

BENIN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a constitutional presidential republic. On April 11, voters elected Patrice Talon in a multiparty election to a second five-year term as president. Registration and sponsorship requirements incorporated in the electoral code in 2019 and implemented during municipal elections excluded most opposition political parties from participating in the election. According to the government National Electoral Commission, voter turnout declined from 65 percent in 2016 to 50 percent; however, civil society organizations estimated voter turnout at only 27 percent. Voting did not take place in 16 of 546 electoral districts due to violent protests and demonstrations that prevented delivery of voting materials. International observers, however, assessed the election as generally free, fair, and transparent, but they expressed concern about the lack of inclusivity and competition among candidates. At least five civilians were reported killed and 21 police officers and military service members injured during election-related clashes.

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 are under the Ministry of Interior and have primary responsibility for enforcing law and maintaining order. Civilian authorities generally maintained effective control over security forces. There were reliable reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by government forces; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious restrictions on free expression and media, including censorship and the existence of criminal libel laws; substantial interference with freedom of peaceful assembly and freedom of association; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence,

and child, early and forced marriage; and child labor.

Impunity was a problem. Although the government took some steps to identify, investigate, prosecute, and punish officials who committed human rights abuses and acts of corruption, officials sometimes engaged in these practices with impunity.

Section 1. Respect for the Integrity of the Person

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

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

For example, in early April, while attempting to disperse protesters ahead of the presidential election, security force members reportedly shot and killed at least two individuals in Save and three individuals in Bante, in the center of the country. On April 14, the government released a statement acknowledging the reports, but said that no bodies had been found and no deaths had been registered. On April 19, the government independent Beninese Human Rights Commission stated that it would investigate the accusations and issue a report. As of October 4, no report had been issued.

On August 21, police shot and killed two occupants of a car and seriously wounded a third in the commune of Ouake in the western part of the country. The driver reportedly ignored an order to stop. On August 22, the director general of the Republican Police ordered the arrest of the two police officers involved in the shootings and an investigation of the incident. As of November 2, there were no reports the police officers and military members involved were arrested or an investigation initiated.

Authorities have not investigated 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. Although the government stated at the time it would launch investigations of the police and military personnel involved, there was no indication during the year that

it had done so.

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.

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 1, the Constitutional Court ruled that a plainclothes police officer violated the constitution in October 2020 by arbitrarily arresting, brutally beating, and confining two individuals; they were handcuffed, forced to stand, and deprived of food and water for 28 hours. The ruling stated the arrest was arbitrary and that treatment of the detainees was humiliating and degrading.

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 four open allegations from prior years of sexual exploitation and abuse by Beninese peacekeepers deployed to UN peacekeeping missions, including one each from 2020, 2019, 2018, and 2016. As of September 10, 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 sometimes held police accountable for misconduct for corruption-related crimes, but impunity remained a problem. The Inspectorate General of the Republican Police Investigation Division is responsible for investigating serious cases involving police personnel. 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, unsanitary conditions, and inadequate medical care and food. The nongovernmental organization (NGO) Social Change Benin stated prisoners suffered poor treatment and confinement to overcrowded cells.

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

On March 17 and June 22 respectively, the defense attorneys of opposition politicians and presidential aspirants Reckya Madougou and Joel Aivo, detained in March and April and charged with financing terrorism (Madougou) and money laundering (Aivo), accused Cotonou and Akpro-Misserete prison officials of subjecting the opposition leaders to harsh conditions. Media reported Aivo contracted COVID-19 while in prison due to being confined in a cell with 38 other inmates. Madougou's attorneys claimed that she experienced weight loss, psychological distress, and respiratory problems due to filthy prison conditions.

Authorities reported two deaths in Akpro-Misserete prison due to COVID-19; a human rights group stated that prison conditions contributed to contraction of COVID-19 and their deaths. On August 3, the president pardoned 203 prisoners charged with minor criminal offenses or misdemeanors to reduce overcrowding.

Administration: Authorities conducted investigations of alleged mistreatment upon instruction by the Beninese Human Rights Commission. Prison authorities reduced visitor access due to the COVID-19 pandemic during the year. According to NGO reports, prison officials sometimes charged visitors a fee that was

substantial for the average person.

Independent Monitoring: Beginning in July the government resumed permitting prison visits by human rights monitors suspended as a COVID-19 pandemic precautionary measure. Representatives of Amnesty International, Social Change Benin, and the Beninese Human Rights Commission (an independent government entity) visited prisons. Nonetheless, some NGOs complained that unannounced prison visits were not permitted due to COVID-19 pandemic mitigation measures.

