



Freedom in the World 2014 - Benin

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2014 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 2.0

Civil Liberties (1 = best, 7 = worst): 2

Political Rights (1 = best, 7 = worst): 2

Trend Arrow: ↓

Benin received a downward trend arrow due to increasing efforts by the executive to consolidate power, as demonstrated by the continued detention of alleged coup plotters despite a judge's dismissal of their charges, the placement of the judge under house arrest, and politicized bans on a number of planned demonstrations and protests throughout the year.

OVERVIEW

While Benin continues to be among the most stable democratic countries in West Africa, 2013 saw some deterioration in the political climate amid a scandal involving a second alleged coup attempt in two years, controversy surrounding proposed constitutional reform, and an unexpected dissolution of the government. Tensions have been increasing between President Thomas Boni Yayi and the opposition after they accused him and the Autonomous National Electoral Commission of irregularities in the 2011 presidential poll when he won his second term in office.

In March 2013, authorities claimed that they had foiled a coup attempt; they arrested the former head of Cotonou's gendarmerie company and an accountant for alleged involvement. This followed an alleged 2012 attempt to poison Yayi for which Yayi's niece, his doctor, and a former commerce minister remain in prison. Patrice Talon, a wealthy businessman and former political ally and supporter of Yayi, is accused by the administration of having coordinated both attempts. In 2012,

Talon fled to France, which has so far refused administration requests to extradite him. In May, Judge Angelo Houssou dismissed the government's case against the alleged poisoners and alleged 2013 coup plotters; when Houssou later attempted to travel to Nigeria, police stopped him and seized his passport. Houssou fled to the United States in December and was seeking asylum there, saying his life had been threatened in Benin.

Controversy and robust public debate surrounded Yayi's efforts to pass constitutional amendments through the National Assembly in 2013. The president denied accusations that he would use the changes to secure another term for himself by extending the presidential term limit. Instead, his administration argued that the amendments would modernize the government and allow them to better combat corruption. Despite Benin's tradition of public consultation during periods of serious political reform, harking back to the 1990 national conference when the current constitution was agreed upon, the attempted constitutional reform was criticized for undue haste and lack of engagement with civil society. In June, the president did not renew the mandate of Robert Dossou, the president of the Constitutional Court and an individual well known for opposing changes to the constitution. In September, the law commission of the National Assembly rejected the proposed amendments, with a number of Yayi's former allies opposing the reform.

In August 2013, Yayi made a surprise move to dismiss his cabinet, ultimately replacing about half of the ministers and eliminating the recently recreated position of prime minister, reportedly amid disagreements between the prime minister and the president. Many of the new appointments had little prior experience in the position for which they had been chosen and some of those dismissed reportedly opposed revising the constitution. The administration claimed the restructuring was in order to "breathe a new dynamic" into the government ahead of planned antipoverty reforms. In October, Yayi again restructured his cabinet, this time saying it was for technical reasons, creating one new position and drawing accusations of disorganization.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 32 / 40

A. Electoral Process: 8 / 12

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. Delegates to the 83-member, unicameral National Assembly and the prime minister all serve four-year terms. In April 2013, a revised Electoral Code was unanimously passed in the National Assembly; its revisions included making the Electoral Commission (the CENA) a permanent body and requiring presidential candidates to prove nationality and residency of Benin. The controversial requirement in the draft code prohibiting presidential candidates from having dual nationality was removed before the final draft after heated debate in the National Assembly. However, Benin continued a long pattern of municipal elections characterized by disorganization and delay; elections scheduled for April 2013 were initially postponed to allow time for the new Electoral Code to come into effect, but had not been held by year's end.

Despite delays, serious problems with the new electronic voting system, and doubts about the performance of the Autonomous National Electoral Commission, international observers deemed the 2011 presidential and legislative polls largely free and fair. Five major opposition parties of the south united for the first time since independence to form the Build the Nation Union (UN), which

fielded former prime minister Adrien Houngbédji as its candidate for president. In March 2011, Yayi was reelected with 53 percent of the vote. Houngbédji, who received 36 percent, refused to accept the results and appealed to the Constitutional Court. The court confirmed Yayi's victory, leading to mass opposition demonstrations that were dispersed with tear gas and other police violence.

Houngbédji's refusal to accept the results undermined the opposition's campaign for the April legislative polls. Yayi's coalition gained a majority, winning 49 of 83 National Assembly seats, with 41 going to his core party, the Cowrie Forces for an Emerging Benin (FCBE). This majority is enough to push through legislation but not constitutional reform, assuaging concerns that Yayi would seek to amend the constitution to allow for a third term. At the end of 2011, the position of prime minister, abolished since 1998, was reinstated.

B. Political Pluralism and Participation: 16 / 16

Historically, Benin has been divided between northern and southern ethnic groups. Yayi's support comes primarily from the north, while the main opposition parties, including Adrien Houngbédji's Democratic Renewal Party (PRD), hail primarily from the south. There are dozens of different small political parties, and they are typically allowed to operate openly regardless of ethnic or regional affiliation.

While Yayi's coalition has typically held a clear majority in the National Assembly, the links between the many disparate parties that it comprises have long been tenuous. This year's controversy over the proposed constitutional revision led a number of ministers to defect and form a new parliamentary group, weakening Yayi's hold over the legislature.

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. In August 2011, the National Assembly voted unanimously to pass an antigraft law, initially proposed by Yayi in 2006, which requires government employees to declare their assets when they enter and leave office, and in 2013 a National Anti-Corruption Authority (ANLC) was created. Despite these moves, Yayi has generally not lived up to his promises on corruption, and his antigraft measures have gradually deteriorated over the last few years as his tolerance for opposition appears to wane. Despite the creation of the ANLC, for example, the president directly appoints its members, posing a potential conflict of interest, and by the end of 2013 they had not yet been given the resources to carry out their mandate, despite having received a number of cases.

