



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2009 Country Reports on Human Rights Practices](#) » [Africa](#) » [Benin](#)

2009 Human Rights Report: Benin

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Benin is a constitutional democracy with a population of 7.9 million. In 2006 President Boni Yayi was elected to a five-year term in multiparty elections. In the 2007 legislative elections, President Yayi's Cowry Force for an Emerging Benin (FCBE) won 35 of 83 seats in the National Assembly and formed a majority with a group of 13 National Assembly members from minor political parties. This coalition proved unstable and relations grew more tense as opposition parties refused to join President Yayi's government. International observers viewed both the presidential and legislative elections as generally free and fair. However, municipal and local elections held in April and May 2008 were marred by numerous irregularities, protests, and credible allegations of fraud. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. However, there were problems in some areas. There were reports that police occasionally used excessive force. Vigilante violence resulted in deaths and injuries. Harsh prison conditions and arbitrary arrest and detention with prolonged pretrial detention continued. Impunity and corruption were problems. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was commonly practiced. Trafficking and abuse of children, including infanticide and child labor, occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings. There were no developments in the 2008 case of gendarmes killing a local resident and seriously injuring three in Wawata-Zounto.

The police generally ignored vigilante attacks, and incidents of mob violence continued to occur, in part due to the perceived failure of local courts to punish criminals adequately. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught stealing. For example, on February 2, inhabitants of Adjohoukole, a village in the southeast, discovered a cattle theft ring allegedly attempting to steal cows. The inhabitants caught a member of the ring who tried to flee on his motorbike. They beat him, tied him up, and burned him to death. The other members of the ring fled in two cars. The police came to the crime scene to file a report but made no concerted effort to investigate or arrest those involved in the killing.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, the government did not always respect these prohibitions. Beatings in custody reportedly were commonplace.

The Constitutional Court received complaints from citizens who were brutalized by the police. For example, on February 5, the Constitutional Court ruled that a gendarme violated provisions of the constitution prohibiting degrading treatment or punishment when the gendarme, during a road security check, got into a car and brutalized the occupants, a woman and her driver.

There was no further information regarding the 2007 incident when presidential guards shot and injured two persons for failing to obey instructions when President Yayi's motorcade passed. At the time, the guards reportedly were arrested.

The government continued to make payments to victims of torture under the former military regime.

Mob violence resulted in deaths and injuries. For example, on the night of September 14, residents of Abomey in the central region surprised two burglars who had just broken into a restaurant. The two burglars fled, but residents caught the two motorbike taxi drivers whom the two men hired to transport items they planned to steal from the restaurant. They burned the two motorbike taxi drivers. One died on the spot while the second one was hospitalized. The police did not investigate, and there were no arrests.

Prison and Detention Center Conditions

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. According to a 2008 review, the number of prisoners in the eight civil prisons reached 204 percent of capacity.

Prison diet was inadequate, and malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations, as prisoners were fed only once a day. There were deaths in prison due to malnutrition, disease, and neglect, although statistics were not available.

Juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners, although not with the most violent convicts or those convicted of crimes subject to the death penalty.

The government permitted prison visits by human rights monitors. Nongovernmental organizations (NGOs) and religious groups continued to visit prisons. Organizations that visited prisons during the year included the International Committee of the Red Cross, Amnesty International, the local chapter of Prison Fellowship, Caritas, and Prisoners Without Borders.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, at times the authorities did not respect these prohibitions.

Role of the Police and Security Apparatus

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

inadequately equipped, poorly trained, and ineffective in conducting investigations related to gender-based crimes and in their failure to prevent or respond to mob violence. The government continued to address these problems by recruiting more officers, building more stations, and modernizing equipment during the year; however, serious problems remained, including widespread corruption and impunity. Police continued to extort money from travelers at roadblocks.

Arrest Procedures and Treatment While in Detention

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

There were credible reports that gendarmes and the police exceeded the legal limit of 48 hours of detention in many cases, sometimes by as much as a week. Authorities often used the practice of holding a person indefinitely "at the disposal of" the public prosecutor's office before presenting the case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. The judiciary remained inefficient in some respects and it was commonly believed--and acknowledged by some judicial personnel--that the judicial system at all levels was susceptible to corruption. However, there were no reports that judicial employees were sanctioned or arrested on corruption charges during the year.

