

BENIN 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a stable constitutional presidential republic. In 2016 voters elected Patrice Talon to a five-year term as president in a multiparty election, replacing former president Thomas Boni Yayi, who served two consecutive five-year terms. During the year authorities held legislative elections in which no opposition party was deemed qualified to participate after failing to meet registration requirements implemented in 2018, effectively excluding them from the elections. As a result voter turnout declined from 65 percent in 2015 to 27 percent; the pro-Talon Progressive Union and Republican Block parties continued to hold all 83 seats in the National Assembly. Unlike in 2015, when the last legislative elections were held, international observers did not assess the elections as generally free, fair, and transparent.

The Beninese Armed Forces (FAB) are responsible for external security and support the Republican Police in maintaining internal security. The Republican Police, formed in 2018 through a merger of police and gendarmes, are under the Ministry of Interior and have primary responsibility for enforcing law and maintaining order in urban and rural areas. Civilian authorities generally maintained effective control over security forces.

Significant human rights issues included: unlawful or arbitrary killings; harsh and life-threatening prison conditions; rape and violence against girls and women with inadequate government action for prosecution and accountability; and child labor.

Impunity was a problem. Although the government tried to control corruption and abuses, including by prosecuting and punishing public officials, officials sometimes engaged in corrupt practices with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were credible reports from civil society groups that police and military members used disproportionate and lethal force against protesters.

On May 1 and 2, postelection clashes between security forces and antigovernment protesters in Cotonou resulted in civilian deaths. A nongovernmental organization (NGO) reported at least two deaths in Cotonou, including a female bystander who was shot when a FAB member fired to disperse crowds. Some protesters committed acts of arson. Several other protesters were injured during clashes with police and FAB members. On May 2, Minister of Interior Sacca Lafia stated police had been instructed not to use lethal force (firearms) against protesters and that those who had disobeyed the order would be held accountable. On November 7, the president acknowledged that four civilian casualties occurred during the protests.

In June clashes occurred in Tchaourou and Save after police attempted to arrest individuals suspected of violently disrupting public order during and after the legislative elections. Gunfire was exchanged between FAB members supporting police and members of an armed group, resulting in injuries to both FAB and group members. There were unconfirmed reports of deaths of civilians.

b. Disappearance

There were no reports of politically motivated disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law and constitution prohibit such practices, but such incidents continued to occur. According to a 2017 journalist's report on prison conditions, inmates subjected new detainees to physical abuse, torture, and other degrading treatment. The report stated that prison staff were aware of the situation, but the prison service denied the allegation.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding, inadequate medical care, food, and sanitary conditions.

Physical Conditions: According to the Benin Bar Association, conditions in the country's three prisons and eight jails were inhuman due to overcrowding, malnutrition, and poor sanitation. The country's 11 facilities held 8,502 inmates, significantly exceeding a capacity of 5,620 inmates. Convicted criminals, pretrial

detainees, and juveniles were often held together. There were deaths due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Lighting was inadequate. Prisoners with mental disabilities lacked access to appropriate disability-related support.

Administration: Prison authorities allowed visitors, but according to NGO reports, prison officials sometimes charged visitors amounts ranging from 500 CFA francs to 1,000 CFA francs (\$0.85 to \$1.70).

Independent Monitoring: The government permitted prison visits by human rights monitors. Representatives of religious groups and NGOs visited prisons, although some NGOs complained credentials were not systematically granted when they submitted requests to make visits. Organizations that visited prisons included the local chapter of Prison Fellowship, Caritas, Prisons Brotherhood, Christian Action for the Abolition of Torture, Amnesty International, the Beninese Human Rights Commission, the Friends of Prisoners and Indigents Clinic, and Prisoners without Borders.

Improvements: During the year the government reduced overcrowding through construction of prisons and jails and the administrative release of 1,300 persons determined to have been wrongfully detained.

With the assistance of the European Development Fund and two local NGOs, the government introduced training on income-generating activities for young adult inmates in the prisons of Abomey, Lokossa, and Savalou in order to facilitate their reintegration following release. In July the Prison Agency organized and conducted two training sessions on conflict resolution for wardens and other prison service officials. In August the Prison Agency provided training to prison nurses on inmate mental health care.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, Republican Police occasionally failed to observe these prohibitions. A person arrested or detained, regardless of whether on criminal or other grounds, is by law entitled to file a complaint with the liberty and detention chamber of the relevant court. The presiding judge may order the individual's release if the arrest or detention is deemed unlawful.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized judicial official and requires a hearing before a magistrate within 48 hours for the individual arrested, but these requirements were not always observed.

