

BENIN 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a stable constitutional parliamentary democracy (republic). In 2011 President Thomas Boni Yayi won a second and final, five-year term in multiparty elections. On April 26, Benin held legislative elections in which President Yayi's supporting coalition, Cowry Force for an Emerging Benin, won 33 of 83 seats in the National Assembly, and the coalition allied with four independent candidates to hold a total of 37 seats (a decrease from 41 in the prior legislature). International observers viewed the elections as generally free, fair, and transparent. Civilian authorities generally maintained effective control over the security forces.

The major human rights problems included police use of excessive force; violence and discrimination against women and girls, including female genital mutilation/cutting (FGM/C); and harsh prison conditions.

Other human rights problems included arbitrary arrest and detention; prolonged pretrial detention; abuse of women and children, including sexual harassment, child sexual exploitation, early and forced marriage, and infanticide; trafficking in persons; discrimination against persons with disabilities; vigilante violence; and child labor.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports the government or its agents possibly committed arbitrary or unlawful killings, claiming self-defense.

In December 2014 Hounkpatin Urbain, a police officer, fatally shot Axel Mitchodjehoun, an 18-year-old student, and injured his friend in Akpakpa in a neighborhood of Cotonou. Police alleged Axel and his friend opened fire on officers attempting to apprehend them for speeding and on suspicion of stealing an army officer's motorbike earlier that night. Witnesses to the killing said the two teenagers were returning from a party when police stopped them. On January 28,

the responsible police officer was arrested, and certain legal restrictions were placed on two of his colleagues during the investigatory phase. The government issued an apology to the family of the victim.

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, but such incidents occurred.

On July 11, in Cotonou, a presidential guard corporal, Chabi-Do Seni, stripped five girls naked, tied them to a tree, and beat them for allegedly stealing CFA francs 500,000 (\$867) from the corporal's girlfriend who owned the restaurant where the girls were employed. Following a review of the incident, the president ordered the corporal's dismissal from the army; he was later arrested along with the restaurant owner and referred to the Court of Cotonou for prosecution. The two had yet to be tried at year's end.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. A 2010 mediator of the republic (ombudsman) report on conditions in the nine civil prisons stated prisons were overcrowded, with malnutrition and disease common. There were deaths due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Eight of the nine civil prisons were filled far beyond capacity-- a Ministry of Justice review released during the year reported that prison occupancy was nearly four times capacity. Lighting was inadequate. Some prisoners suffered from mental illness. The government reported a total prison population (including pretrial detainees, remand prisoners, and convicts) in 2012 of 7,247. Pretrial detainees and remanded prisoners represented 74.9 percent of the total prison population. These numbers did not include detainee populations in police station cells, detention centers, and military detention facilities. According to 2012

statistics from the International Center for Prison Studies, female prisoners constituted 5 percent of the prison population and juveniles 2.1 percent.

Authorities housed juveniles at times with adults and held pretrial detainees with convicted prisoners, although not with the most violent convicts.

Administration: Authorities did not use alternatives to incarceration for nonviolent offenders. There was no formal system to submit complaints without censorship to judicial authorities. The minister of justice visited each of the country's 10 prisons to inquire about prisoners' conditions during the year.

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

Improvements: To reduce overcrowding, the government transferred 2,500 prisoners from the central prison in Cotonou to a newly built prison in Abomey-Calavi, a city in the suburbs of Cotonou. The government also completed construction of a new prison in the city of Abomey, in the central region of the country, continued construction of prisons in Parakou and Savalou, and continued restoration of prisons in Cotonou, Porto-Novo, Akpro Misserete, Lokossa, and Kandi. Authorities provided 300 additional beds to the prison of Abomey-Calavi.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces occasionally failed to observe these prohibitions.

Role of the Police and Security Apparatus

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 functions in rural areas.

Police were inadequately equipped and poorly trained. The government continued to respond to these problems by building more stations and modernizing equipment; however, problems remained.

Impunity was a problem. Police officers who committed abuses were often not punished and were sometimes protected by police leadership, which led to the president's personal involvement in the resolution of several cases of security force abuses. Individuals may file complaints of police abuse with the police leadership, the lower courts, the mediator of the republic (ombudsman), or the Constitutional Court. The Inspectorate General of the National Police Investigation Division is responsible for investigating serious, sensitive, and complex cases involving police personnel. The mandate of the Investigation Division is to conduct administrative and judiciary investigations involving police and to propose disciplinary action to the director of the national police.

