

BENIN 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a constitutional democracy. In 2011 President Boni Yayi won a second, and final, five-year term in multi-party elections. In the 2011 legislative elections, President Yayi's supporting coalition, Cowry Force for an Emerging Benin, won 41 of 83 seats in the National Assembly and formed a majority coalition with the Renaissance of Benin Party and other minor supporting parties for a total of 61 seats. As a result the coalition controlled six of the seven seats in the Bureau of the National Assembly. International observers viewed the presidential and legislative elections as generally free, fair, and transparent. Authorities generally maintained effective control over the security forces.

The major human rights problems included police use of excessive force; violence and discrimination against women and girls, including female genital mutilation/cutting (FGM/C); and harsh prison conditions.

Other human rights problems included arbitrary arrest and detention and prolonged pretrial detention. Abuse of women and children, including sexual harassment, child sexual exploitation, early and forced marriage, and infanticide; trafficking in persons; discrimination against persons with disabilities; vigilante violence; and child labor.

Although the government made an effort 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 or Unlawful Deprivation of Life

There were reports the government or its agents possibly committed arbitrary or unlawful killings, claiming self-defense.

In certain instances elements of security forces shot and killed armed robbers and asserted self-defense to explain the shootings. For example, on May 14, police in the village of Pahou shot four criminals allegedly involved in a May 13 robbery of a microcredit institution in Menontin (a neighborhood of Cotonou), resulting in the

death of a policeman. As justification for the shooting, police claimed they had returned fire after the suspects shot at the police car.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but such incidents occurred. Beatings in custody reportedly were commonplace, according to some suspects who complained of police mistreatment.

For example, on March 4, the Constitutional Court ruled the Municipal Police of the City of Cotonou violated articles 8, 15, and 18 of the constitution (which address torture and other cruel, inhuman, or degrading treatments or punishments) by beating a citizen who was caught urinating in a public garden in Cotonou. Constitutional Court rulings may be used in judicial proceedings to seek sanctions against the accused.

Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening due to overcrowding, lack of medical care, inadequate food, and lack of proper sanitation.

Physical Conditions: Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. A 2010 mediator of the republic (ombudsman) report on conditions in the nine civil prisons stated prisons were overcrowded, with malnutrition and disease common. There were deaths due to lack of ventilation in cramped and overcrowded cells. Lighting was inadequate, but potable tap water was available. Some prisoners suffered from mental illness. There were deaths due to lack of medical care and neglect. Eight of the nine civil prisons were filled far beyond capacity. The government reported a total prison population (including pretrial detainees and remand prisoners) in 2012 of 7,247, although the system had an official capacity of 1,900. Pretrial detainees and remanded prisoners represented 74.9 percent of the total prison population. These numbers did not include detainee populations in police station cells, detention centers, or military detention facilities. According to 2012 statistics from the

International Center for Prison Studies, female prisoners constituted 5 percent of the prison population and juveniles 2.1 percent.

Authorities housed juveniles at times with adults and held pretrial detainees with convicted prisoners, although not with the most violent convicts.

Administration: Data on prisoners disaggregated by age, gender, and status were available in prisons. Authorities did not use alternatives to incarceration for nonviolent offenders. On October 20, the president of the Supreme Court visited the prisons of Porto Novo and Akpro-Misserete. Authorities allowed prisoners and detainees access to visitors and permitted religious observance. There was no formal system to submit complaints without censorship to judicial authorities, but prisoners could directly address the director of the prison or complain through the normal judicial processes.

Independent Monitoring: The government permitted prison visits by human rights monitors. Religious groups and nongovernmental organizations (NGOs) continued to visit 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, and Prisoners without Borders.

Improvements: In March the government transferred 150 prisoners from the prisons of Abomey and Porto-Novo to the newly built prison of Akpro Misserete, a city near Porto-Novo, to reduce overcrowding. During the year the government equipped all prisons with beds and mattresses. The government also enhanced hygienic measures in prisons by draining septic tanks and providing rat-disinfestation services.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces occasionally failed to observe these prohibitions.

Role of the Police and Security Apparatus

Police, under the Ministry of Interior, have primary responsibility for enforcing law and maintaining order in urban areas; the gendarmerie, under the Ministry of Defense, performs the same functions in rural areas.

Military disciplinary councils deal with minor offenses committed by members of the military. The councils have no jurisdiction over civilians. The country has no military tribunal, so civilian courts deal with serious crimes involving the military. An internal affairs division of the police, called the Inspector General, investigates internal police matters.

