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Commission de l'immigration
et du statut de réfugié du Canada

Benin: Treatment of sexual minorities by society and the authorities, including legislation, state protection provided and support services (2014-July 2015)

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Sources state that information on the situation of sexual minorities in Benin is scarce (HRC and Human Rights First July 2014, 6; LGBTnet [July 2012]; Quebec 2014, 16).

1. Legislation and Application

Sources state that same-sex sexual activity is not criminalized in Benin (ibid.; US 25 June 2015a, 20; ILGA May 2015, 25). However, other sources state that it is illegal (Switzerland 14 Oct. 2014; US Feb. 2014, 2; AI June 2013, 69). The 2013 edition of the State-sponsored Homophobia. A World Survey of Laws: Criminalisation, Protection and Recognition of Same-sex Love report by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), explains that, because of a misinterpretation of an unofficial translation of the Penal Code in Benin, the previous editions of this report wrongly indicated that homosexuality was illegal in Benin (ILGA May 2013, 20). According to an information guide produced by the Quebec government's Ministry of Immigration, Diversity and Inclusion on the situation of sexual minorities in the countries of origin of people who have emigrated to Quebec, a project to reform the penal code provided for the criminalization of homosexuality, but it was not pursued (Quebec 2014, 16). In its Freedom in the World annual report for 2015, Freedom House refers to the "Penal Code of 1996" (Freedom House 2015). However, the Quebec government's information guide states that the penal code in effect in Benin is [translation] "that of French West Africa from 1877 [to which the territory of Benin belonged]," and it has since been modified and "does not criminalize homosexuality" (Quebec 2014, 16). In the State-sponsored Homophobia report of 2015, ILGA notes that the amended Penal Code

of 1877 is still in effect (ILGA May 2015, 31).

Sources note that Benin's Penal Code sets the age of consent for same-sex sexual activity at 21 years old and 13 years old for sexual acts between heterosexuals (ibid.; Freedom House 2015; Quebec 2014, 16); this amendment came into force in 1947 (ibid.; ILGA May 2015, 31). Sources also note that there are no legislative measures against discrimination based on sexual orientation (Freedom House 2015; LGBTnet [July 2012]).

In its advice to travellers, the US Department of State indicates that "[i]n general, Beninese authorities do not act against those involved in same-gender relationships" (US 25 June 2015b). However, it also states, without providing further details, that "Benin's laws on sexual morality provide scope for authorities to act against a range of sexual behaviour" (ibid.). Similarly, the Government of Canada advises travellers that "[h]omosexual behaviour [in Benin] could lead to arrest under laws such as indecent exposure" (Canada 16 July 2015). Country Reports on Human Rights Practices for 2014, published by the US Department of State, notes however that in 2014 there were no reports of criminal or civil cases involving consensual same-sex persons (US 25 June 2015a, 20). Corroborating or further information on prosecutions in recent years could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Sexual Minorities

Sources state that homosexuality is generally not accepted in Benin (Canada 16 July 2015; UK 8 June 2015; GenEq Benin 22 Aug. 2014). According to sources, it is preferable for sexual minority persons to be discrete about their sexual orientation (ibid.; US 25 June 2015b; UK 8 June 2015). Similarly, the Quebec government's information guide states [translation] "that it seems a strong social stigma limits public affirmation of sexual orientation or of non-compliant identity" (Quebec 2014, 16).

According to Country Reports 2014, no case of discrimination or of violence based on sexual orientation was noted in 2014 (US 25 June 2015a, 20). It is also written in the Quebec government's information guide that [translation] "physical attacks are reportedly rare, and hostility is expressed more through verbal assault, namely against effeminate men" (Quebec 2014, 16). However, in a column published on the blog of GenEq Benin, a committee on sexual equality and the empowerment of women of the Peace Corps in Benin (GenEq Benin N.d.), the president of the Hirondelle Club, a Beninese LGBT association that meets every Monday in Cotonou, states that he has met "individuals who have been driven out of their homes after being seen kissing another man, individuals who have been victims of assaults both physical and verbal and in extreme situations, individuals who have ended their lives over their sexuality" (ibid. 22 August 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Country Reports 2014 states, without providing details, that "a growing number of citizens were open about their sexual orientation or gender identity" (US 25 June 2015a, 20). According to a 2013 article from *Confrère de la matinée*, a Beninese daily, homosexual men are increasingly daring to be open about their sexuality in Benin (Le *Confrère de la matinée* 24 Oct. 2013). The Quebec government's information guide states [translation] "[t]hat there are hidden networks that enable sexual minorities to break their isolation," adding, without providing details, that "[s]ome public places, bars and beaches, are ... known to be places where gay men can meet and seek relationships" (Quebec 2014, 16).

3. Support Services

According to Country Reports 2014, the LGBT community in Benin "remains largely disorganized and hidden" (US 25 June 2015a, 20). However, the Quebec government's information guide states that [translation] "[s]ome organizations have recently been created to defend the rights of sexual minorities, and a public event was organized in

2013" (Quebec 2014, 16). According to Le Confrère de la matinée, in May 2013, a conference-debate on homosexuality in the world and in Benin brought together about 100 people to the French Cultural Centre (Institut français) in Benin and was held [translation] "with faces uncovered" (Le Confrère de la matinée 24 Oct. 2013). The source adds that in October 2013 there were nine gay rights organizations in the country (ibid.). According to the column published on the GenEq Benin blog, "several organizations and support groups exist in major cities like Cotonou and Parakou," and more than 10 meet "on a regular basis" (GenEq Benin 22 Aug. 2014). The same source adds that the French Cultural Center hosts a monthly discussion in order to "reduce ignorance and homophobia" (ibid.).

