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2010 Human Rights Report: Benin

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

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 supporting coalition, 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 (G-13). Eventually President Yayi lost his parliamentary majority when the G-13 joined the opposition parliamentary group in reaction to unfulfilled political promises. 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. Security forces reported to civilian authorities.

Human rights problems in some areas continued. 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. Violations of press freedom occurred. Impunity and corruption were problems. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was 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. Elements of security forces occasionally shot and killed armed robbers and claimed self-defense to justify the shootings. 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 April 20, residents of Assanlin in the commune of Za-Kpota in central Benin killed two individuals who were said to be trying to "steal two school boys." The head of the arrondissement was interrogating

the two suspects in his office when a crowd broke in, brought out the two suspects, and burned them alive. The police did not investigate the killing or arrest those involved.

On May 8, individuals stabbed to death and burned two young men in Dilly, a village in the Commune of Abomey, central Benin. The two victims were well-known artists in the area. They were suspected of belonging to a ring that kidnapped children. The police investigated the murder and arrested nine suspects.

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 March 8, the Constitutional Court ruled that five elements of an Anticrime Brigade (BAC) violated provisions of the constitution prohibiting degrading treatment or punishment and the African Charter on Human and Peoples' Rights when five policemen severely beat, arrested, and detained a truck driver who refused to give them a bribe during a routine road security check in February 2009 in Adjara, a suburb of Porto-Novo.

The government completed payments to victims of torture under the previous military regime; however, a large group of citizens who had been detained and tortured under the previous military regime complained that the payments they received were discriminatorily insignificant compared with the payments that former political exiles received from the government.

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. A Mediator of the Republic's (Ombudsman) July 6 report on the condition in the nine civil prisons indicated that prisons were overcrowded, and malnutrition and disease were common. Some prisoners suffered from mental illness. There were deaths due to lack of medical care and neglect. Prisoners at times died from lack of ventilation in cramped and overcrowded cells. Eight of the nine civil prisons were filled far beyond their capacity. The ombudsman published statistics in June indicating the total prison population (including pretrial detainees and remand prisoners) was 6,908; of that number, pretrial detainees and remand prisoners totaled 5,174. No breakdown of the number of juvenile and women prisoners in all nine prisons was available.

In 2009 the government increased prisoners' diet from one meal a day to two.

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. According to the ombudsman's report, pretrial detainees outnumbered convicts three or four to one during the reporting period.

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.

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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 investigating gender-based crimes and preventing or responding to mob violence. The government continued to respond to these problems by recruiting more officers, building more stations, and modernizing equipment during the year; however, serious problems remained, including widespread impunity.

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, but this was not always observed in practice; under exceptional circumstances the magistrate may authorize continued detention not to exceed eight days. Detainees have the right to prompt judicial determination; this was generally observed in practice. They have the right to prompt lawyer access after being brought before a judge, also generally observed. They are allowed to receive family visits, which were generally observed in practice. 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.

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; 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, but not always 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. There were radio and television broadcasts in which citizens openly criticized the president's policy without reprisal; however, the government occasionally inhibited freedom of the press.

For example, on October 13, the staff of the governmental Office of Radio and Television (ORTB) sent a letter to the executive director of ORTB detailing numerous instances in which he had restricted broadcast of programs involving the opposition and/or which were counter to the government's guidelines. ORTB's executive director denied those allegations.

On August 3 and 4, the government blocked the FM signal of the French state-owned broadcaster Radio France Internationale for 14 hours after it reported that deputies in the National Assembly attempted to impeach President Yayi for his alleged involvement in the ICC Ponzi scheme that had defrauded investors of billions of CFA and announced the broadcast of an interactive program on the case. The High Authority of Audiovisual and Communication (HAAC) denied any involvement in the interruption.

On August 15, unidentified individuals bought thousands of copies of newspapers that published a former minister of finance's declaration on a high-profile corruption case (the CEN-SAD affair), disrupting the supply of those newspapers in Cotonou. Journalists alleged that the government had ordered this maneuver.

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.

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 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 are illiterate, live in rural areas, and generally receive their news via radio. The 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 (\$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 during the year, but judges generally refrained from prosecuting them. Journalists continued to fight for the decriminalization of press-related offenses.

There were no reports that the government penalized journalists who published items counter to government guidelines.

The 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 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. According to the most recent International Telecommunication Union statistics, 1.66 percent of residents used the Internet.

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.