Police were inadequately equipped and poorly trained. The government continued to respond to these problems by recruiting more officers, building more stations, and modernizing equipment; however, problems remained, including impunity.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized official, and it requires a hearing before a magistrate within 48 hours, but this was not always observed. Under exceptional circumstances the magistrate may authorize continued detention not to exceed eight days. Detainees have the right to prompt judicial determination, which was generally observed. Detainees were promptly informed of charges against them. They have the right to prompt access to a lawyer after being brought before a judge, which authorities also generally observed. They are allowed to have family visits. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Defendants awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. Warrants authorizing pretrial detention were effective for six months and could be renewed every six months until a suspect was brought to trial. The government provided counsel to indigents in criminal cases.

There were credible reports gendarmes and police often exceeded the legal limit of 48 hours of detention, sometimes by as much as a week. Authorities often used the practice of holding a person indefinitely “at the disposal of” the Public Prosecutor’s Office before presenting the case to a magistrate.

Arbitrary Arrest: Arbitrary arrests occurred. For example, in March 2013 security forces arrested two citizens involved in a fight with a policeman in plain clothes following a traffic incident in Porto-Novo. Security force members who came to the defense of their colleague arrested the two individuals, beat them, and drove them to a police station where they were held in custody for 72 hours before being released. The two individuals filed a complaint with the Constitutional Court, which ruled on March 18 the detentions violated constitutional provisions related to arbitrary arrest since they exceeded the legal limit of 48 hours.

Pretrial Detention: Approximately 75 percent of persons in prison were pretrial detainees; the length of excess pretrial detentions varied from two to 11 years, according to a mediator's report. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The 2012 Criminal Procedure Code defines the maximum length of pretrial detention for felony cases as no more than five years and for misdemeanors as no more than three. The government had yet to fully apply these provisions to its pretrial prison populations.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. The government names judges at the Public Prosecutor's Office, making them susceptible to government influence; however, there were no instances in which the outcome of trials appeared predetermined, and authorities respected court orders. The judicial system was also subject to corruption, although in the past year the government undertook substantial anticorruption efforts, including the creation of an independent National Anti-Corruption Authority and the dismissal and arrest of government officials allegedly involved in corruption scandals.

Trial Procedures

While the constitution provides for the right to a fair trial, judicial inefficiency and corruption impeded 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. Jury trials are used in criminal cases. A defendant has the right to be present at trial and to representation by an attorney. The court provides 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, since most lawyers lived in the south. Defendants enjoy the right to adequate time and facilities to prepare a defense. A defendant has the right to confront witnesses and to have access to government-held evidence. Defendants are allowed to present witnesses and evidence on their own behalf. Defendants enjoy the right not to be compelled to testify or confess guilt. Defendants can appeal criminal convictions to the 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

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary 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 use rulings from the Constitutional Court to initiate legal action against offenders in regular courts. An individual can appeal to the Economic Community of West African States' Court of Justice.

f. Arbitrary 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 Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. The law criminalizes libel and defamation. There are a large number of public and private media outlets, including one public and five private television stations, one public and 50 private radio stations, and approximately 175 newspapers and periodicals. Many of these were openly critical of authorities, overwhelmingly without consequence.

Unlike in previous years, there were few reports the government inhibited freedom of the press.

Freedom of Speech: The law provides for prison sentences involving compulsory labor for certain actions related to abuse of the right of free expression such as

threats to public order or calls to violence. The provision, however, was not enforced.

Press Freedoms: The press was closely regulated, and the government considered itself to have an essential role in ensuring the press did not behave in an “irresponsible” or “destabilizing” way. The High Authority for Audiovisual and Communication (HAAC) is a quasi-governmental commission with members appointed by the president, private media, and the legislature. The HAAC has a dual--and perhaps inherently contradictory--role of ensuring press freedom and protecting the country against inflammatory, irresponsible, or destabilizing coverage. An antidefamation law enables judicial pursuit of media outlets deemed to have disseminated defamatory material, which sometimes resulted in self-censorship.

When an incident purportedly impinges on press freedom, the government typically defends its actions as striking a needed balance between supporting press freedoms and preventing press activity from threatening the stability of the country or willfully misinforming the public. Challenges faced by--and sometimes caused by--the press included lack of professionalism and training for journalists, as well as financial pressures faced by both individual journalists and media outlets.