Military disciplinary councils deal with minor offenses committed by members of the military. The councils have no jurisdiction over civilians. The country has no military tribunal, so civilian courts deal with serious crimes involving the gendarmerie and the military.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized official, and it requires a hearing before a magistrate within 48 hours, but this was not always observed. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in arrests involving illegal drugs including narcotics, the magistrate may authorize detention beyond 72 hours but not to exceed an additional eight days. Warrants authorizing pretrial detention were effective for six months and could be renewed every six months until a suspect was brought to trial. Detainees have the right to prompt judicial determination of the legality of detention, which was generally observed. Detainees were promptly informed of charges against them. Defendants awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. They have the right to prompt access to a lawyer after being brought before a judge, which authorities also generally observed. They are allowed to have family visits. The government provided counsel to indigents in criminal cases. Suspects were not detained incommunicado or held under house arrest.

There were credible reports gendarmes and police often exceeded the legal limit of 48 hours of detention, 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.

Arbitrary Arrest: Arbitrary arrests and detentions occurred. On February 20, a judge at the Court of Porto-Novo ordered the immediate release of a defendant who had completed a nine-year prison term on criminal charges. The prosecutor did not authorize the defendant’s release until April 3, causing the defendant to spend an additional one and one-half months in prison. The defendant filed a complaint with the Constitutional Court. On August 20, the court ruled that his continued detention violated constitutional provisions related to arbitrary detention.

Pretrial Detention: Approximately 75 percent of persons in prison were pretrial detainees; the length of excess pretrial detentions varied from two to 11 years, according to a mediator’s report. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The 2012 criminal procedure code defines the maximum length of pretrial detention for felony cases as no more than five years and for misdemeanors as no more than three. The government had yet to apply these provisions fully to its pretrial prison populations. On July 4, the Criminal Court of Cotonou sentenced a defendant accused of killing an assailant in self-defense to six months in prison after the defendant had already spent five years in detention awaiting trial. Noting the five years he had already served in pretrial detention, the court ordered his immediate release.

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 government names judges at the Public Prosecutor’s Office, making them susceptible to government influence; however, there were no instances in which the outcome of trials appeared predetermined, and authorities respected court orders. The judicial system was also subject to corruption, although the government continued substantial anticorruption efforts, including the creation in 2014 of an independent National Anti-Corruption Authority and the dismissal and arrest of government officials allegedly involved in corruption scandals.

Trial Procedures

While the constitution provides for the right to a fair trial, 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. Defendants enjoy the right to be informed promptly and in detail of the charges with free interpretation as necessary. Criminal cases are tried by jury. 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 in criminal cases. Government-provided counsel, however, was not always available, especially in cases handled in courts located in the north, since most lawyers lived in the south. Defendants enjoy the right to adequate time and facilities to prepare a defense. 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 enjoy the right not to be compelled to testify or confess guilt. Defendants may appeal criminal convictions to the Court of Appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. The government extends the above rights to all citizens without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary exercised independence in civil matters. If administrative or informal remedies are unsuccessful, a citizen may file a complaint concerning an alleged human rights violation with the Constitutional Court. The Constitutional Court's ruling is not binding on courts; however, citizens may use rulings from the Constitutional Court to initiate legal action against offenders in regular courts. Court rulings other than those of the Constitutional Court may be appealed to the Economic Community of West African States' Court of Justice.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

There are a large number of public and private media outlets, including two public and five private television stations, one public and 50 private radio stations, and approximately 175 newspapers and periodicals. Many of these were openly critical of authorities, nearly always without consequence.

Unlike in previous years, there were few reports the government inhibited freedom of the press.

Press and Media Freedoms: The press was closely regulated, and the government considered itself to have an essential role in ensuring the press did not behave in an “irresponsible” or “destabilizing” way. The High Authority for Audiovisual and Communication (HAAC) is a quasi-governmental commission with members appointed by the president, private media, and the legislature. HAAC has a dual--and perhaps inherently contradictory--role of ensuring press freedom and protecting the country against inflammatory, irresponsible, or destabilizing coverage. On February 10, HAAC issued a decree requiring public media to give political parties free and equal broadcast time during the period preceding the April legislative elections. Although some opposition parties chose not to take advantage of this decree, claiming distrust of the state institution, the decree was largely respected.

The government typically counters accusations of infringing on press freedom, with arguments stating the need to support press freedoms while also preventing press activity that may threaten the stability of the country or willfully misinform the public. On January 16, the government issued a statement banning the reprint and distribution of the January 15 issue of the French satirical newspaper, *Charlie Hebdo*. The statement condemned the terrorist attacks that took place in France while simultaneously noting the government’s responsibility to provide for public safety and respect of religious principles and public figures.

The independent media were active and expressed a wide variety of views without restriction, however. Publications criticized the government freely and frequently. A nongovernmental media ethics commission continued to censure some

journalists for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was embargoed by the government.

