

BENIN 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a constitutional presidential republic. In 2016 voters elected Patrice Talon to a five-year term as president in a multiparty election, replacing former president Thomas Boni Yayi, who served two consecutive five-year terms. In 2019 authorities held legislative elections in which no opposition party was deemed qualified to participate after failing to meet registration requirements implemented in 2018, effectively excluding them from the elections. Voter turnout declined from 65 percent in 2015 to 27 percent; the pro-Talon Progressive Union and Republican Block parties continued to hold all 83 seats in the National Assembly. Unlike in 2015, when the last legislative elections were held, international observers did not assess the elections as generally free, fair, and transparent.

The Beninese Armed Forces under the Ministry of Defense are responsible for external security and support the Republican Police in maintaining internal security. The Republican Police, formed in 2018 through a merger of police and gendarmes, are under the Ministry of Interior and have primary responsibility for enforcing law and maintaining order in urban and rural areas. Civilian authorities generally maintained effective control over security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings; harsh and life-threatening prison conditions; serious restrictions on press freedom and unjustified arrests and prosecutions of journalists; lack of investigation of and accountability for violence against women; and child labor.

Impunity was a problem. Although the government tried 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

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

There were credible reports from civil society groups that police and military members used disproportionate and lethal force against citizens.

For example, on March 24, police fatally shot University of Abomey Calavi student Theophile Dieudonne Adjaho during a demonstration staged by the National Federation of Beninese Students. The students were demanding cancelation of classes due to the COVID-19 pandemic, as well as protesting arrests at previous demonstrations.

Authorities have not investigated this killing or the killings of civilians in connection with the 2019 legislative elections during which civil society groups stated police and military members used disproportionate and lethal force against protesters. During May 2019 postelection clashes between security forces and antigovernment protesters in Cotonou, a nongovernmental organization (NGO) reported at least two deaths, including a female bystander who was shot when a Beninese Armed Forces member fired to disperse crowds. Although the president acknowledged that four civilian casualties occurred during the protests, he made no further comment. Although investigations of police and military personnel conduct were not generally made public, there was no indication during the year that any were conducted.

b. Disappearance

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

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

The constitution and law prohibit such practices, but such incidents continued to occur.

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The penal code prohibits torture and cruel, inhuman or degrading treatment or punishment. There were numerous reported abuses similar to the following example. On April 28, a video circulated on social media showing a police officer beating a motorbike taxi rider and his female passenger for failing to wear facemasks mandated by COVID-19 enforcement measures. The beating took place on a Cotonou street in the presence of three other officers. On April 19, the Republican Police director general issued a statement deploring the incident and stating that the responsible police officers had been identified and would be punished. On April 30, the officer responsible for the beating and those who witnessed it were arrested but not charged. By ministerial order the officers were administratively sanctioned for use of excessive force.

According to the *Conduct in UN Field Missions* web platform, there was one allegation submitted during the year of sexual exploitation and abuse by Beninese peacekeepers deployed to the UN Organization Stabilization Mission in the Democratic Republic of the Congo. There were also three open allegations from prior years of sexual exploitation and abuse by Beninese peacekeepers deployed to UN peacekeeping missions, including one each from 2019, 2018, and 2016. As of September the government had yet to report on any accountability measures taken in the four cases. All four cases involved accusations of exploitative relationships with adults.

Authorities rarely held police accountable for misconduct, and impunity remained a problem. The Inspectorate General of the Republican Police Investigation Division is responsible for investigating serious cases involving police personnel. There were no reports, however, that any investigations were conducted. The government provided some human rights training to security forces, often with foreign or international donor funding and assistance.

Prison and Detention Center Conditions

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

Physical Conditions: According to the Benin Bar Association, conditions in the country's three prisons and eight jails were inhuman due to overcrowding,

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malnutrition, and poor sanitation. The 11 facilities held approximately 9,000 inmates, significantly exceeding a capacity of 5,620 inmates. Convicted criminals, pretrial detainees, and juveniles were often held together. There were deaths due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Prisoners with mental disabilities lacked access to appropriate disability-related support.

During the year the government reduced overcrowding through the administrative release of 1,300 persons. In April and May, authorities released 439 prisoners on parole to reduce COVID-19 transmission. In addition the Beninese Human Rights Commission reported that authorities released a number of pretrial detainees in February after it urged judicial authorities to review cases of pretrial detainees and release those for whom there was insufficient evidence to justify prosecution.

