



## Freedom in the World 2016 - Benin

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Freedom Status: Free

Aggregate Score: 82

Freedom Rating: 2.0

Political Rights: 2

Civil Liberties: 2

### Quick Facts

**Capital:** Porto-Novo

**Population:** 10,583,034

**GDP/capita:** \$825.30

**Press Freedom Status:** Partly Free

**Net Freedom Status:** N/A

### OVERVIEW

Benin remains among the most stable democracies in sub-Saharan Africa, having witnessed multiple free and fair elections and peaceful transfers of power since the country's transition to democracy in 1991. Tensions resulting from unusual political strife in recent years largely eased in 2015 following free and fair legislative and municipal elections, a declaration by President Boni Yayi that he would not amend the constitution to seek a third term, and an expansion of opposition representation in the legislature.

In May, the Netherlands suspended development assistance to the country amid suspicions that Beninese officials had misused funds intended to improve access to drinking water. Following government cooperation in investigating the case, the Dutch government resumed its assistance program by year's end.

### POLITICAL RIGHTS AND CIVIL LIBERTIES

**Political Rights:** 33 / 40 (+1)

*A. Electoral Process:* 9 / 12 (+1)

The president is elected by popular vote for up to two five-year terms and serves as both the chief of state and head of government. In November 2015, President Yayi announced that he would

cease his pursuit of a third term in the 2016 presidential election. By year's end, nearly a dozen challengers had emerged to contest the election, including Patrice Talon, a former Yayi ally. In September, the government began implementing procedures to enable Beninese citizens living abroad to participate electronically in the presidential contest, though concerns remained that burdensome registration requirements could stifle overseas voting.

Delegates to the 83-member, unicameral National Assembly serve four-year terms. Legislative elections were held in April under a reformed electoral code with stronger mechanisms for guaranteeing the transparency and integrity of the vote. Among other improvements, the code made the Autonomous National Electoral Commission, which includes representatives from both the ruling party and the opposition, a permanent electoral body. International observers deemed the elections free and fair, noting only minor logistical issues, including delays in some poll openings and shortages of voting materials. Yayi's Cowry Forces for an Emerging Benin (FCBE) won 33 seats, compared with 41 in the 2011 polls. The Build the Nation Union (UN) coalition took 13, and the opposition Democratic Renewal Party (PRD) took 10. Smaller parties split the remainder. The results produced a nearly even split between government loyalists and their opponents, with a slight advantage for the opposition.

Local elections, delayed for two years, were held in June. The vote proceeded smoothly and without serious problems, although turnout was low at just under 60 percent. Despite its poor showing in the legislative elections, the FCBE performed strongly at the local level, taking 493 seats on municipal councils, with the UN coalition winning 205 and the PRD capturing 132.

#### *B. Political Pluralism and Participation: 16 / 16*

Benin has historically been divided between northern and southern ethnic groups. Support for Yayi and the FCBE is based primarily in the north, while much of the opposition's support comes from the south. There are dozens of political parties in Benin, and they are able to operate openly regardless of ethnic or regional affiliation.

The weakening of the FCBE in the National Assembly following the April 2015 elections significantly increased the power of opposition forces. The National Assembly elected Adrien Houngbédji, head of the PRD, as its president, and several other opposition politicians assumed high-profile cabinet roles.

#### *C. Functioning of Government: 8 / 12*

Yayi came to power in 2006 on an anticorruption platform and subsequently enacted a number of measures to combat graft, including an internationally praised audit of 60 state-run companies. Corruption nevertheless continues to be a problem in Benin. In 2013, the government created the National Anti-Corruption Authority (ANLC), a move that has been praised by the international community. However, while the ANLC has the ability to hear complaints, recommend measures, and pass cases to the courts, it has no enforcement authority. The body received its first funding in 2015, and worked to build its operational capacity and engage with civil society during the year.

In May, the Dutch government cut off development aid to Benin amid allegations that local officials had embezzled more than \$4 million intended for water and sanitation programs. In July, an independent audit concluded that fraudulent contracts, primarily in the energy and water ministry, had been used to misappropriate the funds. The audit implicated parliamentarian Barthélemy Kassa, who previously served as head of the ministry, as well as dozens of other officials and business figures. In August, the National Assembly rejected a motion to revoke Kassa's parliamentary immunity. Investigations into other individuals named in the report were ongoing at year's end.