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

Most citizens were illiterate, lived in rural areas, and generally received news via radio. The state-owned National Broadcasting Company broadcast in French and in 18 local languages.

Censorship or Content Restrictions: Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship because they feared the government would suspend their media outlets. During the year HAAC held public hearings on alleged misconduct by media outlets. HAAC publicly warned media outlets against publishing any information related to legal cases pending before a criminal court because it could be interpreted as an attempt to influence the ruling of the court. It was possible to purchase and thus influence the content of press coverage. HAAC warned the media against such practices.

Libel/Slander Laws: On January 22, after years of lobbying by professional media associations, the National Assembly passed a new press code, the Information and Communication Code, repealing the previous code, which imposed prison sentences for certain abuses of freedom of expression. The new press code, signed into law by the president March 20, disallows prison sentences for journalists charged with defamation and some other offenses. Although journalists may no longer be imprisoned for libel and slander, they may face legal prosecution and fines for incitement of crimes through the press.

On January 12, prior to the enactment of the code, a broadcast journalist from the state-owned television station (ORTB) criticized a decision by the president to participate in a march in Paris against terrorism. He also called on the president to allow freedom of the press and political debates within the public media. He was later suspended from doing live programs. Professional media associations, NGOs, and ethics groups denounced the measure as retaliatory. In response to trade union and NGO demonstrations, the ORTB director claimed the removal of the journalist was consistent with internal office regulations but then reinstated the television journalist.

Actions to Expand Press Freedom: The Information and Communication Code is more comprehensive than the previous code. It provides for journalists to have increased access to government information, including administrative and legal remedies for denial of access to public information.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the Regulatory Authority for Electronic Communications and Postal Services, 19 percent of the country's population used the internet in 2014.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association. Permits are required for demonstrations and other public gatherings. The government generally respected these rights, although opposition groups cited instances in which they did not seek permits, anticipating they would be opposed, but there were no instances of denial on political grounds.

Freedom of Assembly

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

The government requires permits for use of public places for demonstrations and generally granted such permits. Authorities sometimes cited "public order" to deny requests for permits from opposition groups, civil society organizations, and labor unions.

On May 6, despite a ban by the minister of interior on demonstrations before impending municipal elections, opposition leaders organized a march protesting a May 4 incident in which gendarmes forcefully dispersed demonstrators who attempted to block them from executing a court summons on an opposition

politician. Police controlled crowds in a peaceful manner, and there were no reports of violence. Protest leaders claimed the mayor of Cotonou authorized the march.

c. Freedom of Religion

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

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

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

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

In-Country Movement: The presence of police, gendarmes, and illegal roadblocks inconvenienced domestic movement. Authorities justified roadblocks as a means of enforcing vehicle safety and customs regulations, but police and gendarmes exacted bribes from travelers at many checkpoints. The government took measures to combat such corruption at roadblocks, which were not always effective, and extortion commonly occurred.

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

The government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsmen from other countries to enter and depart freely; the government did not enforce designated entry points.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. As of September there were 592 refugees and asylum seekers in Benin, composed of nationals of the Central African Republic (397), Cote d'Ivoire (164), Eritrea

(four), the Democratic Republic of the Congo (two), the Gambia (one), Mali (eight), Pakistan (five), Somalia (one), Sri Lanka (seven), Sudan (two), and Iraq (one). The 592 refugees and asylum seekers lived in the cities of Cotonou, Ouidah, Porto-Novo, and Parakou.

Durable Solutions: The government and UNHCR continued to assist former refugees and asylum seekers with obtaining documents from their countries of origin while consolidating their status as privileged residents. The government also continued to facilitate naturalization of refugees as part of a local integration effort. The government involved civil society, the media, and academia in the process.

In January 2014 the government finalized issuance of long-term residence permits for a total of 3,766 refugees and asylum seekers, including nationals of Togo, Cote d'Ivoire, Chad, Burundi, Syria, the Central African Republic, and the Democratic Republic of the Congo. In the process the government officially closed the only remaining refugee camp sheltering Togolese refugees in Benin (Agamey refugee camp).

The government, in partnership with UNHCR, also assisted in the safe, voluntary return of some refugees to their home countries.

Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: Authorities conducted legislative elections on April 26. The vote proceeded calmly and credibly despite minor technical irregularities. Local and international observers unanimously characterized the voting process as

peaceful and orderly. Observers identified some delays in the provision of voting materials to polling stations and evidence of training gaps of polling agents but no anomalies that would put the fundamental integrity of the election into doubt.

On June 28, after more than two years of delays, long-awaited local and municipal elections took place in generally free and fair conditions despite minor irregularities and logistical challenges, including the omission on ballots of some parties and coalitions.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Police corruption was widespread. Police continued to extort money from travelers at roadblocks. It was commonly believed, and acknowledged by some judicial personnel, that the judicial system at all levels was susceptible to corruption. The World Bank's most recent Worldwide Governance Indicators reflected that corruption continued to be a serious problem.