Administration: Authorities conducted investigations of allegations of mistreatment upon instruction by the Beninese Human Rights Commission. Prison authorities allowed visitors, but according to NGO reports, prison officials sometimes charged visitors a fee that was substantial for the average person.

Independent Monitoring: The government permitted prison visits by human rights monitors. Representatives of religious groups--the Prison Fellowship, Caritas, the Prisons Brotherhood, and Christian Action for the Abolition of Torture--and NGOs--Amnesty International, the Beninese Human Rights Commission (an independent government entity), the Friends of Prisoners and Indigents Clinic, and Prisoners without Borders--visited prisons, although some NGOs complained credentials were not systematically granted when they submitted requests to make visits. The commission also urged prison directors to provide adequate health care to inmates.

Improvements: The Directorate of Prison Administration implemented a centralized record-keeping system for Ministry of Justice officials to enable it to better track remand periods and court hearings and thus facilitate prompt release of prisoners at the end of their sentences. The installation of new generators and solar lighting, the construction of new dormitories and wells, septic tank maintenance, and the purchase of beds and medical supplies improved prison conditions during the year.

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The government began implementing a program to provide more permanent health-care assistance to prisoners as opposed to ad hoc health care from NGOs. For example, on October 14, the Beninese Prison Agency deployed seven doctors and three psychologists to provide health-care services to prisoners in all 11 prisons.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized judicial official and requires a hearing before a magistrate within 48 hours of arrest, but these requirements were not always observed.

After examining a detainee, a judge has 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in arrests involving illegal drugs, a judge may authorize detention beyond 72 hours not to exceed an additional eight days. Warrants authorizing pretrial detention are effective for six months and may be renewed every six months until a suspect is brought to trial. Detainees have the right to prompt judicial determination of the legality of detention, which was generally observed. Detainees awaiting judicial decisions may request release on bail and have the right to prompt access to a lawyer. Suspects were not detained incommunicado or prevented access to an attorney.

The government sometimes provided counsel to indigent defendants in criminal cases. Persons in rural areas accused of serious crimes often lacked adequate legal representation because defense attorneys were predominantly based in Cotonou and generally did not work on cases in rural areas.

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

Arbitrary Arrest: Unlike in 2019 there were no reports of arbitrary arrest. Nevertheless, some NGOs believed the practice might have continued, especially in the rural areas where individuals are not aware of their right to file complaints.

On June 18, the Constitutional Court ruled that the 2017 arrest and detention of Armand Pierre Lokossou--who was charged with criminal breach of trust and held until January--violated the arbitrary arrest and pretrial detention provisions of Article 6 of the African Charter on Human and Peoples’ Rights.

Pretrial Detention: The law defines the maximum length of pretrial detention for felony cases at five years and for misdemeanors three years. Approximately two-thirds of inmates were pretrial detainees. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The length of pretrial detention frequently exceeded the maximum sentence for conviction of the alleged crime.

Detainees held beyond pretrial limits may obtain recourse from the Constitutional Court. On June 4, the court ruled that judicial officials violated the code of criminal procedure when a Liberty and Detention Court judge failed to order the release of a pretrial detainee after six months’ detention. In February the Beninese Human Rights Commission ordered the release of a Cotonou Prison pretrial detainee held for three years after a court ordered his release pending trial in 2016.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the president heads the High Council of the Judiciary that governs and sanctions judges. The judicial system was also subject to corruption, although the government continued to make substantial anticorruption efforts, including the dismissal and arrest of government officials allegedly involved in corruption scandals. Authorities respected court orders.

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In 2018 the National Assembly passed a bill creating the Court to Counter Economic Crimes and Terrorism (CRIET). Observers within the judicial sector raised concerns that the bill establishing CRIET may have violated judicial impartiality, the right of appeal, and due-process principles. CRIET decisions could not be appealed to intermediate appeals courts--designed to correct errors such as a lack of jurisdiction, failure to provide a legal basis for a decision, or action by a court exceeding its authority--but had to be filed directly with the Supreme Court. Intended in part to quell domestic and international criticism, on April 21, the National Assembly revised the CRIET law to provide for appeals to be filed within the CRIET structure.

Trial Procedures

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

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Defendants enjoy the right to be informed promptly and in detail of the charges, with free interpretation as necessary, to a fair, timely, and public trial, to be present at trial, and to representation by an attorney.

By law courts must provide indigent defendants with counsel upon request in criminal cases. Government-provided counsel, however, was rarely available, especially in cases handled in courts located in remote areas. Defendants who cannot understand or speak French are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants enjoy the right to adequate time and facilities to prepare a defense; to confront witnesses; to present witnesses and evidence on their own behalf; and to not to be compelled to testify or confess guilt.