After examining a detainee, a judge has 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in arrests involving illegal drugs, a judge may authorize detention beyond 72 hours not to exceed an additional eight days. Warrants authorizing pretrial detention are effective for six months and may be renewed every six months until a suspect is brought to trial. Detainees have the right to prompt judicial determination of the legality of detention, which was generally observed. Detainees awaiting judicial decisions may request release on bail and have the right to prompt access to a lawyer. Suspects were not detained incommunicado or prevented access to an attorney.

The government sometimes provided counsel to indigents in criminal cases. Persons in rural areas accused of serious crimes often lacked adequate legal representation because defense attorneys were predominantly based in Cotonou and generally did not work on cases in rural areas.

There were credible reports of individuals held beyond the legal limit of 48 hours of detention before a hearing, sometimes by as much as a week. Authorities often held persons indefinitely “at the disposal of” the Public Prosecutor’s Office before presenting the case to a magistrate.

Arbitrary Arrest: In May and June, the government arrested approximately 90 individuals suspected of involvement in postelection protests that in some cases turned violent and charged them with participating in an “unauthorized gathering” and “incitement to hatred and rebellion.” NGOs reported that in many cases these arrests occurred without arrest warrants or the required hearing by a magistrate within 48 hours.

On November 7, the government granted amnesty to individuals, including civilians and security force members, charged with “crimes, offenses, or infractions” committed during the legislative elections process. On November 8, the Court of Cotonou ordered the release of 63 individuals under the amnesty.

Pretrial Detention: The law defines the maximum length of pretrial detention for felony cases at five years and for misdemeanors three years. Approximately two-thirds of inmates were pretrial detainees; 20 percent of pretrial detainees were held in excess of five years, according to a 2017 Benin Bar Association report. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The length of pretrial detention frequently exceeded the maximum sentence for conviction of the alleged crime.

Detainees held beyond pretrial limits frequently could obtain recourse from the Constitutional Court. On July 4, the court ruled that the pretrial detention of an individual held since 2013 violated the constitutional limit of 48 hours of detention. In addition it ruled that responsible judicial officials failed to “fulfill their duties with commitment, loyalty, and probity while respecting the common good.”

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the president heads the High Council of the Judiciary that governs and sanctions judges. The judicial system was also subject to corruption, although the government continued to make substantial anticorruption efforts, including the dismissal and arrest of government officials allegedly involved in corruption scandals. Authorities respected court orders.

In June 2018 the National Assembly passed a bill creating the Court to Counter Economic Crimes and Terrorism (CRIET). Observers within the judicial sector raised concerns that the bill establishing CRIET may have violated judicial impartiality, the right of appeal, and due-process principles. CRIET decisions may not be appealed to intermediate appeals courts--designed to correct errors such as a lack of jurisdiction, failure to provide a legal basis for a decision, or action by a court exceeding its authority--but must be filed directly with the Supreme Court.

Trial Procedures

While the constitution provides for the right to a fair trial, judicial inefficiency and corruption impeded the exercise of this right.

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Defendants enjoy the right to be informed promptly and in detail of the charges, with free interpretation as necessary, to a

fair, timely, and public trial, to be present at trial, and to representation by an attorney.

Courts provide indigent defendants with counsel upon request in criminal cases. Government-provided counsel, however, was not always available, especially in cases handled in courts located in the north where few lawyers lived. Defendants who cannot understand or speak French are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants enjoy the right to adequate time and facilities to prepare a defense; to confront witnesses; to present witnesses and evidence on their own behalf; and to not to be compelled to testify or confess guilt.

Defendants, other than those tried by CRIET, may appeal criminal convictions to both Court of Appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials are open to the public, but in exceptional circumstances, the president of the court may decide to restrict access to preserve public order or to protect the parties. The government extends the above rights to all citizens without discrimination.

Political Prisoners and Detainees

Unlike in 2018, there were reports of political prisoners or detainees. The NGO Organization for the Defense of Human and People's Rights reported that as of June there were 78 political prisoners at the Prison of Cotonou, 20 at the Prison of Parakou, nine at the Prison of Abomey, and approximately 20 at the Prison of Akpro-Misserete. Additionally, an NGO that works on improving prison conditions in the country stated that several of the individuals arrested for involvement in postelection protests were detained for politically motivated reasons.

The government permitted access to such persons by human rights or humanitarian organizations such as the National Human Rights Commission.

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were reports the government attempted to use international law enforcement tools for politically motivated purposes against specific individuals located outside the country. For example, on April 23, a Spanish court rejected the government's request for the extradition of former minister of finance Komi Koutche, who had

been arrested during a stopover in Madrid in December 2018 based on an Interpol (International Police Criminal Organization) Red Notice. The court cited lack of evidence to substantiate the request, potential political motivation for the request, and CRIET's inability to provide for a fair trial due to its lack of independence from the government.

