

BENIN 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a stable constitutional presidential republic. In 2016 voters elected Patrice Talon to a five-year term as president in a multiparty election, replacing former president Thomas Boni Yayi, who served two consecutive five-year terms. In 2015 authorities held legislative elections in which former president Yayi's supporting coalition, Cowry Force for an Emerging Benin, won 33 of 83 seats in the National Assembly, and the coalition allied with four independent candidates held 37 seats (a decrease from 41 in the prior legislature). International observers viewed both the 2016 presidential and 2015 legislative elections as generally free, fair, and transparent.

Civilian authorities generally maintained effective control over the security forces.

Human rights issues included incidents of torture; harsh and life-threatening prison conditions; rape and violence against girls and women with inadequate government action for prosecution and accountability; and child labor.

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

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

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

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

The law and constitution prohibit such practices, but such incidents occurred. According to the December 2017 report of a journalist who conducted an investigation of the country's prisons, established inmates subjected new detainees to physical abuse, torture, and other degrading treatment. The report indicated that prison staff were aware of this situation, but the prison service denied the allegation.

On February 19, five police officers in Parakou beat a man to death who fled after being stopped for using a cell phone while driving. The police officers were arrested the day of the incident and charged with assault and battery causing death. On April 17, they appeared before a judge of the Court of Parakou who ordered they be held pending further investigation of the case. The officers remained in prison at year's end.

In 2017 the United Nations received one allegation of sexual exploitation and abuse concerning a Beninese police officer serving with the UN Stabilization Mission in Haiti. The investigation determined the allegation to be substantiated. The United Nations repatriated the individual, who was subsequently jailed in Benin.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding and lack of proper sanitation, potable water, and medical facilities posed risks to prisoners' health. Authorities held juveniles at times with adults and pretrial detainees with convicted prisoners, although not with the most violent convicts.

According to a 2017 Benin Bar Association report on the country's prisons, conditions in the country's 10 civil prisons were inhuman, with overcrowding, malnutrition, poor sanitation, and disease common. The inmate populations of eight of these prisons significantly exceeded capacity. There were deaths due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Lighting was inadequate. Prisoners with mental disabilities lacked access to appropriate disability-related support. Prison authorities forced prisoners to pay "bed taxes" for spaces to sleep and made sick prisoners in the civil prison of Cotonou pay to visit the hospital.

The bar association report stated that the prison population as of November 2017 totaled 7,358 inmates (including pretrial detainees and convicted prisoners) and that pretrial detainees constituted 90 percent of the population. The numbers of detainees held in police stations and in military detention centers, however, were not included in these data.

Administration: Prison authorities allowed visitors, but, according to Watchdog on the Justice System in Benin, they charged visitors amounts ranging from 500 CFA francs to 1,000 CFA francs (\$1 to \$2).

Independent Monitoring: The government permitted prison visits by human rights monitors. Religious groups and nongovernmental organizations (NGOs) visited prisons, although some NGOs complained credentials were not systematically granted when they submitted requests to make visits. Organizations that visited prisons included the local chapter of Prison Fellowship, Caritas, Prisons Brotherhood, Christian Action for the Abolition of Torture, the French Development Agency, Rotaract (Rotary International), the International Committee of the Red Cross, Amnesty International, and Prisoners without Borders.

Improvements: The government made several improvements to detention conditions during the year. On August 29, Minister of Justice Severin Quenum oversaw the donation of medical equipment to prison health clinics. During the year the government established a pilot psychological assistance unit to provide mental health services to Cotonou Prison inmates; this was the first of several planned prison system units. Completion of construction of the Savalou Prison reduced overcrowding, increasing the total number of prisons in the country to 11.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Beninese Armed Forces (FAB) are responsible for external security. The Republican Police, formed during the year through a merger of police and

gendarmes, are under the Ministry of Interior and have primary responsibility for enforcing law and maintaining order in urban and rural areas.