The president appoints career magistrates as judges in civil courts. The president is assisted in this responsibility by the High Judicial Council that serves also as a disciplinary committee for magistrates and considers pardon cases that the president submits. The constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them.

Civilian courts operate on national and provincial levels. There are two courts of appeals. The Supreme Court is the highest court in all administrative and judicial matters. The Constitutional Court determines the constitutionality of laws, adjudicates disputes between the president and the National Assembly, and rules on disputes regarding presidential and legislative elections. It also has jurisdiction in human rights cases. There is also a High Court of Justice to try the president and ministers for crimes related to their official responsibilities.

Military disciplinary councils deal with minor offenses by members of the military services; they have no jurisdiction over civilians. Civilian courts deal with crimes involving the military. The country has no military tribunal.

Trial Procedures

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

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Jury trials are used in criminal cases. A defendant has the right to be present at trial and to representation by an attorney, at public

expense if necessary; the court provides indigent defendants with counsel upon request. A defendant has the right to confront witnesses and to have access to government-held evidence. Defendants are allowed to present witnesses and evidence on their own behalf. Defendants can appeal criminal convictions to the court of appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. The government extends the above rights to all citizens without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. If administrative or informal remedies are unsuccessful, any citizen may file a complaint concerning an alleged human rights violation with the Constitutional Court.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. The law requires police to obtain a judicial warrant before entering a private home, and they generally observed this requirement.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights. Unlike last year there were no reports that security forces intimidated and brutalized journalists. The government occasionally inhibited freedom of the press. The law criminalizes libel, and numerous journalists faced pending libel charges. The law prohibits private citizens and the press from declaring or predicting election results. Journalists practiced self-censorship.

In August 2008 a parliamentary correspondent complained to the Beninese Union of Media Workers (UPMB) that the head of the military detachment stationed at the National Assembly threatened him with death, allegedly because he published articles criticizing a government policy. There was no further action on this matter.

A 2008 report published by the NGO Human Rights, Peace, and Development (DHPD-ONG) stated that the government awarded communication contracts to private media for propaganda purposes, adversely influencing the exercise of freedom of the press.

The constitution provides for prison sentences involving compulsory labor for certain actions related to abuse of the right of free expression; penalties are for threats to public order or calls to violence, but the law is vaguely worded and susceptible to abuse. There were no reports that the law was invoked during the year.

The independent media were active and expressed a wide variety of views without restriction. Publications criticized the government freely and frequently, but their effect on public opinion was limited due to restricted circulation and widespread illiteracy. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was under embargo by the government.

The government continued to own and operate the most influential media organizations by controlling broadcast range and infrastructure. The majority of citizens were illiterate, lived in rural areas, and generally received their news via radio.

The governmental Office of Radio and Television (ORTB) broadcast in French and local languages. There were an estimated 75 private, community, and commercial radio stations, and one government-owned and five private television stations. Rural community radio stations received support from the ORTB, and broadcast several hours a day exclusively in local languages. Radio France International and the BBC broadcast in Cotonou. The government granted 350 million CFA (approximately \$78,000) in financial assistance to the private media during the year.

The 2007 "National Report on Press Freedom," released by DHPD-ONG, stated that judges were often lax in prosecuting libel cases. A judiciary source indicated that the court continued to receive libel cases against journalists, but judges generally refrained from prosecuting them. Journalists continued to fight for the decriminalization of press-related offenses. At the end of 2007, 150 libel cases were still pending before the first instance court of Cotonou, and a report from the judiciary indicated that the court continued to receive libel cases against journalists during the year.

In contrast with 2008, there were no reports that the government penalized journalists who published items counter to government guidelines.

The High Authority of Audiovisual and Communication (HAAC) oversaw media operations and required broadcasters to submit weekly lists of planned programs and publishers to submit copies of all publications; however, the media did not comply with these requirements in practice. The HAAC claimed that the information was used for administrative purposes; however, some journalists complained that it was a form of harassment.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Internet access was widely available in cities, primarily in Internet cafes, but for many the cost of using the Internet was prohibitive. Due to a lack of infrastructure, Internet access was not available in most rural areas.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected these rights.