Civil Judicial Procedures and Remedies

The judiciary exercised independence in civil matters. If administrative or informal remedies are unsuccessful, a citizen may file a complaint concerning an alleged human rights violation with the Constitutional Court. The Constitutional Court's ruling is not binding on courts; however, citizens may cite rulings from the Constitutional Court to initiate legal action against offenders in regular courts. Adverse court rulings other than those of the Constitutional Court may be appealed to the Economic Community of West African States' Court of Justice and the African Court on Human and People's Rights. In 2016 the government filed a declaration with the African Union Commission recognizing the competence of the African Court on Human and Peoples' Rights to receive cases from NGOs and individuals.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights.

There were many public and private media outlets, including two public and seven private television stations, three public and 50 private radio stations, and approximately 175 newspapers and periodicals. Many of these refrained from openly criticizing government policy.

There were reports the government inhibited freedom of the press.

Press and Media, Including Online Media: The press and media were closely regulated. The High Authority for Audiovisual and Communication (HAAC) is a quasigovernmental commission with members appointed by the president, private media, and the legislature. HAAC has a dual and perhaps inherently contradictory role of providing for press freedom and a mandate to protect the country against “inflammatory, irresponsible, or destabilizing” media reporting.

The government arrested journalists during the year. On April 18, according to the Committee to Protect Journalists, police arrested Casimir Kpedjo of the newspaper *Nouvelle Economie* for “spreading false information about the Beninese economy.” On April 23, he was released pending prosecution before CRIET, which had yet to be conducted by year’s end. On August 12, Ignace Sossou was convicted of “publication of false information by electronic networks” on *Benin Web TV* and journalist Parfait Folly was convicted of disseminating “false information” through WhatsApp. The journalists received one-month and six-month suspended sentences respectively and fines of 500,000 CFA francs (\$849). Sossou appealed his sentence to the Court of Appeals of Cotonou. His appeal had yet to be heard at year’s end.

On December 20, Sossou was arrested on separate charges and on December 24, he was sentenced to 18 months in prison and fines of 200,000 CFA francs (\$340) for “harassment through electronic means” after posting quotes to his personal social media accounts that he attributed to Cotonou’s public prosecutor. Sossou alleged that the prosecutor had made the comments during an anti “fake news” training organized by the French Media Development Agency (CFI).

On May 16, the Court of Appeals ruled that HAAC’s May 2018 suspension of the newspaper *La Nouvelle Tribune* violated the constitution and ordered HAAC to rescind the suspension. The ruling struck down a lower court’s finding in favor of HAAC’s suspension of *La Nouvelle Tribune* for publishing an article regarding the president’s private life that was deemed offensive. At year’s end HAAC had yet to rescind the suspension and *La Nouvelle Tribune* had yet to resume publication.

On December 17, the HAAC ordered the opposition-owned radio station Soleil FM to suspend its broadcasts on the grounds that its owner and 2016 presidential candidate Sebastien Ajavon failed to appear in person to sign the station’s annual broadcast registration documents, even though it is common practice for legal representatives to sign media registration documents on behalf of owners. Ajavon resides in France after being sentenced in absentia to 20 years imprisonment on

drug trafficking charges. The charges against Ajavon were viewed by some observers as political in nature.

Censorship or Content Restrictions: HAAC publicly warned media outlets against publishing information related to legal cases pending before criminal courts because it could be interpreted as an attempt to influence court rulings. It was possible to purchase and thus influence the content of press coverage. HAAC warned media against such practices. Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship due to fear the government would suspend their media outlets. HAAC held public hearings on alleged misconduct by media outlets during the year.

Libel/Slander Laws: By law journalists may be prosecuted for libel and slander. Journalists may also be prosecuted for incitement of violence and property destruction, compromising national security through the press, or a combination of the two. Penalties for conviction include incarceration and fines. According to the 2018 Digital Code, anyone convicted of “relaying false information against a person using electronic means” may be sentenced to between one and six months in prison and a fine between 500,000 and 1,000,000 CFA francs (\$849 to \$1,698). The Digital Code applies to all social media.

Internet Freedom

Unlike in 2018 the government disrupted access to the internet. The digital code criminalizes use of social media for “incitements to hatred and violence.” On April 28, the day of legislative elections, the country’s internet providers blocked access to all social media sites--including WhatsApp, Facebook, Twitter, and Instagram, as well as iMessage apps--followed by a complete blackout of all internet access. A Ministry of Communications official told a diplomatic representative that the internet blackout was done to prevent the circulation of “fake news” on election day. An official of an international human rights organization stated that the blackout was “a blunt violation of the right to freedom of expression.”

In October 2018 the Court of Cotonou convicted Sabi Sira Korogone of incitement of hatred and violence, incitement of rebellion, and “racially motivated slander” for statements posted on a social media site. The court sentenced him to imprisonment for one year and a fine of three million CFA francs (\$5,093). Korogone filed an

appeal, and on June 2, the Cotonou Court of Appeals reversed the lower court decision and ordered his release.

