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4 May 2016

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Benin: Kings in northern Benin, specifically in Borgou department; extent of their power in comparison with the power of political and civil authorities; a king's ability to force a woman to marry him; remedies available to a woman who refuses to marry a king (2014-April 2016)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Kings in Northern Benin

1.1 Overview

Oral sources reported that there are still kings in northern Benin, including in Borgou department (journalist 27 Apr. 2016; anthropologist 26 Apr. 2016; DHPD 26 Apr. 2016). According to sources, [translation] "several" kings are currently active in Borgou (ibid.; anthropologist 26 Apr. 2016). In a telephone interview with the Research Directorate, an anthropologist at the Free University of Brussels

(Université libre de Bruxelles, ULB) who has published several books and articles on Benin said that there are [translation] “several dozen kings in Benin today” and that the size of their territory varies from one kingdom to the next (ibid.). That same source also stated that although kings inherit their power, the rules of succession depend on the kingdom, as power is not necessarily transferred to the king’s oldest son (ibid.). He added that [translation] “power [could], for example, be transferred to a nephew in a given kingdom” (ibid.).

According to sources, kings in Benin are represented within various associations, including the Supreme Council of Kings of Benin (Conseil suprême des rois du Bénin) and the National Council of Kings of Benin (Conseil national des rois du Bénin) (*La Nouvelle Tribune* 22 Nov. 2016; Anadolu Agency 9 Oct. 2014). According to Anadolu Agency, Turkey’s official news agency, which covers numerous African countries, [translation] “in 2012, the kings in every Beninese town decided to put in place a common structure called the High Council of Kings of Benin (Haut [C]onseil des rois du Bénin, HCRB),” but a “lack of consensus around electing a national office” for the organization led to a new structure, the “Royal High Authority of Benin (Haute [A]utorité royale du Bénin, HARB)” (ibid.). According to Benin’s daily *La Nation*, HARB was to be registered in May 2014 (*La Nation* 15 May 2014). On its website, Benin’s representation at the United Nations Population Fund (UNFPA) reports that [translation] “in Benin, the UNFPA supports various networks, including ... the National Council of Kings, Queens and Traditional Chiefs of Benin (Conseil national des [r]ois, [r]eines et [c]hefs [t]raditionnels du Bénin, CNRB)” (UN n.d.a). Additional information on the support provided to the CNRB by the UNFPA could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the BBC, the [translation] “director of Promotion of Social Dynamics within the Beninese ministry in charge of relations with institutions” stated that “[i]n 2008, the Government of Benin decided to support the traditional chiefs by subsidizing them” (BBC 18 Nov. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Scope of the Kings' Power

2.1 Definition of this Power

According to oral sources, the kings of Benin do not have state power, rather, they are [translation] “moral” authorities (DHPD 26 Apr. 2016; anthropologist 26 Apr. 2016). The anthropologist stated that the kings, who play are considered [translation] “persons of influence,” were “unequally recognized by various segments of society” and that “certain Pentecostal movements and certain radical Muslims, such as Salafists, [are] fiercely opposed to their authority” (ibid.).

Without providing details, a journalist who founded and heads the *Courrier des Afriques*, an online pan-African news magazine, stated in correspondence sent to the Research Directorate that the kings in Borgou are [translation] “more influential [...] than in other parts of Benin,” but that they are “generally subject to political and civil authorities” (journalist 27 Apr. 2016).

In correspondence sent to the Research Directorate, a representative of Human Rights, Peace and Development (Droits de l'homme, Paix et Développement, DHPD), a non-profit apolitical association that promotes human rights in Benin (DHPD 11 Feb. 2016), stated that, in the past, [translation] “[i]n some kingdoms, the king could order corporal punishment,” but that this is a “thing of the past” (ibid. 26 Apr. 2016). According to the same source, today, [translation] “someone who is a victim of corporal punishment ordered by a king can take action in court” (ibid.). In a 2002 decision, the Constitutional Court of Benin (Cour constitutionnelle du Bénin) ruled [translation] “[that] by inflicting corporal punishment and inhumane and degrading treatment on defendants,” the king and the court of DassaZoumè, having no jurisdiction in legal matters, had violated the Constitution (Benin 19 Feb. 2002).

According to oral sources, the kings of Benin [translation] “preside over” ritual celebrations or “intervene in” them (DHPD 26 Apr. 2016; anthropologist 26 Apr. 2016), for example, at harvest time (ibid.).

The DHPD representative also stated that kings may referee certain conflicts in their kingdom and provided the following illustration:

[translation]

If the head of an extended family is unable to resolve a problem, for example, a succession problem or the refusal of a widow to widowhood rites, he can go to the community leader, who is responsible for several families. If the community leader is unable to resolve the problem, he can approach the king. At times, political actors may also ask a king to intervene to resolve a certain problem. (DHPD 26 Apr. 2016)

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

According to a dispatch from Anadolu Agency, [translation] “the traditional chieftom does not yet have legal status” (Anadolu Agency 9 Oct. 2014).