Improvements: During the year the Beninese Prison Agency improved prisoner access to government health-care services by covering expenses related to the admission of prisoners in government hospitals.

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, although there were reports that attorney-client communications in prisons were monitored.

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.

There were valid reports of individuals held beyond the legal limit of 48 hours of detention before a hearing, sometimes by more than 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: Arbitrary arrests and detentions occurred.

On April 1, the Constitutional Court ruled that the 2020 arrest and detention by police of Marina Adjoh on civil charges of failure to pay rent due to her landlord violated the arbitrary arrest and pretrial detention provisions of the country’s constitution and the African Charter on Human and Peoples’ Rights.

Pretrial Detention: The law limits the maximum length of pretrial detention for felony cases to five years’ incarceration and for misdemeanors to three years’ incarceration. 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. As of September 14, government opposition leaders Reckya Madougou, Joel Aivo, and Paulin Dossa remained in pretrial detention (see section 1.d.). Detainees held beyond pretrial limits may seek recourse from the Constitutional Court.

On May 27, the Constitutional Court ruled that judicial officials had violated the pretrial detention limits of the criminal code and the African Charter on Human and Peoples’ Rights by authorizing the detention of a pretrial detainee, Dende

Eriyomi, for more than seven years.

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 anticorruption efforts, including the dismissal and arrest of government officials allegedly involved in corruption scandals. Authorities generally respected court orders.

During the year the Court for the Repression of Economic and Terrorism (CRIET) charged dozens of political opponents, human rights activists, and bloggers under broadly worded terrorism and public disturbance offenses. On April 4, CRIET judge Essowe Batamoussi resigned and fled the country. He stated that his resignation was due to government pressure to rule against its political opponents. On August 18, the government of France granted political asylum to Batamoussi.

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 court cases 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.

Political Prisoners and Detainees

There were numerous reports of political prisoners or detainees. The nongovernmental Organization for the Defense of Human and Peoples' Rights reported there were political prisoners at the Cotonou, Parakou, Abomey, and Akpro-Misserete Prisons. From January to September, approximately 200 nonviolent individuals reportedly were arrested for politically motivated reasons, with most awaiting trial in preventative detention. According to human rights organization representatives, not all arrests, charges, or locations of those detained were made public, and the families of those arrested were reticent to share information, fearing retribution.

On October 27, the CRIET ordered the release of five political detainees, including former minister of institutional relations Alexandre Hountondji and former Yayi administration economic advisor George Tamegnon. The charges against them were reclassified to "adhering to a terrorist act that destabilizes institutions of the nation" and they were put under court supervision, requiring court appearances every two months, and prohibited from leaving the country.

The government did not permit access to imprisoned opposition figures Reckya Madougou, Joel Aivo, and Paulin Dossa by human rights monitors until July (see subsections 1.c and 1.d.).

Politically Motivated Reprisal against Individuals Located Outside the Country

In contrast with 2020, there were no credible reports that the government attempted to misuse international law enforcement tools for politically motivated purposes against specific individuals located outside the country.

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. A Constitutional Court 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 to the Economic Community of West African States (ECOWAS) Court of Justice.

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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. Media were not fully independent, however. There were reports the government inhibited freedom of the press through restrictions on and sanctioning of media members. Many public and private media outlets refrained from openly criticizing government policy.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: The government regulated the press and online media. 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 role of providing for press freedom while protecting the country against “inflammatory, irresponsible, or destabilizing” media reporting.

On February 9, the Cotonou Court of First Instance sentenced journalist and blogger Jean Kpton to 12 months in prison and a fine following his conviction of “harassment by electronic means” under the Digital Code. On April 7, police arrested journalist and blogger Nadine Okoumassoun. The CRIET charged Okoumassoun with terrorism and inciting violence. As of September 13,

Okoumassoun had yet to be tried and awaits trial in prison.

On July 27, the Supreme Court upheld *Benin Web TV* journalist Ignace Sossou's conviction. In 2019 a court convicted him of "harassment through electronic means" after posting to his personal social media accounts quotes of the Cotonou prosecutor's comments that were recorded during "anti-fake news" training organized by the French Media Development Agency. The Cotonou Court of First Instance sentenced Sossou to 18 months' imprisonment and a substantial monetary fine. In May 2020 the Court of Appeals reduced his sentence to six months' imprisonment, and in June 2020 he was released.