The government requires permits for use of public places for demonstrations and generally granted such permits; however, the authorities sometimes cited "public order" to deny requests for permits from opposition groups, civil society organizations, and labor unions. For example, on July 21, the government banned a unionists' march to protest the government's management of a high-profile corruption case linked to the renovation of two conference centers in preparation for the 2008 meeting of the Sahel-Saharan States Community (CEN-SAD.) The objection was that the march would hinder the pending investigation and disrupt public order. Unionists complained that the government had denied them the right to protest.

Freedom of Association

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

c. Freedom of Religion

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

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused registration or subjected to unusual delays or obstacles in the registration process.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination against members of religious groups. There was no known Jewish community, and no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce vehicle safety and customs regulations, many checkpoints served as a means for police and gendarmes to exact bribes from travelers. The government maintained previously implemented measures to combat such corruption at roadblocks, but they were not always effective, and extortion commonly occurred.

The government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons.

The government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsmen from other countries to enter and depart freely; the government did not enforce designated entry points. Disputes sometimes arose between herdsmen and local landowners over grazing rights.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The country is also a party to the 1969 African Union Convention Concerning the Specific Aspects of the Refugee Problem in Africa. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government did not provide temporary protection during the year. If individuals do not qualify as refugees under the 1951 convention or the 1967 protocol, authorities direct them to the Immigration Office to apply for a residence permit.

The government continued to permit Togolese refugees residing in local communities and refugee camps to participate in most economic activities and to enroll their children in local schools. In 2007 UNHCR and the governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. From January to June, 33 Togolese refugees returned to Togo through UNHCR's voluntary repatriation program.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and generally fair elections held on the basis of universal suffrage.

Elections and Political Participation

In 2006 President Boni Yayi was elected to a five-year term in multiparty elections. In the 2007 legislative elections, President Yayi's FCBE won 35 of the 83 seats in the National Assembly. A group of 13 National Assembly deputies from minor political parties ("the G-13") joined the FCBE to form a majority of 48 seats in the National Assembly. In 2008 the G-13 dissolved the coalition amidst political tension and the FCBE was left with its initial 35 seats. The G-13 sided with opposition parties and formed a blocking majority. Opposition groups declined President Yayi's invitation to join his government.

International observers viewed both the presidential and legislative elections as generally free and fair. However, fraud allegations and irregularities marred the April and May 2008 local and municipal elections. Voters filed hundreds of appeals with the Supreme Court, which annulled results in a number of communes and ordered new elections and recounting of votes in constituencies where results were disputed.

Individuals and parties could freely declare their candidacy and stand for election. There were no government restrictions on the political opposition. No single party or group has recently dominated politics.

There were nine women in the National Assembly and four female ministers in the 30-member cabinet. The Constitutional Court had two women among its seven justices.

The country has no majority ethnic group. Diverse ethnic groups were well represented in government agencies, the civil service, and the armed forces. In the National Assembly, 11 members were from the Nago and Yoruba ethnic groups, 24 from the Bariba, Somba, and Dendi ethnic groups, and 34 from the Fon, Goun, Adja, and other smaller groups. Nine cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups, 15 were from the Fon, Goun, and Adja ethnic groups, and three were from the Yoruba and Nago ethnic groups.

Section 4 Official Corruption and Government Transparency

Official corruption remained widespread. President Yayi continued his 2006 anticorruption initiative.

On July 3, the government released a State Audit Office's (IGE) report; it detailed alleged corrupt practices including illegal awarding of public contracts, overbilling, mismanagement, and misappropriation of public funds for the renovation of two conference centers in preparation for the June 2008 CEN-SAD summit. The government confirmed the involvement of high-ranking officials, including the former minister of finance and economy and officials in charge of public procurement. The government dismissed the officials and requested disciplinary action against them pending legal action.

No formal action was taken by year's end on the 2007 finding by the IGE that approximately 300 civil servants may have embezzled 23 billion CFA (approximately \$51 million). The IGE had turned its findings over to the Ministry of Justice for further investigation and possible action.

In 2007 the NGO Front of National Anticorruption Organizations accused two deputies of the National Assembly, who formerly had been executive directors of the Benin Electric Energy Corporation, of mismanagement and embezzlement of public funds. President Yayi asked the National Assembly to lift the immunity of the two deputies so they could be questioned by the IGE; however, it was not lifted by year's end.