Civilian authorities maintained effective control over the security forces, and the government has mechanisms to investigate and punish abuses. Impunity was a problem, however. Police leadership often did not punish and sometimes protected officers who committed abuses. Individuals may file complaints of police abuse with police leadership, the lower courts, the mediator of the republic (ombudsman), or the Constitutional Court. In 2016, in an attempt to increase police accountability, the minister of interior established two telephone “Green Lines” that individuals may call to report police wrongdoing. The inspector general of the Republican Police Investigation Division is responsible for investigating serious, sensitive, and complex cases involving police personnel. The mandate of the division is to conduct administrative and judicial investigations involving police and to advise the director of the Republican Police on disciplinary action.

On March 1, the Constitutional Court ruled that the Republican Police Anti-Crime Squad in the city of Parakou and its commander violated the constitution and the African Charter of Human and People’s rights related to the inviolability of human life. The ruling was based on the fact that two individuals died and the Anti-Crime Squad seriously injured three others when it dispersed persons attending the induction ceremony of the king of Parakou, deemed illegal by the mayor of Parakou. The court also ruled that victims were entitled to reparations.

On May 2, the minister of interior and public security dismissed 27 heads of police and gendarme units following an audit that found they had mismanaged government funds. The audit stated the 27 police officers and gendarmes diverted the funds for purposes other than their intended purposes or used the funds without proper justification.

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.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized judicial official, and requires a hearing before a magistrate within 48 hours, but this requirement was not always observed. After examining a

detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in arrests involving illegal drugs including narcotics, the judge may authorize detention beyond 72 hours not to exceed an additional eight days. Warrants authorizing pretrial detention are effective for six months and may be renewed every six months until a suspect is brought to trial. Detainees have the right to prompt judicial determination of the legality of detention, which was generally observed. Detainees were promptly informed of charges against them. Detainees awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. They have the right to prompt access to a lawyer. The government provided counsel to indigents in criminal cases. Suspects were not detained incommunicado, held under house arrest, or without access to an attorney.

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

Arbitrary Arrest: Arbitrary arrests and detentions occurred. In January 2017 the Constitutional Court ruled that police violated the 48-hour limit on holding a suspect in a commercial dispute without a hearing before a magistrate. The court ruled that suspects may only be held for more than 48 hours if accused of violating a criminal law and only after appearing before a judge who must authorize the extension. On October 18, the Constitutional Court ruled on the pretrial detention of a detainee held since 2011 violated the African Charter on Human and Peoples’ Rights because it was arbitrary and disregarded the detainee’s right to be tried within a reasonable time.

Pretrial Detention: The law defines the maximum length of pretrial detention for felony cases as no more than five years and for misdemeanors as no more than three years. Approximately 90 percent of inmates were pretrial detainees; 20 percent of pretrial detainees were held in excess of five years, according to a 2017 Benin Bar Association report. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The length of pretrial detention frequently exceeded the maximum sentence for conviction of the alleged crime.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. Prosecuting officials at the Public Prosecutor's Office are government appointed, making them susceptible to government influence. The judicial system was also subject to corruption, although the government made substantial anticorruption efforts, including the dismissal and arrest of government officials allegedly involved in corruption scandals. Authorities respected court orders.

On May 18, the National Assembly passed two bills amending and supplementing the judicial system and the criminal procedure code to create a specialized antiterrorism, drugs, and financial crimes court (CRIET). CRIET verdicts may be appealed to the Supreme Court, but its mandate is limited to considering whether procedures were followed and relevant laws applied. Observers within the judicial sector raised concerns that the bills establishing CRIET may have violated judicial impartiality, the right of appeal, and due-process principles.

Trial Procedures

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

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Defendants enjoy the right to be informed promptly and in detail of the charges, with free interpretation as necessary, to a fair, timely, and public trial, to be present at trial, and to representation by an attorney. 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 who cannot understand or speak French are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants enjoy the right to adequate time and facilities to prepare a defense; to confront witnesses; to present witnesses and evidence on their own behalf; and to not to be compelled to testify or confess guilt. Defendants may 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

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

There were reports the government inhibited freedom of the press.