The government took a number of actions during the year to combat corruption. On June 20, the president dissolved the State Audit Office for failing to address corruption cases and subsequently created the Office of the Auditor General to improve effectiveness. On July 8, the president named former special advisor for public companies' governance Michel Dognon as auditor general to head the new office.

From April 7 to 9, the National Anti-Corruption Authority (ANLC) hosted a three-day workshop in Cotonou on corruption and transnational organized crime to increase lawmakers' and law enforcement officers' knowledge of these crimes and of judicial techniques for their prosecution. The ANLC also held another three-day workshop in Lokossa from July 14 to 16 on similar topics for police and other law enforcement officers.

The leading local NGO network fighting corruption, the National Organizations Front against Corruption, organized a regional seminar from June 15 to 19 in Cotonou on transnational organized crime and corruption. Forty participants came from six countries in West Africa to share lessons learned and best practices.

On March 20, ANLC officials questioned Minister of Interior Simplicie Codjo following allegations of public funds' embezzlement linked to a public

procurement deal when Codjo was deputy mayor of Dangbo, a city in the southeast.

On August 4, the president warned immigration and border control officers at Cardinal Bernardin Gantin Airport in Cotonou against extortion and harassment of passengers. He also discussed enhanced measures to eradicate such practices with police and customs leadership.

Corruption: On May 12, the minister of energy and water was forced to resign amid charges that senior ministry officials embezzled CFA francs 2.6 billion (\$4.5 million) in Dutch and EU foreign assistance funding for water and sanitation projects. Findings from an international firm's audit released July 24 implicated a sitting member of parliament who, as former minister of energy and water, engaged in a massive embezzlement scheme involving a sophisticated network of ministry officials and private businessmen. The government formally requested the National Assembly to lift the former minister's immunity from prosecution and opened investigations into at least two dozen other individuals named in the report. These officials were discharged and then investigated for violation of the criminal code, including corruption laws. Interpol issued international warrants against two businessmen associated with the scheme, who were presumed to have departed the country prior to July 13. On August 20, 45 of 83 parliamentarians in the National Assembly voted not to revoke the immunity of the former minister, claiming there was insufficient proof of his direct culpability.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected public officials. Declarations are not made available to the public. On June 23, the ANLC urged the newly elected parliamentarians to submit their asset disclosure statements to the Supreme Court pursuant to the Anti-Corruption Act. The penalty for failure to submit an asset disclosure is a fine of six times the monthly wage of the official concerned.

Public Access to Information: On March 20, the president signed into law a new information and communication code that provides for increased access to government information and administrative and legal measures against government personnel who fail to grant such access.

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.

Government Human Rights Bodies: The country's ombudsman was independent and adequately resourced.

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

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government took some measures to address these problems but fell short of providing a comprehensive response.

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victim unwillingness to report cases due to fear of social stigma and retaliation. Prison sentences for rape convictions range from one to five years. Although the penal code does not distinguish between rapes in general and spousal rape, the 2013 Law on Prevention and Repression of Violence against Women explicitly prohibits spousal rape and provides the maximum penalty for perpetrators who rape their domestic partners. The 2011 law reinforces existing legislation against gender-based violence (GBV). In 2013 the Ministry of Family's Social Promotion Centers, through its Counseling and Legal Assistance Service to GBV victims, received 31,826 cases and provided assistance to 13,765 victims. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties victims faced in preserving and presenting evidence in court, judges reduced most sexual offenses to misdemeanors.

The penal code prohibits domestic violence, and penalties range from six to 36 months' imprisonment. Domestic violence against women was common, however. Women remained reluctant to report cases, and judges and police were reluctant to intervene in domestic disputes. The local chapter of the regional NGO Women in Law and Development-Benin (WILDAF-Benin), the Female Jurists Association of Benin, the Female Lawyers Association, and the Action Group for Justice and Social Equality offered social, legal, medical, and psychological assistance to

victims of domestic violence. On July 20, WILDAF-Benin held a session in Ouidah to train judges, medical doctors, and law professors on legislation pertaining to GBV and on measures to protect victims of GBV. With the assistance of an international donor, WILDAF-Benin opened one-stop care centers in Abomey and Cotonou to improve GBV victim support services by providing legal, medical, psychosocial, and economic support to GBV victims. As of June 30, this activity provided 470 persons with GBV services, trained 97 service providers (social workers, nurses, and midwives), and strengthened a service delivery system for GBV victims.