On July 31, the Court of Cotonou released on bail Alain Adihou, the former minister of institutional relations who was in pretrial detention since 2006 on the charge of embezzling one billion CFA (approximately \$2 million).

The Watchdog to Combat Corruption (OLC), a governmental anticorruption agency, launched a nationwide effort to publicize the National Strategic Plan to Combat Corruption and conducted a survey to gauge the magnitude of petty corruption and bribery in the public administration. During the year the OLC provided awareness and training sessions for ministry officials on issues of transparency in public contracts and impunity in public administration. OLC also trained judicial personnel on the UN Convention Against Corruption and the African Union Convention on Preventing and Combating corruption.

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

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

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views. The government met with domestic NGO monitors through the Advisory National Human Rights Council.

Local human rights NGOs included the League for the Protection of Human Rights in Benin, the National Christian Youth Association for Awareness and Development, Association for the Support of Development and Peace, Solidarity for Behavioral Change, Benin Prison Fellowship, Children's Rights Social Organizations' Network, and others. Local NGOs were independent. Some local NGOs have formed networks for more efficient implementation of their programs and to pool resources.

The government cooperated with international organizations. During the year representatives of the Committee for the Prevention of Torture (CPT) and of the UN Committee on the Elimination of Discrimination Against Women visited the country. Following its visit, the CPT made wide-ranging recommendations. On November 19, the World Committee Against Torture and the International Federation of Action by Christians for the Abolition of Torture, in conjunction with the Ministry of Justice, Legislation, and Human Rights and local NGOs, held a follow-up seminar to consider the recommendations made by the CPT and to map out strategies for the implementation of these recommendations by the government.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, and social status; however, societal discrimination against women continued. Persons with disabilities were disadvantaged.

Women

The law prohibits rape, but enforcement was weak due to police ineffectiveness, victims' unwillingness to refer cases to the police for fear of social stigma, and corruption. The penal code does not make a distinction between rape in general and spousal rape. Sentences for rape convictions ranged from one to five years' imprisonment. In 2008 there were approximately 600 gender-based violence cases registered in the country's eight courts. Because of the police's lack of

training in collecting evidence associated with sexual assaults, and victims' failure to present evidence in court, judges reduced most sexual offenses to misdemeanors.

Domestic violence against women was common. The penal code prohibits domestic violence, and penalties range from six to 36 months' imprisonment. However, NGO observers believed that women remained reluctant to report cases. Judges and police were reluctant to intervene in domestic disputes; society generally considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development-Benin (WILDAF), the Female Jurists Association of Benin (AFJB), and the Women's Justice and Empowerment Initiative (WJEI) through Care International's Empower Project offered social, legal, medical, and psychological assistance to victims of domestic violence. The Office of Women's Promotion under the jurisdiction of the Ministry of Family and Solidarity is responsible for protecting and advancing women's rights and welfare.

FGM was practiced on girls and women from infancy up to 30 years of age, and generally took the form of excision. Approximately 17 percent of women and girls have been subjected to FGM; the figure was higher in some regions, including Atacora (45 percent) and Borgou (57 percent), and among certain ethnic groups; more than 70 percent of Bariba, Yoa-Lokpa, and Peul (Fulani) women have undergone FGM. Younger women were less likely to be excised than their older counterparts. Those who performed the procedure, usually older women, profited from it. The law prohibits FGM and provides for penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA (approximately \$13,000); however, the government generally was unsuccessful in preventing the practice. Individuals who were aware of an incident of FGM but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA francs (approximately \$110 to \$220). Enforcement was rare, however, due to the code of silence associated with this crime. In one example, in September police arrested a woman on the strength of a denunciation by a local NGO that accused her of excising seven girls in the area of Kouande in the north. The police referred the case to the Court of Natitingou. On October 26, the Court of Natitingou sentenced the woman to one and a half years imprisonment.

NGOs continued to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising public awareness of the dangers of the practice, and the government cooperated with these efforts. The Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and displaying banners. NGOs also addressed this issue in local languages on local radio stations.

Prostitution, especially child prostitution, was a problem. There were credible reports that tourists visiting the Pendjari National Park in the far northwest used the services of prostitutes, many of them minors. It was not clear whether these tourists operated through a local or an international network, or whether they came to the region primarily for sex tourism. In March the government, in conjunction with the UN Children's Fund (UNICEF) and a local bank, launched a seven-day campaign against sex tourism involving children aged eight to 17 to spread awareness of the dangers of sex tourism.