Press and Media Freedom: The press and media were closely regulated, and the government considered itself to have an essential role in preventing the press from behaving in an "irresponsible" or "destabilizing" way. The High Authority for

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

On May 24, HAAC suspended the newspaper *La Nouvelle Tribune* (LNT) for publishing “abusive, outrageous, detrimental, and intrusive” language deemed offensive regarding the president’s private life. On June 3, LNT Editor-in-Chief Vincent Foly stated that the newspaper was specifically targeted for publishing opinion pieces criticizing Talon administration policy, not for criticism of the president personally. The local press, civil society, and press-watchdog organizations objected to LNT’s suspension. Editor Foly filed a civil suit alleging wrongdoing against HAAC President Adam Boni Tessi with the Court of Cotonou. On October 12, the court announced that the case was not within its jurisdiction.

In May 2017 the Court of Cotonou ordered HAAC to authorize the reopening of Sikka TV affiliate Ideal Production, which it had suspended in 2016. The court ordered HAAC to pay 50 million CFA francs (\$90,252) in damages. The court decision did not allow Sikka TV to resume direct broadcasting; its broadcasts, however, were available via satellite or internet.

Independent media were generally active and expressed a variety of views without restriction; however, the press tended to criticize the government less freely and frequently than in previous years. An independent nongovernmental media ethics commission censured some journalists for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was embargoed by the government.

The government owned and operated the most influential media organizations. HAAC controlled broadcast range and infrastructure. Private television and radio coverage was poorer due to inadequate equipment and limited broadcast ranges awarded to them by HAAC.

Most 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: HAAC publicly warned media outlets against publishing information related to legal cases pending before criminal courts

because this could be interpreted as an attempt to influence court rulings. It was possible to purchase and thus influence the content of press coverage. HAAC warned media against such practices. Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship due to fear the government would suspend their media outlets. HAAC held public hearings on alleged misconduct by media outlets during the year.

Libel/Slander Laws: By law journalists may not be prosecuted for libel and slander but may face prosecution and fines for incitement of violence and property destruction, compromising national security through the press, or a combination of the two.

Internet Freedom

The government did not restrict or disrupt access to the internet. The digital code, however, criminalizes use of social media for “incitements to hatred and violence.” On October 2, the Court of Cotonou convicted Sabi Sira Korogone of incitement of hatred and violence, incitement of rebellion, and “racially motivated slander” for statements posted on a social media sites. The court sentenced him to imprisonment for one year and a fine of three million CFA francs (\$5,415). There were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 14.4 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association. Advance notification is required for demonstrations and other public gatherings. The government generally respected these rights. There were no instances of denial on political grounds.

Freedom of Peaceful Assembly

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

The government requires advance notification for use of public places for demonstrations. Authorities sometimes cited “public order” to prevent demonstrations by opposition groups, civil society organizations, and labor unions.

On May 22, the Constitutional Court ruled that the prefect of Littoral Modeste Toboula Department violated the constitution and the African Charter on Human and People’s Rights related to freedom of assembly and public liberties. The court ruled he did so by issuing a decree on March 13 that restricted antigovernment demonstrations by requiring prior registration and approval by the Ministry of Interior. The court stated that requiring registration with the Ministry of Interior violated the enjoyment of fundamental liberties.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. There were, however, instances where the government violated freedom of association.

In March 2017 the Constitutional Court overturned a Council of Ministers decree banning the activities of university student groups as a violation of the right to freedom of association. The decree claimed that student groups were engaged in military training and intended to disrupt public security and peace. The court ruled that the government’s public order concerns did not justify the suspension of citizens’ constitutional rights.

c. Freedom of Religion

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

d. Freedom of Movement

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

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

Unlike in prior years, there were no illegal roadblocks. As part of its effort to reduce corruption, the government banned roadblocks throughout the country.

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

The government'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.

