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2011 Country Reports on Human Rights Practices - Benin

EXECUTIVE SUMMARY

Benin is a constitutional democracy. On March 13, President Boni Yayi won a second, and final, five-year term in multiparty elections. In the April 30 legislative elections, President Yayi's supporting coalition, Cowry Force for an Emerging Benin, won 41 of 83 seats in the National Assembly and formed a majority coalition with the Renaissance of Benin Party and other minor supporting parties for a total of 61 seats. As a result the coalition controlled the Bureau of the National Assembly with six of the seven seats. International observers viewed both the presidential and legislative elections as free, fair, and transparent. Security forces reported to civilian authorities.

Three main human rights abuses reported during the year included police use of excessive force; violence and discrimination against women and girls, including female genital mutilation (FGM); and harsh prison conditions.

Other major human rights problems included arbitrary arrest and detention with prolonged pretrial detention. Vigilante violence occurred, as did trafficking and abuse of children, including infanticide and child labor.

Although the government made an effort to control corruption and abuses, including prosecuting and punishing public officials, officials sometimes engaged in corrupt practices with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings, including politically motivated killings. Elements of security forces occasionally shot and killed armed robbers and claimed self-defense to justify the shootings.

For example, on January 18, police shot and killed a wanted criminal in Fidjrosse, in Cotonou. The criminal, who was reported to have "challenged and made a fool of" the police officers, refused to surrender despite their warnings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were reports of such incidents. Beatings in custody reportedly were commonplace. The Constitutional Court received complaints from citizens who were brutalized by the police.

Prison and Detention Center Conditions

Prison conditions continued to be harsh and life threatening. Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. A July 2010 mediator of the republic's (ombudsman) report on the condition in the nine civil prisons indicated that prisons were overcrowded, and malnutrition and disease were common. Potable water was available. Some prisoners suffered from mental illness. There were deaths due to lack of medical care and neglect. Eight of the nine civil prisons were filled far beyond their capacity. The July 2010 ombudsman's report, commissioned by the president, indicated the total prison population (including pretrial detainees and remand prisoners) was 6,908, in a system with an official capacity of 1,900; of that number, pretrial detainees and remand prisoners totaled 5,174. Statistics from 2008 indicated that female prisoners were 3.5 percent of the prison population and that juveniles were 2.1 percent.

Women were not held together with men.

Juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners, although not with the most violent convicts or those convicted of crimes subject to the death penalty.

Prisoners and detainees had access to visitors and were permitted religious observance. There was no formal system to submit complaints to judicial authorities without censorship, but prisoners could directly address the director of the prison or complain through the normal judicial processes.

The government permitted prison visits by human rights monitors. Religious groups and nongovernmental organizations (NGOs) continued to visit prisons. Organizations that visited prisons during the year included the International Committee of the Red Cross, Amnesty International, the local chapter of Prison Fellowship, Caritas, and Prisoners without Borders.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions in practice.

Role of the Police and Security Apparatus

The police, under the Ministry of Interior, have primary responsibility for enforcing law and maintaining order in urban areas; the gendarmerie, under the Ministry of Defense, performs the same function in rural areas.

Military disciplinary councils deal with minor offenses by members of the military services; they have no jurisdiction over civilians. Civilian courts deal with crimes involving the military. The country has no military tribunal.

There is an internal affairs division of the police, called the Inspector General, which investigates internal police matters.

The police were inadequately equipped and poorly trained, but the government continued to respond to these problems by recruiting more officers, building more stations, and modernizing equipment during the year; however, problems remained, including impunity.

Arrest Procedures and Treatment While in Detention

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized official, and requires a hearing before a magistrate within 48 hours, but this was not always observed in practice. Under exceptional circumstances the magistrate may authorize continued detention not to exceed eight days. Detainees have

the right to prompt judicial determination; this was generally observed in practice. Detainees were promptly informed of charges against them. They have the right to prompt lawyer access after being brought before a judge, also generally observed. They are allowed to receive family visits, which were generally permitted in practice. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Defendants awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. Warrants authorizing pretrial detention were effective for six months and could be renewed every six months until a suspect was brought to trial. The government provided counsel to indigents in criminal cases.

There were credible reports that gendarmes and the police exceeded the legal limit of 48 hours of detention in many cases, sometimes by as much as a week. Authorities often used the practice of holding a person indefinitely "at the disposal of" the Public Prosecutor's Office before presenting the case to a magistrate.