Under the penal code there are no penalties imposed on prostitutes; however, those who facilitate prostitution and individuals who profit financially from prostitution, including traffickers and brothel owners, face penalties including imprisonment of six months to two years and fines of 400,000 to four million CFA (approximately \$890 to \$8,900) depending on the severity of the offense. Individuals involved in child prostitution, including those who facilitate or solicit it, face imprisonment of two to five years and fines of one million to ten million CFA (approximately \$2,200 to \$22,200). Although there are no penalties in the penal code for prostitutes, the belief that prostitution is illegal is widespread, and police often raided brothels to arrest prostitutes to deter the practice; the prostitutes were then released without being charged with any offense.

Sexual harassment was common, especially of female students by their male teachers. The law prohibits sexual harassment and offers protection for victims. Under the law, persons convicted of sexual harassment face sentences of

one to two years in prison and fines ranging from 100,000 to one million CFA (approximately \$220 to \$2,200). The law also provides penalties for persons who are aware of sexual harassment and do not report it. Enforcement of these laws was lax due to law enforcement agents' and prosecutors' lack of legal knowledge and necessary skills to pursue such cases, and victims' fear of social stigma. Although this specific law was not enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors.

Article 26 of the constitution provides that the government shall protect the family, particularly the mother and the child. The country's May 2006 Declaration on Population Policy (DEPOLIPO) promotes responsible fertility to reduce early and/or late childbearing and to promote family planning through the distribution of contraceptives. Act No. 2003-04 of March 2003 on Sexual and Reproductive Health guarantees couples and individuals reproductive rights, including access to health care, freedom to give birth, freedom of marriage, rights to nondiscrimination, access to contraception, and equal access to health care for people living with sexually transmitted infections including HIV. Article 19 of Act No. 2003-04 provides penalties for the commission of all acts prejudicial to the enjoyment of sexual and reproductive health. The government in general respected these rights.

Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive discrimination.

In response to a complaint filed by a woman being prosecuted for adultery, on July 3 the Constitutional Court ruled that adultery-related provisions contained in the Penal Code are unconstitutional on the grounds that these provisions discriminate against women.

In rural areas women traditionally occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas women dominated the informal trading sector in the open air markets. During the year the government and NGOs continued to educate the public on the 2004 family code, which provides women with inheritance and property rights and significantly increases their rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy.

In practice women experienced discrimination in obtaining employment, credit, and equal pay, and in owning or managing businesses. During the year the government granted microcredits to the poor, especially to women in rural areas, to help them develop income-generating activities. An estimated 600,000 women benefited from these microcredit projects in the past two years.

Children

The government has stated publicly its commitment to children's rights and welfare, but it lacked the resources to carry out that commitment. The Ministry of Family is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family have oversight roles in the promotion of human rights issues with regard to child welfare.

Particularly in rural areas, parents often did not declare the birth of their children, either out of ignorance or because they could not afford the fees for birth certificates. A 2001 survey indicated that a quarter of children under 18 were not registered at birth. This could result in denial of public services such as education and health care. Several donors have taken action to increase the number of registered children. Over the last two years, the NGO PLAN International has supported the free registration of children who need to take the primary school leaving exam. (Without a birth certificate children may attend primary school but cannot take the exam.) UNICEF and the NGO CRS/World Education have supported the government's campaign to register every birth.

Primary education was compulsory for all children between six and 11 years of age. It became tuition free for all children starting with the 2007-08 school year; however, in some parts of the country girls received no formal education. Parents often voluntarily paid tuition for their children because many schools had insufficient funds. The government offered books to pupils at reduced prices. According to UNICEF, primary school enrollment was approximately 90 percent for boys and 60 percent for girls; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent, compared to 50 percent male literacy.

FGM was commonly practiced on girls (see section 5, Women.)

The family code prohibits marriage under 14 years of age; however, the practice continued in rural areas. Underage (14 to 17 years of age) marriage was permitted with parental consent. There also was a tradition in which a groom 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 that communities concealed the ongoing practice.