Durable Solutions: The government assisted refugees and asylum seekers with obtaining documents from their countries of origin while granting their status as privileged residents. The government also facilitated naturalization of refugees as part of a local integration effort. The government involved civil society, media, and academia in the process. On March 31, the government National Commission of Assistance to Refugees assumed responsibility for refugee issues in the country following closure of the local UNHCR office. The commission cooperates with UNHCR through its regional office in Dakar, Senegal.

Stateless Persons

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

The government continued the Administrative Census for the Identification of the Population it started in November 2017 to collect personal data on all citizens for a national digital database. Each citizen registered is to be issued a biometric card having a unique and permanent identification number.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In 2016 the country held the first and second rounds of the presidential election. The vote proceeded calmly and credibly despite minor technical irregularities. Local and international observers unanimously characterized the voting process as peaceful and orderly. Observers identified delays in the provision of voting materials at some polling stations and evidence of training gaps of polling agents but no anomalies that would cast the fundamental integrity of the election into doubt. In 2015 authorities conducted legislative elections for 83 National Assembly seats. Observers viewed the elections as generally free, fair, and transparent.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process. Cultural factors, however, limited women's political participation. By custom and tradition, women assumed household duties, had less access to formal education, and were discouraged from involvement in politics. President Talon appointed only four female ministers to his 22-member cabinet and one woman among the prefects administering the country's 12 geographic departments.

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. For example, on March 15, President of the National Anti-Corruption Authority (ANLC) Jean-Baptiste Elias announced that the Ministry of Environment and Sustainable Development had awarded a contract for the purchase of 84 motorcycles to the highest bidder at a cost of more than five times their market value. The minister of economy and finance voided the contract and suspended the Ministry of Environment and Sustainable Development procurement officer who awarded the contract along with eight members of his office from engaging in public procurement activities for one year and six months respectively.

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

The government took a number of actions during the year to combat corruption. For example, on July 24, the National Assembly lifted the immunity of three National Assembly deputies from the parliamentary opposition group. Deputies Idrissou Bako, Valentin Djenontin, and Atao Hinnouho faced charges of embezzlement, money laundering, and customs fraud.

Corruption: There were numerous reported abuses similar to the following example. On August 21, the Court of Abomey Calavi convicted six local officials of illegal fundraising and embezzlement of public funds. The six received sentences ranging from three months' to six months' imprisonment, but the sentences were suspended.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected public officials. Declarations are not made available to the public. On August 27, President of the ANLC Jean-Baptiste Elias stated that the president and all cabinet members, and officials of the Supreme Court, HAAC, the Independent Electoral Commission, the ANLC, the High Court of Justice, and the Office of the Ombudsman submitted asset disclosure statements. Elias added, however, that only 58 of the 82 sitting National Assembly deputies, eight of the 30 members of the Economic and Social Council, four of the 12 members of the Authority for Public Procurement Regulation, and one of the eight members of the Authority for Electronic Communication and Post Regulation had submitted declarations. Elias threatened to refer delinquent cases to the Supreme Court for punitive action. The penalty for failure to submit an asset disclosure is a fine of six times the monthly wage of the official concerned. This penalty has never been applied.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 country's ombudsman was independent, adequately resourced, and effective.

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

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victims' unwillingness to report cases due to fear of social stigma and retaliation. Prison sentences for rape convictions range from one to five years. The law explicitly prohibits spousal rape and provides the maximum penalty for conviction of raping a domestic partner. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties victims faced in preserving and presenting evidence in court, judges reduced most sexual offense charges to misdemeanors.

Penalties for conviction of domestic violence 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.

Government officials and judges acknowledged that the number of rape cases increased during the year throughout the country. On March 29, Prosecutor General of the Cotonou Court of Appeals Emmanuel Opita stated that rape of minors was on the rise and noted that 13 cases of rape of a minor were referred to the court during the first criminal session of the year.

On April 10, the Criminal Court of Cotonou sentenced military member Martin Nouhoumon to 10 years of hard labor for the 2015 rape of a five-year-old girl at a school located near a military barracks in Cotonou.