There were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association. Advance notification is required for demonstrations and other public gatherings. Unlike in 2018 the government frequently restricted freedom of peaceful assembly on political grounds.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly. Unlike in 2018 the government violated this right by employing provisions of the penal code to prevent peaceful gatherings by opposition groups and to sanction them. Additionally, authorities sometimes cited “public order” to prevent demonstrations by opposition groups, civil society organizations, and labor unions.

Authorities require advance notification for use of public places for demonstrations.

From February to March in the lead-up to April 28 legislative elections, local mayors and departmental prefects issued orders banning protests in the cities of Abomey Calavi, Allada, Glazoue, Parakou, and Porto-Novo. For example, on March 15, the prefect of Zou-Collines Department ordered all mayors under his jurisdiction to ban protests indefinitely.

On International Labor Day (May 1), police used tear gas to disperse demonstrators during a peaceful but unapproved march organized by the labor union Trade Union Confederation of Benin Workers. Police arrested some demonstrators.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In 2018 as part of its effort to reduce corruption, the government banned roadblocks throughout the country. There were no illegal roadblocks during the year.

Foreign Travel: The government maintained documentary requirements for minors traveling abroad as part of its campaign against trafficking in persons. This was not always enforced, and trafficking of minors across borders continued.

The government regulates the timing and length of seasonal movement of migratory Fulani (Peul) herdsman and their livestock into and within the country.

On July 31, the government issued a decree barring anyone wanted on criminal charges from obtaining civil documents, including passports, national identity cards, and certificates of citizenship.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: The government assisted refugees and asylum seekers with obtaining documents from their countries of origin while granting their status as privileged residents. The government also facilitated naturalization of refugees as

part of a local integration effort. The government involved civil society, media, and academia in the process. In March 2018 the government National Commission of Assistance to Refugees assumed responsibility for refugee issues in the country following closure of the local UNHCR office. The commission cooperates with UNHCR through its regional office in Dakar, Senegal.

g. Stateless Persons

There were large communities of stateless individuals residing in eight villages along the border with Niger and Nigeria. These villages were returned to Benin following the resolution of land disputes among Benin, Niger, and Nigeria. The residents lacked the necessary identification documents to claim citizenship.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On April 28, the government held legislative elections that excluded opposition parties. In 2018 the National Assembly legislated more stringent requirements for parties to qualify to run in elections. On February 5, two months before the legislative elections, the Constitutional Court declared all parties must possess a “certificate of conformity” with the requirements in order to participate in elections. On February 27, the independent election commission announced that no opposition party met the requirements, leaving only two progovernment parties on the election ballot. Voter turnout for the elections was an historic low of 27 percent.

Although there were incidents of voter interference by opposition demonstrators, election day voting proceeded calmly in most of the country. Protesters in opposition strongholds in central Benin blocked some roads for much of the day and media reported demonstrators in Parakou burned ballot materials at polling stations and prevented some citizens from voting. The government implemented an internet blackout on election day that blocked access to social media sites including WhatsApp, Facebook, Twitter, Instagram, and iMessage apps.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process. Cultural factors, however, limited women's political participation. By custom and tradition, women assumed household duties, had less access to formal education, and were discouraged from involvement in politics. President Talon appointed only five female ministers to his 24-member cabinet and one woman among the prefects administering the country's 12 geographic departments. On November 7, parliament adopted a constitutional amendment mandating that women fill a minimum of 24 seats in the National Assembly beginning in 2023.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices.

It was commonly believed, and acknowledged by some judicial personnel, that the judicial system at all levels was susceptible to corruption.

Corruption: The government took several actions during the year to combat corruption. On February 7, after eight years in pretrial detention, CRIET convicted and sentenced the leaders of an unregulated investment company (Investment Consultancy and Computing Services) and its accomplices. CRIET found five individuals guilty of illegal microfinance activities, illegal banking activities, and fraud. Sentences ranged from three to 10 years' imprisonment, with fines of between eight and 10 million CFA francs (\$13,582 to \$16,978). On February 20, the Council of Ministers dismissed Modeste Toboula, prefect of the Littoral Department, because he had authorized the illegal sale of state-owned plots of lands, two plots of which he acquired for himself. CRIET convicted Toboula of abuse of office and on June 3, sentenced him to one year in prison and fined him two million CFA francs (\$3,396). In August, Toboula was released conditionally on medical grounds. On April 8, CRIET tried former chief clerk of the Court of Cotonou Abou Seidou in absentia, convicted him of embezzlement, and sentenced him to life imprisonment and a fine of 800 million CFA francs (\$1.4 million).

Financial Disclosure: The law requires income and asset disclosure by appointed and elected public officials. Declarations are not made available to the public. The National Anti-Corruption Agency (ANLC) reported that as of August 12, the president and all cabinet members, and members of the Constitutional Court, HAAC, the Independent Electoral Commission, the ANLC, the High Court of

Justice, and the Office of the Ombudsman submitted asset disclosure statements. The ANLC report noted, however, that only 63 of the 83 sitting National Assembly members and 27 of the 30 members of the Economic and Social Council had submitted declarations.