Despite widespread NGO campaigns, the traditional practices of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (because they were considered sorcerers) continued in some rural areas, and perpetrators acted with impunity.

Through the traditional practice of vidomegon, poor, generally rural, families placed a child in the home of a wealthier family. The child received living accommodations, while the child's parents and the urban family that raised the child split the income generated by the child's activities; however, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Vidomegon traditionally was intended to provide better educational opportunities and a higher standard of living for children of poor families; however, this practice has made children more vulnerable to labor exploitation and to trafficking. Up to 95 percent of the children in vidomegon were young girls.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children, but many such cases never reached the courts due to lack of education, lack of access to the courts, or fear of police involvement.

Child prostitution was a problem. Some children, including street children, engaged in prostitution without third party involvement to support themselves.

Child labor, although illegal, remained a problem.

There were many street children, most of whom did not attend school and lacked access to basic education and health services.

Trafficking in Persons

The law prohibits trafficking in children, but no law prohibits trafficking in adults. However, the government has used laws that prohibit human smuggling and the labor code to prosecute traffickers.

The country was a source, transit point, and destination for trafficked persons, primarily children trafficked for forced labor and sexual exploitation. The majority of trafficking occurred internally within the extended family or community; however, organized criminal networks also were active. The majority of Beninese children trafficked outside of the country are sent to Nigeria, followed by Cote d'Ivoire and Gabon. Children were trafficked to Ghana, Nigeria, Gabon, Cote d'Ivoire, Republic of Congo, Guinea-Bissau, the Central African Republic, and possibly Equatorial Guinea for domestic work, farm labor, labor in stone quarries, and prostitution. In addition, children were taken across the border to Togo and Cote d'Ivoire

to work on plantations. Children from Niger, Togo, and Burkina Faso were trafficked to the country for indentured or domestic servitude. Trafficked children generally came from poor rural areas and falsely were promised educational opportunities or other incentives. There were no reports of trafficking of adults.

The penal code prohibits child prostitution; however, enforcement was limited, and the commercial sexual exploitation of children was a problem. Child prostitution often involved girls whose poor families urged them to become prostitutes to provide income. Other children were lured to exchange sex for money by older men, often traffickers, who acted as their "protectors." Some children were abused sexually by teachers who sought sex in exchange for better grades. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

Penalties for traffickers involved in "labor exploitation" ranged from fines to prison terms, forced prison labor, or the death penalty, depending on the severity of the crime and the length of time over which the exploitation occurred; however, enforcement was lax. No statistics were available on the number of cases.

The 2006 law against child trafficking provides for increased penalties for the trafficking of minors, including imprisonment from six months to life, depending on the severity of the crime, and fines from 50,000 to five million CFA (approximately \$110 to \$11,000). Individuals who are aware of child trafficking offenses and do not report them can be fined 10,000 to 50,000 CFA (approximately \$20 to \$110).

During the year the government continued its efforts to arrest and prosecute traffickers. On June 20, security forces intercepted a vehicle in Cotonou transporting 11 children from the Togo-Benin border to be trafficked to Lagos, Nigeria. The Minors Protection Brigade (BPM) interviewed the traffickers and the victims, and referred traffickers to the Court of Cotonou for further legal action.

The government reported that during the year the country's eight courts prosecuted 40 cases related to offenses including child trafficking, child rape, and kidnapping.

In 2006, together with 23 other West and Central African countries, the government signed an agreement to adopt an action plan to combat trafficking. Regional efforts also continued between heads of state of concerned countries to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims. In November 2008 the joint Benin and Nigeria Committee to Combat Child Trafficking developed a 2009-10 joint action plan to combat the trafficking of children from Zakpota, Benin to Abeokuta, Nigeria for labor in stone quarries. The government facilitated reintegration of Beninese trafficking victims rescued from Abeokuta quarries during the year.

Since 1999 UNICEF and other donors have supported the Ministry of Family to establish, equip, and train more than 1,300 local committees to combat child trafficking through community surveillance and monitoring. During the year activity focused on child trafficking in the north. The BPM sought to prevent crimes against children and investigated cases of child trafficking and other crimes committed against children. It arrested traffickers, rescued victims, and worked towards their social reintegration. The government worked with NGOs to combat child trafficking, using media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately. Resource constraints, prevailing cultural attitudes, and a lack of interagency coordination prevented the government from meeting minimum standards for the elimination of trafficking.