Arbitrary Arrest: The constitution and law prohibit arbitrary arrest. However, at times the authorities did not respect these prohibitions.

Pretrial Detention: Approximately 75 percent of persons in prison were pretrial detainees; length of pretrial detention varied from two to 11 years. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. Authorities respected court orders.

Trial Procedures

While the constitution provides for the right to a fair trial, judicial inefficiency and corruption impeded exercise of this right.

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Jury trials are used in criminal cases. A defendant has the right to be present at trial and to representation by an attorney; the court provides indigent defendants with counsel upon request. A defendant has the right to confront witnesses and to have access to government-held evidence. Defendants are allowed to present witnesses and evidence on their own behalf. Defendants can appeal criminal convictions to the court of appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials are open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. The government extends the above rights to all citizens without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary 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. An individual can appeal to the Economic Community of West African States' Court of Justice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. The law requires police to obtain a judicial warrant before entering a private home, and they generally observed this requirement.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Although the constitution and law provide for freedom of speech, the government did not always respect this right. There were radio and television broadcasts in which citizens openly criticized the president's policies without reprisal; however, the government occasionally inhibited freedom of the press.

Freedom of Speech: The law provides for prison sentences involving compulsory labor for certain actions related to abuse of the right of free expression; penalties are for threats to public order or calls to violence. There were no reports that the law was invoked during the year.

Freedom of Press: The independent media were active and expressed a wide variety of views without restriction. Publications criticized the government freely and frequently. A nongovernmental media ethics commission continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was under embargo by the government.

The government continued to own and operate the most influential media organizations by controlling broadcast range and infrastructure. The majority of citizens are illiterate, live in rural areas, and generally receive their news via radio. The Office de Radiodiffusion et Television du Benin (ORTB) broadcasts in French and local languages. There were an estimated 75 private, community, and commercial radio stations, and one government-owned and five private television stations. Rural community radio stations received support from the ORTB and broadcast several hours a day, exclusively in local languages. Radio France International and the BBC broadcast in Cotonou. The government granted 350 million CFA (\$78,000) in financial assistance to the private media during the year.

Censorship or Content Restrictions: Journalists practiced self-censorship.

Libel Laws/National Security: The law criminalizes libel, and numerous journalists faced pending libel charges. The law prohibits private citizens and the press from declaring or predicting election results.

An official from a nongovernmental media ethics commission indicated that the court continued to receive libel cases against journalists during the year, but judges generally refrained from prosecuting them. Journalists continued to fight for the decriminalization of press-related offenses.

Publishing Restrictions: The High Authority of Audiovisual and Communication (HAAC) oversaw media operations and required broadcasters to submit weekly lists of planned programs and publishers to submit copies of all publications; however, the media did not comply with these requirements in practice. The HAAC claimed the information was used for administrative purposes; however, some journalists complained it was a form of harassment.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right.

The government requires permits for use of public places for demonstrations and generally granted such permits; however, the authorities sometimes cited "public order" to deny requests for permits from opposition groups, civil society organizations, and labor unions.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. The government requires associations to register and routinely granted registration.

c. Freedom of Religion

For a description of religious freedom, see the Department of State's [2010 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In-Country Movement: The presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although meant to enforce vehicle safety and customs regulations, many checkpoints served as means for police and gendarmes to exact bribes from travelers. The government maintained previously implemented measures to combat such corruption at roadblocks, but they were not always effective, and extortion commonly occurred.

Foreign Travel: The government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons. This was not always enforced, and trafficking of minors across borders continued.

The government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsmen from other countries to enter and depart freely; the government did not enforce designated entry points.

Protection of Refugees

The government has established a system for providing protection to refugees. As of November 1, there were approximately 2,700 Togolese refugees at the Agamey Refugee Camp and 200 refugees of various nationalities at the Kpomasse Refugee Camp. The government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government did not provide temporary protection during the year. If individuals do not qualify as refugees under the 1951 UN Refugee Convention, authorities direct them to the Immigration Office to apply for a residence permit.

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Employment: The government continued to permit Togolese refugees residing in local communities and refugee camps to participate in most economic activities and enroll their children in local schools.