The Benin Synergy Plus network (Bénin synergie plus, BESYP) is described as a coalition of LGBTI associations (Afro-Bénin N.d.; ELSA N.d.a). The following information comes from the Together, Let's Fight AIDS in Africa (Ensemble luttons contre le sida en Afrique, ELSA) platform, a group of 6 French associations who have 80 African associations as partners (ibid. N.d.b). The BESYP network fights against HIV/AIDS, sexually transmitted diseases and for the rights of LGBTI persons and sex workers. The BESYP network's activities include, among other things, screening and prevention of HIV/AIDS, information dissemination, training of persons/resources from the LGBT environment, public awareness and the organization of [translation] "festive gatherings" and meetings between LGBT associations. The BESYP network is located in Cotonou and has offices in Porto-Novo. Its members include the following organizations:

Adorable club;

Association for Solidarity and the Future of Youth (Association pour la solidarité et l'avenir de la jeunesse, ASAJ);

Friends of the Voiceless (Amis des sans voix, ASV);

Benin Life Hope Rainbow (Espoir vie arc en ciel au Bénin, EVAB);

MADNICE;

Union for Solidarity and Mutual Aid for Development (Union pour la solidarité et l'entraide pour le développement, USED);

The Queens (ibid. n.d.a).

Information on these organizations could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Another organization, the Women's Association for Guided Change (Association des femmes pour une relève orientée, AFRO-Bénin), describes itself as [translation] "the only female association from the LGBT-I community in Benin" (Afro-Bénin N.d.). Information on the association's activities could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on state protection provided to sexual minorities could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Amnesty International (AI). June 2013. Quand aimer devient un crime. La criminalisation des relations entre personnes de même sexe en Afrique subsaharienne. (AFR

01/001/2013) [Accessed 20 July 2015]

Association des femmes pour une relève orientée (AFRO-Bénin). N.d. "AFRO-Bénin." [Accessed 20 July 2015]

Canada. 16 July 2015. Voyage.gc.ca. "Bénin." [Accessed 21 July 2015]

Le Confrère de la matinée. 24 October 2013. Félix Mahougnon. "Société : l'homosexualité au Bénin." [Accessed 21 July 2015]

Ensemble luttons contre le sida en Afrique (ELSA). N.d.a. "BESYP." [Accessed 27 July 2015]

_____. N.d.b. "Qui sommes-nous?" [Accessed 27 July 2015]

Freedom House. 2015. "Benin." Freedom in the World 2015. [Accessed 20 July 2015]

GenEq Benin. 22 August 2014. Emily Becker. "A Fight Yet to Be Won." [Accessed 20 July 2015]

_____. N.d. "About." [Accessed 24 July 2015]

Human Rights Campaign Foundation (HRC) and Human Rights First. July 2014. Report: The State of Human Rights for LGBT People in Africa. [Accessed 20 July 2015]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2015. Aengus Carroll and Lucas Paoli Itaborahy. State-sponsored Homophobia. A World Survey of Laws: Criminalisation, Protection and Recognition of Same-sex Love. [Accessed 20 July 2015]

_____. May 2013. Lucas Paoli Itaborahy and Jingshu Zhu. State-sponsored Homophobia. A World Survey of Laws: Criminalisation, Protection and Recognition of Same-sex Love. [Accessed 20 July 2015]

LGBTnet. [July 2012]. "Benin." [Accessed 20 July 2015]

Quebec. 2014. Ministère de l'Immigration, de la Diversité et de l'Inclusion, Direction des politiques et programmes de francisation et d'intégration. Réalités juridiques et sociales des minorités sexuelles dans les principaux pays d'origine des personnes nouvellement arrivées au Québec. Guide d'information. Troisième édition. [Accessed 20 July 2015]

Switzerland. 14 October 2014. Federal Department of Foreign Affairs. "Conseils aux voyageurs - Bénin." [Accessed 21 July 2015]

United Kingdom (UK). 8 June 2015. GOV.UK. "Foreign Travel Advice: Benin." [Accessed 23 July 2015]

United States (US). 25 June 2015a. Department of State. "Benin." Country Reports on Human Rights Practices for 2014. [Accessed 20 July 2015]

_____. 25 June 2015b. Department of State, Bureau of Consular Affairs. "Benin." [Accessed 20 July 2015]

_____. February 2014. Library of Congress, Law Library. Laws on Homosexuality in African Nations. [Accessed 20 July 2015]

Additional Sources Consulted

Oral sources: Arc-en-ciel Bénin; Association des femmes pour une relève orientée (AFRO-Bénin); Bénin synergie plus; Centre de réflexions et d'actions pour le développement intégré et la solidarité; Commission béninoise des droits de l'homme; Ligue pour la défense des droits de l'homme; Recherches actions communautaires

initiatives pour un nouvel espoir.

Internet sites, including: 24 heures au Bénin; 76 Crimes; Africagay contre le sida; Afriquinfos; AllAfrica; AMSHeR; ARC International; Association des lesbiennes et des gais sur Internet - Comité de solidarité internationale; Association stop homophobie; Belgium - Conseils par destination; Commission béninoise des droits de l'homme; Cotonou.com; ecoi.net; Factiva; Fédération internationale des ligues des droits de l'homme; France - Conseils aux voyageurs; Forced Migration Review; GlobalGayz; Human Rights Watch; International Gay & Lesbian Human Rights Commission; International Gay & Lesbian Travel Association; IRIN; Jeune Afrique; Jolome News; Koaci; Libération; Le Matinal; La Nouvelle Tribune; Radio France internationale; Réseau des institutions nationales africaines des droits de l'homme; Slate Afrique; Le Soleil Bénin; United Nations - Office of the High Commissioner for Human Rights, Refworld.

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