The Office of Women's Promotion under the jurisdiction of the Ministry of Family is responsible for protecting and advancing women's rights and welfare. In August the Ministry of Family received 20 million CFA francs (\$34,662) from an international donor to conduct public awareness campaigns on GBV and training on women's rights in the southern departments.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$10,398). Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. Individuals who were aware of an incident of FGM/C but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA francs (\$87 to \$173). FGM/C was practiced on girls and women from infancy up to age 30, although the majority of cases occurred before age 13, with half occurring before age five. The type of FGM/C most commonly perpetrated was Type II, the total removal of the clitoris with or without the total excision of the labia minora. This practice was largely limited to remote rural areas in the north. According to the UN Children's Fund's (UNICEF), the percentage of girls and women ages 15 to 49 who underwent FGM/C was 7 percent and the prevalence among girls younger than 14 was 0.3 percent. 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 underwent FGM/C. Younger women were less likely to be excised than their older counterparts. Those who performed the procedure, usually older women, profited financially from it.

NGOs continued to educate rural communities about the dangers of FGM/C and to retrain FGM/C practitioners in other activities. The government, in conjunction with NGOs and international partners, made progress in raising public awareness of the dangers of the practice. The Ministry of Family continued an education

campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and the displaying of educational banners. NGOs also addressed the problem in local languages on local radio stations.

Other Harmful Traditional Practices: Forced marriage and widowhood rites such as forcing the widow to lie beside the dead body of the deceased and to marry the deceased husband's brother (levirate) occurred in certain regions.

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims, but sexual harassment was common, especially of female students by their male teachers. Persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$173 to \$1,733). The law also provides penalties for persons who are aware of sexual harassment and do not report it. Victims seldom reported harassment due to fear of social stigma and retaliation, however, and prosecutors and police lacked the legal knowledge and skills to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors.

Reproductive Rights: Couples and individuals' have the right to decide the number, spacing, and timing of their children; manage their reproductive rights; and have the information and means to do so, free from discrimination, coercion, or violence.

According to the World Health Organization, the UN Population Fund, UNICEF, and the World Bank, the maternal mortality rate was 340 deaths per 100,000 live births in 2013. Factors contributing to the high rate were deliveries without adequate medical assistance, lack of access to emergency obstetric care, and unhygienic conditions during birth. An estimated 30 percent of women had an unmet need for family planning, and the adolescent birth rate was 98 per 1,000 for girls and women ages 15 to 19 from 1999 to 2012. Factors influencing low contraception and early pregnancy rates included illiteracy and poor access to reproductive health information in rural areas. According to data from the UN Population Fund, only 10 percent of girls and women ages 15 to 49 used a modern method of contraception.

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

Women experienced discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses (see section 7.d.).

The code of persons and the family bans all discrimination against women regarding marriage and provides for the right to equal inheritance. The nationality law, however, discriminates against women.

In rural areas women traditionally occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. The government and NGOs continued to educate the public on women's inheritance and property rights and their increased rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy.

The government continued to grant microcredit to poor persons, especially to women in rural areas, to help them develop income-generating activities. The government extended credit and loans to female entrepreneurs.

Children

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

On January 15, the minister of interior led a commencement event for the first edition of a two-week nationwide civil registration campaign to raise parents' awareness of birth registration. From May 13 to May 19, officials at the Ministry of Justice's Human Rights Office toured the central and southwest departments of Zou and Couffo and the northeast departments of Borgou and Alibori to discuss with NGO representatives, local authorities, and teachers efforts to increase birth registration in those areas. Several donors operated programs to increase the number of registered children. For example UNICEF continued to support the government's campaign to register every birth and provide birth certificates to those who did not obtain one when they were born.

Education: Primary education was compulsory for all children between six and 11 years of age. Public school education was tuition-free for primary school students and for female students in grade nine in secondary schools, but parents often voluntarily paid tuition for their children because many schools had insufficient funds. Girls did not have the same educational opportunities as boys, and the literacy rate for women was approximately 18 percent, compared with 50 percent for men. In some parts of the country, girls received no formal education. According to UNICEF the net primary school enrollment rate in 2011-12 was approximately 79 percent for boys and 73 percent for girls. The enrollment rate for secondary education was 53 percent for boys and 42 percent for girls.

Child Abuse: Children suffered multiple forms of abuse, including rape, sexual harassment, and abduction. On January 26, the National Assembly passed the long-awaited Child Code, which bans a wide range of harmful practices such as forced marriage, sexual abuse, FGM/C, trafficking, labor exploitation, infanticide, illegal and prolonged detention, early pregnancy, and begging. The code also sets rules for national and international adoptions, children's health care, and juvenile apprenticeships. The code provides for heavy fines and penalties with up to life imprisonment for convicted violators. The Central Office for Minors Protection in Cotonou arrested suspects and referred them to judicial authorities.

