

# 2024 Country Reports on Human Rights Practices: Benin

## EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Benin during the year.

Significant human rights issues included credible reports of: arbitrary arrest or detention; serious abuses in a conflict; serious restrictions on freedom of expression and media freedom, including censorship; transnational repression against individuals in another country; and trafficking in persons.

The government took some credible steps to identify and punish officials who committed human rights abuses.

Section 1.

## Life

### a. Extrajudicial Killings

There was a report the government or its agents committed an arbitrary or unlawful killing during the year. On November 19, police detained Ouorou Gani Samba Fayçal in Parakou after he refused to unlock his cell phone during a traffic stop. The following day he was found dead outside of the city. The police opened an investigation into Fayçal's death, suspended the five officers involved, and placed them under house arrest.

### b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

## Liberty

### a. Freedom of the Press

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right, although media were not fully independent. Many public and private media outlets refrained from openly criticizing government policy.

The government regulated the press and online media. The High Authority for Audiovisual and Communication (HAAC), a quasigovernmental commission with members appointed by the president, private media, and the legislature, had a dual role of providing for press freedom while protecting the country against “inflammatory, irresponsible, or destabilizing” media reporting.

On September 19, HAAC advised media outlets to exercise caution and follow journalism ethics when reporting sensitive matters including terrorist attacks and warned it would suspend media outlets that failed to comply with this requirement.

### **Physical Attacks, Imprisonment, and Pressure**

There were reports the government inhibited freedom of the press through restrictions and on sanctioning of media members. On February 8, *Gazette du Golfe* Chief Executive Officer Ismael Soumanou stated that government authorities froze the media outlet’s bank accounts, which prevented it from paying the staff’s salaries and forcing him to lay off his employees.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Public and private media refrained from openly criticizing government policy or reporting on security concerns. According to the Union of Media Professionals of Benin, some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Media outlets also practiced self-censorship due to fear the government would suspend their licenses. HAAC continued to hold public hearings on alleged misconduct by media outlets during the year.

## **b. Worker Rights**

### **Freedom of Association and Collective Bargaining**

The law provided for the rights of workers, except certain civil servants and public employees, to form and join independent unions with some restrictions. Unions were required to register with the Ministry of Interior, a three-month process, or risk a fine. The law did not establish clear grounds on which registration of a trade union could be denied or approved, and official registration could be denied without the union having recourse to a court. By law, a trade union federation had to be made up of at least five enterprise-level trade unions in the same sector or branch of activity. Additionally, a trade union confederation had to be composed of at least three trade union federations of different sectors or branches of activities, and only trade union confederations could have affiliation at a national or international level. There were no reports of significant barriers to international affiliation.

The right to strike was carefully regulated. The law restricted the maximum duration of a strike to 10 days per year for all employees, except workers barred from striking. By law, health-sector employees, along with officers serving in the military, police, customs, air traffic control, and water and forest management, were barred from striking. Authorities could declare strikes illegal for reasons such as threatening social peace and order and could requisition striking workers to maintain minimum services. The government could prohibit any strike on the grounds it threatened the economy or the national interest. Laws prohibited employer retaliation against strikers; however, a company could withhold part of a worker's pay following an illegal strike. The law provided for the rights of workers to bargain collectively. By law, collective bargaining agreements were negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. The minister of labor had authority to determine which trade unions could be represented in the negotiation at the enterprise level. The minister had the power to extend the scope of coverage of a collective agreement. The law imposed compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, nonessential service sectors included.

The government generally respected the right to form and join independent unions and the right to collective bargaining. The government did not effectively enforce the law, particularly in the informal sector and regarding the provisions on antiunion discrimination and reinstatement. There were reports employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported. Penalties were commensurate with similar crimes.

### **Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Acceptable Work Conditions**

#### **Wage and Hour Laws**

The government set minimum wage scales for several occupations in the formal sector that were slightly higher than the poverty level. According to the UN Development Program, 60 percent of the population, predominantly in the informal sector, lived on an income of 1,200 West African CFA (\$1.90) a day or less, a poverty-level income less than the minimum wage.

The labor code set workweek hours at 40 to 60 hours, depending on the type of work, and provided for paid holidays and at least one 24-hour rest period per week. The labor code also mandated premium pay for overtime and prohibited excessive compulsory overtime.

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and Microfinance were responsible for enforcement of the minimum-wage and hours-of-work standards. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or enforce these standards in the large informal sector. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum of

12 hours per day or 60 hours per week provided for by the labor code. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales.

### **Occupational Safety and Health**

The law established appropriate occupational safety and health (OSH) standards. Provisions of the law related to acceptable conditions of work applied to all formal-sector workers, including migrants. Penalties for violating the labor code were commensurate with those for similar violations.

The Ministry of Labor and the Ministry of Social Affairs and Microfinance were responsible for enforcement of OSH standards. The ministries did not effectively enforce these standards, especially in the informal sector. The government had authority to require employers to remedy dangerous work conditions but did not effectively do so. The insufficient number of labor inspectors and lack of resources to implement inspections impeded government efforts. Random inspections were conducted in some sectors, but no information was available on the number of violations identified or convictions of persons tried for violations. The law did not provide workers the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Violations of OSH standards mostly occurred in informal-sector trades, including hairdressing, dressmaking, baking, mechanics, and carpentry, where workers faced biological, chemical, physical, and psychological risks. Children involved in these trades as apprentices worked long hours and were more vulnerable to hazardous working conditions. In some mechanical and carpentry shops, children worked near dangerous tools and equipment, and some adults and children lacked adequate protective gear.