The independent media were active and expressed a wide variety of views without restriction. Publications criticized the government freely and frequently. A nongovernmental media ethics commission continued to censure some journalists for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was under embargo by the government.

The government continued to own and operate the most influential media organizations by controlling broadcast range and infrastructure. Private television and radio had poorer coverage due to inadequate equipment and limited broadcast ranges awarded to them by the HAAC.

The majority of citizens were illiterate, lived in rural areas, and generally received news via radio. The state-owned National Broadcasting Company broadcast in French and in 18 local languages.

Censorship or Content Restrictions: Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship because they feared the government would suspend their media outlets or be charged by the government

with criminal libel. During the year the HAAC held public hearings on alleged misconduct by media outlets. The HAAC publicly warned media outlets against publishing any information related to legal cases pending before a criminal court, because it could be interpreted as an attempt to influence the ruling of the court. It was possible to purchase coverage in the press, thereby influencing content and reporting. The HAAC warned the media against receiving such payments.

Libel Laws/National Security: The law criminalizes not only libel but also the reprinting or broadcasting of allegedly libelous statements. On April 23, the publisher of and a journalist for the daily newspaper *L'Independent* were sentenced to prison for writing and publishing an article alleging President Yayi's trips had been illegally funded by the director of the Benin Electric Energy Company. Both were found guilty of "defaming the Head of State." The Cotonou Court sentenced the publisher to a three-year suspended prison sentence and a fine of 200,000 CFA francs (\$379). The journalist was sentenced to two months' imprisonment. Neither, however, served any jail time. The court also ordered the suspension of the newspaper for three months. The law prohibits private citizens and the press from declaring or predicting election results.

A private press union leader indicated courts continued to receive libel cases against journalists, but judges generally either gave suspended sentences to journalists or refrained from prosecuting them. Journalists continued to fight for the decriminalization of press-related offenses and the passage of a press code.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, the percentage of individuals using the internet in 2013 was 4.9 percent.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association. Permits are required for demonstrations and other public gatherings. The

government generally respected these rights, although opposition groups cited instances in which they did not seek permits, anticipating they would be opposed, but there were no instances of denial on political grounds.

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right.

The government requires permits for use of public places for demonstrations and generally granted such permits. Authorities sometimes cited “public order” to deny requests for permits from opposition groups, civil society organizations, and labor unions.

For example, in December 2013 gendarmes and police used tear gas to disband a demonstration of an estimated 200 union members and used roadblocks to prevent protesters from marching along their planned route to the Ministry of Labor. Union leaders claimed they had obtained a permit from Cotonou’s mayor authorizing the December demonstration; however, the government-appointed prefect did not approve it. Union leaders organized a “ville morte” or “quiet strike” for January 7-8, January 15-16, and January 21-23 to condemn the use of force by police and to demand the replacement of the police superintendent and the prefect of Atlantique/Littoral in Cotonou. On February 14, the prefect issued a communique announcing the retraction of a 2012 decree that had placed additional public order restrictions on demonstrations in his region.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. The government requires associations to register and routinely granted registration.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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-Country Movement: The presence of police, gendarmes, and illegal roadblocks inconvenienced domestic movement. Roadblocks were justified as a means of enforcing vehicle safety and customs regulations, but many checkpoints served as a means for police and gendarmes to exact bribes from travelers. The government maintained previously implemented measures to combat such corruption at roadblocks, but they were not always effective, and extortion commonly occurred.

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

The government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsman from other countries to enter and depart freely; the government did not enforce designated entry points.

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. As of August there were 346 refugees and asylum seekers in Benin, composed of nationals of the Central African Republic (165), Cote d'Ivoire (155), Eritrea (four), Mali (seven), Pakistan (five), Sri Lanka (seven), Sudan (two), and Iraq (one).

Durable Solutions: The government and the UNHCR continued to assist former refugees and asylum seekers with obtaining documents from their country of origin while consolidating their status as privileged residents. The government also continued to facilitate naturalization of refugees as part of a local integration effort. On January 1, the government finalized issuance of long-term residence permits for a total of 3,766 refugees and asylum seekers, including nationals of Togo, Cote d'Ivoire, Chad, Burundi, Syria, the Central African Republic, and the Democratic Republic of the Congo. In the process the government officially closed the only remaining refugee camp sheltering Togolese refugees in Benin (Agamey refugee camp).