In 2014 the government in concert with NGOs provided services to 7,057 identified victims of economic exploitation, violence, and trafficking, with 63 percent of victims served being girls. With the assistance of government social workers and NGOs, 68 percent of the victims served were reunited with their families.

Early and Forced Marriage: The law prohibits marriage under age 18 but allows underage marriage (14 to 17) with parental consent, the consent of the underage individuals, and authorization of a judge. A 2014 Multiple Indicator Cluster Survey sponsored by UNICEF and the National Institute of Statistics and Economic Analysis indicated that 8.8 percent of women and 1.4 percent of boys and men ages 15 to 49 were married or were cohabitating with someone of the opposite sex before age 15. The proportion of women ages 20 to 49 who were married or who were cohabitating with someone of the opposite sex before age 18 was 31.7 percent, and the proportion of men in the same age range was 6.1 percent. Early and forced marriage included barter marriage and marriage by abduction. For 2013 the Ministry of Family's Social Promotion Center recorded 575 cases of forced child marriage. As part of forced marriage, the groom traditionally abducts and rapes his prospective child bride. The practice was widespread in rural areas,

despite government and NGO efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice. On June 16, the Ministry of Family held a high-level meeting to discuss government efforts to eliminate early and forced marriage. In October 2014 the government approved a UNICEF-sponsored National Policy of Child Protection, which outlines principal prevention strategies to address and respond to various forms of child violence and exploitation, including early and forced marriage.

Female Genital Mutilation/Cutting (FGM/C): See information for girls under 18 in women's section above.

Sexual Exploitation of Children: The penal code provides penalties for rape, sexual exploitation, corruption of minors, and procuring and facilitating prostitution, and it increases penalties for cases involving children under age 15. The child trafficking law provides penalties for all forms of child trafficking, including child prostitution. Individuals involved in child prostitution, including those who facilitate and solicit it, face imprisonment of two to five years and fines of one million to 10 million CFA francs (\$1,733 to \$17,331). The law does not specifically prohibit child pornography. The de facto minimum age for consensual sex is 18.

Child prostitution continued in some areas. Some children, including street children, engaged in prostitution to support themselves without the involvement of an adult. The penal code prohibits child prostitution; however, enforcement was limited, and the commercial sexual exploitation of children occurred. Cases of child sex tourism, involving both boys and girls, were reported in the department of Mono and in coastal areas. A 2009 report on the commercial sexual exploitation of children in 11 communes indicated that 43.2 percent of surveyed children (ages 12 to 17) who engaged in prostitution were also subjected to commercial sexual exploitation.

Through the traditional practice of vidomegon (which literally means “placed child”), poor, generally rural, children are placed in the home of a wealthier family for educational or vocational opportunities and a higher standard of living; however, abuse, including long hours of forced labor, inadequate food, and sexual exploitation, occurred (see section 7.c.).

Criminal courts meted out stiff sentences to persons convicted of crimes against children, but many such cases never reached the courts due to lack of awareness of

the law and children's rights, lack of access to courts, or fear of police involvement.

Infanticide or Infanticide of Children with Disabilities: Despite widespread NGO campaigns, the traditional practices of killing babies considered deformed, breech babies, babies whose mothers died in childbirth, and one from newborn twins (because they were considered sorcerers) continued in the north.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in education, access to health care, or provision of other state services; however, the law provides that the government care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. Legislation is general in nature and addresses equality, equity, and nondiscrimination among all citizens. Several laws, however, including the labor code, the social security code, the persons and family code, and the 2011 law establishing general rules for elections, contain specific references to persons with disabilities. The country also has a National Policy for the Protection and Integration of Persons with Disabilities. Children with mental, visual, and physical disabilities, however, continued to suffer social exclusion and had no access to the conventional educational system.

The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to persons with

disabilities through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph). In Cotonou on July 14 and 15, the Ministry of Family, in conjunction with associations of persons with disabilities, held a workshop to approve draft action plans for the National Policy for the Protection and Integration of Persons with Disabilities. On October 19, the Ministry of Family donated white canes and tricycles and offered scholarships to 115 persons with disabilities in the departments of Atlantique and Littoral.

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

There are no laws explicitly criminalizing consensual same-sex sexual activity. There were no reports of criminal or civil cases involving consensual same-sex sexual conduct or reports of societal discrimination or violence based on a person's sexual orientation. Although homosexual behavior was socially discouraged, it was not prosecuted. A growing number of citizens were open about their sexual orientation or gender identity, but the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community remained largely disorganized and hidden. With the support of a regional LGBTI organization, 30 members from Beninese and Togolese LGBTI communities held a conclave from April 15 to 17 in Cotonou to discuss problems pertaining to LGBTI conditions and rights.