### **Wage, Hour, and OSH Enforcement**

The Ministry of Labor's labor inspectors were responsible for monitoring labor infractions related to wage, hour, and OSH. The government failed to effectively enforce minimum wage, overtime, and OSH laws in the private sector. Penalties were rarely applied against violators. The labor code provided for labor inspectors to conduct unannounced inspections. Inspectors generally sought immediate corrective action for minor labor infractions and sometimes ordered payment of compensation for serious violations. The government did not effectively enforce labor laws in the informal sector, which represented approximately 80 percent of workers.

## **c. Disappearance and Abduction**

### **Disappearance**

There were no reports of enforced disappearances by or on behalf of government authorities.

### **Prolonged Detention without Charges**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. Nevertheless, police occasionally failed to observe these prohibitions.

The constitution required arrest warrants based on sufficient evidence, issued by a duly authorized judicial official, and a hearing be held before a magistrate within 48 hours of arrest, but these rights were not always observed.

After examining a detainee, a judge had 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in cases of arrest involving illegal drugs, a judge was authorized to extend detention beyond 72 hours not to exceed an additional eight days.

The law provided for detainees awaiting judicial decisions to request release on bail and for the right to prompt access to a lawyer. Amnesty International Benin reported prison officials monitored attorney-client communications in prisons.

There were credible reports of individuals held beyond the legal limit of 48 hours of detention before a hearing, sometimes by more than a week. Persons were detained without judicial authorization.

The government often did not provide counsel to indigent defendants in criminal cases. Persons in rural areas accused of serious crimes often lacked adequate legal representation because defense attorneys were predominantly based in the capital of Cotonou and generally did not work on cases in rural areas.

Arbitrary arrests and detentions occurred. During the year, authorities arrested members of the Fulani ethnic group allegedly on the pretext of protecting state security and fighting violent extremism.

On November 13, police arrested General Louis Phillipe Houndegnon, a retired national police director and government critic, for alleged incitement to rebellion and harassment through electronic communication.

Lengthy pretrial detention was a problem. Approximately two-thirds of prison inmates were pretrial detainees. The length of pretrial detention frequently exceeded the maximum sentence for the alleged crime. Several factors caused delays in the judicial process, including overcrowded dockets, poorly trained legal staff, inadequate court filing documents, judicial negligence, and insufficient legal assistance to prisoners and their lack of knowledge of legal procedures.

#### **d. Violations in Religious Freedom**

See the Department of State's annual *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **e. Trafficking in Persons**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Section 3.

## **Security of the Person**

### **a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibited such practices, and there were no credible reports government officials employed them.

The law prohibited female genital mutilation/cutting (FGM/C) of girls and women and provided penalties for performing the procedure, including prison sentences of up to 10 years and substantial monetary fines. Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. The practice was largely limited to remote rural areas in the north. According to the 2020 UNICEF Inter-country Statistical Overview, 9 percent of girls and women ages 15 to 49 had undergone FGM/C. The government, in conjunction with NGOs and international partners, continued to raise public awareness of the dangers of the practice.

### **b. Protection of Children**

#### **Child Labor**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/> .

#### **Child Marriage**

The law prohibited the marriage of persons younger than age 18 but granted exemptions for children 14 to 17 with parental consent and a judge's authorization. The law was effectively enforced in urban areas but not in rural areas.

Child, early, and forced marriage included barter marriage and marriage by abduction, in which the bridegroom traditionally abducted and raped his prospective child bride. The practice was widespread in rural areas, despite government and nongovernmental organization (NGO) efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice. The joint government and UNICEF Zero Tolerance for Child Marriage campaign to change social norms and create a protective environment for children in their communities continued.

### **c. Protection to Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

### **Provision of First Asylum**

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees. UNHCR received reports humanitarian organizations could not access many asylum seekers and persons of concern from Burkina Faso and Togo along the northern border due to security concerns.

### **Resettlement**

The government accepted refugees for resettlement, offered naturalization to refugees residing on its territory, or assisted in their voluntary return to their homes. The government involved civil society in the process. The government's National Commission of Assistance to Refugees cooperated with UNHCR through the UNHCR Multi-Country Office in Dakar, Senegal.

### **d. Acts of Antisemitism and Antisemitic Incitement**

There was no known Jewish community, and there were no reports of antisemitic incidents.

### **e. Instances of Transnational Repression**

There were credible reports the government – through other countries– engaged in an act of transnational repression.

### **Extraterritorial Killing, Kidnapping, or Violence or Threats of Violence**

On August 12, four men forced Steve Amoussou, a citizen activist living in Togo as an asylum seeker, into a vehicle and drove him across Togo's border to Cotonou, where Beninese police arrested him. The court arraigned Amoussou, who was in pretrial detention with a trial date of October 7. Amoussou's attorney filed a civil kidnapping lawsuit against three men allegedly involved in the detention. No arrest warrant for Amoussou was filed with Interpol, and Togo officials arrested two individuals allegedly involved and issued warrants for four others, including the three men implicated in Amoussou's lawsuit. CRIET investigated the claim as a criminal matter and launched a brief investigation that culminated in a hearing on September 3. Two of the three men were found guilty of "illegal arrest, detention, and confinement" and sentenced to 12 months in prison, along with a suspended 12-month sentence. Several local attorneys criticized the lack of due process in these cases. On September 5, the Togolese Coalition of Human Rights Defenders and the West-African Human Rights Defenders' Network issued a joint statement protesting the proceedings as a gross violation of Amoussou's fundamental rights protected under the Benin constitution and other regional and international law.



