

# Immigration and Refugee Board of Canada

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> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

23 February 2016

### **BEN105386.FE**

Benin: Criminality, including organized crime, measures taken by the state and their effectiveness; state protection available to witnesses and victims of crime (2014-January 2016)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### **1. Criminality**

With regard to safety in the streets of Benin, sources stated in telephone interviews with the Research Directorate that citizens are [translation] "relatively safe" (DHPD 29 Jan. 2016b) or "safe" (Criminal lawyer 29 Jan. 2016b). The government of Canada advisories for travellers to Benin indicate that [English version] "[t]he security situation is generally stable" (Canada 30 Dec. 2015). According to the same source, [English version] "[p]etty crimes such as purse snatching and pickpocketing occur, but are not as common as in other West African countries" (ibid.).

The United Nations Office on Drugs and Crime indicates that the rate of wilful homicide for every 100,000 inhabitants in 2012 was 6.3 in Benin (UN 13 Apr. 2015). In comparison, the rate in 2012 for Canada was 1.6, and in the border states of Benin from west to east it was 9.4 in Togo, 0.7 in Burkina Faso, 4.7 in Niger and 10.3 in Nigeria (ibid.).

#### **1.1 Types of Crimes**

Sources indicate that the following crimes are committed in Benin:

- aggravated theft against targeted individuals (DHPD 29 Jan. 2016b; US 7 May 2015, 1-2);
- carjackings (ibid., 2; Canada 30 Dec. 2015; France 8 Feb. 2016), particularly at night (ibid.; Canada 30 Dec. 2015);
- card fraud (US 7 May 2015, 2);
- cybercrime (France 10 July 2015; *Le Monde* 7 Jan. 2013);
- acts of violence resulting from demonstrations (Canada 30 Dec. 2015).

#### **1.2 Risky Areas**

According to sources, crimes are more likely to be committed in the following areas of Benin:

- the port, near railways and along the beaches, in Cotonou (France 8 Feb. 2016; US 7 May 2015, 3; Canada 30 Dec. 2015);
- along the border with Nigeria (ibid.; France 8 Feb. 2016).

France's Ministry of Foreign Affairs and International Development (ministère des Affaires étrangères et du Développement international) provides a geographical map dividing Benin according to the levels of security

and strongly advises avoidance of the area between the national interstate highway (Route nationale inter-États, RNIE) No. 2 and the Nigerian border, from Tchaourou to Malanville, the orange coloured area on the map, and the W National Park, the red coloured area, which it [translation] "officially" advises against (ibid.). This map is attached to this Response (Attachment 1).

## 2. Organized Crime

The *2015 Crime and Safety Report*, published by the Overseas Security Advisory Council (OSAC) of the US Department of State, indicates that transnational organized crime groups "exploit" the porous borders of Benin, the lack of law enforcement resources, and the convenience of an international airport and port through illicit activities, such as the shipment of stolen vehicles, money laundering, bulk cash smuggling and drug trafficking (US 7 May 2015, 8). The same source explains that transnational organized crime groups and foreign terrorist organizations have established illicit financial networks in Benin to launder "millions of dollars in funds for narcotics traffickers" (ibid., 5). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In its travel advisories, the Ministry of Foreign Affairs and International Development of France indicates there are traffickers [translation] "in areas bordering Nigeria" (France 8 Feb. 2016).

### 2.1 Human Trafficking

Sources indicate that human trafficking is widespread in Benin and that the majority of victims are girls (Freedom House 28 Jan. 2015; UN 8 Nov. 2013; US July 2015, 91). Sources report that children are forced into labour, for example, in market, fields, quarries or mines (UN 8 Nov. 2013; US July 2015, 91), at construction sites, and in homes as domestic servants (ibid.). Similarly, the *Trafficking in Persons Report 2015*, published by the US Department of State, states that women from other countries in West Africa are subjected to domestic servitude and forced prostitution in Benin (ibid.). *The Global Slavery Index 2014*, published by the Walk Free Foundation, a foundation committed to eradicating modern slavery in the world, ranks Benin 28th in the world in terms of the prevalence of its population in modern slavery, a concept that includes various forms of exploitation of persons, such as sexual exploitation, human trafficking and forced labour, and estimates that 77,000 individuals were victims of modern slavery in Benin in 2014 (Walk Free Foundation 2014, 6, 10, 18).

