



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Benin Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

BENIN

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated on April 4, 1996, after elections that were generally viewed as free and fair. President Kerekou, who ruled Benin as a Socialist military dictator from 1972 to 1989, succeeded his democratically elected predecessor and continued the civilian, democratic rule begun in the 1990-1991 constitutional process that ended his previous reign. There are 18 political parties represented in the unicameral, 82-member National Assembly; no party or political grouping commands a majority of seats. The Government respects the constitutional provision for an independent judiciary; however, the judiciary is inefficient and susceptible to corruption.

The civilian-controlled security forces consist of the armed forces, headed by the Minister Delegate for Defense Matters in the office of the President, and the police force under the Interior Minister. The two Ministers also share authority over the gendarmerie, which exercises police functions in rural areas. The armed forces continued to play an apolitical role in government affairs despite concerns about morale within its ranks and its ethnic imbalance.

An extremely poor country with average yearly per capita income below \$450, the country's economy is based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The port of Cotonou serves as a major conduit for goods entering neighboring Nigeria legally and illegally. The Kerekou Administration continued, and in some cases stepped up, the austerity program begun by its predecessor; privatized state-owned enterprises; reduced fiscal expenditures; and deregulated trade. In spite of its

bloated and inefficient bureaucracy, high debt servicing costs, and widespread unemployment, Benin's economic recovery continued under liberal economic policies instituted since the return to democracy.

Although the economy expanded, real growth was lower than in previous years, primarily because of an extended electricity crisis that began in February and had still not been resolved fully by year's end. Real growth was estimated at between 4 and 5 percent; inflation was also higher than in previous years, estimated at between 3 and 5 percent because of the electricity crisis.

The Government generally respected the human rights of its citizens. The major human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; serious administrative delays in processing ordinary criminal cases with attendant denial of timely, fair trials; judicial corruption; harsh and unhealthy prison conditions; societal discrimination and violence against women; and the trafficking in and abuse of children. The practice of female genital mutilation (FGM) is also a problem. The Constitutional Court continued to demonstrate independence. On several occasions during the year, the court ruled that legislation proposed by the Government and approved by the National Assembly was defective. On each occasion the legislation was redrafted to satisfy the court's objections, then reapproved by the legislature before promulgation.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by government officials. However, as in previous years, incidents of mob justice were reported by the media. These were most often cases of suspected criminals being killed or severely injured, particularly thieves caught in the act. Although a number of these incidents took place in urban areas and were publicized in the press, the Government apparently made no concerted attempt to investigate or prosecute anyone involved. Some press accounts suggested that the police deliberately ignored vigilante attacks.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits such practices and there were no reports that officials employed them. The Government continued to make payments to victims of torture under the military regime that ruled from 1972 to 1989.

Prison conditions continued to be extremely harsh. Extensive overcrowding and lack of proper and medical facilities posed a risk to prisoners' health. The prison diet is seriously inadequate; malnutrition and disease are common. Prisoners are allowed to meet with visitors such as family members, lawyers, and others.

Some progress was made during the year with the opening of three modern facilities in the départements (provinces) of Borgou, Mono, and Atacora with funding from the French Government. The prisons provide, for the first time, separate units for men, women, and minors. The Government is expected to continue its plan for prison renovation, rehabilitation, and construction with assistance from foreign

donors--both governments and nongovernmental organizations (NGO's).

The Government permits prison visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or exile; however, at times the authorities arbitrarily arrested and detained persons. The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as long as 1 week, using the accepted practice of holding a person without specified time limit "at the disposition of" the public prosecutor's office before presenting the case to a magistrate. Approximately 75 percent of persons in prison are pretrial detainees. Arbitrary arrest is not routine but does occur occasionally.

The Constitution prohibits forced exile of citizens. Many citizens who went into exile prior to the establishment of democratic rule have returned.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. However, the executive has important powers in regard to the judiciary.

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets result in slow administration of justice. The low salaries of magistrates and clerks have a demoralizing effect on their commitment to efficient and timely justice and make them susceptible to corruption.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice the court provides indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. 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.

A civilian court system operates on the national and provincial levels. Military disciplinary councils deal with minor offenses by members of the military services, but have no jurisdiction over civilians. There only one court of appeals. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court is charged with passing on the constitutionality of laws and disputes between the President and the National Assembly and with resolving disputes regarding presidential and National Assembly elections. Its rulings against both the executive and legislative branches indicated its independence from both these branches of Government. The Constitution also provides for a High Court of Justice to convene in the event of crimes committed by the President or government ministers against the State. Implementing legislation to create the High Court of Justice was passed in 1996. Although the legislation was passed, the Constitutional Court later found some of its provisions to be unconstitutional. As of year's end, the legislature had sent the revised bill again to the Constitutional Court for an advisory opinion before final promulgation.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, and government authorities generally respect these prohibitions in practice. Police are required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. The government entity with oversight responsibility for media operations is the High Authority for Audio-visual Media and Communications (HAAC), which requires broadcasters to submit weekly lists of planned programs and requires publishers to deposit copies of all publications with it. However, this requirement is not observed by the media in practice.