Defendants may appeal criminal convictions to both the Court of Appeals and the Supreme Court, after which they may appeal to the president for a pardon.

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Political Prisoners and Detainees

There were reports of political prisoners or detainees. The nongovernmental Organization for the Defense of Human and Peoples' Rights reported that there were political prisoners at the Cotonou, Parakou, Abomey, and Akpro-Misserete prisons. Additionally, Amnesty International and other NGOs stated that several individuals arrested for involvement in postelection protests in 2019 were detained for politically motivated reasons.

The government permitted access to such persons by human rights or humanitarian organizations such as the Beninese Human Rights Commission.

Politically Motivated Reprisal against Individuals Located Outside the Country

There were credible reports the government attempted to misuse international law enforcement tools for politically motivated purposes against specific individuals located outside the country.

In April 2019 a Spanish court rejected the government's request for the extradition of former minister of finance Komi Koutche, who had been arrested during a stopover in Madrid in 2018 based on an Interpol (International Police Criminal Organization) Red Notice. The court cited lack of evidence to substantiate the request, potential political motivation for the request, and CRIET's inability to provide for a fair trial due to its lack of independence from the government. On April 4, CRIET tried Komi Koutche in absentia, found him guilty of embezzlement of public funds and abuse of office while head of the National Fund for Microcredit, and sentenced him to 20 years' imprisonment. Koutche remained in self-imposed exile at year's end.

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 cite rulings from the Constitutional Court to initiate legal action against offenders in regular courts. Adverse court rulings other than those of the Constitutional Court may be appealed

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to the Economic Community of West African States Court of Justice. Unlike in prior years, appeals may no longer be filed with the African Court on Human and Peoples' Rights. On April 23, the government withdrew its 2016 declaration filed with the African Charter on Human and Peoples' Rights that provided for Beninese citizens and NGOs to file complaints and appeal adverse court rulings to the court. The country's withdrawal followed an April 14 decision by the court ordering Benin to postpone communal elections after Sebastien Ajavon, a prominent government critic and leader of the opposition party Union Sociale Liberale (Liberal Social Union), filed a complaint alleging that his party had been wrongfully excluded from participation in the elections. In a separate case brought by Ajavon, the court ordered the government to repeal a 2019 amnesty law.

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

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

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press. There were reports the government inhibited freedom of the press through restrictions on and sanctioning of journalists and press outlets.

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

Freedom of Press and Media, Including Online Media: The press and media were closely regulated. The High Authority for Audiovisual and Communication (HAAC) is a quasigovernmental commission with members appointed by the president, private media, and the legislature. HAAC has a dual and perhaps

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inherently contradictory role of providing for press freedom and of protecting the country against “inflammatory, irresponsible, or destabilizing” media reporting.

On January 3, officers from the Central Office for Cybercrime Prevention arrested Aristide Fassinou Hounkpevi, editor of the online media outlet *L’Autre Figaro* as well as correspondent of the newspaper *La Nouvelle Tribune*, for publishing false information about the minister of foreign affairs on a social media site. On January 9, the prosecutor at the Court of First Instance of Cotonou ordered Hounkpevi’s release without charge. The Union of Benin’s Media Professionals stated there was no material evidence to substantiate the accusations against Hounkpevi.

On July 7, HAAC issued an order for all online media outlets “without authorization” to halt publication or face sanctions. The law states that operation of “a website providing audiovisual communication and print media services intended for the public is subject to the authorization” of HAAC. Three outlets suspended operations temporarily, while remaining outlets ignored the order. On July 10, the National Council of Benin’s Press and Audiovisual Employers issued a statement deploring HAAC’s decision.

In April 2019, according to the Committee to Protect Journalists, police arrested Casimir Kpedjo of the newspaper *Nouvelle Economie* for “spreading false information about the Beninese economy.” Kpedjo was held for five days, charged by CRIET with publishing “false information,” and released. As of December 10, Kpedjo had yet to be tried.

In December 2019 police arrested *Benin Web TV* journalist Ignace Sossou. He was convicted of “harassment through electronic means” after posting quotes of the Cotonou prosecutor’s comments--recorded during anti “fake news” training organized by the French Media Development Agency--to his personal social media accounts. The Cotonou Court of First Instance sentenced Sossou to 18 months’ imprisonment and a substantial monetary fine. On May 19, the Court of Appeals reduced his sentence to six months’ imprisonment, and on June 24, he was released. As of November HAAC had yet to honor a May 2019 Court of Appeals ruling rescinding suspension of *La Nouvelle Tribune*, and the newspaper had not resumed publication.