On September 30, security forces disrupted a demonstration of teachers at a training school in Abomey, Central Benin, and beat some of them while they were complaining about the delay in government payment of their allowances. On October 5, the Ministry of Secondary Education and Technical and Vocational Training declared that the government would identify those responsible for the beatings and punish them, although there were no reports it had done so.

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

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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. However, 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. Disputes sometimes arose between herdsman and local landowners over grazing rights.

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

Protection of Refugees

The government has established a system for providing protection to refugees. At year's end there were approximately 7,300 refugees, with an estimated 6,000 coming from Togo. 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 UN Convention relating to the Status of Refugees or its 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 the UNHCR and the governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. In 2009 83 Togolese refugees returned to Togo through the program. There were no reported stateless populations in the country.

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 assembly. In 2008 the G-13 dissolved the coalition amid 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 run for election. There were no government restrictions on the political opposition. No single party or group has recently dominated politics.

There were nine women out of 83 members 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 January 7, the president of the NGO Front for National Anti-Corruption Organizations (FONAC) listed 32 corruption cases involving civil servants from 2006 to 2009 that remained unresolved. The FONAC investigation at the Ministry of Civil Service in September 2009 found that no disciplinary committee had been established to handle these corruption cases and no sanctions had been applied.

On July 20, President Yayi reported to the president of the National Assembly, asking him to submit to parliamentarians for approval a request regarding the indictment of four former ministers involved in corruption cases. The opposition majority in the National Assembly rejected President Yayi's request.

In July 2009 the government released a State Audit Office's 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.

Police corruption was widespread. Police continued to extort money from travelers at roadblocks.

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. To build its capacity to fight corruption, the OLC held training sessions to familiarize its staff with the new public procurement law, which went into effect in September 2009, and to train them on

the observation of voter registration to prevent electoral fraud. On April 12, the OLC released its 2008 White Paper on Corruption to show the prevalence of corruption in the public administration.

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

On July 6, President Yayi fired Chief Prosecutor George Constant Amoussou and placed him in custody because he allegedly blocked a court complaint filed by the government against the ICC, a microcredit institution that swindled citizens out of their deposits.

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

Public officials were not subject to financial disclosure laws.

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 and the Ministry of Justice, Legislation, and Human Rights' Department of Human Rights. The Ministry of Justice, Legislation, and Human Rights coordinated awareness campaigns to educate the populace on human rights.

The government cooperated with international organizations. In 2009 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. In November 2009 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 and laws prohibit discrimination based on race, gender, disability, language, and social status; however, societal discrimination against women continued. Persons with disabilities were disadvantaged. The government did not take concrete measures to address those abuses.

Women

The law prohibits rape, but enforcement was weak due to police ineffectiveness, victims' unwillingness to take 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 range from one to five years' imprisonment. From January to October, civil society organizations reported 636 gender-based violence cases reported to courts and 1,316 cases to police stations and brigades in the framework of an international NGO's project to combat gender-based violence in the country. These statistics, however, did not cover gender violence in the whole country. Statistics were not available on prosecutions or convictions. Because of police lack of training in collecting evidence associated with sexual assaults and victims' ignorance of their rights and inability 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, the Female Jurists Association of Benin (AFJB), and the Women's Justice and Empowerment Initiative 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.

Female genital mutilation (FGM) was practiced on girls and women from infancy up to 30 years of age (although the majority of cases occurred before the age of 13, with half occurring before the age of five), and generally took the form of excision. Approximately 13 percent of women and girls have been subjected to FGM; the figure was higher in some regions, especially the northern departments, including Alibori and Donga (48 percent) and Borgou (59 percent), and among certain ethnic groups; more than 70 percent of Bariba and Peul (Fulani) and 53 percent of Yoa-Lokpa women and girls had 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 (\$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 (\$110 to \$220). Enforcement was rare, however, due to the code of silence associated with this crime.

In one example, in September 2009 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 in Natitingou. In October 2009 the court sentenced the woman to one-and-one-half year's 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 problem 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. There is no specific law addressing sex tourism. 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. There was no evidence of government involvement or complicity. In March 2009 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 ages eight to 17 to spread awareness of the dangers of sex tourism.