Other Societal Violence or Discrimination

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 instance on the night of September 16 in the Cotonou neighborhood of Avotrou, local residents beat and burned to death a man who reportedly attempted to kick down a door in a private residence to steal a motorcycle parked inside the house. Police came to the scene but did not investigate or arrest any perpetrators.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, except certain civil servants and public employees, to form and join independent unions, but prior authorization is required. New unions must register with the Ministry of Interior, a three-month

process, or risk a fine. The law does not establish clear grounds on which registration of a trade union may be denied or approved. Official registration may also be denied without recourse to an independent court of justice. The law provides that a trade union federation must be made up of at least five enterprise-level trade unions in the same sector or branch of activity. Additionally, the law requires that a trade union confederation must be composed of at least three trade union federations of different sectors or branches of activities; only trade union confederations may have affiliation at a national or international level.

The law provides for the rights of workers to bargain collectively. Collective bargaining agreements are negotiated within a joint committee by law, including representatives of one or several unions or representatives of one or several employers' associations. A labor inspector, flanked by a secretary and one or two rapporteurs, presides over the committee. The minister of labor has the authority to determine which trade unions may be represented in the negotiation at the enterprise level. The minister has the power to extend the scope of coverage of a collective agreement. The law imposes compulsory conciliation and/or binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included.

The law provides for the right to strike, but previous authorization must first be obtained. The merchant marine code grants seafarers the right to organize but not the right to strike.

The law provides that civil servants, public and private entity workers, and parastatal employees who provide essential services shall maintain minimum services during strikes. The law provides for a discretionary determination of "essential services." It defines essential services as the services pertaining to health, security, energy, water, air transport, and telecommunications. Workers must provide three days' notice before striking and notify authorities of the intended duration of a strike. Authorities may declare strikes illegal for reasons such as threatening social peace and order and may requisition striking workers to maintain minimum services. The government may prohibit any strike on the grounds it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker's pay following a strike.

The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Employers may not take union membership or activity into account in hiring, work distribution, professional or vocational

training, or dismissal. In addition to certain civil servants and public employees, domestic workers, agricultural workers, migrant workers, and those in export processing zones are excluded from relevant legal protections.

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

The government generally respected the right to form and join independent unions and the right to collective bargaining. With the exception of merchant shipping employees, workers exercised their right to strike. Civil servants went on strike throughout the year. The government did not effectively enforce the law, particularly in the informal sector and with regard to the provisions on antiunion discrimination and reinstatement. There were reports that employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported.

Throughout the year the National Union of Magistrates of Benin (UNAMAB) and the National Union of Justice Sector Workers engaged in strikes in reaction to government failure to pay allowances to them for judicial services, salary arrears, and other fringe benefits. On September 8, UNAMAB also went on strike to compel the government to halt what UNAMAB deemed as the illegal recruitment process of 40 agents to assist judges in courts (auditeurs de justice).

On August 12, leaders of confederations and central labor unions discussed with the president of the National Assembly two pending government-sponsored bills that would restrict trade union rights, especially Act No 2001-09 of June 21 on the exercise of the right to strike and Act No 2001-35 of February 2003 on Magistrates' Regulations.

b. Prohibition of Forced or Compulsory Labor

The labor code does not prohibit all forms of forced or compulsory labor, including by children, and provides for imprisonment with compulsory labor. The law allows authorities to exact work from military conscripts that is not limited to work of a purely military character. Laws regulating various acts or activities relating to the exercise of freedom of expression allow imposition of prison sentences involving obligation to perform social rehabilitation work.

Forced labor occurred, mainly including domestic servitude and bonded labor by children. Forced labor was mainly found in the agricultural (e.g., cotton and palm oil), artisanal mining, quarrying, fishing, commercial, and construction sectors. Many traffickers were relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon*, in which parents allow their children to live with and work for richer relatives, usually in urban areas (see section 6).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under age 14 in any enterprise; however, children between ages 12 and 14 may perform domestic work and temporary or light seasonal work if it does not interfere with their compulsory schooling. The code bans night work for workers under age 18 unless special dispensation is allowed by the government in consultation with the National Labor Council. Workers under age 18 are entitled to a minimum 12-hour uninterrupted break including the nighttime period. The law lists hazardous work activities that are prohibited for children under age 18 and includes 22 trades and 74 related hazardous activities.

Labor laws were not effectively enforced. The Labor Office, under the Ministry of Labor and Civil Service, enforced the labor code only in the formal sector due to a lack of inspectors. The total number of inspections conducted during the year was unavailable. Penalties for those convicted of violating laws were sufficiently strict to serve as a deterrent and ranged from 140,000 CFA francs (\$243) to 350,000 CFA francs (\$607), sentences of two months to one year in prison, or both.