**Civil Liberties:** 49 / 60*D. Freedom of Expression and Belief:* 15 / 16

Constitutional guarantees of freedom of expression are largely respected in practice. Print media exhibit pluralism of opinion and viewpoints. However, most media outlets receive direct financial support from politicians, and few are considered genuinely independent.

In January 2015, the National Assembly adopted legislation abolishing prison terms for numerous press offenses, including defamation, but retained high financial penalties. In recent years, the High Authority of Broadcasting (HAAC), the media regulatory body, has aggressively pursued certain media outlets with financial sanctions and suspensions, though no such incidents were reported in 2015.

The government does not restrict internet access, but penetration is still very low. Nonetheless, an increasing number of entities, from official news outlets to private bloggers, are publishing online.

The government actively seeks to ensure religious and academic freedoms. While the majority of Beninese identify themselves as either Muslim or Christian, many also practice some form of voodoo. Confrontations between religious groups are rare.

*E. Associational and Organizational Rights:* 12 / 12

Freedom of assembly is generally respected, and requirements for permits and registration are not usually enforced. In an exceptional case in May 2015, security forces in Cotonou used tear gas to violently disperse a demonstration against police harassment of an opposition politician. Following the incident, the interior ministry announced a ban on all public protests until the conclusion of local elections in June.

Nongovernmental organizations (NGOs), including human rights groups, operated freely in 2015.

The right to organize and join labor unions is constitutionally guaranteed. While the guarantee extends to government employees, these individuals are restricted in their ability to bargain collectively. A 2011 law extended a ban on the right of military personnel and police officers to strike to include customs officers as well as water and forestry workers. Unions have historically played an active role in Beninese politics, and many were involved in the 2014 mass demonstrations protesting delayed local elections. In February 2015, police in the town of Abomey prevented a local primary teachers' union from holding a march to protest unpaid social security benefits. In March, teachers organized a national strike to demand a pay increase in line with recent raises for other government employees.

*F. Rule of Law:* 12 / 16

Judicial independence is generally respected by the executive branch, but the courts are highly inefficient and susceptible to corruption, largely due to their persistent lack of funding. A series of strikes led by the National Union of Magistrates of Benin (UNAMAB) to protest a variety of issues – including executive interference in the judiciary, the dismissal of judges critical of the Yayi administration, and unpaid salaries – paralyzed the court system in 2014. Continuing strike actions in 2015, though fewer than in 2015, resulted in similar dysfunction. Judges staged a brief walk-out in April to protest the unilateral appointment of several new magistrates by the executive branch. In September, after the government continued to recruit magistrates without consulting UNAMAB as legally required, the union launched a monthlong strike.

Prison conditions are harsh, and overcrowding is a major problem. Criminal cases are rarely processed in a timely manner. In 2012, Benin ratified an international treaty to abolish the death penalty, and promulgated a new code of criminal procedure in 2013 to reflect the change. Torture as a sentence for a crime is banned by the new code, though reports of abuses by police continue to occur.

Relations among Benin's ethnic groups are generally amicable, although regional divisions occasionally flare up, particularly between the north and south. Minority ethnic groups are well represented in government agencies, the civil service, and the armed forces. The constitution prohibits discrimination based on race, gender, and disability, but it does not protect individuals from discrimination based on sexual orientation. Nevertheless, the only legislation directly restricting the rights of LGBT (lesbian, gay, bisexual, and transgender) people is the penal code of 1996, which imposes a higher age restriction on the age of consent for same-sex sexual activity (21) than for heterosexual activity (13).

#### *G. Personal Autonomy and Individual Rights: 10 / 16*

In 2013, the government released a decree to better control roadblocks around the country and to reduce the incidence of extortion, although it is unclear how well this has been enforced. Due to widespread poverty, economic activity continues to be restricted, but changes to the processes surrounding business registration, anticorruption efforts, and regulatory reform since 2010 have improved Benin's commercial environment.

The constitution provides for gender equality, and a national gender promotion policy aims to achieve gender equality by 2025. However, movements to improve female representation in electoral politics have been largely unsuccessful. Only six women were elected to the National Assembly in 2015, a decrease from the eight elected in 2011. Women enjoy fewer educational and employment opportunities than men, particularly in rural areas. A 2004 family code improved women's inheritance, property, and marriage rights, and prohibited forced marriage and female genital mutilation, but it has not been strongly enforced.

Human trafficking is widespread in Benin; the vast majority of victims are girls trafficked domestically from rural to urban areas. A law formally outlawing the trafficking of children was passed in 2006, but no legislation specifically addresses the trafficking of adults.

#### **Scoring Key: X / Y (Z)**

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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