The government, in partnership with the UNHCR, also assisted in the safe, voluntary return of some refugees to their home countries.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the ability to change their government through free and fair elections, which they generally exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: Local and municipal elections, although not on a constitutionally mandated schedule, have been delayed since April 2013, awaiting revision of the country's permanent digitized voter list. The country held presidential elections in March 2011 and legislative elections in April 2011. International observers viewed the presidential and legislative elections as generally free and fair. Both elections were hampered by delays on voting days, usually in receiving voting materials or due to polling place staff arriving late. Despite delays, all polling stations remained open the full nine hours required by law. There were no reports of eligible voters unable to cast ballots.

Participation of Women and Minorities: There were six women among the 83 members in the National Assembly and four female ministers in the 27-member cabinet. The Constitutional Court had two women among its seven justices.

The country has no majority ethnic group. Various ethnic groups were well represented in government agencies, including the civil service and the armed forces. Ten cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups; 14 were from the Fon, Goun, and Adja ethnic groups; and three were from the Yoruba and Nago ethnic groups.

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 with impunity. The World Bank's most recent Worldwide Governance Indicators reflected that corruption continued to be a serious problem.

Corruption: In a March 26 cabinet meeting, the government created a committee to investigate the management of publicly owned companies, including the National Broadcasting Corporation and Benin Telecom, in an effort to identify and eradicate illicit practices. On April 1, the government dismissed the director of the parastatal Benin Electricity Company, based on allegations of mismanagement and economic malfeasance revealed by findings of an international audit of the utility.

On June 10, National Assembly deputies called for disciplinary and legal actions against government officials and contractors who allegedly embezzled five billion CFA francs (\$9.5 million) of 14 billion CFA francs (\$26.5 million) initially budgeted for an uncompleted forestry management project (dating from 2003) in the western communes of Bassila, Tchaourou, and Bante. Parliamentarians also instructed the state audit bureaus (Inspection Generale des Finances and Inspection Generale d'Etat) to investigate financial management and public procurement processes connected with the project. Parliamentarians further called for reform of public procurement procedures to create greater transparency and accountability.

The government took a number of actions during the year to combat corruption. On February 15, it named a special advisor to President Yayi for Public Companies' Governance and Internal Audit. In concert with auditors from the State Audit Office, the new office is tasked with developing capacity for internal and external management controls of parastatal companies by streamlining procedures to support accountability.

The National Authority for the Fight against Corruption (ANLC) held sessions with civil society organizations to publicize and discuss its activities to fight corruption. Among its efforts the ANLC coordinated training sessions for police, personnel of the National Road Security Center, and private university teachers to help familiarize various audiences on the anticorruption law.

Police corruption was widespread. Police continued to extort money from travelers at roadblocks. For example, on June 25 and July 2-3, the government fired four security agents accused of extorting passengers at Cotonou's Cardinal Bernardin Gantin airport. To stop such corruption, the government demanded all security agents wear identification badges. The government also established three designated telephone numbers for citizens and foreigners to report cases of extortion.

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

Financial Disclosure: The law requires income and asset disclosure by appointed and elected public officials. Supreme Court and courts of appeals' chambers of accounts are mandated to monitor and verify disclosures. Declarations are not made available to the public. On January 9, President Yayi and each member of his cabinet submitted asset disclosure statements to the Supreme Court pursuant to the Anti-Corruption Act. The government urged the ANLC and the Supreme Court to encourage former ministers, elected officials, and other high-level government employees also to submit asset disclosure information to the Supreme Court.

Public Access to Information: There are no laws providing for public access to government information, and it was unclear whether requests for such access were granted.

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

A number of 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: The representative of the regional office of the UN High Commissioner for Human Rights visited the country to discuss creation of a national human rights commission and to follow up on implementation of the Universal Periodic Review.

The country's ombudsman was independent and adequately resourced.

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

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government took some measures to address these problems but fell short of providing a comprehensive response.

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victim unwillingness to report cases due to fear of social stigma and retaliation. Although the penal code does not distinguish between rape in general and spousal rape, the 2013 law on Prevention and Repression of Violence Against Women explicitly prohibits spousal rape and provides the maximum penalty for perpetrators who rape their domestic partners. Prison sentences for rape convictions range from one to five years. The 2011 law reinforces existing legislation against gender-based violence. In 2013 the Ministry of Family's Social Promotion Centers, through its Counseling and Legal Assistance Service to victims of gender-based violence, received 31,826 cases of victims of gender-based violence and provided assistance to 13,765 victims. 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 offenses to misdemeanors.