On August 4, the HAAC complied with a 2019 Court of Appeals ruling rescinding suspension of *La Nouvelle Tribune*. As of September, the newspaper had not resumed print publication. The HAAC had barred the newspaper from print in 2018. The HAAC continued its suspensions of Sikka TV and Soleil FM, outlets belonging to Sebastien Ajavon. On November 3, the HAAC reassigned Radio Soleil FM's airwave to another radio station.

As of October 4, Casimir Kpedjo of the newspaper *Nouvelle Economie* had yet to be tried. According to the Committee to Protect Journalists, in 2019 police arrested Kpedjo for "spreading false information about the Beninese economy" and held him for five days. He was then charged by CRIET with publishing "false information," and released.

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 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.

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 peaceful assembly and association; 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.

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. There were several reported instances similar to the following example. On July 24, the mayor of Parakou rejected a request by a civil society organization for a demonstration to be held on July 25 protesting high food prices.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at

<https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

Foreign Travel: Authorities do not issue civil documents, including passports, national identity cards, and certificates of citizenship, to persons wanted on criminal charges. The government maintains 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. During the year the government also banned Burkinabe, Nigerian, and Nigerien herders from entering the country with their cattle.

e. Status and Treatment of Internally Displaced Persons

According to the Internal Displacement Monitoring Center, throughout the year there were approximately 7,000 individuals temporarily displaced as a result of seasonal flooding in the Mono, Zou, and Alibori Departments. The government provided humanitarian assistance through its National Agency for Civil Protection and cooperated with humanitarian groups to aid internally displaced persons.

f. Protection of Refugees

The government cooperated with the Office of UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. As of August 31, there were 1,441 refugees and 717 asylum seekers in the country. UNHCR received reports that humanitarian organizations could not assist many asylum seekers and persons of concern along the northern border due to security concerns. In October 2020 the French government's Office of the Protection of Refugees and Stateless Persons removed Benin from its list of "countries of safe origin" due to the security situation. According to the French

government, Benin's removal is subject to a 12-month review.

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. On July 23, UNHCR reported 179 registered Burkinabe asylum seekers in Benin. UNHCR received reports that thousands of Burkinabe were living in border areas outside the reach of humanitarian assistance organizations.

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, and academia in the process. The government National Commission of Assistance to Refugees cooperates with UNHCR through the UNHCR regional office in Dakar, Senegal.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees; it provided this to approximately 606 persons during the year.

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 in any of these countries.

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. Constitutional amendments passed in 2019 requiring sponsorship from elected officials to participate as a presidential candidate, however, created a political process that is neither inclusive nor competitive. Freedom of expression and freedom of assembly were both limited throughout the presidential election

political process.

Elections and Political Participation

Recent Elections: On April 11, the government held a presidential election that excluded candidates from established opposition parties. Voter turnout declined from 65 percent in 2016 to 27 percent according to the independent Electoral Platform of Civil Society Organizations and by 50 percent according to the government's Independent National Electoral Commission. The Independent National Electoral Commission reported that voting did not take place in 16 of 546 districts due to violent demonstrations that prevented delivery of voting materials.

According to human rights activists, police in Tchaourou physically prevented voters from voting. During the campaign and immediately following the presidential election, police arrested more than 200 activists, opponents, and journalists, according to human rights organizations. ECOWAS observers, however, released a statement declaring that the “voting process took place in an orderly, transparent, and professional manner.” African Union observers released a statement calling the election “peaceful,” and International Francophone Organization observers released a statement stating that the “election complied with the legal measures, but without participation of all political parties.”

Legislative elections in 2019 excluded opposition parties; voter turnout was only 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 the central part of the country 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 of social media sites, including WhatsApp, Facebook, Twitter, Instagram, and iMessage.

Political Parties and Political Participation: Only three candidates qualified for the presidential election. Prior to the election, the Independent National Election Commission disqualified 17 of the 20 presidential candidates who had submitted applications, citing failure to meet various application requirements, including obtaining at least 16 sponsorships from National Assembly deputies and mayors,

designating a vice presidential running mate, and paying a 50 million CFA francs (\$92,000) registration fee.

In 2018 the National Assembly legislated more stringent requirements for parties to qualify to run in elections. In 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. The election commission announced that no opposition party met the requirements, leaving only two progovernment parties on elections ballots.