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Censorship or Content Restrictions: Public and private media refrained from openly criticizing government policy. Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship due to fear the government would suspend their media outlets. HAAC held public hearings on alleged misconduct by media outlets during the year.

Libel/Slander Laws: By law journalists may be prosecuted for libel and slander. Journalists may also be prosecuted for incitement of violence and property destruction, compromising national security through the press, or a combination of the two. Penalties for conviction include incarceration and fines. By law anyone convicted of “relaying false information against a person using electronic means” may be sentenced to between one and six months in prison and receive a substantial monetary fine.

Internet Freedom

The government censored online content, but it did not restrict public access to the internet or monitor private online communications without appropriate legal authority. The law states that operation of “a website providing audiovisual communication and print media services intended for the public is subject to the authorization” of HAAC. On July 7, HAAC issued an order for all online media outlets “without authorization” to halt publication or face sanctions. The National Council of Benin’s Press and Audiovisual Employers issued a statement deploring HAAC’s decision (see section 2.a.).

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association and the government respected the right of peaceful association but not that of peaceful assembly. Advance notification is required for demonstrations and other public gatherings. The government frequently restricted freedom of peaceful assembly on political grounds.

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Freedom of Peaceful Assembly

Permits are required prior to holding protests, but authorities regularly denied or ignored requests for permits.

Authorities sometimes cited “public order” to prevent demonstrations by opposition groups, civil society organizations, and labor unions.

In June the prefect of Cotonou cited public order concerns as the basis for denying a permit to demonstrate in sympathy with the Black Lives Matter protests in the United States regarding the killings by police of African Americans. Human rights activists and some in the opposition media also reported denials of permits to protest local cases of civilian deaths by security forces (see section 1.a.). On July 16, the Constitutional Court ruled that the mayor of Parakou violated constitutional provisions relating to freedom of assembly and public liberty because his prohibition in February of demonstrations critical of the government was discriminatory.

c. Freedom of Religion

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

d. Freedom of Movement

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

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

In 2018 as part of its effort to reduce corruption, the government banned roadblocks throughout the country. There have been no illegal roadblocks since that time.

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

The government regulates the timing and length of seasonal movement of migratory Fulani (Peul) herdsman and their livestock into and within the country. On February 18, the government reversed a decree issued in December 2019 that had banned Burkinabe, Nigerian, and Nigerien herders from crossing into the country with their cattle.

On March 17, the government closed the country's land borders to all but specially authorized official travel in an effort to limit the cross-border transmission of COVID-19. Air and sea borders remained open to travelers, however. As of November land borders remained closed.

In July 2019 the government issued a decree barring anyone wanted on criminal charges from obtaining civil documents, including passports, national identity cards, and certificates of citizenship. On July 3, human rights activist Conaïde Akouedenoudje filed a complaint with the African Court of Human and Peoples' Rights requesting it rule on the decree's compliance with the country's human rights obligations. In October the court dismissed the complaint with the explanation that the claimant was not affected by the decree and thus was not an injured party.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: The government assisted refugees and asylum seekers with obtaining documents from their countries of origin while granting their status as privileged residents. The government also facilitated naturalization of refugees as part of a local integration effort. The government involved civil society, media,

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and academia in the process. In 2018 the government National Commission of Assistance to Refugees assumed responsibility for refugee issues in the country following closure of the local UNHCR office. The commission cooperates with UNHCR through its regional office in Dakar, Senegal.

g. Stateless Persons

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: In April 2019 the government held legislative elections that excluded opposition parties. In 2018 the National Assembly legislated more stringent requirements for parties to qualify to run in elections. In February 2019, two months before the legislative elections, the Constitutional Court declared all parties must possess a “certificate of conformity” with requirements to participate in elections. In February 2019 the independent election commission announced that no opposition party met the requirements, leaving only two progovernment parties on the election ballot. Voter turnout for the elections was an historic low of 27 percent. Although there were incidents of voter interference by opposition demonstrators, election-day voting proceeded calmly in most of the country. Protesters in opposition strongholds in central Benin blocked some roads for much of the day, and media reported demonstrators in Parakou burned ballot materials at polling stations and prevented some citizens from voting. The government implemented an internet blackout on election day that blocked access to social media sites including WhatsApp, Facebook, Twitter, Instagram, and iMessage apps.

