party:

(a) Ensure that each of the acts described in article 25 (1) of the Convention is made a specific offence and establish appropriate penalties that reflect the extreme seriousness of the offences;

(b) Adopt the necessary regulations for the Children's Code to be properly applied in locating disappeared children and adolescents and protecting children and adolescents from enforced disappearance, and introduce an early warning platform with the appropriate resources to respond to cases involving the enforced disappearance of children;

(c) Search for and identify children who may have been victims of enforced disappearance, particularly in the context of trafficking in persons, migration and the recruitment and use of children in conflict.

63. The Committee welcomes the information shared by the delegation that, in August 2025, the State Party began the pilot phase of the one-stop shop for notification and registration of births at the Lagoon Mother and Child University Hospital Centre in Cotonou and notes that the system is currently being tested in 10 public health facilities. The Committee stresses the urgency of ensuring the effective implementation of the birth registration system throughout the country, as it is essential for preventing enforced disappearance.

64. The State Party should prevent the disappearance of children by continuing its efforts to strengthen the birth registration system and ensure the full registration of the births of all children throughout the country, paying particular attention to children under 5 years of age, children of unmarried parents and children whose parents are not Beninese.

Illegal adoption

65. The Committee takes note of the information provided by the State Party that simple adoptions may be revoked, while full adoptions are irrevocable. It regrets, however, the lack of information on domestic and inter-country adoption processes in the State Party and on the measures in place to allow for the review of any form of adoption when it is alleged that it may be linked to an enforced disappearance (art. 25).

66. The Committee recommends that the State Party align its Criminal Code with article 25 (4) of the Convention and establish specific procedures for reviewing and, where appropriate, annulling any adoption, placement or guardianship arrangement

resulting from an enforced disappearance and for re-establishing the true identity of the child concerned, taking into account his or her best interests. In addition, the Committee stresses that the State Party must investigate and prosecute any person involved in an illegal adoption that may constitute an enforced disappearance.

D. Dissemination and follow-up

67. The Committee wishes to recall the obligations undertaken by States when becoming Parties to the Convention and, in this connection, urges the State Party to ensure that all the measures that it adopts, irrespective of their nature or the authority from which they emanate, are in full accordance with the Convention and other relevant international instruments.

68. The Committee wishes to emphasize the particularly cruel effect of enforced disappearance on the human rights of women and children. Women and girls who are subjected to enforced disappearance are particularly vulnerable to sexual and other forms of gender-based violence. Women who are relatives of a disappeared person are particularly likely to suffer serious social and economic disadvantages and to be subjected to violence, persecution and reprisal as a result of their efforts to locate their loved ones. Children who are victims of enforced disappearance, either because they themselves were subjected to disappearance or because they suffer the consequences of the disappearance of their relatives, are especially vulnerable to numerous human rights violations, including identity substitution. In this context, the Committee places special emphasis on the need for the State Party to ensure that gender issues and the specific needs of women and children are systematically taken into account in implementing the recommendations contained in the present concluding observations and all the rights and obligations set out in the Convention.

69. The State Party is encouraged to translate into all national languages and widely disseminate the Convention, its report submitted under article 29 (1) of the Convention, the written replies to the list of issues drawn up by the Committee and the present concluding observations, in order to raise awareness among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the State Party and the general public. The Committee also encourages the State Party to promote the participation of civil society, in particular organizations of relatives of victims, in the process of implementing the recommendations contained in the present concluding observations.

70. Under article 29 (3) of the Convention, the Committee requests the State Party to submit, by no later than 3 October 2028, specific and updated information on the implementation of all its recommendations and any other new information on the fulfilment of the obligations contained in the Convention. The Committee encourages the State Party to consult civil society, in particular organizations of victims, when preparing this information, on the basis of which the Committee will determine whether it will request additional information under article 29 (4) of the Convention.