The Ministry of Social Affairs and Microcredit organized public outreach campaigns to raise public awareness of violence against girls and women.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for conviction of performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$10,830). Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. The practice was largely limited to remote rural areas in the north. According to UNICEF, 7 percent of girls and women ages 15 to 49 underwent FGM/C.

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

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims, but sexual harassment was common, especially of female students by their male teachers. Persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$180 to \$1,805). The law also provides for penalties applicable to persons who are aware of sexual harassment but do not report it. Victims seldom reported harassment due to fear of social stigma and retaliation, however, and prosecutors and police lacked the legal knowledge and skills to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors. There were reports of increasing rates of schoolgirl pregnancies. In many reported cases, male teachers were responsible for these pregnancies. On June 7, Minister of Secondary Education, Technical and Vocational Training Mahougnon Kakpo warned male teachers against sexual harassment of girls at an event to launch a sexual health education program in Cotonou.

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

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

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

Children

Birth Registration: Citizenship is derived by birth within the country to a citizen father. By law the child of a Beninese father is automatically considered a citizen,

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

On June 11, the National Assembly passed a bill authorizing vital records offices to issue provisional birth certificates on an exceptional basis to persons lacking one who were enrolled in the Administrative Census for the Identification of the Population program (see section 2, Stateless Persons).

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

Child Abuse: Children suffered multiple forms of abuse, including rape, sexual harassment, and abduction. The Child Code bans a wide range of harmful practices. The law provides for heavy fines and penalties with up to life imprisonment for convicted violators. Police of the Central Office for the Protection of Minors arrested suspects, referred them to judicial authorities, and provided temporary shelter to victims of abuse.

Early and Forced Marriage: The law prohibits marriage under age 18 but grants exemptions for children ages 14 to 17 with parental consent and authorization of a judge. Early and forced marriage included barter marriage and marriage by abduction, in which the groom traditionally abducts and rapes his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice.

In June 2017 the government, in partnership with UNICEF, launched a nationwide "Zero Tolerance for Child Marriage" campaign to change social norms and create a protective environment for children and their communities. For additional information, see Appendix C.

Sexual Exploitation of Children: The penal code provides penalties for conviction of rape, sexual exploitation, and corruption of minors, including procuring and facilitating prostitution; it increases penalties for cases involving children under age 15. The child trafficking law provides penalties for conviction of all forms of child trafficking, including child commercial sexual exploitation, prescribing penalties if convicted of 10 to 20 years' imprisonment. Individuals convicted of involvement in child commercial sexual exploitation, including those who facilitate and solicit it, face imprisonment of two to five years and fines of one million to 10 million CFA francs (\$1,805 to \$18,050). The Child Code prohibits child pornography. Persons convicted of child pornography face sentences of two to five years' imprisonment and fines ranging from two to five million CFA francs (\$3,610 to \$9,025).

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

Infanticide or Infanticide of Children with Disabilities: Although concealed from authorities, traditional practices of killing breech babies, babies whose mothers died in childbirth, babies considered deformed, and one newborn from each set of twins (because they were considered sorcerers) occurred. A survey conducted by the NGO Franciscans-Benin reported the practice continued in 11 communes in the north of the country during the year.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

On April 13, the National Assembly approved the Promotion and Protection of the Rights of Persons with Disabilities Act. The act provides for the protection of the rights of persons with disabilities, including physical, sensory, intellectual, psychological, mental, and communication disabilities, against all forms of exploitation and violence. It offers a wide range of social benefits to persons with disabilities, including improved access to health care, education, vocational training, transportation, and sports and leisure activities. It includes provisions regarding the construction or alteration of buildings to permit access for persons with disabilities. It requires schools to enroll children with disabilities. On August 7, the government, with the assistance of the United Nations Development Program, held a workshop in Cotonou to examine draft enforcement decrees. There were no reports of violence and abuses against persons with disabilities.