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In November 2019 the National Assembly, in which two pro-Talon parties hold all 83 seats, passed a constitutional amendment requiring that presidential candidates obtain sponsorship from elected officials. To implement this amendment, the National Assembly adopted changes to the electoral code requiring that presidential candidates obtain endorsements from at least 10 percent of the country's National Assembly members (83) and mayors (77), thereby giving them a direct role in determining presidential candidates. On May 17, authorities held communal elections to elect 1,815 communal council members. The independent election commission declared several political parties ineligible to participate in the elections for failing to meet registration requirements. All but six of the country's 77 mayors belonged to the two progovernment political parties in the National Assembly. There were isolated reports of electoral irregularities.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process. Cultural factors, however, limited women's political participation. By custom and tradition, women assumed household duties, had less access to formal education, and were discouraged from involvement in politics. There were five female ministers in the president's 24-member cabinet and one woman among the prefects administering the country's 12 geographic departments. In November 2019 the National Assembly adopted a constitutional amendment mandating that women fill a minimum of 24 seats in the National Assembly beginning in 2023.

Section 4. Corruption and Lack of Transparency in Government

The law provides for criminal penalties for corruption by officials, and the government sometimes implemented the law effectively; however, there were numerous reports of government corruption during the year, and officials frequently engaged in corrupt practices with impunity. It was commonly believed, and acknowledged by some judicial personnel, that the judicial system at all levels was susceptible to corruption.

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Corruption: According to the newspaper *Matin Libre*, traffic police routinely solicited bribes from truckers in exchange for not enforcing the law against overloaded and unsafe vehicles.

The government took several actions during the year to combat corruption. For example, on July 22, the Council of Ministers ordered the dismissal of Port of Cotonou customs officers Zenoudine Ali Yerima and Sedekon Marc Maxime Kanho for fraud. Importers reportedly paid the two officers to undervalue goods listed in customs import declarations and to falsify other customs documents.

Financial Disclosure: On April 20, the National Assembly repealed a legal provision that required all elected and public officials to submit asset disclosure statements to the Supreme Court Audit Chamber upon assuming and departing office. Nevertheless, income and asset disclosure by elected and public officials as determined by the Council of Ministers continued to be required.

The legal provision removing the blanket asset disclosure requirement also removed the penalty for failure to submit an asset disclosure.

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

Several 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. Nevertheless, the government denied permits to some domestic human rights groups to protest government action. Human rights groups reported they did not share all of their human rights findings publicly due to fear of government reprisal.

Government Human Rights Bodies: In 2018 the Constitutional Court swore in the first members of the Beninese Human Rights Commission. On January 3, the commission submitted its first report on the human rights situation in the country to the National Assembly. The National Assembly approved the report, and on October 22, the report was published. The country also had an ombudsman

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responsible for responding to citizen complaints of maladministration who was independent, adequately resourced, and effective.

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

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victims not reporting cases due to fear of social stigma and retaliation. Sentences for rape convictions range from five to 20 years' imprisonment. The law explicitly prohibits spousal rape and provides the maximum penalty for conviction of raping a domestic partner. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties victims faced in preserving and presenting evidence in court, judges reduced most sexual offense charges to misdemeanors. The primary form of evidence used to prove sexual assault required physician certification. Since physicians were only accessible in large cities, victims in rural areas were effectively precluded from pursuing charges.

Penalties for conviction of domestic violence range from six to 36 months' imprisonment. Nevertheless, domestic violence against women was common. Women remained reluctant to report cases, and judges and police were reluctant to intervene in domestic disputes.

The Ministry of Social Affairs provided financial support to some victims of abuse. The ministry's Center for Social Promotion provided mediation services that in some cases resulted in victim restitution. The ministry also organized public outreach campaigns to raise public awareness of violence against girls and women. During the year the Ministry of Health and Ministry of Social Affairs instituted a services training program for victims of rape, domestic violence, and other forms of gender-based violence to health clinic and social service first responders.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for conviction of performing the procedure, including prison sentences of up to 10 years and substantial monetary fines. Nevertheless, FGM/C

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occurred, and enforcement was rare due to the code of silence associated with this crime. The practice was largely limited to remote rural areas in the north. According to UNICEF, 7 percent of girls and women ages 15 to 49 underwent FGM/C in 2018.

The government, in conjunction with NGOs and international partners, continued to raise public awareness of the dangers of the practice.

