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Benin

Country:

[Benin](#)

Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

82

Freedom Rating:

2.0

Overview:

Benin remains among the most stable democracies in sub-Saharan Africa, having witnessed multiple free and fair elections and peaceful transfers of power since its transition to democracy in 1991. Freedom of expression and association are generally respected, although student association activities were banned for months beginning in late 2016 and corruption remains a challenge.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 9 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 3 / 4

The president is elected by popular vote for up to two five-year terms and serves as both the chief of state and head of government. Former president Thomas Boni Yayi respected the constitutionally mandated term limits and did not seek reelection in 2016. None of the 33 candidates who ran in the 2016 presidential election won a majority of votes in the first

round, leading to a second round in which Patrice Talon defeated Prime Minister Lionel Zinsou with 65 percent of the vote. Talon, Benin's richest businessman, ran as an independent, supported by the business sector and a number of small political parties. Zinsou represented the incumbent party, the Cowry Forces for an Emerging Benin (FCBE). The election was generally held in accordance with international standards, although some delays in voting were reported due to voter card shortages and the late delivery of materials to polling stations.

A2. Were the current national legislative representatives elected through free and fair elections? 3 / 4

Delegates to the 83-member, unicameral National Assembly serve four-year terms. International observers deemed the last legislative elections held in 2015 to be credible, noting only minor logistical issues, including delays in poll openings and shortages of voting materials.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 3 / 4

Elections are conducted by the Autonomous National Electoral Commission (CENA), which includes representatives from both the ruling party and the opposition. The CENA generally administers elections fairly and transparently. However, concerns about the accuracy of the computerized voter roll introduced in 2013 have persisted; due to resource constraints and organizational shortcomings, the voter roll has not been updated frequently enough.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Dozens of political parties operate openly regardless of ethnic or regional affiliation, and there are no unreasonable constraints on the formation of new parties. Five major parties and several minor parties are represented in the legislature.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The opposition has a realistic opportunity to gain power through elections. Talon's defeat of Zinsou, the incumbent president's chosen successor in the 2016 election, marked Benin's fourth electoral turnover at the presidential level since multiparty elections were restored in 1991. The weakening of the FCBE in the National Assembly following the 2015 elections also significantly increased the power of opposition forces.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Politics are generally free from by the military or other powerful groups.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups are not legally constrained from participation in the political process, but cultural factors do limit women's political engagement. Only 4 out of 22 government ministers are women. In April 2017, the government increased funding for the National Institute for the Promotion of Women, which aims to empower women to participate more robustly in politics.

Benin has historically been divided between northern and southern ethnic groups, but presidential candidates from both the north and the south have won the presidency.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

The president and the National Assembly generally determine government policies. In many rural areas, the government struggles to deliver basic services and citizens rely on local customary and religious leaders to fulfill those functions. Foreign donors can influence policymaking. For example, Benin's decentralization policies have been largely donor-driven.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption remains a widespread problem in Benin. The government's main anticorruption body, the National Anti-Corruption Authority (ANLC), has the ability to hear complaints, recommend measures, and pass cases to the courts, but it has no enforcement authority. Corrupt officials rarely face prosecution, contributing to a culture of impunity. Parliamentary immunity is often used to avoid corruption charges. High-level corruption cases are handled by the Supreme Court of Justice, and the referral process is complex, which hinders prosecutions.

C3. Does the government operate with openness and transparency? 3 / 4

The 2015 Information and Communication Code provides for access to government information. However, information deemed sensitive, including national security, trade, and judicial documents, remains restricted.

Critics complained that the legislative process for significant constitutional reforms proposed by President Talon was rushed and opaque, and moved forward without adequate public debate. The president's proposed reforms included moving from two five-year terms for the president to a single six-year term. The reforms were narrowly defeated in the National Assembly in April 2017.

CIVIL LIBERTIES: 49 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16

D1. Are there free and independent media? 3 / 4

Constitutional guarantees of freedom of expression are largely respected in practice. Print media exhibit pluralism of opinion and viewpoints. However, most media outlets receive direct financial support from politicians and few are considered genuinely independent.