The *Trafficking in Persons Report 2015* also indicates that "the majority" of children are sent to neighbouring countries, "where they are forced to labor in homes, mines, quarries, restaurants, markets and on cocoa farms" (US July 2015, 91). The same source notes that, according to government officials and NGOs in Benin, victims who manage to return to Benin — or their siblings — are often sent back to the trafficker by their parents in order to uphold their initial agreement (ibid., 92). The same source reported allegations in 2014 of Beninese diplomatic personnel being complicit in the trafficking of children; instead of helping to rescue Beninese victims, officials colluded to return them to a trafficking network (ibid.). In 2014, [i]mmigration officials in Cotonou also allegedly supplied falsified travel documents to traffickers to facilitate the illegal movement of children as adults (ibid.). Additional information on crossborder trafficking of Beninese children could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

*Country Reports on Human Rights Practices for 2014*, published by the US Department of State, states that, in 2013, Social Promotion Centers, established by the Ministry of the Family, recorded 354 cases of child abduction and 670 cases of child trafficking (ibid. 25 June 2015, 19). Corroborating information or additional statistics on human trafficking in Benin could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 3. Measures Taken by the State

### 3.1 Police

In correspondence sent to the Research Directorate, a lawyer in criminal law in Cotonou stated that the police force in Benin was made up of approximately 3,000 officers (Criminal lawyer 29 Jan. 2016a). In correspondence sent to the Research Directorate, a representative of Human Rights, Peace and Development (Droits de l'homme, Paix et Développement, DHPD), a nonprofit, apolitical association that promotes human rights in Benin and provides legal consultation services (DHPD 11 Feb. 2016), stated that, according to the information he had, as of March 2010 the national police consisted of 2,360 employees, 2,206 of whom were men and 154 of whom were women (ibid. 29 Jan. 2016a).

According to INTERPOL, the Central Branch of the Judicial Police, which is part of the national police of Benin, is responsible for fighting crime and has specialized services, including the Central Office for Combatting Illegal Drug Trafficking and Drug Prevention and the Central Office for the Protection of Minors, the Family and for Combatting Human Trafficking (INTERPOL n.d.). The INTERPOL website also states that

[translation]

[t]he Joint Container Control Unit (Unité mixte de contrôle des conteneurs, UMCC) ... is located at the Port of Cotonou and controls the containers by targeted scans in search of prohibited products such as drugs, weapons and counterfeit goods (ibid.).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In correspondence sent to the Research Directorate, a lawyer practicing criminal law in Cotonou stated that specialized squads had been created, including an antigang squad in 2012 and a cybercrime squad in 2014 (Lawyer 12 Feb. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources note that in 2015, 150 police officers with the Special Border Surveillance Unit (Unité spéciale de surveillance des frontières, USSF) took part in a onemonth training program offered by a team of US Marines (*La Nation* 28 Sept. 2015; *Notre Voix* 27 Sept. 2015; Xinhua News Agency 30 Aug. 2015). According to an official representative of the Embassy of the United States in Benin, cited by the Xinhua News Agency, the objective of the training program was to enable USSF officers to [translation] "respond to possible terrorist threats in the West African subregions and to track down drug traffickers and other narcotics" (ibid.). Similarly, among the measures taken by the state to fight crime, the lawyer referred to [translation] "the increase of police personnel" but did not provide any further details (Lawyer 4 Feb. 2016). He also noted [translation] "the purchase of more suitable equipment and the use of new techniques, such as sniffer dogs" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 3.1.1 Effectiveness of Police Protection