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims, but sexual harassment was common in the workplace and in schools. Persons convicted of sexual harassment face sentences of one to two years' imprisonment and substantial monetary fines. The law also provides for penalties applicable to persons who are aware of sexual harassment but do not report it. Victims, however, seldom reported harassment due to fear of social stigma and retaliation; furthermore, police, examining magistrates who conduct pretrial investigations, and prosecutors lacked the legal knowledge and capacity to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to address sexual abuses involving minors.

On May 1, Office of Radio and Television Broadcasting health correspondent Angela Kpeidja stated that "rape and moral and sexual harassment" were rampant at the state-owned broadcaster.

On May 4, civil society groups and the Benin Human Rights Defenders Association coalition of human rights NGOs issued a joint statement denouncing sexual harassment and calling on the Ministries of Labor, Communications, Justice, and Social Affairs to enforce laws prohibiting sexual harassment and protecting its victims. On May 5, the president pledged to do more to protect women in the workplace and to encourage them to report incidents of sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of children. The law limits abortion to safeguarding the life of a girl or woman.

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Societal pressures imposed barriers to contraception. Although minors had the legal right to access contraception without parental consent, health-care workers sometimes disrupted access by requiring parental consent. In some areas, notably the Plateau Department bordering Nigeria, traditional leaders used voodoo to threaten women to stay indoors during contraceptive campaigns, according to the Beninese Association for Social Marketing. Roman Catholic churches prohibited the use of modern contraceptives. Anecdotal reports suggested that cultural norms also influenced low rates of contraception.

The government provided access to sexual and reproductive health services for survivors of sexual violence.

According to the government's *2017-2018 Demographic Health Survey*, the maternal mortality rate was 391 deaths per 100,000 live births. Factors contributing to the high mortality rate were deliveries without adequate medical assistance, lack of access to emergency obstetric care, and unhygienic conditions. According to the survey, 84 percent of live births took place in a health center (most of which were public), and 20 percent of girls and women ages 15-19 were either pregnant or had already had one live birth. These rates varied dramatically with higher adolescent birth rates (24 to 38 percent) in northern departments and lower rates (ranging from 8 to 16 percent) in southern departments.

Poor access to reproductive health information in rural areas, poverty, and low levels of formal education contributed to low usage of contraceptives and high pregnancy rates. Only 13 percent of girls and women ages 15 to 49 used a modern method of contraception, and 35 percent of women had an unmet need for contraception.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although the constitution provides for equality for women in political, economic, and social spheres, women experienced extensive discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses. There were legal restrictions on women in employment, including limitations on the occupations in which women are allowed to work.

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

Children

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

A 2018 law authorizes vital records offices to issue provisional birth certificates on an exceptional basis to persons lacking one who were enrolled in the Administrative Census for the Identification of the Population program. According to the UNICEF *State of the World's Children* survey, 86 percent of births were registered in 2018.

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

Child Abuse: Violence against children was common. According to the Center for Social Promotion of Aplahoue, there were reported cases of rape, abduction, forced marriage, and trafficking of girls during the year. The law bans a wide range of harmful practices and provides for substantial fines and up to life imprisonment for persons convicted of child abuse. Police of the Central Office for the Protection of Minors arrested suspects, referred them to judicial authorities,

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and provided temporary shelter to victims of abuse. 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, fear of police involvement, or a combination of the three.

On March 18, the Ministry of Social Affairs launched a hotline staffed by social workers to report child abuse cases and to facilitate a systematic response to child abuse by police and social workers. On May 26, a hotline operator received a call concerning a badly abused six-year-old boy in Womey-Yenadjro neighborhood in Abomey-Calavi north of Cotonou. The abuser was arrested, tried, convicted, and sentenced to two years' imprisonment.

Child, Early, and Forced Marriage: The law prohibits marriage at younger than age 18 but grants exemptions for children ages 14 to 17 with parental consent and authorization of a judge. According to the *Benin 2017-2018 Demographic Health Survey*, 9 percent of women between the ages of 20 and 24 were married before age 15. Child, early, and forced marriage included barter marriage and marriage by abduction, in which the groom traditionally abducts and rapes his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice. The joint government and UNICEF Zero Tolerance for Child Marriage campaign to change social norms and create a protective environment for children in their communities continued.

Sexual Exploitation of Children: The penal code provides penalties for conviction of rape, sexual exploitation, and corruption of minors, including procuring and facilitating prostitution; it increases penalties for cases involving children younger than age 15. The child trafficking law provides penalties for conviction of all forms of child trafficking, including child commercial sexual exploitation, prescribing penalties if convicted of 10 to 20 years' imprisonment. Individuals convicted of involvement in child commercial sexual exploitation, including those who facilitate and solicit it, face imprisonment of two to five years and substantial monetary fines. The child code prohibits child pornography.