Durable Solutions: The government and the UNHCR continued to educate Togolese refugees on the 2007 voluntary repatriation initiative. Despite the government and UNHCR's July decision to close the Kpomasse camp, the 201 remaining refugees refused

the government and UNHCR's assistance in resettling in Benin and refused to leave the camp.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The country held presidential elections on March 13 and legislative elections on April 30. International observers viewed both the presidential and legislative elections as generally free and fair. Both elections were hampered by delays on the days of the vote, usually in receiving voting materials or due to polling staff arriving late. Even with delays, all polling stations remained open the full nine hours required by law. There were no reports of eligible voters unable to cast ballots.

Political Parties: Parties could freely run candidates for election. There were no government restrictions on the political opposition. No single party or group has recently dominated politics. For legislative elections, all candidates must be associated with a political party; there were no independent candidates.

Participation of Women and Minorities: There were eight women out of 83 members in the National Assembly and eight female ministers in the 26-member cabinet. The Constitutional Court had two women among its seven justices.

The country has no majority ethnic group. Various ethnic groups were well represented in government agencies, including the civil service, and the armed forces. Nine cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups; eleven were from the Fon, Goun, and Adja ethnic groups; and six were from the Yoruba and Nago ethnic groups.

Section 4. Official Corruption and Government Transparency

Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. President Yayi continued his 2006 anticorruption initiative.

On August 30, the National Assembly approved the law to prevent corruption and related offenses that was pending since 2006.

The government took a number of actions during the year to combat corruption, including appointment of internal auditors to public companies and creation of a hotline to the presidency to enable citizens to denounce incidents of corruption. To combat customs fraud, the government established the use of scanners to inspect imported cargo before clearance as part of its Imports Verification Program (PVI).

Police corruption was widespread. Police continued to extort money from travelers at roadblocks. For example, on August 12, two police officers positioned at a roundabout called "La gaité" in Cotonou to regulate traffic were caught extorting money from travelers. The two police officers were arrested and jailed for disciplinary infraction.

The Watchdog to Combat Corruption (OLC), a governmental agency, continued to address corruption. The OLC trained observers and polling agents on measures to prevent electoral fraud during the March and April presidential and legislative elections.

It was commonly believed, and acknowledged by some judicial personnel, that the judicial system at all levels was susceptible to corruption.

The World Bank's most recent Worldwide Governance Indicators reflected that corruption continued to be a serious problem.

Public officials were not subject to financial disclosure laws.

There are no laws providing for public access to government information, and it was unclear whether requests for such access were granted.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of 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.

UN and Other International Bodies: In June 2010 an assessment team composed of two experts from the Office of the UN High Commissioner for Human Rights and the French Speaking Countries Association for Human Rights National Commissions came to the country to check whether the proposed amendments to the law on the Beninese Human Rights Commission were in line with the Principles relating to the Status of National Institutions (Paris Principles). The team provided recommendations for improvement and an implementation plan for priority action.

Government Human Rights Bodies: The government met with domestic NGO monitors through the Advisory National Human Rights Council and the Ministry of Justice, Legislation, and Human Rights. The ministry coordinated awareness campaigns to educate the populace on human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and laws prohibit discrimination based on race, gender, disability, language, and social status, but societal discrimination against women continued. Persons with disabilities were disadvantaged. The government did not take concrete measures to address those problems.

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, victims' unwillingness to take cases to the police for fear of social stigma, and corruption. The penal code does not make a distinction between rape in general and spousal rape. Prison sentences for rape convictions ranged from one to five years. From January to October 2010, civil society organizations reported 636 gender-based violence cases reported to courts and 1,316 cases to police stations and brigades in the framework of an international NGO's project to combat gender-based violence in the country. These statistics, however, did not cover gender violence in the whole country. Statistics were not available on prosecutions or convictions. Because of police lack of training in collecting evidence associated with sexual assaults and victims' ignorance of their rights and inability to present evidence in court, judges reduced most sexual offenses to misdemeanors.

The penal code prohibits domestic violence, and penalties range from six to 36 months' imprisonment. However, domestic violence against women was common. Women remained reluctant to report cases. Judges and police were reluctant to intervene in domestic disputes; society generally considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development-Benin; the Female Jurists Association of Benin (AFJB); and the Women's Justice and Empowerment Initiative through Care International's Empower Project offered social, legal, medical, and psychological assistance to victims of domestic violence. The Office of Women's Promotion under the jurisdiction of the Ministry of Family and Solidarity is responsible for protecting and advancing women's rights and welfare.

