



Freedom in the World 2015 - Benin

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2015 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

OVERVIEW

Although Benin remains among the most stable democracies in West Africa, its political sphere in 2014 was characterized by tensions surrounding public discontent with President Thomas Boni Yayi, the consequences of alleged coup attempts in 2012 and 2013, proposed constitutional reforms, and delayed local elections. Opposition discontent with the continued delay of local elections – originally scheduled for April 2013 but postponed following problems with the electronic voter roll system – led to protests in 2014, including a mass demonstration held in October in the economic capital, Cotonou. Opposition members also expressed discontent at continued attempts by Yayi's coalition to pass controversial constitutional reforms through the National Assembly, with critics worried that the changes would allow Yayi to run for a third presidential term. After the proposals were repeatedly rejected, Yayi publicly declared an end to the particular reform initiative, though the issue was widely discussed throughout the year. In May, the president extended a pardon to the alleged participants of a 2012 coup attempt, most of whom had been imprisoned.

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 serve four-year terms. Local elections in Benin have been characterized by disorganization and delay; elections scheduled for April 2013 had not taken place by the end of 2014.

Despite delays, serious problems with the new electronic voting system, and doubts about the performance of the Autonomous National Electoral Commission (CENA), international observers

deemed the 2011 presidential and legislative polls largely free and fair. In March 2011, Yayi was reelected with 53 percent of the vote. Former prime minister Adrien 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 campaign for the April 2011 legislative polls. Yayi's coalition gained a majority, winning 49 of 83 National Assembly seats, with 41 going to his core party, the Cowry Forces for an Emerging Benin (FCBE). This majority is enough to push through legislation but not constitutional reform. In 2013, President Yayi eliminated the office of the prime minister, a position that he had reinstated in 2011 after it had been abolished in 1998.

A revised Electoral Code was unanimously passed in the National Assembly in 2013; its revisions included making the CENA a permanent body and requiring presidential candidates to prove Beninese nationality and residency.

B. Political Pluralism and Participation: 16 / 16

Benin has historically been divided between northern and southern ethnic groups. Yayi's support comes primarily from the north, while support for the main opposition parties, including Houngbédji's Democratic Renewal Party (PRD), hails primarily from the south. Dozens of small political parties 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 its many disparate parties are tenuous. Disagreements over the proposed constitutional revision led a number of ministers to defect in 2013, 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 2013, the government created the National Anti-Corruption Authority (ANLC), a move that has been praised by the international community. However, the ANLC has appeared to focus primarily on prevention and education. It can hear complaints, recommend measures, and pass cases to the courts, but it has no enforcement authority. The government allocated funding to the body in 2014, and the ANLC appears to be taking steps to build its capacity, increase its independence, and cooperate with civil society. In November, the body launched an investigation into corruption in the health sector. Despite this recent progress, few officials facing corruption charges have been subject to thorough investigations or disciplinary action to date.

Civil Liberties: 49 / 60 (+1)

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. The High Authority of Broadcasting (HAAC) has in recent years handed out sanctions and suspensions to media organizations for infractions such as "undermining national unity." Although rarely prosecuted, defamation remains a criminal charge. In June 2014, a Cotonou court suspended the newspaper *L'Indépendant* for three months for insulting the president in an article; the court gave a three-year suspended prison sentence and a fine to the newspaper's publisher, while the article's author received a two-month prison sentence.

In May, the government submitted to the parliament a new media bill – the Information and Communication Code – unifying existing media regulations and retaining both financial penalties and imprisonment as punishment for insulting the president and other public officials. The government does not restrict internet access, but penetration is very low.

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 (+1)

Freedom of assembly is respected, and requirements for permits and registration are often ignored in practice. Although there were instances of police violence and arrests during demonstrations surrounding the 2011 elections, as well as some allegations of protests being banned in 2013, the situation improved in 2014 as a number of large-scale protests took place largely unhindered; many protests focused on the delayed local elections, while some were inspired by the uprising in neighboring Burkina Faso.

Nongovernmental organizations and human rights groups operated freely in 2014. The right to organize and join labor unions is constitutionally guaranteed, including for government employees and civil servants. However, a 2011 law extended a ban on the right of military personnel and police officers to strike to include customs officers and water and forestry workers. A number of strikes took place in 2014, including by employees of the public sector and the judiciary.

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. In 2013, Yayi chose not to renew the mandate of the president of the Constitutional Court, a body that had exhibited consistent independence in recent years – a move that critics claimed was connected to the court president's opposition to Yayi's desired constitutional reform. Controversial judicial appointments made that year, as well as the government's treatment of a judge who had dismissed a case against the 2012 and 2013 coup plotters, sparked a judges' strike that lasted intermittently throughout 2014 despite deductions from the salaries of the strike's participants. Authorities and the National Union of Magistrates of Benin (UNAMAB) repeatedly clashed about how the government proposed to meet the union's demands, which included the correction of judicial appointments deemed "irregular" by the union, the payment of deducted wages, and enhanced security for judges. In December, amid signs of advancing negotiations with the government, UNAMAB suspended the 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, promulgating a new Code of Criminal Procedure reflecting the change in 2013. Torture as a sentence for a crime is banned by the new code, 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. 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 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, 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 well enforced. Women hold 8 of the 83 seats in the National Assembly, down from 11 in the previous Assembly, and head only 4 of the 27 government ministries.

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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