The penal code prohibits domestic violence, and penalties range from six to 36 months' imprisonment. Domestic violence against women was common, however. Women remained reluctant to report cases, and judges and police were reluctant to intervene in domestic disputes. The local chapter of the regional NGO Women in Law and Development-Benin, the Female Jurists Association of Benin, and the Action Group for Justice and Social Equality offered social, legal, medical, and psychological assistance to victims of domestic violence. The Office of Women's Promotion under the jurisdiction of the Ministry of Family and Solidarity is responsible for protecting and advancing women's rights and welfare.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$11,363). Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. Individuals who were aware of an incident of FGM/C but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA francs (\$95 to \$190). FGM/C was practiced on girls and women from infancy up to age 30, although the majority of cases occurred before age 13, with half occurring before age five (see section 6, Children). The type of FGM/C most commonly perpetrated was Type II, the total removal of the clitoris with or without the total excision of the labia minora. This practice was largely limited to remote rural areas in the north. Approximately 13 percent of women and girls had been subjected to

FGM/C; the figure was higher in some regions, especially the northern departments, including Alibori and Donga (48 percent) and Borgou (59 percent), and among certain ethnic groups. More than 70 percent of Bariba and Peul (Fulani) and 53 percent of Yoa-Lokpa women and girls had undergone FGM/C. Younger women were less likely to be excised than their older counterparts. Those who performed the procedure, usually older women, profited from it.

Other Harmful Traditional Practices: Forced marriage and widowhood rites--such as forcing the widow to lie beside the dead body of the deceased and to marry the deceased husband's brother (levirate)--occurred in certain regions.

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 (\$189 to \$1,890). The law also provides penalties for persons who are aware of sexual harassment and 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.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health. The constitution provides that the government should protect the family, particularly the mother and the child. The law promotes responsible fertility and family planning through the distribution of contraceptives. The law provides for couples' and individuals' reproductive rights, including access to health care, freedom to give birth, freedom of marriage, rights to nondiscrimination, access to contraception, and equal access to health care for persons living with sexually transmitted infections, including HIV. The law provides penalties for the commission of all acts prejudicial to the enjoyment of sexual and reproductive health. The government generally respected these rights. An estimated 30 percent of women had an unmet need for family planning. Factors influencing the low contraception rate included illiteracy and poor access to reproductive health information in rural areas. According to data from the 2012 Benin Multiple Indicator Demographic and Health Survey, only 8 percent of girls and women ages 15-49 used a modern method of contraception. In 2011, 84 percent of births were attended by skilled health personnel. According to the World Health Organization,

the UN Population Fund (UNFPA), the UN Children's Fund (UNICEF), and the World Bank, the maternal mortality rate was 340 deaths per 100,000 live births in 2013. Factors contributing to the high rate were deliveries without adequate medical assistance, lack of access to emergency obstetric care, and unhygienic conditions during birth.

Discrimination: Although the constitution provides for equality for women in political, economic, and social spheres, women experienced extensive discrimination because of societal attitudes and resistance to behavioral change. Women experienced discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses (see section 7.d.).

The code of persons and the family bans all discrimination against women regarding marriage and provides for the right to equal inheritance. The nationality law, however, discriminates against women.

In rural areas women traditionally occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. The government and NGOs continued to educate the public on women's inheritance and property rights and their increased rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy.

The government continued to grant microcredit to poor persons, especially to women in rural areas, to help them develop income-generating activities. The government extended credit and loans to female entrepreneurs. From 2007 to 2012, 95 percent of the approximately 1.8 million persons identified as most needy were women.

Children

Birth Registration: Citizenship is derived by birth within the country and/or from the father. By law the child of a Beninese father is automatically considered a Beninese 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. On August 19, the Ministry of Interior held a two-day seminar to discuss ways to establish additional civil registration centers (offices of vital records) closer to villages to reduce the backlog at main

registration centers located in cities. The government, through an Administrative Census for Birth Registration, issued birth certificates to children who did not have one. Several donors operated programs to increase the number of registered children. For example, UNICEF continued to support the government's campaign to register every birth and provide birth certificates to those who did not obtain one when they were born.

Education: Primary education was compulsory for all children between six and 11 years of age. Education was tuition-free for all public primary school students and for female students in grade nine in secondary schools (classe de troisieme), but parents often voluntarily paid tuition for their children because many schools had insufficient funds. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent, compared with 50 percent for males. In some parts of the country, girls received no formal education. According to UNICEF the net primary school enrollment rate in 2007 was approximately 93 percent for boys and 83 percent for girls. The enrollment rate for secondary education was much lower for girls.