The penalty for failure to submit an asset disclosure is a fine of six times the monthly wage of the official concerned. The penalty has never been applied.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: In December 2018 the Constitutional Court swore in the first members of the Benin Human Rights Commission. The country had an ombudsman responsible for responding to citizen complaints of maladministration who was independent, adequately resourced, and effective. The Office of the Ombudsman reported addressing 258 cases, including cases involving contested land ownership, unfair dismissal, debt recovery, and government failure to implement judicial rulings.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victims' unwillingness to report cases due to fear of social stigma and retaliation. Prison sentences for rape convictions range from one to five years. The law explicitly prohibits spousal rape and provides the maximum penalty for conviction of raping a domestic partner. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties victims faced in preserving and presenting evidence in court, judges reduced most sexual offense charges to misdemeanors. The primary form of evidence used to prove sexual assault required physician certification. Since physicians were only accessible in large cities, victims in rural areas were effectively precluded from pursuing charges. Penalties for conviction of domestic violence range from six to 36 months' imprisonment. Nevertheless, domestic violence against women was common.

Women remained reluctant to report cases, and judges and police were reluctant to intervene in domestic disputes.

The Ministry of Social Affairs and Microcredit provided financial support to some victims of abuse. It organized public outreach campaigns to raise public awareness of violence against girls and women.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for conviction of performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$10,187). Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. The practice was largely limited to remote rural areas in the north. According to UNICEF, 7 percent of girls and women ages 15 to 49 underwent FGM/C in 2018.

The government, in conjunction with NGOs and international partners, made progress in raising public awareness of the dangers of the practice. For additional information, see Appendix C.

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims, but sexual harassment was common, especially of female students by their male teachers. Persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$170 to \$1,698). The law also provides for penalties applicable to persons who are aware of sexual harassment but do not report it. Victims seldom reported harassment due to fear of social stigma and retaliation, however, and prosecutors and police lacked the legal knowledge and skills to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors. There were reports of increasing rates of schoolgirl pregnancies. In many cases male teachers were reportedly responsible for these pregnancies. From May 27 to June 20, the University of Abomey Calavi in coordination with the UN Population Fund organized several events to raise student awareness of the problem of sexual harassment and abuse by teachers in primary schools, high schools, and universities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: Although the constitution provides for equality for women in political, economic, and social spheres, women experienced extensive discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses.

The law on persons and the family bans all discrimination against women in marriage and provides for the right to equal inheritance. The government and NGOs educated the public on women's inheritance and property rights and their increased rights in marriage, including prohibitions on forced marriage, child marriage, and polygyny. The government did not enforce the law effectively, however.

Children

Birth Registration: Citizenship is derived by birth within the country to a citizen father. By law the child of a Beninese father is automatically considered a citizen, but the child of a Beninese woman is considered Beninese only if the child's father is unknown, has no known nationality, or is also Beninese. Particularly in rural areas, parents often did not declare the birth of their children, either from lack of understanding of the procedures involved or because they could not afford the fees for birth certificates. This could result in denial of public services such as education and health care.

According to the World Bank *Demographic and Health Survey 2017-2018*, only 64 percent of children under age five had a birth certificate. In June 2018 the National Assembly passed a bill authorizing vital records offices to issue provisional birth certificates on an exceptional basis to persons lacking one who were enrolled in the Administrative Census for the Identification of the Population program.

Education: Primary education is compulsory for all children between ages six and 11. Public school education is tuition-free for primary school students and for female students through grade nine in secondary schools. Girls did not have the same educational opportunities as boys and the literacy rate for women was 18 percent, compared with 50 percent for men. In some parts of the country, girls received no formal education.

Child Abuse: Children suffered multiple forms of abuse, including rape, sexual harassment, and abduction. The Child Code bans a wide range of harmful practices. The law provides for heavy fines and penalties with up to life

imprisonment for persons convicted of child abuse. Police of the Central Office for the Protection of Minors arrested suspects, referred them to judicial authorities, and provided temporary shelter to victims of abuse.

Early and Forced Marriage: The law prohibits marriage under age 18 but grants exemptions for children ages 14 to 17 with parental consent and authorization of a judge. Early and forced marriage included barter marriage and marriage by abduction, in which the groom traditionally abducts and rapes his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice. The joint government and UNICEF “Zero Tolerance for Child Marriage” campaign to change social norms and create a protective environment for children in their communities continued. For additional information, see Appendix C.