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Persons convicted of child pornography face sentences of two to five years' imprisonment and substantial monetary fines.

Infanticide or Infanticide of Children with Disabilities: Although concealed from authorities, traditional practices of killing breech babies, babies whose mothers died in childbirth, babies considered deformed, and one newborn from each set of twins (because they were considered sorcerers) occurred. Authorities enforced prohibitions and discouraged the practice through door-to-door counseling and awareness raising.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law provides for the protection of the rights of persons with disabilities, including physical, sensory, intellectual, psychological, mental, and communication disabilities, against all forms of exploitation and violence.

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

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

The Promotion and Protection of the Rights of Persons with Disabilities Act provides for a wide range of social benefits to persons with disabilities, including improved access to health care, education, vocational training, transportation, and sports and leisure activities. It includes provisions regarding the construction or alteration of buildings to permit access for persons with disabilities. It requires schools to enroll children with disabilities. In July the Ministry of Social Affairs conducted a campaign to provide medical care, temporary housing, family reintegration assistance, and social service provider referrals for homeless persons with mental disabilities.

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

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

Members of the LGBTI community reported police tolerated violence against LGBTI individuals. For example, on July 29, in the northern town of Bohicon, a group of 15 men attacked and severely beat a transgender woman at a bar. Upon seeking assistance at the police station, police required the victim to stay the night, photographed her injuries and genitalia with their mobile phones, and accused the victim of deceiving the men by identifying as a woman. The victim was asked if she had stolen anything or done anything to provoke the beating. The victim did not file a formal complaint, and as of December police had not conducted an investigation of the assault.

Other Societal Violence or Discrimination

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Police generally ignored vigilante attacks. Incidents of mob violence occurred, in part due to the perceived failure of local courts to punish criminals adequately. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught stealing. For example, on July 28, vigilantes caught a burglar breaking into a shop in the southwestern village of Kinkinhoue. Media reported that the vigilantes burned the victim to death. Police did not conduct a formal investigation of the incident.

Despite government efforts to implement policies to regulate transhumance (the practice of moving livestock seasonally from one grazing area to another), periodic violence between farmers and Fulani herders continued. While several commune-level officials blamed armed Fulani herders from Nigeria for provoking violence by allowing their cattle to eat farmers' crops, both herders and farmers engaged in violence. There were numerous reported instances of violence similar to the following examples. On January 21, in Ouinhi in the southwest of the country, herders killed two farmers; on May 1, in Woroko in the central part of the country, six persons died and several more were injured in clashes between farmers and herders; on June 3, in the northern town of Malanville bordering Niger, nine individuals died in clashes between farmers and herders; and on August 5, a farmer in the northern town of Bembereke stoned to death a Fulani child age 10 for trespassing.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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branches of activities and that only trade union confederations may have affiliation at a national or international level.

The law provides for the rights of workers to bargain collectively. By law collective bargaining agreements are negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. A labor inspector, a secretary, and one or two rapporteurs preside over the committee. The minister of labor has the authority to determine which trade unions may be represented in the negotiation at the enterprise level. The minister has the power to extend the scope of coverage of a collective agreement. The law imposes compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included. The National Permanent Commission for Consultation and Collective Bargaining, and the Social Sector-based Dialogue Committee were active in each ministry to foster dialogue between the government and unions. Two government decrees of 2017 established the National Social Dialogue Council and appointed its members to replace the National Permanent Commission for Consultation and Collective Bargaining. On September 30, the council held its fourth extraordinary session.

The law restricts the maximum duration of a strike to 10 days per year for all employees, except workers who are barred from striking. By law health-sector staff and military, police, customs, and water, forest and game and wildlife officers are barred from striking. Minimum service is required for workers who carry out essential responsibilities such as judges, prison and justice system personnel, and staff of the sectors of energy, water, maritime and air transport, financial administration, and telecommunication.

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 an illegal strike.

The law prohibits antiunion discrimination and provides for reinstatement of workers fired for union activity. Employers may not take union membership or

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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.

The government generally respected the right to form and join independent unions and the right to collective bargaining. 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. Penalties were commensurate with similar crimes.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, with certain exceptions. The law allows for imprisonment with compulsory labor. By law authorities may exact work not of a purely military character from military conscripts. Laws regulating various acts or activities relating to the exercise of freedom of expression allow imposition of prison sentences involving obligation to perform social rehabilitation work. Penalties for conviction of forced labor were generally commensurate with similar crimes.