Child Abuse: Children suffered multiple forms of abuse including rape, sexual harassment, abduction, and debauchery/defilement. For 2013 the Ministry of Family's Social Promotion Centers recorded 1,855 cases of gender-based violence involving girls, 501 involving boys, 354 cases of child abduction, and 670 cases of child trafficking. The Central Office for Minors Protection in Cotonou arrested suspects and referred them to judicial authorities.

Early and Forced Marriage: The law prohibits marriage under age 18 but allows underage marriage (14 to 17) with parental consent, the consent of the underage individuals, and authorization of a judge. The most recent (2012) UNFPA update reported that 34.4 percent of women ages 20-24 married before age 18. Child marriage included forced marriage, barter marriage, and marriage by abduction. For 2013 the Ministry of Family's Social Promotion Center recorded 575 cases of forced child marriage. A 2008 gender-based violence survey conducted in 13 communes indicated 23 percent of the 594 children interviewed were subjected to early and forced marriage. As part of forced marriage, 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.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$11,363). Individuals who were aware of an incident of FGM/C but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA francs (\$95 to \$190). Nevertheless, approximately 13 percent of women and girls were subjected to the practice. NGOs continued to educate rural communities about the dangers of FGM/C and to retrain FGM/C practitioners in other activities. The government, in conjunction with NGOs and international partners, made progress in raising public awareness of the dangers of the practice. The Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and display of educational banners. NGOs also addressed the problem in local languages on local radio stations. In 2013 the country's traditional rulers issued a public statement expressing commitment to reducing traditional practices harmful to boys' and girls' health.

Other Harmful Traditional Practices: In June 2013 the ombudsman, in conjunction with international donors, held a one-day seminar to discuss harmful traditional practices targeted at children. Killing to obtain human body parts for ritual purposes occurred. Both children and adults were victims.

Sexual Exploitation of Children: The penal code provides penalties for rape, sexual exploitation, corruption of minors, and procuring and facilitating prostitution, and it increases penalties for cases involving children under 15 years old. The child trafficking law provides penalties for all forms of child trafficking, including child prostitution. Individuals involved in child prostitution, including those who facilitate and solicit it, face imprisonment of two to five years and fines of one million to 10 million CFA francs (\$1,890 to \$18,900). The law does not specifically prohibit child pornography. The de facto minimum age for consensual sex is 18.

Child prostitution continued in some areas. Some children, including street children, engaged in prostitution to support themselves without the involvement of an adult. The penal code prohibits child prostitution; however, enforcement was limited, and the commercial sexual exploitation of children occurred. Cases of child sex tourism, involving both boys and girls, were reported in the Department of Mono and coastal areas of Benin. A 2009 report on the commercial sexual exploitation of children in 11 communes indicated that 43.2 percent of surveyed children (ages 12-17) who engaged in prostitution were also subjected to commercial sexual exploitation.

Through the traditional practice of vidomegon, which literally means “placed child,” poor, generally rural, children are placed in the home of a wealthier family for educational or vocational opportunities and a higher standard of living; however, abuse including long hours of forced labor, inadequate food, and sexual exploitation also occurred (see section 7.c.).

Criminal 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 about the law and children’s rights, lack of access to courts, or fear of police involvement.

Infanticide or Infanticide of Children with Disabilities: Despite widespread NGO campaigns, the traditional practices of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (because they were considered sorcerers) continued in the north.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in education, access to health care, or provision of other state services; however, the law provides that the government care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for such persons. Legislation is general in nature and addresses equality, equity, and nondiscrimination among all citizens. Several laws, however, including the labor code, the social security code, the persons and family code, and the 2011 law

establishing general rules for elections contain specific references to persons with disabilities. The country also has a National Policy for the Protection and Integration of Persons with Disabilities. Children with mental, visual, and physical disabilities, however, continued to suffer social exclusion and had no access to the conventional educational system.

The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to persons with disabilities through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

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

There are no laws explicitly criminalizing consensual same-sex sexual activity. There were no reports of criminal or civil cases involving consensual same-sex conduct or reports of societal discrimination or violence based on a person's sexual orientation. Although homosexual behavior was socially discouraged, it was not prosecuted. A growing number of citizens were open about their sexual orientation or gender identity, but the lesbian, gay, bisexual, and transgender community remained largely disorganized and hidden.