In late 2019 the National Assembly, in which two pro-Talon parties had 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.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. During the year voters selected Mariam Talata as vice president, the first woman to hold that position. 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. According to the Electoral Platform of Civil Society Organizations, 11 percent of women voted in the presidential election. There were reports that persons with motor disabilities were unable to access polling stations due to a lack of ramps and other means of access. There were also reports that no measures were taken at polling stations for blind persons to complete their ballots.

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.

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, CRIET convicted Port of Cotonou officials Jean-Baptiste Houngue, Rodrigue Glele-Kakai, and Frederic Behazin of corruption and on August 2, fined and sentenced them to five-year prison terms.

Section 5. Governmental Posture Towards 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 their findings publicly due to fear of government reprisal.

Government Human Rights Bodies: The Beninese Human Rights Commission has the power to investigate human rights complaints, issue instructions to government officials, and publish an annual human rights report. The country also had an ombudsman responsible for responding to citizen complaints of maladministration who was independent, adequately resourced, and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape without reference to gender. Enforcement was weak due to police ineffectiveness, official corruption,

and victims not reporting cases due to fear of social stigma and retaliation. Sentences for conviction of rape 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 survivors 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, survivors 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 survivors of abuse. The ministry's Center for Social Promotion provided mediation services that in some cases resulted in 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 the Ministry of Social Affairs conducted a services-training program for survivors of rape, domestic violence, and other forms of gender-based violence to health clinic and social service first responders. On July 21, the government created the National Institute for the Promotion of Women to address complaints of violations of women's rights and provide financial assistance to women who are survivors of violence.

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 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. Nevertheless, on July 19, the Cotonou Appellate Court convicted a business owner of sexual harassment of a female employee, imposed a substantial fine, and sentenced him to three months' imprisonment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

On October 20, the National Assembly passed amendments to the 2003 Law on Sexual and Reproductive Health legalizing elective abortion. The amended law provides for termination before 12 weeks if the pregnancy is likely to aggravate or cause a situation of material, educational, professional, or moral distress incompatible with the interest of the woman, the unborn child, or both. As of November 15, the amended law had yet to be signed by the president.

Societal pressures imposed barriers to contraception. Although minors have the legal right to access contraception without parental consent, health-care workers sometimes impeded access by requiring parental consent. Cultural norms also influenced low rates of contraception. 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. Some religious groups, including the Roman Catholic Church and Celestial Christian Church, strongly discouraged the use of contraceptives. Poor access to reproductive health information in rural areas, poverty, and limited formal education contributed to low usage of contraceptives

and high pregnancy rates. Only 13 percent of girls and women between ages 15 and 49 used a modern method of contraception, and 35 percent of women had an unmet need for contraception.

The government provided access to sexual and reproductive health services for survivors of sexual violence; however, lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons reported being routinely refused medical care and social services because of their sexual identity.

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 between the ages 15 and 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. See also the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information.

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 (see section 7.d.).

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 polygamy. The government did not enforce the law effectively, however.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and other laws provide for the protection of religious and ethnic

minorities and their institutions from violence and discrimination. The penal code provides for the protection of religious and ethnic minorities from physical violence, genocide, and crimes against humanity. The labor code provides for the protection of religious and ethnic minorities from employment discrimination.

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.

Education: Primary education is compulsory for all children between ages six and 11. Public school education is tuition free for all 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. 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, 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 September 2, the government reported an increase in child rape cases in the commune of Abomey Calavi in the south of the country. Authorities recorded 26 cases of rape involving children ages 4 to 15 from January 1 to September in the

commune.

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 bridegroom 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 children for commercial sexual exploitation; 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. 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. The NGO Franciscan-Benin reported that communities in the four northern communes of Djougou, Gogounou, Kouande and Kandi continued to practice ritual infanticide. Authorities enforced prohibitions and discouraged the practice through door-to-

door counseling and awareness raising.

Institutionalized Children: The government and human rights organizations reported poorly managed orphanages were not compliant with the law governing child protection centers. During the year the government inspected and closed several orphanages following reports of child abuse and neglect. In August the government closed one unregistered orphanage in Allada in southern Benin after inspections revealed poor living conditions and insufficient staffing. Authorities sanctioned an orphanage run by Roman Catholic nuns for using children as beggars to encourage charitable donations.

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; however, the government did not fully implement the law.