Without providing details, sources state that the police provide effective protection to victims of crime in Benin (DHPD 29 Jan. 2016a; Criminal lawyer 29 Jan. 2016a). According to the criminal lawyer, victims do indeed file complaints with the police, who followup on them (ibid. 29 Jan. 2016b). In its *Crime and Safety Report 2015*, the OSAC states, however, that police responsiveness to reported crimes is limited due to lack of equipment and training, and it considered police response and investigative capabilities in Benin to be "severely limited" (US 7 May 2015, 9). *Country Reports 2014* indicates that the police "generally ignored vigilante attacks" (ibid. 25 June 2015, 23). The same report cited the following example:

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 (ibid.).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Beninese newspaper *La Nation*, the Report on Justice in Benin and the Perception of Litigants (Rapport sur l'état de la justice au Bénin et la perception des justiciables [1]), published in 2014 by the Observatory of Justice in Benin (L'Observatoire de la justice au Bénin), a group established by the Centre Afrika Obota (CAO-Bénin), DHPD and the Centre for Research and Studies on Law and Judicial Institutions in Africa (Centre de recherche et d'étude en droit et institutions judiciaires en Afrique, CREDIJ), indicates that 51 percent of Beninese litigants believe that the police use violence to obtain confessions (*La Nation* 9 Apr. 2015).

According to sources, there is corruption in the police force (Criminal lawyer 29 Jan. 2016b; DHPD 29 Jan. 2016b; US 25 June 2015, 14). According to *Country Reports 2014*, police corruption is "widespread"; for example, the police extort money from travellers at roadblocks (ibid.). Without providing more details, the DHPD representative stated that in the last few years, police officers and magistrates have been dismissed for corruption (DHPD 29 Jan. 2016b). The criminal lawyer stated that he did not think that complainants were required to give money to the police for their complaint to succeed (Criminal lawyer 29 Jan. 2016b). The same source stated that [translation] "individuals without money still have access to the police in Benin" (ibid.). According to surveys conducted for the period of 2011-2013 by Afrobarometer, a nonpartisan research network that conducts public attitude surveys on democracy, governance and economic conditions in more than 30 countries in Africa, 7 percent of people surveyed in Benin stated that they had paid bribes to the police at least once in the past year, compared with—from west to east—15 percent in Togo, 10 percent in Burkina Faso, 14 percent in Niger and 19 percent in Nigeria (Afrobarometer 2 Nov. 2015, 1, 10). According to the same survey, 45 percent of Beninese surveyed perceived "most or all police" to be corrupt in Benin (ibid., 4).

## 3.2 Judicial System

### 3.2.1 Legislation and State Protection Available to Victims of Crime

Law No. 2006-04 Relating to the Transportation of Minors and the Suppression of Child Trafficking in Benin (*Loi n° 2006-04 portant conditions de déplacement des mineurs et répression de la traite d'enfants en République du Bénin*) provides for prison sentences for perpetrators of and accomplices in child trafficking (Benin 2006).

According to the DHPD representative, Law No. 2012-15 Relating to the Code of Penal Procedure in Benin (*Loi n° 2012-15 portant Code de procédure pénale en République du Bénin*) introduced imprescriptibility in Beninese law for economic crimes, and disciplinary and criminal liability for judicial police officers (DHPD 29 Jan. 2016a). Law No. 2012-15, adopted in 2012, states the following:

[translation]

Article 8: ...There are no limitations ... on economic crimes....

Article 24: The failure of officers or high-ranking officials of the judicial police, in their capacity as such, to meet their obligations under this Law may result in the public prosecutor's using its jurisdiction to issue a warning or reprimand in their file under the control of the Attorney General. ...Any refusal of a judicial police officer to respond to a request from a judicial authority shall be subject to a fine of 50,000 francs [approximately CA\$119] to 500,000 francs.... (Benin 2012).

The *Trafficking in Persons Report 2015* states that, in 2015, the government extended the child protection services of the Office for the Protection of Minors (Office central de la protection des mineurs, OCPM), previously present only in Cotonou, to Benin's 12 geographic departments (US July 2015, 91). The same source indicated that, in 2014, the OCPM identified 220 potential child trafficking victims, to whom it provided temporary shelter, as well as legal, medical and psychological services, before transferring them to longterm NGO shelters (ibid., 92).