Other Societal Violence or Discrimination

Police generally ignored vigilante attacks, and incidents of mob violence continued to occur, 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 instance, on August 22, in Vedoko, a neighborhood of Cotonou, a group of motorcycle-taxi drivers chased, beat, and burned to death two individuals who reportedly attempted to steal a bag from a woman on her motorcycle. Police reportedly did not investigate the killing or arrest the perpetrators.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The labor code allows workers, except certain civil servants and public employees, to form and join independent unions, but prior authorization is required. New

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. Official registration may also be denied without recourse to an independent court of justice. 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 constituted by at least three trade union federations of different sectors or branches of activities; only trade union confederations may have affiliation at a national or international level.

By law collective bargaining agreements are negotiated within a joint committee including representatives of one or several unions or representatives of one or several employers' associations. A labor inspector, flanked by a secretary and one or two rapporteurs, preside over the committee. The minister of labor has the authority to determine which trade unions may be representative 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/or binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included.

The law provides for the right to strike, but previous authorization must first be obtained. The merchant marine code grants seafarers the right to organize, but they do not have the right to strike.

The law provides that civil servants, public and private entity workers, and parastatal employees who provide essential services shall maintain minimum services during strikes. The law provides for a discretionary determination of "essential services." It defines essential services as the services pertaining to health, security, energy, water, air transport, and telecommunications. Workers must provide three days' notice before striking and notify authorities of the duration of a strike. Authorities can declare strikes illegal for reasons such as threatening social peace and order and can 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.

The law allows unions to conduct their activities without interference, 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 (EPZs) are excluded from relevant legal protection.

The government did not effectively enforce the laws, particularly in the informal sector. The government did not enforce the provisions on antiunion discrimination and reinstatement. Information regarding whether or not remedies and penalties had deterrent effects was not available.

While the government generally respected the right to form and join independent unions, and workers, including civil servants, exercised the right to strike, the government did not effectively enforce these laws, particularly in the informal sector. The government did not enforce the provisions on antiunion discrimination and reinstatement. Information regarding whether or not remedies and penalties had deterrent effects was not available.

Freedom of association and the right to collective bargaining were generally respected. Worker organizations are independent of the government and political parties. Workers freely exercised their legal right to strike, with the exception of merchant shipping employees. There were reports that employers threatened individuals with dismissal for union activity.

The government sets wages in the public sector by law and regulation. Workers discussed labor-related issues with employers through the National Consultation and Collective Bargaining Commission. The commission held sessions and met with the government during the year to discuss workers' claims and propose solutions. No violations related to collective bargaining rights were reported.

Six confederations representing approximately 150 trade unions--representing agriculture, transport, energy, health, education, banking, industry, education, port operations, and some other public and private workers--held a three-month general strike that started in January. The confederations called for the replacement of the police superintendent of Cotonou's Central Police Station and the prefect of Cotonou for their roles in derailing the confederations' planned demonstration and march in December 2013, when police fired tear gas to disperse demonstrators. Although organizers obtained approval from the mayor of Cotonou to stage a peaceful demonstration, police claimed the unions lacked necessary approval by Cotonou's government-appointed prefect. Following the December march, in which

five union leaders were injured attempting to cross police lines, there were several strikes across various sectors.

Civil servants went on strike throughout the year.

In 2013 the country's confederation of trade unions issued a public statement charging the government with human rights violations, restriction of freedom of speech and movement, and intimidation of union leaders. It accused the government of authorizing public demonstrations and gatherings of government supporters, while preventing groups from demonstrating against the government. The General Confederation of the Workers of Benin lodged a complaint with the International Labor Organization (ILO), alleging the government infringed upon their trade union rights by discouraging the establishment of trade unions or interfering with their free operation in the EPZs. In August 2013 the International Trade Union Confederation complained to the ILO regarding the government's process of adopting an act that would restrict trade union rights, including the provision that authorizes the arrest of trade unionists for having organized meetings at the workplace. The bill had been pending adoption in the Parliament since 2011.

b. Prohibition of Forced or Compulsory Labor

The labor code does not prohibit all forms of forced or compulsory labor, including by children, and provides for imprisonment with compulsory labor. The law allows authorities to exact work from military conscripts that is not limited to work of a purely military character. 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.