There is a large and active privately owned press consisting of about a dozen newspapers. These publications criticize the Government freely and often, but their effect on public opinion is limited because of their urban concentration. The majority of Beninese are illiterate and live in rural areas.

New privately owned radio and television stations began broadcasting in December 1997. Throughout the year, they broadcast programs that criticized the Government without interference. It is unclear what impact the private electronic media have on public opinion; however, an increase in the number of "call-in" and panel shows has contributed to greater public involvement in political affairs and a heightened awareness of important national problems.

The Government, however, continued to own and operate the media most influential in reaching the public. Until December 1997, it owned the only radio stations that transmitted locally. The Benin Office of Radio and Television (ORTB) transmits on the F.M. and A.M. bands and by short wave, in French and local languages. Radio France International (RFI) also transmits on a local F.M. band under an agreement with the Government. Five rural radio stations governed by local committees broadcast several hours a day exclusively in local languages. These stations receive support from ORTB. Radio is probably the most important information medium.

A similar arrangement is in place for television transmissions: ORTB broadcasts 5 hours per day on a signal that is easily received in urban areas. Approximately 80 percent of ORTB's television programming is in French. TV5, a commercial venture with investments by television broadcasting organizations in France, Canada, Belgium, and Switzerland, broadcasts locally 24 hours per day entirely in French under an agreement with the Government. A new privately owned television station, LC-2, began broadcasting during the year. LC-2, which also broadcasts 24 hours per day, is owned entirely by a local businessman and features light entertainment. Although neither television station broadcasts partisan programs in support of or unduly critical of the Government, the vast majority of news programming centers on government officials' activities.

The Government does not censor works by foreign journalists, authors, or artists.

HAAC regulations govern satellite reception equipment and movie and video clubs. There is little enforcement of these regulations.

In general academic freedom is respected. University professors are permitted to lecture freely, conduct

research, and publish their work.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice. The Government requires permits for use of public places for demonstrations and requires associations to register. It routinely grants such permits and registrations. The Government did not take any actions against nonregistered organizations for failure or refusal to register.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. However, the presence of police, gendarmes, and illegal roadblocks impedes domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints serve as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such petty corruption at roadblocks.

The Government's policy toward transhumance allows migratory Fulani herdsmen from other countries to enter freely; it does not enforce designated entry points.

The Government does not restrict international travel for political reasons, and those who travel abroad may return without hindrance.

Historically, the Government has cooperated closely with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of first asylum. The Government provided first asylum to up to 200,000 citizens of Togo during the 1993 political violence in that country. While most have returned to Togo, the UNHCR estimates that some 700 remain. Despite severe economic pressures that limit its ability to provide education for its children, the Government has allowed these Togolese to enroll their children in local schools and to participate in some economic activities.

In contrast, the UNHCR estimates that 714 Ogoni refugees from Nigeria, disadvantaged because they do not speak French, cannot work in Benin, nor can their children attend Beninese schools. UNHCR officials have warned them to remain within the confines of the refugee camp.

In addition there are refugees from Nigeria, Algeria, Burundi, Cameroon, the Central African Republic, Chad, the Republic of Congo, the Democratic Republic of the Congo, Ethiopia, Niger, Liberia, Rwanda, Sudan, and Sierra Leone.

There were no reports of forced expulsion of persons having a valid claim to refugee status.

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

The Constitution provides citizens with the right to change their government peacefully. Citizens exercised this right in legislative elections in 1991 and 1995, and in presidential elections in 1991 and 1996, all of which are considered free and fair. The Constitution provides for a 5-year term of office for

the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms).

On December 17, the President issued a decree under which certain preparatory tasks for the Spring 1999 legislative elections, including the finalization of an updated voters list, were assigned to the Interior Ministry. If implemented, the decree could have undermined the authority of the autonomous National Electoral Commission which under the Constitution has primary responsibility for most electoral matters. Opposition political parties, the independent media, and the Beninese Human Rights Commission immediately criticized the decree, calling it unconstitutional and accused the President of trying to manipulate the electoral process to his benefit. On December 28, the Council of Ministers issued a statement abrogating the presidential decree.

Women participate actively in the political parties but are underrepresented in government positions. After a Cabinet reshuffle in May, there are 3 women in the 18-member Cabinet. The previous Cabinet of 19 members had 1 woman. There are 6 female deputies, including the leader of the opposition, in the 82-member unicameral National Assembly. The President of the Constitutional Court is a woman; the HAAC and the Economic and Social Council have female members.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups, both domestic and international, operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, and religion, but societal discrimination against women continued.