Female Genital Mutilation (FGM): The law prohibits FGM and provides for penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA (\$13,000); however, the government generally was unsuccessful in preventing the practice. Individuals who were aware of an incident of FGM but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA (\$110 to \$220). Enforcement was rare due to the code of silence associated with this crime. FGM was practiced on girls and women from infancy up to 30 years of age (although the majority of cases occurred before the age of 13, with half occurring before the age of five), and

generally took the form of excision. Approximately 13 percent of women and girls have been subjected to FGM; the figure was higher in some regions, especially the northern departments, including Alibori and Donga (48 percent) and Borgou (59 percent), and among certain ethnic groups; more than 70 percent of Bariba and Peul (Fulani) and 53 percent of Yoa-Lokpa women and girls had undergone FGM. Younger women were less likely to be excised than their older counterparts. Those who performed the procedure, usually older women, profited from it.

NGOs continued to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising public awareness of the dangers of the practice, and the government cooperated with these efforts. The Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and the display of banners. NGOs also addressed this problem in local languages on local radio stations.

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims. Under the law persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA (\$220 to \$2,200). The law also provides penalties for persons who are aware of sexual harassment and do not report it. Enforcement of these laws was lax due to law enforcement agents' and prosecutors' lack of legal knowledge and necessary skills to pursue such cases and victims' fear of social stigma. Although this specific law was not enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors. Sexual harassment was common, especially of female students by their male teachers.

Sex Tourism: There is no specific law addressing sex tourism. It was not clear whether tourists who used the services of prostitutes came to the region specifically for sex tourism. There was no evidence of government involvement or complicity.

Reproductive Rights: The constitution provides that the government should protect the family, particularly the mother and the child. The law promotes responsible fertility to reduce early and/or late childbearing and promote family planning through the distribution of contraceptives. The law guarantees couples' and individuals' reproductive rights, including access to health care, freedom to give birth, freedom of marriage, rights to nondiscrimination, access to contraception, and equal access to health care for people living with sexually transmitted infections, including HIV. The law provides penalties for the commission of all acts prejudicial to the enjoyment of sexual and reproductive health. The government generally respected these rights. An estimated 30 percent of women had an unmet need for family planning. According to the Benin Demographic and Health Survey, 88 percent of women benefitted from prenatal care given by health personnel (80 percent by nurses and midwives, 4 percent by physicians, and 4 percent by others). The proportion of women who had access to prenatal care provided by physicians was higher in Cotonou (18 percent) and other cities (5 percent) than in rural areas (3 percent). The maternal mortality rate was 397 deaths per 100,000 live births; factors contributing to the high rate were delivering without adequate medical assistance and unhygienic conditions during birth.

Discrimination: Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive discrimination because of societal attitudes and resistance to behavioral change.

Women are no longer subject to customary law (Coutumier du Dahomey). The code of persons and the family bans all discrimination against women regarding marriage and provides for the right to equal inheritance.

In response to a complaint filed by a woman being prosecuted for adultery in 2009, the Constitutional Court ruled that adultery-related provisions contained in the penal code are unconstitutional on the grounds that these provisions discriminate against women.

In rural areas women traditionally occupy a subordinate role and are responsible for much of the hard labor on subsistence farms. In urban areas women dominated the informal trading sector in the open-air markets. During the year the government and NGOs continued to educate the public on the sections of law that provide women with

inheritance and property rights and significantly increase their rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy.

In practice women experienced discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses. Women do not face legal restrictions but may face societal restrictions and discrimination. During the year the government granted microcredit to poor persons, especially to women in rural areas, to help them develop income-generating activities. An estimated 816,936 women benefited from these microcredit projects since they began in 2007.

Children

The Ministry of Family is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family have oversight roles in the promotion of human rights with regard to child welfare.

Birth Registration: Citizenship is derived by birth within the country's territory and/or from one's parents. Particularly in rural areas, parents often did not declare the birth of their children, either out of ignorance 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. The government issued birth certificates to children who did not have one through an Administrative Census for Birth Registration. Several donors operated programs to increase the number of registered children. For example, over the last three years, the NGO PLAN International has supported the free registration of children who need to take the primary school leaving exam (without a birth certificate, children may attend primary school but cannot take the exam). UNICEF and the NGOs Catholic Relief Services and World Education also supported the government's campaign to register every birth.