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. Only 2 percent of children with disabilities

attended to school. Mobility and access to buildings were problems. Crutches, white canes for the blind, wheelchairs, and prostheses were not provided by the state or affordable for persons with disabilities. Most public buildings were not accessible for persons with disabilities, including bank, school, university, hospital, and court buildings.

On June 21, the head of the Secondary Education Completion Examinations Center in Abomey, Jeannette Vodome, dismissed Eric Tonakpa Agonvonon, an exam monitor with a disability, for physical incapacity although he had cited his disability before being hired. Despite Agonvonon's reinstatement on June 23, on July 6, the Association of Persons with Disabilities organized a sit-in to protest the broader issues of discrimination against persons with disabilities and filed a complaint against Vodome with the Court of Abomey.

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.

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 LGBTQI+ persons.

Nevertheless, discrimination against LGBTQI+ persons was common. The LGBTQI+ NGO Les Hirondelles estimated that family rejection resulted in 150

homeless LGBTQI+ youth annually. LGBTQI+ persons reported being routinely refused medical care and social services both related (hormone treatment) and unrelated (malaria treatment) to their sexual identity.

Members of the community reported police often tolerated violence against LGBTQI+ individuals. On May 1, however, police arrested a male assailant who attacked three transgender women at the Sunset Bar in Cotonou. The transgender women were beaten, stripped of their clothing, and cut with glass bottles. On June 29, the Cotonou Tribunal of First Instance convicted the man of assault and sentenced him to six months in prison and six months' probation for the attack.

Other Societal Violence or Discrimination

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. On September 13, vigilantes beat to death an individual caught breaking into a house in Arafat 2, a neighborhood of Parakou in the north of the country. Media reported that the individual was suspected of stealing chickens and ducks.

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 July 24 and 25 in the northern town of Malanville bordering Niger, five individuals were killed or injured in clashes between farmers and herders. On August 3, in Kalale a farmer cut off the hand of a herder whose herd had crossed into the farmer's field.

On June 15, the government established the High Commission for Herder Settlement in the Office of the President. The commission is mandated to address farmer-herder conflict matters, including the permanent settlement of migratory

herders.

NGOs focused on protection of persons with albinism reported societal discrimination and abuses, including infanticide of albino children, organ trafficking, and inadequate health services.

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 branches of activities and that only trade union confederations may have affiliation at a national or international level. There were no reports of significant barriers to international affiliation.

The right to strike is carefully regulated. 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 and authorities may requisition workers if minimum services are not provided.

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 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 10, the council held its first ordinary session of the year. During the session eight ministers of the government and trade unionists discussed issues, including conditions for the recruitment of new primary and secondary education teachers, arrangements for a smooth start of the academic year 2021-2022, and COVID 19 prevention in schools. 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.

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 regarding 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 serious 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.

The Ministry of Labor conducted child labor inspections throughout the year for apprenticeship agreements, most notably in the construction sector, where they issued warnings and conducted follow up inspections upon discovery of child labor. In some cases, the Ministry of Labor shut down construction operations until contractors complied with forced labor norms.

The government repatriated 14 victims of labor trafficking who had been trafficked to Gabon. The victims were identified in January and returned to Benin on September 29.

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. Inspection was inadequate, and 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 but were not consistently enforced. There were no reports of prosecutions or convictions during the year.

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 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 were 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 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.

e. Acceptable Conditions of Work

Wage and Hours Laws: The government set minimum wage scales for several occupations in the formal sector that were slightly higher than the poverty level. The minimum wage was 40,000 CFA francs (\$72) per month and had not been amended since 2016. 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. The labor code also mandates premium pay for overtime and prohibits excessive compulsory overtime.

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and

Microcredit were responsible for enforcement of the minimum wage and hours of work standards. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or enforce these standards in the large informal sector. 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. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales.

Occupational Safety and Health: The law establishes appropriate occupational safety and health standards (OSH). Provisions of the law related to acceptable conditions of work apply to all formal-sector workers including migrants. 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 OSH standards. The ministries did not effectively enforce these standards, especially in the large informal sector. The government has the authority to require employers to remedy dangerous work conditions but did not effectively do so. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales. 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.

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 mechanical and carpentry shops, children worked near dangerous tools and equipment, and some adults and children lacked adequate

protective gear. No data on workplace fatalities and accidents were available.

Informal Sector: 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, wages below the poverty level, and no social security coverage. They often endured substandard working conditions and were exposed to occupational risks in agriculture, construction, and mining.