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 (\$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 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. An estimated 30 percent of women had an unmet need for family planning. The 2006 Benin Demographic and Health Survey (EDS) reported the maternal mortality ratio to be 397 per 100,000 live births. According to the 2006 Benin Demographic and Health Survey, 88 percent of women benefitted from prenatal care given by health personnel (80 percent by nurses and midwives, 4 percent other, and 4 percent by physicians). The proportion of women who had access to prenatal care provided by physicians was higher in Cotonou (18 percent) and in other cities (5 percent), whereas the rate was lower in rural areas (3 percent).

Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive discrimination because of societal attitudes and resistance to behavioral change.

Women are no longer subject to customary law (Coutumier du Dahomey). The code of persons and the family abrogated customary law and other legislation unfavorable to women. The code of persons and the family bans all discrimination against women regarding marriage and provides for the right to equal inheritance.

In response to a complaint filed by a woman being prosecuted for adultery in July 2009, 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. Women do not face legal restrictions with respect to the code of persons and the family but may face societal restrictions and discrimination. During the year the government granted microcredit to the poor, especially to women in rural areas, to help them develop income-generating activities. An estimated 675,000 women have benefitted from these microcredit projects since they began in 2007.

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.

Citizenship is derived by birth within the country's territory and/or from one's parents. 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 NGOs Catholic Relief Services and World Education also 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. According to UNICEF the net primary school enrollment rate in 2007 was approximately 93 percent for boys and 83 percent for girls. The enrollment rate for secondary education was much lower for girls. 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 6, Women.)

Child marriage or precocious marriage existed. The practice included forced marriage, barter marriage, and marriage by abduction. A 2008 gender-based violence survey conducted in 13 communes indicated that 23 percent of the 594 children interviewed were subjected to forced and precocious marriage.

Although the family code prohibits marriage under 18 years of age, the practice continued in rural areas. Underage (14 to 17 years of age) marriage was permitted with parental consent. As part of forced marriage, there is 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 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, which literally means "placed child," poor, generally rural, families place a child in the home of a wealthier family. The child receives living accommodations but often faces long hours of work, inadequate food, and sexual exploitation. Sometimes the income generated by the child's activities is split between the child's parents and the urban family that raises the child. 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 awareness about the law and children's rights, lack of access to the courts, or fear of police involvement.

Child prostitution was a problem. Some children, including street children, engaged in prostitution to support themselves without third-party involvement. The penal code prohibits child prostitution; however, enforcement was limited, and the commercial sexual exploitation of children was a problem. A 2009 report on the commercial exploitation of children in 11 communes indicated that 43.2 percent of surveyed children (ages 12-17) who engaged in prostitution were also subjected to commercial sexual exploitation.

The penal code provides penalties for rape, sexual exploitation, corruption of minors, procuring, and prostitution, and increases penalties for cases involving women and children under 15 years old. Under the penal code, individuals involved in child prostitution, including those who facilitate and solicit it, face imprisonment of two to five years and fines of

1,000,000 to 10,000,000 CFA (\$2,000 to \$20,000). The law does not specifically prohibit child pornography. The family code sets the age of marriage at 18 years. The de facto minimum age for consensual sex is 18 years.

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.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

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.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* 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 Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to disabled people through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

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 and the Ministry of Family are 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. New 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 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. There are no restrictions on collective bargaining. 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.

In December 2009 the government created a National Consultation and Collective Bargaining Commission to facilitate collective bargaining and enhance social dialogue. The commission held sessions during the year to discuss workers' claims and propose solutions.

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. Children worked as laborers with adults in quarries in many areas. Forced child labor and prostitution by street children were problems. Children under 14 worked 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 government drafted a list of hazardous occupations forbidden for employment of minors according to ILO Convention 182, but by year's end the government had not approved it. An interministerial decree of 2000 provides that children under 18 are not allowed to work in the following fields: public and private slaughtering facilities, except for apprentices in their last year of apprenticeship; processing, handling, and transportation of toxic substances; processing and handling of engines or explosive devices; and work related to maintenance and surveillance of wild or venomous animals. The decree also prohibits employment of workers under 16 for the control and use of unprotected machinery powered by pedals, for digging wells, gas pipe works, and sewage-related works.

For information on child trafficking, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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. 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 about child labor and child trafficking. The government began drafting a National Plan to Eliminate Child labor. A workshop was held in Porto-Novo from August 10 to 13 to discuss preparations. The government undertook a nationwide awareness campaign as a key activity for the 2010 World Day of Action against Child Labor.

In November 2009 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 (\$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. The government did not effectively monitor or control foreign or migrant workers' conditions of work.

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