### 3.2.2 Effectiveness of the Judicial System

According to the criminal lawyer, [translation] "in fact, the victims file complaints with the courts" (29 Jan. 2016b). Without providing further details, the *EU Annual Report on Human Rights and Democracy in the World in 2014* states that [English version] "[a] weak judicial system ... [is one] of the main human rights challenges in Benin" (EU 22 June 2015, 204). Sources confirm that Benin's judicial system is faced with the following problems:

- ineffectiveness (Freedom House 28 Jan. 2015; US 25 June 2015, 6);
- corruption (ibid.; DHPD 29 Jan. 2016a; Freedom House 28 Jan. 2015);
- lack of funding (ibid.; DHPD 11 Feb. 2016; Criminal lawyer 11 Feb. 2016);
- lack of qualified personnel (ibid.; DHPD 29 Jan. 2016a).

According to the *Trafficking in Persons Report 2015* from the US State Department, 10 offenders were convicted of child trafficking and the illegal movement of children in 2014 (US July 2015, 91). According to an article from the United Nations News Centre on the trip to Benin made in 2013 by the UN Special Rapporteur on the sale of children, child prostitution and child pornography,

[English version]

Although Benin has a relatively complete legal framework regarding child protection, it suffers from a lack of implementation. This is partly due to a lack of access to justice mechanisms, and to corruption and impunity. Amicable settlements at the community level occur at the expenses of the child's best interest. The child's voice is rarely, if ever, taken into account (UN 8 Nov. 2013).

*Country Reports 2014* also states that "many... cases" of crimes against children never reach the courts "due to lack of awareness about the law and children's rights, lack of access to courts, or fear of police involvement" (US 25 June 2015, 21). The same source states that "enforcement [of laws against child prostitution] was limited" (ibid.).

The *Trafficking in Persons Report 2015* notes that the Law No. 2006-04 Relating to the Transportation of Minors and the Suppression of Child Trafficking in Benin (*Loi no 2006-04 portant conditions de déplacement des mineurs et répression de la traite d'enfants en République du Bénin*) focuses on prohibiting the movement of children rather than on child exploitation and that, in 2014, the Beninese authorities had not investigated any sex trafficking or forced labour offences that did not involve the movement of victims within Benin or across borders (ibid. July 2015, 91).

Furthermore, sources indicate that there is no legislation against the trafficking of adults (Freedom House 28 Jan. 2015; US July 2015, 91). The *Trafficking in Persons Report 2015* states that, in 2014, the government of Benin "failed to systematically investigate instances of trafficking of adults and provide protective services to adult victims" (ibid.).

#### 4. Protection of Witnesses

The provision for the protection of witnesses is set out in articles 120 to 124 of Law No. 2012-15 Relating to the Code of Penal Procedure in Benin (*Loi n° 2012-15 portant Code de procédure pénale en République du Bénin*) (Benin 2012). These articles are attached to this Response (Attachment 2).

Without providing further details, sources confirmed that these provisions were indeed enforced (Criminal lawyer 11 Feb. 2016; DHPD 11 Feb. 2016; Lawyer 12 Feb. 2016). However, the lawyer stated that, according to him, [translation] "many witnesses in danger did not know about the provision in the Code of Penal Procedure and therefore preferred to remain silent rather than seek protection under the law" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

#### Note

[1] According to the *La Nation* newspaper, 1,076 persons over the age of 18, including justice participants and offenders, were interviewed as part of this report. (*La Nation* 9 Apr. 2015).

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**Oral sources:** Association des femmes juristes du Bénin; Benin – Embassy of Canada, Commissariat central de police de Cotonou, General Directorate of the National Police, Ministry of Interior, Public Security and Religious Affairs; Observatoire de la justice; United Nations – Office of the United Nations Population Fund in Cotonou, United Nations High Commissioner for Refugees, Office of the United Nations Development Programme in Benin.

**Internet sites, including:** actubenin.com; Amnesty International; Human Rights Watch; IRIN; Transparency International; United Nations – United Nations Development Programme.

## Attachments

1. France. 15 December 2015. Ministère des Affaires étrangères et du Développement international, Centre de crise et de soutien. Map of Benin dividing the country according to level of security.

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