The government did not consistently enforce the law, particularly in the large informal sector. Forced labor occurred, including domestic servitude and bonded labor by children. Forced labor was mainly found in the agricultural (e.g., cotton and palm oil), artisanal mining, quarrying, fishing, commercial, and construction sectors. Many traffickers were relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon* whereby a child, usually a daughter, is sent to live as a servant with a wealthier family, despite NGO and government efforts to raise awareness of the risks associated with this practice.

In 2018 the government adopted penal code revisions that criminalized adult trafficking and provided for 10 to 20 years' imprisonment for conviction. The law was not effectively implemented due to lack of agent training on the antitrafficking provisions.

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Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The List of Hazardous Occupations sets the minimum age for employment in hazardous work at age 18. The list identifies 21 trades prohibited for children and defines 74 related hazardous activities. Specific trades noted on the list include mining and quarrying, domestic service, and agriculture.

The labor code prohibits the employment or apprenticeship of children younger than age 14 in any enterprise; children between ages 12 and 14, however, may perform domestic work and temporary or light seasonal work if it does not interfere with their compulsory schooling. Children 14 and older may be employed as an apprentice in a trade if the apprentice has a formal contract with the tradesperson overseeing the apprenticeship. While apprenticeships are common, contracts are rare. The law bans night work for workers younger than age 18 unless the government in consultation with the National Labor Council grants a special dispensation. Workers younger than 18 are entitled to a minimum 12-hour uninterrupted break including the nighttime period.

The government did not effectively enforce the law. The Labor Office, under the Ministry of Labor and Civil Service, enforced the labor code only in the formal sector. The total number of inspections conducted during the year was unavailable. Penalties for those convicted of violating laws in the formal sector were commensurate with similar crimes.

Despite the government's limited capacity to enforce child labor laws, the government took steps to educate parents on the labor code and prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. These initiatives were part of the Labor Office's traditional sensitization program. The government also worked with a network of NGOs and journalists to educate the population regarding child labor and child trafficking. The Ministries of Justice and Labor

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supported capacity building for officials and agencies responsible for enforcing child labor laws.

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

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

Most children working as apprentices were younger than 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 younger than 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.

Primary education is compulsory for all children between ages six and 11. Children ages 12 to 13 were particularly vulnerable to the worst forms of child labor, as they may have completed primary school but were younger than the minimum legal working age of 14.

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

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

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The constitution and labor code prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, and disability. The laws, however, do not explicitly prohibit discrimination based on sexual orientation, gender identity, and HIV or other communicable disease status. In general the government effectively enforced these laws and regulations in the formal sector. Women, however, experienced extensive discrimination because of legal restrictions on working in certain occupations (see section 6) and societal attitudes. Women's wages consistently lagged those of men. According to the International Labor Organization Global Wage Report, in 2017 women on average earned 45 percent less per hour than men. Employment discrimination occurred in the private and public sectors. The prohibitions on discrimination did not apply to the large informal sector.

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

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

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

e. Acceptable Conditions of Work

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The government set minimum wage scales for several occupations in the formal sector that were slightly higher than the poverty level. According to the UN Development Program, 60 percent of the population--predominantly in the informal sector--lives on an income of \$1.90 a day or less, a poverty-level income that is less than the minimum wage.

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

The law establishes appropriate 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 formal-sector workers. Penalties for violating the labor code were commensurate with those for similar violations.

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and Microcredit were responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministries did not effectively enforce these standards, especially in the large informal sector. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' work conditions. Government efforts were impeded by the insufficient number of labor inspectors and lack of resources to implement inspections. Random inspections were conducted in some sectors, but no information was available on the number of violations identified or convictions of persons tried for violations. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Many workers supplemented their wages by subsistence farming or informal sector trade. Most workers in the formal sector earned more than the minimum wage; many domestic and other laborers in the informal sector earned less. Violations of

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OSH standards mostly occurred in informal-sector trades, including hairdressing, dressmaking, baking, mechanics, and carpentry, where workers faced biological, chemical, physical, and psychological risks. Children involved in these trades as apprentices worked long hours and were more vulnerable to hazardous working conditions. In some mechanical and carpentry shops, children worked near dangerous tools and equipment, and some adults and children lacked adequate protective gear. According to various sources, informal workers accounted for more than 90 percent of workers in the country. Informal workers faced numerous challenges and vulnerabilities, including long working hours and no social security coverage. They often endured substandard working conditions and were exposed to occupational risks. No data on workplace fatalities and accidents were available.