Education: Primary education was compulsory for all children between six and 11 years of age. Education became tuition-free for all children starting with the 2007-08 school year, but in some parts of the country girls received no formal education. Parents often voluntarily paid tuition for their children because many schools had insufficient funds. According to UNICEF, the net primary school enrollment rate in 2007 was approximately 93 percent for boys and 83 percent for girls. The enrollment rate for secondary education was much lower for girls. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent, compared to 50 percent male literacy.

Child Abuse: FGM was practiced on girls. This practice was largely limited to remote rural areas in the north (see section 6, Women).

Child Marriage: The law prohibits marriage under 18 years of age, but underage marriage (14 to 17 years of age) was permitted with parental consent. Child marriage included forced marriage, barter marriage, and marriage by abduction. A 2008 gender-based violence survey conducted in 13 communes indicated that 23 percent of the 594 children interviewed were subjected to forced and precocious marriage. As part of forced marriage, there is a tradition in which a groom 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 that communities concealed the practice.

Sexual Exploitation of Children: The penal code provides penalties for rape, sexual exploitation, corruption of minors, procuring, and facilitating prostitution, and it increases penalties for cases involving children under 15 years old. The child trafficking law provides penalties for people involved in sexual exploitation of children as a result of child trafficking. Under the penal code, individuals involved in child prostitution, including those who facilitate and solicit it, face imprisonment of two to five years and fines of 1,000,000 to 10,000,000 CFA (\$2,000 to \$20,000). The law does not specifically prohibit child pornography. The de facto minimum age for consensual sex is 18 years.

Child prostitution continued in some areas. Some children, including street children, engaged in prostitution to support themselves without third-party involvement. The penal code prohibits child prostitution; however, enforcement was limited, and the

commercial sexual exploitation of children occurred. A 2009 report on the commercial sexual exploitation of children in 11 communes indicated that 43.2 percent of surveyed children (ages 12-17) who engaged in prostitution were also subjected to commercial sexual exploitation.

Through the traditional practice of vidomegon, which literally means "placed child," poor, generally rural, families place a child in the home of a wealthier family. The child receives living accommodations but often faces long hours of work, inadequate food, and sexual exploitation. Sometimes the income generated by the child's activities is split between the child's parents and the urban family that raises the child. Vidomegon traditionally was intended to provide better educational opportunities and a higher standard of living for children of poor families; however, this practice has made children more vulnerable to labor exploitation and to trafficking. Up to 95 percent of the children in vidomegon were young girls. Several local NGOs led public education and awareness campaigns to decrease the practice.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children, but many such cases never reached the courts due to lack of awareness about the law and children's rights, lack of access to the courts, or fear of police involvement.

Infanticide: Despite widespread NGO campaigns, the traditional practices of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (because they were considered sorcerers) continued.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There was no known Jewish community, and there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, see the Department of State's [2011 Trafficking in Persons Report](#).

Persons with Disabilities

The law does not explicitly prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities in education, access to health care, or provision of other state services; however, the law provides that the government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Insertion of Persons with Disabilities under the jurisdiction of the Ministry of Family coordinated assistance to disabled people through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with limited effectiveness during the year. The Office of Labor under the Ministry of Labor and Civil Service and the Ministry of Family are responsible for protecting the rights of persons with disabilities.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws explicitly criminalizing same-sex sexual activity. There were no reports of criminal cases involving homosexuality. There were no reports of societal discrimination or violence based on a person's sexual orientation.

Other Societal Violence or Discrimination

There were no reports of discrimination or violence based on HIV/AIDS status. It is illegal to discriminate against persons, at any stage of hiring or employment, based on their HIV status.

The police generally ignored vigilante attacks, and incidents of mob violence continued to occur, 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. For example, on January 2, residents of Klogbome in the commune of Dangbo, in the southeast, chased, caught, and burned to death an individual riding a motorbike that he allegedly had just stolen from a nurse's aide in the neighboring village of Hetin Houedomey. The victim was reported to be a well-known and feared criminal who had been operating in the area for years. The police did not investigate the killing or arrest those involved.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The labor code allows workers, including government employees, to form and join independent unions of their choice without previous authorization or excessive requirements, and the government generally respected these rights. Worker organizations are independent of the government and political parties. New unions must register with the Ministry of Interior, a three-month process, or risk a fine. Although an estimated 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

Workers have the right to strike, and they exercised this right during the year. Civil servants also enjoy the right to strike and went on strike throughout the year. The right to strike is enshrined in article 31 of the constitution.