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

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

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

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

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

Other Societal Violence or Discrimination

Police generally ignored vigilante attacks, and incidents of mob violence occurred, in part due to the perceived failure of local courts to punish criminals adequately. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught stealing. Unlike in prior years, the press reported only one case of mob justice during the year. On August 21, residents of the neighborhood of Sekandji Gbago in the Seme Kpodji Commune burned to death a man accused of stealing a motorcycle. No one was arrested by year's end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, except certain civil servants and public employees, to form and join independent unions with some restrictions. Unions must register with the Ministry of Interior, a three-month process, or risk a fine. The law does not establish clear grounds on which registration of a trade union may be denied or approved, and official registration may be denied without the union having recourse to a court. The law provides that a trade union federation must be made up of at least five enterprise-level trade unions in the same sector or branch of activity. Additionally, the law requires that a trade union confederation must be composed of at least three trade union federations of different sectors or branches of activities and that only trade union confederations may have affiliation at a national or international level.

In September 2017 the secretaries-general of six trade union confederations issued a joint statement condemning the arrest and 60-day confinement of Captain Patrice Trekpo, the acting general secretary of the Water, Forests, and Hunting Union of Benin. Trekpo was arrested after decrying poor management and bad working conditions for personnel in Pendjari National Park in a local television appearance. He also criticized a park management contract awarded to South African-based NGO African Parks Network, accusing the NGO of plundering the wildlife resources of Pendjari National Park. The six union leaders considered Trekpo's arrest and confinement to be a violation of trade union law. The government argued that Trekpo's status as a member of a paramilitary organization superseded his status as a union leader, the arrest was lawful under legal provisions pertaining to paramilitary organizations, and Trekpo's statements were tantamount to "incitement to rebellion." In September 2017 an appeal was filed with the

Constitutional Court, asking the court to declare Trekpo's arrest and confinement unconstitutional. In December 2017 the minister of environment and sustainable development dismissed Trekpo. On February 20, in response to the appeal, the Constitutional Court declared that the case was outside its jurisdiction.

The law provides for the rights of workers to bargain collectively. By law collective bargaining agreements are negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. A labor inspector, a secretary, and one or two rapporteurs preside over the committee. The minister of labor and civil service has the authority to determine which trade unions may be represented in the negotiation at the enterprise level. The minister has the power to extend the scope of coverage of a collective agreement. The law imposes compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included. The National Permanent Commission for Consultation and Collective Bargaining, and the Social Sector-based Dialogue Committee were active in each ministry to foster dialogue between the government and unions. On May 11 and September 13 respectively, the commission held two ordinary sessions.

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

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

The law provides that civil servants, public- and private-entity workers, and parastatal employees who provide essential services to maintain minimum services during strikes. The law provides for a discretionary determination of "essential

services” and defines them as services pertaining to health care, security, energy, water, air transport, and telecommunication. Authorities may declare strikes illegal for reasons such as threatening social peace and order and may requisition striking workers to maintain minimum services. The government may prohibit any strike on the grounds it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker’s pay following a strike.

On September 4, the National Assembly passed Act No 2018-35 Amending and Supplementing Act No 2001-09 of 2002 related to the right to strike; in October the president implemented the law. The law restricts the maximum duration of a strike to 10 days per year for all civil servants, local government personnel, public- and private-sector workers, and parastatal employees, except workers who are barred from striking. By law health-sector staff and military and paramilitary personnel--including police, customs, and water, forest and hunting officers--are barred from striking. Minimum service is required for workers that carry out essential responsibilities such as judges, prison and justice system personnel, and staff of the sectors of energy, water, maritime and air transport, financial administration, and telecommunication, with the exception of private radio and television broadcasters. Another provision provides that strikes motivated by the violation of fundamental rights and universally recognized union rights may not prompt salary deductions.

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

Workers discussed labor-related issues with employers through the National Consultation and Collective Bargaining Commission. The commission held sessions and met with the government to discuss workers’ claims and propose solutions. Information regarding whether or not remedies and penalties had deterrent effects was not available.

The government generally respected the right to form and join independent unions and the right to collective bargaining. With the exception of merchant shipping employees, workers exercised their right to strike. Civil servants went on strike throughout the year. The government did not effectively enforce the law,

particularly in the informal sector and with regard to the provisions on antiunion discrimination and reinstatement. There were reports that employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported.