Forced labor occurred, including mainly 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*, in which parents allow their children to live with and work for richer relatives, usually in urban areas (see section 6).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under age 14 in any enterprise; however, children between ages 12 and 14 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 special dispensation is allowed by the government in consultation with the National Labor Council. Workers under age 18 are entitled to a minimum 12-hour uninterrupted break including the nighttime period. The law lists hazardous work activities that are prohibited for children under age 18 and includes 22 trades and 74 related hazardous activities.

Laws were not effectively enforced. The Labor Office, under the Ministry of Labor and Civil Service, enforced the labor code only in the formal sector due to a lack of inspectors. There were 75 labor officers, comprised of 56 labor inspectors, 15 administrators, and four labor controllers. The 56 inspectors lacked the means to fully implement necessary inspections. The total number of inspections conducted during the year was unavailable. Penalties for violating laws were sufficiently strict to serve as a deterrent, and ranged from 140,000 CFA francs (\$265) to 350,000 CFA francs (\$663), sentences of two months to one year in prison, or both.

Despite the government's limited capacity to enforce child labor laws, the government continued to take 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 about child labor and child trafficking.

Child labor remained a problem due in part to limited government capacity to enforce the law. To help support their families, children of both sexes--including those as young as age seven--continued to work 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*. Under *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 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 income generated by the child's activities was divided between the child's parents and the

urban family that raised the child. Up to 95 percent of children in vidomegon were young girls. Several local NGOs led public education and awareness campaigns to decrease the practice.

A majority of children working as apprentices were under the legal age for apprenticeship of 14, including children working in construction, car and motorbike repair, hairdressing, and dressmaking. Children worked as laborers with adults in quarries 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. On September 1, gendarmes intercepted four suspects with eight children ages 10-17 en route to Nigeria, allegedly for forced labor.

Some parents indentured their children to “agents” recruiting farm hands or domestic workers, often on the understanding the children’s wages would be sent to the parents. In some cases these agents took the children to neighboring countries, including Nigeria, Cote d’Ivoire, Togo, and Ghana, for labor.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ and the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The constitution and labor code prohibit discrimination on the basis of race, ethnicity, national origin, gender, marital status, religion, political affiliation, socioeconomic status, and disability. The laws, however, do not explicitly prohibit discrimination based on pregnancy, sexual orientation, gender identity, and HIV-positive status. The government, in general, effectively enforced these laws and regulations. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6).

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness.

In 2011 a blind woman filed an appeal with the Constitutional Court to complain of the Ministry of Labor and Civil Service’s rejection of her application to take a

competitive exam to recruit young magistrates. The ministry claimed it was not equipped to offer the exam in Braille. The Constitutional Court stated in 2012 the decision of the ministry discriminated against the woman. Rulings by the Constitutional Court, however, were not binding.

The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are responsible for protecting the rights of persons with disabilities.

On August 8, the president of an Association for the Well-Being of Persons with Disabilities issued an open letter to President Yayi to denounce all forms of discrimination and exclusion suffered by persons with disabilities in the areas of education and employment. The president of the association also asked President Yayi to issue a decree requiring recruitment of 500 persons with disabilities in the public administration in the spirit of equal opportunity for employment.

The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are 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 a number of occupations. On April 16, the government increased the minimum wage to 40,000 CFA francs (\$76) per month from 30,000 CFA francs (\$57) per month.

The labor code establishes a workweek of between 40 and 46 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 provided for under the labor code of 12 hours per day or 60 hours per week. 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. The law also regulates movement of

foreigners and requires special authorization for foreigners to leave their town of residence; however, the law was not applied. Significant parts of the work force and foreign workers do not benefit, in practice, from minimum wage scales.

The Ministry of Labor and Civil Service was responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministry did not effectively enforce these standards, however. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' conditions of work. Government efforts were impeded by the small number of labor inspectors. Resources were limited, but random inspections were conducted during the year. Penalties for violating the labor code were not sufficient to deter violations. The government took unsuccessful measures to deter persons from engaging in the sale of smuggled gas from Nigeria. The government supported informal workers by granting them credits to expand their businesses as part of its microcredit project for the poor.

Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage; many domestics 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 of the mechanic and carpentry shops, children worked alongside adults while the adults used various tools and equipment, and some adults and children lacked adequate protective gear (head, eye, or ear protection, face masks, heavy boots, etc.). According to various sources, informal workers accounted for more than 90 percent of the total number 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 were 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. Furthermore, authorities did not seek to protect employees in those situations.