A 2002 law on the right to strike confirms this right for civil servants, employees of public companies, and parastatals. The act provides that civil servants, public and private entities' workers, and parastatal employees who provide essential services shall maintain minimum services during strikes. The act states that essential services refer to services pertaining to health, security, energy, water, air transport, and telecommunications. Workers must provide three days' notice before striking; however, authorities can declare strikes illegal for reasons such as threatening social peace and order and can requisition striking workers to maintain minimum services. The government may prohibit any strike on the grounds that 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 a strike. The government enforced these laws effectively.

The merchant marine code grants seafarers the right to organize, but they do not have the right to strike.

The labor code allows unions to conduct their activities without interference, and the government generally protected this right. There are no restrictions on collective bargaining. The labor code provides for collective bargaining, and workers freely exercised this right with the exception of merchant shipping employees. The government sets wages in the public sector by law and regulation.

In 2009 the government created a National Consultation and Collective Bargaining Commission to facilitate collective bargaining and enhance social dialogue. The commission held sessions during the year to discuss workers' claims and propose solutions.

The labor code 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; however, the government did not always enforce these provisions, and there were reports that employers threatened individuals with dismissal for union activity.

b. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, including by children; however, the government did not effectively enforce this aspect of the law, and such practices occurred in the agricultural, quarrying, fishing, commercial, and construction sectors.

Forced labor mainly involved domestic servitude and bonded labor by children. Trafficking in persons was a problem. Perpetrators of forced labor were mostly Beninese involved in child trafficking. Many traffickers were relatives or acquaintances of their victims, exploiting the traditional system of *vidomegon*, in which parents allow their children to live with and work for richer relatives, usually in urban areas. The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to forced labor for various crimes. Also see the Department of State's [2011 Trafficking in Persons Report](#).

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, children between 12 and 14 years may perform domestic work and temporary or seasonal light work if it does not interfere with their compulsory schooling. On January 31, President Yayi signed into law the list of types of hazardous work prohibited to children. The list includes 22 trades and 74 related hazardous activities that children under 18 are not allowed to engage in. Child labor remained a problem due in part to limited government enforcement of the law. To help support their families, children of both sexes – including those as young as seven – continued to work 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*. A majority of children working as apprentices were under the legal age for apprenticeship of 14, including children working in construction, car and motorcycle repair, hairdressing, and dressmaking. Children worked as laborers with adults in quarries in many areas. Forced child labor, including street children engaged in prostitution, street hawking, and begging, was a problem. Children under age 14 worked in either the formal or informal sectors in the following activities: agriculture, hunting and fishing, industry, construction and public works, trade/vending and food/beverage, transportation, and communication and other services, including employment as household staff.

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, including Nigeria, Cote d'Ivoire, Togo, and Ghana, for labor. 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 arrangement, and abuse of child domestic servants was a problem. Also see the Department of Labor's [2010 Findings on the Worst Forms of Child Labor](#).

The Labor Office under the Ministry of Labor and Civil Service enforced the labor code ineffectively and only in the formal sector due to a lack of inspectors. 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 about child labor and child trafficking. The government began drafting a National Plan for the Elimination of Child Labor. On July 12, the government, in cooperation with an international organization, held a two-day workshop to examine the first draft of the National Plan for the Elimination of Child Labor. The government undertook a nationwide awareness campaign as a key activity for the 2011 World Day of Action Against Child Labor. On September 21, the government signed an accord with the Republic of Congo aimed at halting the trafficking of children between the two countries. An estimated 1,800 children from Benin, mostly ages 11 to 18, have been trafficked to neighboring Congo.

d. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. The minimum wage was 30,000 CFA (\$66) per month. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage; many domestics and other laborers in the informal sector earned less. The Office of Labor enforced the minimum wage; however, its efforts were impeded by the small number of labor inspectors. Significant parts of the work force and foreign workers were not covered by minimum wage scales.

The labor code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum provided for under the labor code of 12 hours per day or 60 hours per week. The labor code also mandates premium pay for overtime and prohibits excessive compulsory overtime. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Labor and Civil Service did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The ministry has the authority to require employers to remedy dangerous work conditions but did not effectively do so. The government did not effectively monitor or control foreign or migrant workers' conditions of work.
