

UPR-14 / BENIN

Benin has advanced certain areas of its **judicial system**: new courts have been established, facilitating the access for disabled people; from 2008 to 2011: the number of judges across the country has increased: one judge for every 112,000 inhabitants; average distance of travel to courts: 14,2km. However, detention facilities remain below international standards, notwithstanding many recommendations made by treaty bodies on this regard (Italy). In fact: poor detention conditions subsist with lack of access to water and health services, limited visiting possibilities, overcrowding / “prison congestion” (Iraq; Mauritania; Morocco; Holland; Spain; Australia). The issue of violence in detention settings was also raised (Holy See; United States), and the need for police and judges working in detention centres to be adequately trained (Holy See; Morocco; United States). Minors continue to be detained (including girls): the judicial has yet to be further strengthened (Germany), limiting the recourse to pre-trial detention (France; United States; Australia) and increasing the use of non-custodial measures (Holland) and obeying the due process of law (Spain), in particular the protection of witnesses, which is to be explicitly upheld within the criminal and criminal procedure code (Hungary). Furthermore, there is need to extend invitation to the SR on the independence of judges and lawyers (Belarus).

There is a new civil procedure code dealing with child protection and with the issue of “**witch children**” - grass roots efforts are underway: in March 2012, a national forum was organised in order to eradicate the phenomenon, by creating a data base and including the participation of all actors involved, organizing awareness raising sessions in rural area regarding the right to life. Nevertheless, infanticide must be eradicated once and for all (Rwanda; Slovenia; Mexico; Holy See), there is need to take necessary measures for a “comprehensive reaction”: awareness raising, punishment and prevention (Togo, Chile, Italy, Romania, Uruguay, Belarus); further investigation is needed on this regard (Hungary, Uruguay); along with partnerships built with NGOs (United Kingdom), and effective support to families and victims (United Kingdom, Luxembourg).

Female genital mutilation (FGM) is another grave matter of concern: there is need to step up efforts through proper criminalization (Italy, Holland), effective prosecution – as a deterrent mechanism - (Belgium), and education and awareness raising campaigns (Italy, France, and Luxembourg). Notwithstanding Law 09/01/2012 which protects and punishes **violence** against women and girls, violence against children, such as corporal punishment in schools and the home, must be prohibited (Mexico, Holy See) explicitly in the Criminal Code (Liechtenstein).

Birth registration must be implemented through legislation and infrastructure (Hungary, Luxemburg, Mexico, Canada), and be free and obligatory, by setting-up civil offices throughout Benin (Uruguay). Benin stated that there is an administrative census program and national forum, with the support of UNICEF, in order to collect data on persons civil status.

Trafficking of women and children remains an issue of concern, particularly for sexual exploitation and forced labour: there is need for better legal protection (Holland, Costa Rica) and absolute prohibition (Norway), the issue needs to be addressed adequately (Norway, Canada). Furthermore support mechanisms for the victims need to be increased (Romania), as raising awareness efforts within schools (Slovakia), training the police (Liechtenstein). An invitation must be extended to the SR on trafficking, SR on the sale of children, SR on torture (Belarus).

Legislation: Need to define and criminalise torture within the Criminal Procedure Code (2012) (Canada, France) and bring the current criminal code in line with the OP/CAT (Spain) - general need to revise the criminal code and criminal procedure code (Congo). The question was raised whether there was a draft bill on a national torture prevention mechanism / national observatory for torture (Morocco, United States). There is need to ratify the **Optional protocol ICCPR** on the absolute prohibition of the death penalty (all); and a general need for the domestication of international human rights instruments. The Family Code must be revised regarding children born out of wedlock (Chile). Benin must ratify The Convention on the Rights of Persons with Disabilities (Namibia) and improve the particular situation of children with disabilities (Hungary).

There is need to build a **comprehensive strategy on children's rights**: enhance the National Commission on the rights of the child (Sri Lanka); speed up the adoption of the draft Children's Code (Algeria); in particular the law on displacement of minors needs to be effectively implemented (Cote d'Ivoire), and a child's right to food must be ensured (Chile). Benin was acknowledged for the measures taken on child rights (Burkina Faso, Congo) as there have been many gender and health promotion policies, notwithstanding lack of resources: Law 2011/26 working on the prevention and punishment of violence against women (Burundi; Brazil); girls education; malaria health care for children under 5 (Congo); and also as Benin carrying out the current role as chair of the African Union (Senegal). Human and financial resources are limited (Algeria): need for international cooperation (all).