Despite the government's limited capacity to enforce child labor laws, the government continued to take steps to educate parents on the labor code and prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. These initiatives were part of the Labor Office's traditional sensitization program. The government also worked with a network of NGOs and journalists to educate the population about child labor and child trafficking. The Ministries of Labor, Family, and Justice supported capacity building for officials and agencies responsible for enforcing child labor laws. The government, in conjunction with UNICEF, trained government and NGO social workers in local communities.

During the year authorities prosecuted perpetrators of child labor violations in connection with child trafficking. On March 3, in the city of Parakou in northern Benin, gendarmes arrested an individual suspected of trafficking two underage girls to Kosubosu in Nigeria as domestic laborers. The suspect was reportedly jailed pending further investigation on the charge of involvement in a trafficking network.

Child labor remained a problem due in part to limited government capacity to enforce the law. To help support their families, children of both sexes, including those as young as age 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*. Under *vidomegon* many rural parents sent their children to cities to live with relatives or family friends to perform domestic chores in return for receiving an education. Host families did not always honor their part of the arrangement, and abuse and forced labor of child domestic servants was a problem. Children often faced long hours of work, inadequate food, and sexual exploitation--factors indicative of forced labor and exploitation of children in domestic servitude. Sometimes the income generated by the child's activities was divided between the child's parents and the urban family that raised the child. Up to 95 percent of children in *vidomegon* were young girls. Several local NGOs led public education and awareness campaigns to decrease the practice.

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

Beninese children are required to attend only six years of primary school, through age 11. Since the minimum age for children to work is 14, children ages 12 to 13 are particularly vulnerable to the worst forms of child labor, as they may have completed primary school but are not legally permitted to work.

Some parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that the children's wages would be

sent to the parents. In some cases these agents took the children to neighboring countries, including Nigeria, Cote d'Ivoire, Togo, and Ghana, for labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/ and the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution and labor code prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, and disability. The laws, however, do not explicitly prohibit discrimination based on sexual orientation, gender identity, and HIV-positive status or other communicable diseases. The government, in general, effectively enforced these laws and regulations. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6). Employment discrimination continued to occur in the private and public sectors. According to the National Institute of Statistics and Economic Analysis, the employment rate was 73 percent for men and 69.2 percent for women in 2011.

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness.

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.

In August 2014 the president of an Association for the Well-Being of Persons with Disabilities issued an open letter to President Yayi to denounce all forms of discrimination and exclusion suffered by persons with disabilities in the areas of education and employment. The president of the association also asked President Yayi to issue a decree requiring recruitment of 500 persons with disabilities in the public administration in the spirit of equal opportunity for employment. Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. In April 2014 the government increased the minimum wage to 40,000 CFA francs (\$69) per month from 30,000 CFA francs (\$52) per month.

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 law establishes occupational safety and health standards (OSH). The government has the authority to require employers to remedy dangerous work conditions but did not effectively do so. Provisions of the law related to acceptable conditions of work apply to all workers. Significant parts of the work force and foreign migrant workers did not benefit, in practice, from minimum wage scales.

The Ministry of Labor and Civil Service was responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministry did not effectively enforce these standards, however. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' conditions of work. Government efforts were impeded by the small number of labor inspectors. There were 75 labor officers, comprised of 56 labor inspectors, 15 administrators, and four labor controllers. The 56 inspectors lacked the means to implement necessary inspections fully. Resources were limited, but random inspections were conducted during the year. Penalties for violating the labor code were not sufficient to deter violations. The government took unsuccessful measures to deter persons from engaging in the sale of smuggled gasoline from Nigeria. The government supported informal workers by granting them credits to expand their businesses as part of its microcredit project for the poor.

Many workers supplemented their wages by subsistence farming or informal sector trade. Most workers in the formal sector earned more than the minimum wage; many domestics and other laborers in the informal sector earned less. Violations of OSH standards mostly occurred in informal sector trades, including hairdressing, dressmaking, baking, mechanics, and carpentry, where workers faced biological, chemical, physical, and psychological risks. Children involved in these trades as apprentices worked long hours and were more vulnerable to hazardous working conditions. In some of the mechanic and carpentry shops, children

worked alongside adults while the adults used various tools and equipment, and some adults and children lacked adequate protective gear. According to various sources, informal workers accounted for more than 90 percent of the total number of workers in the country. Informal workers faced numerous challenges and vulnerabilities, including long working hours and no social security coverage. They often endured substandard working conditions and were exposed to occupational risks. No data on workplace fatalities and accidents was available.

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