During the year the Ministry of Family, international NGOs, and the donor community assisted numerous children who had been trafficked to other countries to work in mines, quarries, and on farms. Efforts included the provision of food, shelter, and medical treatment. The Ministry of Family also cooperated with partners to operate centers in urban areas to provide education and vocational training to victims of child trafficking. During the year government efforts to reunite trafficked children with their families continued.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

Discrimination against persons with physical and mental disabilities is not prohibited by law; however, the law provides that the government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The government operated few institutions to assist persons with disabilities, and many such individuals were forced to beg to support themselves.

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness during the year. The Office of Labor under the Ministry of Labor and Civil Service is responsible for protecting the rights of persons with disabilities.

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

There were no reports of overt societal discrimination or violence based on a person's sexual orientation.

Other Societal Violence or Discrimination

There were no reports of overt discrimination or violence based on HIV/AIDS status. Since 2006 it has been illegal to discriminate against a person, at any stage of hiring or employment, based on his or her HIV status.

Section 7 Worker Rights

a. The Right of Association

The labor code allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, and the government generally respected these rights. Workers have the right to strike, and they exercised it during the year. Unions must register with the Ministry of Interior, a three-month process, or risk a fine.

The labor force of approximately 3.2 million was engaged primarily in subsistence agriculture, with only a small percentage working in the formal wage sector. Although an estimated 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

Workers must provide three day's notice before striking; however, authorities can declare strikes illegal for reasons such as threatening social peace and order and can requisition striking workers to maintain minimum services. The government may not prohibit any strike on the grounds that it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker's pay following a strike. The government enforced these laws effectively.

The Merchant Marine Code grants seafarers the right to organize, but they do not have the right to strike.

b. The Right to Organize and Bargain Collectively

The labor code allows unions to conduct their activities without interference, and the government generally protected this right. The labor code provides for collective bargaining, and workers freely exercised this right with the exception of merchant shipping employees. The government sets wages in the public sector by law and regulation.

The labor code prohibits antiunion discrimination. Employers may not take union membership or activity into account in hiring, work distribution, professional or vocational training, or dismissal; however, the government did not always enforce these provisions, and there were reports that employers threatened individuals with dismissal for union activity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred in the agricultural, fishing, commercial, and construction sectors, and trafficking in persons was a problem.

The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to forced labor for various crimes.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, children between 12 and 14 years may perform domestic work and temporary or seasonal light work if it does not interfere with their compulsory schooling. Child labor remained a problem due in part to limited government enforcement of the law. To help support their families, children of both sexes--including those as young as seven--continued to work on family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon*. A majority of children working as apprentices were under the legal age for apprenticeship of 14. For example, in Tchatchegou, a small village in the north, children worked with adults in a granite quarry.

Forced child labor and prostitution by street children were problems. Children under 14 work in either the formal or informal sectors in the following activities: agriculture, hunting and fishing, industry, construction and public works, trade/vending and food/beverage, transportation, and communication and other services, including employment as household staff.

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 for labor. 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 bargain, and abuse of child domestic servants was a problem.

The Labor Office under the Ministry of Labor and Civil Service enforced the labor code ineffectively and only in the formal sector due to the lack of inspectors. The government took steps to educate parents on the labor code and to prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. The government also worked with a network of NGOs and journalists to educate the population about child labor and child trafficking. On November 24, the government issued the International Labor Organization's International Program on the Elimination of Child Labor-sponsored National Survey on Child Labor. The survey provided comprehensive data and was expected to help the government complete its National Policy for the Elimination of Child Labor.

e. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. The minimum wage was 30,000 CFA (approximately \$66) per month; however, the minimum wage did not provide a decent standard of living for a worker and family. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage; many domestics and other laborers in the informal sector earned less. The Office of Labor enforced the minimum wage; however, its efforts were impeded by the small number of labor inspectors. Significant parts of the work force and foreign workers were not covered by minimum wage scales.

The labor code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum provided for under the labor code of 12 hours per day or 60 hours per week. The labor code also mandates premium pay for overtime and prohibits excessive compulsory overtime. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Labor and Civil Service did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The ministry has the authority to require employers to remedy dangerous work conditions but did not effectively do so.