Women

While no statistics are available, violence against women, including wife beating, occurred. The press sometimes reports incidents of abuse of women, but judges and police are reluctant to intervene in domestic disputes, considering such disputes a family matter.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experience extensive societal discrimination, especially in rural areas where they occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas, women dominate the trading sector in the open-air markets. By law women have equal inheritance and property rights, but local custom in some areas prevents them from inheriting real property. Women do not enjoy the same educational opportunities as men, and female literacy is about 16 percent (compared with 32 percent for males). However, elementary school pass rates in 1998 highlighted significant progress by girls in literacy and scholastic achievement.

There are active women's rights groups that have been effective in drafting a family code that would improve the status of women and children under the law. The draft code was scheduled for review by the National Assembly during the year, but it was never discussed. Many observers believe that consideration of the draft was postponed because of provisions that would threaten male prerogatives, a highly volatile political issue. Action on the draft code is not anticipated until a new legislature convenes

in the Spring of 1999.

Children

The Ministry of Labor and Social Affairs is responsible for the protection of children's rights, primarily in the areas of education and health. In particular the Government is trying to boost primary school enrollment, which is only about 66 percent. In some parts of the country, girls receive no formal education.

Some traditional practices inflict hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families place a child, primarily a daughter, in the home of a more wealthy family. In July the Ministry of Justice launched a nationwide publicity campaign to alert parents regarding the risks of placing their children in "vidomegon" and to inform adults with "vidomegon" children of their responsibilities and of the children's rights.

There were no reports of any action in the case of the official detained for beating a 12-year-old maid to death in 1996.

Other traditional practices include the killing of deformed babies, breech babies, and one of two newborn twins (all of whom are thought to be sorcerers in some rural areas). There is also a tradition in which a groom abducts and rapes his prospective child (under 14 years of age) bride. Criminal courts mete out stiff sentences to criminals convicted of crimes against children, but many such crimes never reach the courts.

Trafficking in children, always a problem, was the subject of considerable media coverage. Most victims are abducted or leave home with traffickers who promise educational opportunities or other incentives. They are taken to places in foreign countries (according to the press, principally located in Nigeria, Cameroon, and Gabon) and sold into servitude in agriculture, as domestics, or as prostitutes (see Section 6.c.).

The media reported during the year that gendarmes and police intercepted a number of traffickers trying to smuggle children into and out of the country and arrested those responsible. The Justice Minister stated that in 3 years a total of 1,363 children had been intercepted and returned to their parents.

The Government, in concert with NGO's, made serious efforts to combat child abuse and trafficking in children, including media campaigns, programs to assist street children, and greater border surveillance. Despite such efforts, the abuse of children is a serious human rights problem.

The Government has been less successful in combating female genital mutilation (FGM), which is not illegal. FGM is widely condemned by international health experts as damaging to both physical and psychological health. FGM, or excision, is practiced on females ranging from infancy through 30 years of age. Studies vary widely and suggest that as few as 5 percent or as many as 50 percent of women are affected by this practice, mostly in the northern provinces. The actual incidence probably falls between these estimates. A prominent NGO, the Benin chapter of the Inter-African Committee, has made progress in raising awareness of the dangers of the practice; the Government has cooperated with its efforts. According to recent research, there is a strong profit motive in the continued practice of FGM by those who perform the operation, usually older women.

People With Disabilities

Although the Constitution provides that the State look after people with disabilities, the Government does not mandate accessibility for them. It operated a number of social centers for disabled persons to assist their social integration. Nonetheless, many are unable to find employment and must resort to begging to support themselves.

In January a new Labor Code was promulgated that includes provisions to protect the rights of disabled workers.

National/Racial/Ethnic Minorities

There is a long history of regional rivalries. Although Southerners dominate the Government's senior ranks, Northerners dominate the military services. The South has enjoyed more advanced economic development, a larger population, and has traditionally held favored status. In the 1996 elections, a Northerner was elected President.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides workers with the freedom to organize, join unions, meet, and strike, and the Government usually respects these rights in practice. A new Labor Code went into effect on January 8. The code was approved after long discussions between the Government, labor unions, and the National Assembly. The labor force of about 2 million is primarily engaged in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Approximately 75 percent of the wage earners belong to labor unions. There are four union confederations, and unions are generally independent of government and political parties. The Economic and Social Council, a constitutionally mandated body established in 1994, includes four union representatives.

There were no significant strike actions during the year, probably due to the energy crisis that began in March and triggered temporary layoffs and fears of job loss. Several public service unions threatened strikes against