Sexual Exploitation of Children: The penal code provides penalties for conviction of rape, sexual exploitation, and corruption of minors, including procuring and facilitating prostitution; it increases penalties for cases involving children under age 15. The child trafficking law provides penalties for conviction of all forms of child trafficking, including child commercial sexual exploitation, prescribing penalties if convicted of 10 to 20 years’ imprisonment. Individuals convicted of involvement in child commercial sexual exploitation, including those who facilitate and solicit it, face imprisonment of two to five years and fines of one million to 10 million CFA francs (\$1,698 to \$16,978). The Child Code prohibits child pornography. Persons convicted of child pornography face sentences of two to five years’ imprisonment and fines ranging from two to five million CFA francs (\$3,396 to \$8,489).

Violence against children was common. According to the Center for Social Promotion of Aplahoue, from January to October 2018, there were 38 reported cases of rape, abduction, forced marriage, and trafficking of girls in the Southwestern region of the country alone. Courts meted out stiff sentences to persons convicted of crimes against children, but many such cases never reached the courts due to lack of awareness of the law and children’s rights, lack of access to courts, or fear of police involvement.

Infanticide or Infanticide of Children with Disabilities: Although concealed from authorities, traditional practices of killing breech babies, babies whose mothers died in childbirth, babies considered deformed, and one newborn from each set of twins (because they were considered sorcerers) occurred. A 2018 survey

conducted by the NGO Franciscans-Benin reported the practice continued in 11 communes in the north of the country.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There was no known Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

In April 2018 the National Assembly approved the Promotion and Protection of the Rights of Persons with Disabilities Act. The act provides for the protection of the rights of persons with disabilities, including physical, sensory, intellectual, psychological, mental, and communication disabilities, against all forms of exploitation and violence.

The Federation of Associations of Persons with Disabilities of Benin reported that persons with disabilities faced discrimination in employment, health care, access to education, and access to justice.

The government operated few institutions to assist persons with disabilities. The Ministry of Social Affairs and Microcredit coordinated assistance to persons with disabilities through the Support Fund for National Solidarity.

The Promotion and Protection of the Rights of Persons with Disabilities Act provides for a wide range of social benefits to persons with disabilities, including improved access to health care, education, vocational training, transportation, and sports and leisure activities. It includes provisions regarding the construction or alteration of buildings to permit access for persons with disabilities. It requires

schools to enroll children with disabilities. In August 2018 the government, with the assistance of the UN Development Program, held a workshop in Cotonou to examine draft enforcement decrees.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law does not criminalize consensual same-sex sexual conduct between adults. A provision related to public indecency in the penal code, however, may be applied to prosecute same-sex sexual conduct by charging individuals with public indecency or acts against nature. The law prohibits all forms of discrimination without specific reference to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

There were no reports of criminal or civil cases involving consensual same-sex sexual conduct. Members of the LGBTI community reported social stigma and instances of discrimination based on sexual orientation.

Other Societal Violence or Discrimination

Police generally ignored vigilante attacks. Incidents of mob violence occurred, in part due to the perceived failure of local courts to punish criminals adequately. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught stealing. For example, on September 8, vigilantes beat an alleged thief to death. They broke into the police station of Manta in the commune of Boukoumbe armed with machetes, clubs, bows and arrows, and homemade guns. The vigilantes kicked down the door of the cell where an alleged thief was held and killed him. The police chief referred the case to the Court of Natitingou for further investigation and legal action. As of November 5, police were investigating the incident and had arrested several suspects.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, except certain civil servants and public employees, to form and join independent unions with some restrictions. Unions must register with the Ministry of Interior, a three-month process, or risk a fine. The law does not establish clear grounds on which registration of a trade union

may be denied or approved, and official registration may be denied without the union having recourse to a court. The law provides that a trade union federation must be made up of at least five enterprise-level trade unions in the same sector or branch of activity. Additionally, the law requires that a trade union confederation must be composed of at least three trade union federations of different sectors or branches of activities and that only trade union confederations may have affiliation at a national or international level.

On March 28, police arrested and jailed Joseph Aimasse--a member of a union affiliated with the Trade Union Confederation of Beninese Workers in Porto-Novo--for attempting to organize a women's demonstration against National Assembly votes on laws limiting citizens' freedom. The Court of Porto-Novo convicted Aimasse of "inciting people to participate in an unauthorized demonstration" and sentenced him to two months in prison, with a fine of 200,000 CFA francs (\$340).

The law provides for the rights of workers to bargain collectively. By law, collective bargaining agreements are negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. A labor inspector, a secretary, and one or two rapporteurs preside over the committee. The minister of labor and civil service has the authority to determine which trade unions may be represented in the negotiation at the enterprise level. The minister has the power to extend the scope of coverage of a collective agreement. The law imposes compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included. The National Permanent Commission for Consultation and Collective Bargaining, and the Social Sector-based Dialogue Committee were active in each ministry to foster dialogue between the government and unions. On September 5, the commission met to address the status of outstanding union demands.