Defamation remains a crime punishable by fine. In May 2017, the HAAC was ordered by a court in Cotonou to pay damages for the wrongful closure of one of seven broadcasters shut down in 2016 for broadcasting without public authorization. All of the broadcasters had resumed programming by mid-2017. Critics contend that the HAAC does not act impartially. One of the broadcasters suspended in 2016, Sikka TV, is owned by an opposition leader who claimed that the closure was politically motivated.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Religious freedom is constitutionally guaranteed and generally respected in practice.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely respected. However, in 2016 the government suspended student associations at all four public universities. The ban was lifted by the government in October 2017 after the Constitutional Court ruled it unconstitutional in March.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Individuals are generally free to express their views on politics without fear of surveillance.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is generally respected; permit and registration requirements for demonstrations are not always enforced.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Nongovernmental organizations (NGOs), including human rights groups, generally operate freely.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The right to form unions is respected. However, employees in the public sector are restricted in their ability to bargain collectively. In January 2017, during a teachers' strike, the government prohibited union assemblies in public primary schools. In December, the National Assembly passed a controversial law that prohibited public-sector workers from striking.

F. RULE OF LAW: 12 / 16

F1. Is there an independent judiciary? 3 / 4

Judicial independence is generally respected by the executive branch, but the courts are inefficient and susceptible to corruption. The process of nominating and promoting judges lacks transparency.

The Constitutional Court has demonstrated independence, including in its March 2017 decision that the government ban on student associations was illegal. The constitutional reforms proposed by President Talon and rejected by the National Assembly in April included increasing constitutional judges' terms from five to nine years. Analysts argue that longer judicial terms would have further strengthened judicial independence.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process usually prevails in criminal and civil matters. However, judicial inefficiency, corruption, and a shortage of attorneys in the north inhibit the right to a fair trial. Lack of resources contributes to often lengthy pretrial detentions. Arbitrary arrest and detention occasionally occurs.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Benin is free from war and insurgencies. Prison conditions are often harsh, and prisoners face overcrowding, lack of access to food and water, and occasional physical abuse, despite a ban on torture. Police brutality remained a problem in 2017, including beatings and torture of suspects. Perpetrators are frequently shielded from prosecution by their superiors.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Relations among Benin's ethnic groups are generally amicable. Minority ethnic groups are represented in government agencies, the civil service, and the armed forces. The constitution prohibits discrimination based on race, gender, and disability, but not sexual orientation. The only legislation directly restricting the rights of LGBT (lesbian, gay, bisexual, and transgender) people is the penal code of 1996, which imposes a higher age restriction on the age of consent for same-sex sexual activity (21) than for heterosexual activity (13). LGBT people face social stigma and discrimination in practice.

Women experience discrimination in employment and access to credit, healthcare, and education.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 10 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 3 / 4

Individuals can generally move freely throughout the country. However, in some rural areas, cultural traditions force women to remain indoors for extended periods. Roadblocks set up by the police can make travel difficult, and police officers occasionally demand bribes for travelers to pass through.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4

Improvements to the business registration process, anticorruption efforts, and regulatory reform since 2010 have improved Benin's commercial environment.

It is difficult to register property in Benin, and the enforcement of contracts is uneven. Despite laws guaranteeing equal rights to inheritance for women, many women are denied the right to inherit property in practice.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 2 / 4

Domestic violence remains a serious problem, and there is no law that specifically addresses it. Women are often reluctant to report instances of domestic abuse. A 2003 law that prohibits female genital mutilation (FGM) reduced the incidence of the practice, but it still persists, particularly in the northeast. Although the law prohibits marriage for those under 18 years old, the government allows exceptions for 14 to 17-year-olds if there is parental consent. Child marriage and forced marriage remain common in rural areas.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4

Human trafficking is widespread in Benin, despite a recent uptick in prosecutions for the crime. Trafficking of children is illegal; legislation that specifically addresses adult trafficking remains under review. The practice of sending young girls to wealthy families to work as domestic servants has led to cases of exploitation and sexual slavery.

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