On January 4, the National Assembly passed legislation abolishing the right to strike for workers in the health, security, and justice sectors. The move triggered a general strike by the National Union of Magistrates, paralyzing the administration of justice. On January 18, the Constitutional Court struck down these provisions stating that the right to strike is a constitutional right that should be protected. The court in its decision urged the National Assembly to regulate the right to strike instead of banning it. On June 28, the Constitutional Court reversed the previous court ruling on the right to strike for government workers in the defense, justice, security, and health sectors, giving as justification the greater societal good of providing that essential state functions are performed without interruption.

b. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, with certain exceptions. The law allows for imprisonment with compulsory labor. By law authorities may exact work from military conscripts that is not 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. Penalties for conviction of forced labor were generally sufficient to deter violations.

Forced labor occurred, including domestic servitude and bonded labor by children. Forced labor was mainly found in the agricultural (e.g., cotton and palm oil), artisanal mining, quarrying, fishing, commercial, and construction sectors. Many traffickers were relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon*, 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 government has established laws and regulations related to child labor, including its worst forms. The List of Hazardous Occupations sets the minimum

age for employment in hazardous work at age 18. The list identifies 21 trades prohibited for children and defines 74 related hazardous activities. Specific trades noted on the list include mining and quarrying, domestic service, and agriculture. The government did not effectively enforce the law.

The labor code prohibits the employment or apprenticeship of children under age 14 in any enterprise; children between ages 12 and 14, however, may perform domestic work and temporary or light seasonal work if it does not interfere with their compulsory schooling. The code bans night work for workers under age 18 unless a special dispensation is granted 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 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. The total number of inspections conducted during the year was unavailable. Penalties for those convicted of violating laws were sufficiently strict to serve as a deterrent and ranged from 140,000 CFA francs (\$253) to 350,000 CFA francs (\$632), sentences of two months to one year in prison, or both.

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

During the year authorities prosecuted perpetrators of child labor violations in connection with child trafficking. In April 2017 security forces intercepted two Togolese sisters, ages 17 and 16, at the Benin-Nigeria border; the sisters were on their way to Badagry in Nigeria for domestic servitude. The man accompanying the two girls claimed he was taking them from Togo to Badagry to live with their older sister, who was his wife. The police station of Krake sent the two girls and the suspected trafficker to the Central Office for Minors' Protection, which investigated the case and referred it to the Court of Cotonou for legal action. The suspect was in detention pending trial at year's end.

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

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

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

Children are required to attend only six years of primary school, through age 11. Children ages 12 to 13 are particularly vulnerable to the worst forms of child labor, as they may have completed primary school but are under the minimum legal working age of 14.

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

Also see 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 and Occupation

The constitution and labor code prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, and disability. The laws, however, do not explicitly prohibit discrimination based on sexual orientation, gender identity, and HIV or other communicable disease status. The government, in general, effectively enforced these laws and regulations in most sectors. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6). Women's wages consistently lagged behind those of men. Employment discrimination occurred in the private and public sectors. According to the National Institute of Statistics and Economic Analysis, the employment rate was 73 percent for men and 69 percent for women in 2011. The prohibitions on discrimination did not apply to the large informal sector.

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

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

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

e. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. In 2014 the government increased the minimum wage to 40,000 CFA francs (\$72) per month from 30,000 CFA francs (\$54) per month. According to the United Nations Development Program, 60 percent of the population lives on an income of \$1.90 a day or less, a poverty level income that is less than the minimum wage.

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

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

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and Microfinance were responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministry did not effectively enforce these standards, especially in the large informal sector. Significant parts of the workforce and foreign migrant workers did not benefit from minimum wage scales. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' work conditions. Government efforts were impeded by the insufficient number of labor inspectors and lack of resources to implement inspections. There were 75 labor officers; 56 labor inspectors, 15 administrators, and four labor controllers. Random inspections were conducted in some sectors, but no information was available on the number of violations or convictions.

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

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