Yayi's unsuccessful push to revise the constitution in 2013 was criticized for a lack of transparency, particularly for his perceived attempt to accelerate the process; civil society representatives complained that there had been no public consultation process.

Civil Liberties: 48 / 60 (-2)

D. Freedom of Expression and Belief: 15 / 16

Constitutional guarantees of freedom of expression are largely respected in practice, though they were more at risk around the 2011 elections as the High Authority of Broadcasting (HAAC) handed out sanctions and suspensions with particular ease. Domestic respect for the HAAC has declined since 2011, when the president appointed a new chairman whom many considered to be a Yayi partisan. In a continuation of problems for the private television station Canal 3, which in 2012 had been suspended for "undermining national unity," the director of the station was in January 2013 fined and sentenced to three months in prison for airing a press conference in which the president's former spokesman accused administration members of corruption. The spokesman was sentenced to six months in prison; however, by the end of the month, Yayi had issued a pardon for both individuals.

Libel and defamation remain criminalized in Benin, though they are rarely prosecuted. A pluralistic press publishes articles that are highly critical of both government and opposition leaders, though most media outlets receive direct financial support from politicians and few are considered genuinely independent.

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. Benin reportedly has the world's fastest-growing Roman Catholic population. Yayi is frequently criticized by the opposition for favoring the country's evangelical Christian population, though these criticisms are generally thought to be unfounded.

E. Associational and Organizational Rights: 11 / 12 (-1)

Freedom of assembly is respected, and requirements for permits and registration have often been ignored. Nonetheless, demonstrators encountered more problems than usual surrounding the 2011 elections, as widespread opposition demonstrations were at times violently suppressed by the police and some protesters were arrested. In 2013, a number of peaceful protests were allowed to proceed unhindered, including those organized by an opposition protest movement known as Red Wednesday. At the same time, the organizers of some planned protests said their demonstrations had been banned, including one led by opposition politicians opposing the planned constitutional amendments and another by trade unions protesting alleged fraud related to employment examinations for the Ministry of Finance.

Nongovernmental organizations and human rights groups operated freely in 2013. The right to organize and join labor unions is constitutionally guaranteed, even for government employees and civil servants. The right to strike, however, is more limited; in 2011 a new law extended a ban on the right to strike for military personnel and police officers to include customs officers and water and forestry workers. Unions played a central role in the country's democratization and were a vocal force supporting Yayi's opponent, Houngbédji, in the 2011 presidential election.

F. Rule of Law: 12 / 16 (-1)

The judiciary's independence is generally respected by the executive branch, but the courts are highly inefficient and susceptible to corruption, largely due to their serious and persistent lack of funding. Nevertheless, the Constitutional Court demonstrated remarkable independence in 2010, when it ruled on a number of complex issues regarding electoral reform, and in 2011, during a

controversy that erupted when Houngbédji refused to accept the presidential election result. However in 2013, Yayi chose not to renew Dossou's mandate as president of the Constitutional Court, a decision critics claimed was connected to his opposition to constitutional changes. In June, the nation's judges went on strike for 72 hours to protest the treatment of Houssou, the judge who dismissed the government's cases against the alleged poisoners and coup plotters, and to draw attention to what they called Yayi's "provocative" appointment of a number of new judges. In November 2013, lawyers for the government filed a complaint against Houssou at the Supreme Court, accusing him of illegally attempting to leave the country. By the end of the year Houssou had applied for and been granted asylum in the United States.

Prisons are harsh and overcrowded, and criminal cases are rarely processed in a timely manner. In 2012, Benin ratified an international treaty indicating its commitment to abolish the death penalty. A new Code of Criminal Procedure was passed by the National Assembly in March 2012, but in August the Constitutional Court concluded that provisions for the death penalty that it contained were unconstitutional. The National Assembly amended the code, which was finally promulgated by Yayi in March 2013. There have been no executions in Benin for 26 years. The new code also bans torture as a sentence for a crime, though it may still be permissible as a disciplinary measure in jails.

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. Constitutional restrictions prohibiting discrimination based on race, gender, and disability are in place, but these are not extended to sexual orientation. Nonetheless, the only law directly restricting homosexuality is the Penal Code of 1996 that 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

Due to the high level of poverty economic activity continues to be restricted. But gradual improvements have been seen since 2010 in the bureaucracy around starting a business. In 2013 for example, the government reduced some of the fees associated with the process, streamlining commercial registry into one place, and reducing the confusion and costs associated with the starting a company.

Although the constitution provides for gender equality and a national gender promotion policy aims to achieve gender equality by 2025, women enjoy fewer educational and employment opportunities than men, particularly in rural areas. A family code promulgated in 2004 improved women's inheritance, property, and marriage rights, and prohibited forced marriage and female genital mutilation, but these laws have not been well enforced. Women hold only eight of the total 83 seats in the National Assembly, down from eleven in the previous Assembly.

Human trafficking is widespread in Benin; the vast majority of victims are girls trafficked inside the country from rural to urban areas. A law formally outlawing the trafficking of children was passed in 2006, but there is no legislation specifically addressing the trafficking of adults. In the Walk Free Foundation's 2013 Global Slavery Index, Benin was ranked as having the world's seventh-highest prevalence of enslaved people per capita.

Scoring Key: X / Y (Z)

X = Score Received
Y = Best Possible Score
Z = Change from Previous Year

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