In 2016 the government, the National Employers' Association, and six union confederations signed a "National Charter of Social Dialogue" including several measures to be undertaken by the parties to enhance dialogue while fostering democracy and good governance in a climate of social accord and national unity. In 2017 the government approved two decrees to establish a National Social Dialogue Council and to appoint its members. The council is intended to replace the National Permanent Commission for Consultation and Collective Bargaining.

The law provides for the right to strike for a limited duration with prior notification. The merchant marine code grants seafarers the right to organize but not the right to strike. A trade union considering a strike should notify, in writing, the leadership of the concerned entity and the minister of labor and civil service at least three days before the start of the strike. The notification letter should mention the reasons for the strike, including the location, date, and start time of the strike, and the expected duration of the strike. Although authorities do not formally grant permission to strike, strikes that fail to comply with these requirements are deemed illegal.

Authorities may declare strikes illegal for reasons such as threatening social peace and order and may requisition striking workers to maintain minimum services. The government may prohibit any strike on the grounds it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker's pay following a strike.

In September 2018 the National Assembly passed Act No 2018-35 Amending and Supplementing Act No 2001-09 of 2002 related to the right to strike; in October 2018 the president implemented the law. The law restricts the maximum duration of a strike to 10 days per year for all employees, except workers who are barred from striking. By law health-sector staff and military and police, customs, and water, forest and game and wildlife officers are barred from striking. Minimum service is required for workers that carry out essential responsibilities such as judges, prison and justice system personnel, and staff of the sectors of energy, water, maritime and air transport, financial administration, and telecommunication. Private radio and television broadcasters are excepted. Another provision provides that strikes motivated by the violation of universally recognized union rights may not prompt salary deductions.

The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Employers may not take union membership or activity into account in hiring, work distribution, professional or vocational training, or dismissal. In addition to certain civil servants and public employees, domestic workers, agricultural workers, migrant workers, and those in export processing zones are excluded from relevant legal protections.

Workers discussed labor-related issues with employers through the National Consultation and Collective Bargaining Commission. The commission held sessions and met with the government to discuss workers' claims and propose

solutions. Information regarding whether remedies and penalties had deterrent effects was not available.

The government generally respected the right to form and join independent unions and the right to collective bargaining. By law workers in the defense, justice, public security, and health sectors may not strike. The government did not effectively enforce the law, particularly in the informal sector and with regard to the provisions on antiunion discrimination and reinstatement. There were reports that employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported. Penalties were enough to deter violations.

In January 2018 the National Assembly passed legislation abolishing the right to strike for workers in the security, health, and justice sectors. The move triggered a general strike by the National Union of Magistrates, paralyzing the administration of justice. In January 2018 the Constitutional Court struck down these provisions stating that the right to strike is a constitutional right that should be protected. The court in its decision urged the National Assembly to regulate the right to strike instead of banning it. In June 2018 the court reversed its previous ruling on the right to strike for government workers in the defense, security, health, and justice sectors, giving as justification the greater societal good of providing that essential state functions are performed without interruption.

b. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, with certain exceptions. The law allows for imprisonment with compulsory labor. By law authorities may exact work not of a purely military character from military conscripts. Laws regulating various acts or activities relating to the exercise of freedom of expression allow imposition of prison sentences involving obligation to perform social rehabilitation work. Penalties for conviction of forced labor were generally enough to deter violations.

Forced labor occurred, including domestic servitude and bonded labor by children. Forced labor was mainly found in the agricultural (e.g., cotton and palm oil), artisanal mining, quarrying, fishing, commercial, and construction sectors. Many traffickers were relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon* whereby a child, usually a daughter, is sent to live as a servant with a wealthier family.

In December 2018 the government adopted penal code revisions that criminalized adult trafficking and provided for 10 to 20 years' imprisonment for conviction. The law was not effectively implemented during the year due to lack of agent training on the antitrafficking provisions.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The government has established laws and regulations related to child labor, including its worst forms. The List of Hazardous Occupations sets the minimum age for employment in hazardous work at age 18. The list identifies 21 trades prohibited for children and defines 74 related hazardous activities. Specific trades noted on the list include mining and quarrying, domestic service, and agriculture. The government did not effectively enforce the law.

The labor code prohibits the employment or apprenticeship of children under age 14 in any enterprise; children between ages 12 and 14, however, may perform domestic work and temporary or light seasonal work if it does not interfere with their compulsory schooling. The code bans night work for workers under age 18 unless the government in consultation with the National Labor Council grants a special dispensation. Workers under age 18 are entitled to a minimum 12-hour uninterrupted break including the nighttime period.

The Labor Office, under the Ministry of Labor and Civil Service, enforced the labor code only in the formal sector due to lack of inspectors. The total number of inspections conducted during the year was unavailable. Penalties for those convicted of violating laws were sufficiently strict to serve as a deterrent.