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

2.2 Influential Power

The representative of DHPD stated that the kings are [translation] “recognized by their subjects” and that “every family recognizes a king” (DHPD 26 Apr. 2016). An article on the online news site LeBeninois.net indicates that [translation] “kingship has an important place in regulating community life” and that the kings are “listened to [...] and remain very influential within society” (LeBeninois.net 27 Dec. 2012). According to the same source, the kings, who are [translation] “[o]pinion leaders in their villages, [...] help change behaviours through awareness campaigns they are associated with” (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The UNICEF website states that

[translation]

King of Ahouannonzoun [...] on behalf of dignitaries of traditional religions, committed, on 18 June 2013, to “contributing to the gradual reduction of traditional socio-cultural practices that endanger the health and development of girls and boys in Benin.” [...] The schooling of children who practise Voodoo will be encouraged, and it will be easier for children undergoing initiation to access primary health care. (UN n.d.b)

In two news releases, one published in July 2014 and the other in May 2015, the High Council of Kings of Benin addresses the Beninese political class with respect to various political or economic problems in Benin (HCRB 17 July 2014; *ibid.* 28 May 2015). In its news release dated 17 July 2014, the HCRB encourages members of parliament to [translation] “talk to each other” to resolve the issue of magistrates’ right to strike (*ibid.* 17 July 2014). In its news release of 28 May 2015, the organization calls on [translation] “the entire political class to act in a spirit of responsibility and sacrifice” following violent incidents that occurred in May 2015, after the legislative elections (*ibid.* 28 May 2015). Information on the impact that such statements have on decisions made by Beninese political leaders could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. However, the anthropologist stated that [translation] “there are no practical relations between the kings and the institutions of the Republic of Benin” (anthropologist 26 Apr. 2016).

2.2.1 During Elections

Sources report that politicians seek the kings’ support prior to elections (*Slate Afrique* 9 Nov. 2011; *LeBeninois.net* 27 Dec. 2012). According to *LeBeninois.net*, some kings urge their subjects to support a particular candidate during an election (*ibid.*). The BBC reports that [translation] “during every election period, the kings and traditional chiefs [...] mobilize voters” (BBC 18 Nov. 2015). The anthropologist stated that [translation] “kings who support a candidate receive money from that candidate” (anthropologist 26 Apr. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. In addition, a specific example of a king supporting a candidate during an election could not be found by the Research Directorate.

With respect to the 2016 presidential election, an article published by the online news site *Afrikipresse.fr* states that in August 2015, [translation] “the crowned heads and traditional chiefs” of the High Council of Kings (Haut Conseil des Rois) “reflected on the profile that the next president of the Republic of Benin should have” (*Afrikipresse* 5 Aug. 2015). According to the online news site *Savoirnews*, Benin’s traditional kings announced, [translation] “in a statement read on national television,” that they would remain neutral prior to the second round of the presidential election on 20 March 2016 (*Savoirnews* 19 Mar. 2016).

3. Ability of a King to Force a Woman to Marry Him

For information on forced marriage in Benin, see Response to Information Request BEN104511.

The representative of DHPD stated that a woman who has been chosen, either by the king himself or by his courtiers, to marry a king can refuse the proposal (DHPD 26 Apr. 2016). According to the same source, [translation] “some women have refused” (ibid.). Similarly, the journalist stated that, [translation] “[l]egally and administratively, no king, whether in northern Benin or elsewhere in the country, can force a woman to marry him” (journalist 27 Apr. 2016).

However, according to the representative of DHPD,

[translation]

[t]he woman’s family could put pressure on her, because a marriage to a king is considered an opportunity to be taken. Many families believe [that] it is in their [interest] for their daughter to marry a king. (DHPD 26 Apr. 2016)

Similarly, the journalist explained that,

[translation]

although forced marriage is prohibited in Borgou, traditions still persist there, to the extent that a woman can be brought against her will by her parents to be married to a king, far from the eyes of civil authorities. (journalist 27 Apr. 2016)

The DHPD representative stated that,

[translation]

[m]any people would see [a woman’s] refusal to marry a king as a betrayal of her community, especially in areas where literacy rates are low and reverence for parents is more pronounced. (DHPD 26 Apr. 2016)

According to the same source, the community’s reaction to a woman’s refusal to marry a king could vary from family to family; the woman could be subjected to physical violence, and the community could reject her (ibid.). That source also stated that, in such a situation, the woman might fear being a victim of [translation] “curses” uttered by the king’s advisors (ibid.). In the anthropologist’s opinion, a woman who

refuses a marriage proposal from a king [translation] “will not face any physical constraints,” but she “could fear a ‘magical assault’ [being cursed]” (anthropologist 26 Apr. 2016).

3.1 Remedies Available to a Woman Who Refuses to Marry a King

According to oral sources, a woman who believes that she is in danger because she refused to marry a king can file a complaint with government authorities (journalist 27 Apr. 2016; DHPD 26 Apr. 2016). The representative of DHPD stated that, currently, [translation] “judges do not hesitate to convict kings” and that “there is nothing stopping [...] the judicial system from sentencing a king to prison” (ibid.).

However, the same source noted that [translation] “in Borgou department, it [is] often difficult for the police to intervene in royal matters” (ibid.). According to the same source, “[i]n the northern part of the country, it is not easy for state jurisdictions (courts, police or gendarmerie) to interfere with the king” because “[t]he population is under [h]is moral authority” (ibid.). The same source also stated that [translation] “state jurisdictions are afraid that the population will rise up against them” (ibid.). Similarly, the anthropologist stated the following about Benin: [translation] “The probability of the police intervening in a matter in which a king is involved is quite low” because, “[l]ocally, the moral authority of the kings outweighs everything else” (anthropologist 26 Apr. 2016).

The DHPD representative stated that a woman who refuses a marriage proposal from a king [translation] “would be safe” if she left her region (DHPD 26 Apr. 2016). Similarly, the anthropologist stated [translation] “[that] it would be sufficient to go to Cotonou, for example, to avoid relations with [a king]” and that “[t]he kings are held in high social esteem, but only at the local level” (anthropologist 26 Apr. 2016). According to the same source, [translation] “[a] woman in northern Benin who wants to escape a forced marriage can go to southern Benin” (ibid.).

In addition, the DHPD representative stated that in Borgou department, there are centres that offer professional training to victims of forced marriage (DHPD 26 Apr. 2016). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

For information on the protection and assistance provided by the state and civil society to women who are victims of forced marriage in Benin, consult Response to Information Request BEN104511.

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.

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