Labor laws were not effectively enforced. Despite the government's limited capacity to enforce child labor laws, the government took steps to educate parents on the labor code and prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. These initiatives were part of the Labor Office's traditional sensitization program. The government also worked with a network of NGOs and journalists to educate the population regarding child labor and child trafficking. The Ministries of Justice and Labor and Civil Service supported capacity building for officials and agencies responsible for enforcing child labor laws.

During the year authorities arrested perpetrators of child labor violations in connection with child trafficking. On September 24, police arrested six women accompanying 11 child trafficking victims ages 10 to 16 in the village of Owode located in the southeast near the Benin-Nigeria border. The children were being trafficked from Togo to Gabon via Nigeria and Cameroon. Police stated the women arrested were members of a Beninese trafficking ring.

To help support their families, children of both sexes, including those as young as age seven, worked on family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon*. Many rural parents sent their children to cities to live with relatives or family friends to perform domestic chores in return for receiving an education.

Host families did not always honor their part of the *vidomegon* arrangement, and abuse and forced labor of child domestic servants was a problem. Children often faced long hours of work, inadequate food, and sexual exploitation; factors indicative of forced labor and exploitation of children in domestic servitude. Sometimes the child's parents and the urban family that raised the child divided the income generated by the child's activities. Up to 95 percent of children in *vidomegon* were young girls. Several local NGOs led public education and awareness campaigns to decrease the practice.

Most children working as apprentices were under the legal age of 14 for apprenticeship, including children working in construction, car and motorbike repair, hairdressing, and dressmaking. Children worked as laborers with adults in quarries, including crushing granite, in many areas. Children were at times forced to hawk goods and beg, and street children engaged in prostitution (see section 6). Children under age 14 worked in either the formal or informal sectors in the following activities: agriculture, hunting and fishing, industry, construction and public works, trade and vending, food and beverages, transportation, and other services, including employment as household staff.

Primary education is compulsory for all children between ages six and 11. Children ages 12 to 13 were particularly vulnerable to the worst forms of child labor, as they may have completed primary school but were under the minimum legal working age of 14.

Some parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that the children's wages would be

sent to the parents. In some cases these agents took the children to neighboring countries to work, including Nigeria, Cote d'Ivoire, Togo, and Ghana.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>, and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The constitution and labor code prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, and disability. The laws, however, do not explicitly prohibit discrimination based on sexual orientation, gender identity, and HIV or other communicable disease status. The government, in general, effectively enforced these laws and regulations in most sectors. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6). Women's wages consistently lagged those of men. According to the International Labor Organization Global Wage Report, in 2017 women earned 45 percent less per hour on average than men. Employment discrimination occurred in the private and public sectors. The prohibitions on discrimination did not apply to the large informal sector.

The labor code includes provisions to protect the employment rights of workers with disabilities, but many experienced discrimination in hiring and access to the worksite.

The Office of Labor is responsible for protecting the rights of persons with disabilities.

Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

The government set minimum wage scales for several occupations. According to the UN Development Program, 60 percent of the population lives on an income of \$1.90 a day or less, a poverty level income that is less than the minimum wage.

The labor code sets workweek hours at 40 to 60 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum of 12 hours per day or 60 hours per week provided for by the labor code. The labor code also mandates premium pay for overtime and prohibits excessive compulsory overtime.

The law establishes occupational safety and health standards (OSH). The government has the authority to require employers to remedy dangerous work conditions but did not effectively do so. Provisions of the law related to acceptable conditions of work apply to all workers. Penalties for violating the labor code were not enough to deter violations.

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and Microcredit were responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministries did not effectively enforce these standards, especially in the large informal sector. Significant parts of the workforce and foreign migrant workers did not benefit from minimum wage scales. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' work conditions. Government efforts were impeded by the insufficient number of labor inspectors and lack of resources to implement inspections. Random inspections were conducted in some sectors, but no information was available on the number of violations identified or convictions of persons tried for violations.

Many workers supplemented their wages by subsistence farming or informal sector trade. Most workers in the formal sector earned more than the minimum wage; many domestic and other laborers in the informal sector earned less. Violations of OSH standards mostly occurred in informal-sector trades, including hairdressing, dressmaking, baking, mechanics, and carpentry, where workers faced biological, chemical, physical, and psychological risks. Children involved in these trades as apprentices worked long hours and were more vulnerable to hazardous working conditions. In some mechanical and carpentry shops, children worked near dangerous tools and equipment, and some adults and children lacked adequate protective gear. According to various sources, informal workers accounted for more than 90 percent of workers in the country. Informal workers faced numerous challenges and vulnerabilities, including long working hours and no social security coverage. They often endured substandard working conditions and exposed to occupational risks. No data on workplace fatalities and accidents were available.

The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment.