

BENIN 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Benin is a stable constitutional presidential republic. In March 2016 voters elected Patrice Talon to a five-year term as president in a multiparty election, replacing former president Thomas Boni Yayi, who served two consecutive five-year terms. In 2015 authorities held legislative elections in which former president Yayi's supporting coalition, Cowry Force for an Emerging Benin, won 33 of 83 seats in the National Assembly, and the coalition allied with four independent candidates held 37 seats (a decrease from 41 in the prior legislature). International observers viewed both the March 2016 presidential and 2015 legislative elections as generally free, fair, and transparent.

Civilian authorities generally maintained effective control over the security forces.

The most significant human rights issues included incidents of torture, which were punished by the authorities; harsh and life threatening prison conditions; corruption; trafficking in persons; lack of accountability in cases involving rape and violence against women due to inadequate enforcement and police training; and child labor.

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

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Unlike in 2016, there were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law and Article 18 of the constitution prohibit such practices, but such incidents occurred.

On March 16, the Constitutional Court ruled that five gendarmes (a sergeant chief and four cadets) violated Article 18 of the constitution in July 2016 by clubbing to death a suspect to extract a confession. The suspect was arrested in the village of Akpro-Misserete, in the southeast, on suspicion he stole a motorbike. An investigation of the National Gendarmerie determined that the gendarmes used torture to force the suspect's confession. The court judgment stated, "No one shall be subjected to torture, punishments or cruel, inhumane or degrading treatments." No further judicial action was taken. Unspecified disciplinary action, however, was taken against the sergeant chief and the four cadets.

As of October 23, the United Nations had received one allegation of sexual exploitation and abuse in 2017 against a Beninese police officer serving with the UN Stabilization Mission in Haiti. The investigation determined the allegation to be substantiated. The UN repatriated the individual, who received jail time in Benin.

In 2016 an allegation regarding a 2015 incident involving Beninese UN police in Haiti was found to be unsubstantiated. A second allegation made in 2016 involving military personnel deployed to the UN Multidimensional Integrated Stabilization Mission in Mali was under Beninese government investigation as of October.

Two allegations made in 2015 against Beninese military personnel deployed to the UN Stabilization Organization Mission in the Democratic Republic of the Congo were substantiated. The UN repatriated the individuals, who received jail time in Benin.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to inadequate food, overcrowding, and inadequate sanitary conditions and medical care.

Physical Conditions: Overcrowding and lack of proper sanitation, potable water, and medical facilities posed risks to prisoners' health. Authorities housed juveniles at times with adults and held pretrial detainees with convicted prisoners, although not with the most violent convicts.

According to the nongovernmental organization (NGO) Watchdog on the Justice System in Benin, conditions in the country's 10 civil prisons were inhuman, with overcrowding, malnutrition, and disease common. The inmate populations of nine of these prisons significantly exceeded capacity. There were deaths due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Lighting was inadequate. Prisoners with mental disabilities lacked access to appropriate disability-related support and services. Prison authorities forced prisoners to pay "bed taxes" for spaces to sleep and made sick prisoners in the civil prison of Cotonou pay to visit the hospital.

According to Watchdog on the Justice System in Benin, the prison population (including pretrial detainees, remand prisoners, and convicts) in 2015 totaled 5,820. Pretrial detainees and remanded prisoners represented 75 percent of the total prison population. These numbers did not include detainees held in police stations and in civilian and military detention centers.

Administration: Prison authorities allowed visitors, but, according to Watchdog on the Justice System in Benin, they charged visitors amounts ranging from 500 CFA francs to 1,000 CFA francs (\$1 to \$2).

Independent Monitoring: The government permitted prison visits by human rights monitors. Religious groups and NGOs visited prisons, although some NGOs complained credentials were not systematically granted when they submitted requests to make visits. Organizations that visited prisons included the local chapter of Prison Fellowship, Caritas, Prisons Brotherhood, Christian Action for the Abolition of Torture, the French Development Agency, Rotaract (Rotary International), the International Committee of the Red Cross, Amnesty International, and Prisoners without Borders.

Improvements: The government made significant efforts to address detention conditions during the year. On June 13, Minister of Justice Joseph Djogbenou opened a prison complex in Abomey in the central region that met international standards. The complex replaced a prison built to hold 250 inmates that had a population of 911 inmates. The facility included 12 dormitories housing up to 900 inmates. On June 28, the Council of Ministers approved a decree that provides for holding pretrial detainees separately from convicted prisoners. Implementation during the year of a regulation to incarcerate prisoners near the courts where they were prosecuted improved postconviction access for subsequent hearings and appeals. With the assistance of an international donor, the government purchased

two buses for the Cotonou and Abomey prisons to ease prisoners' transportation and medical evacuation.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, security forces occasionally failed to observe these prohibitions.

Role of the Police and Security Apparatus

The army is responsible for external security but also has some domestic security responsibilities through gendarmes. 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 functions in rural areas.

Civilian authorities maintained effective control over the security forces, and the government has mechanisms to investigate and punish abuses. Impunity was a problem, however. Police leadership often did not punish and sometimes protected officers who committed abuses, which led to the president's personal involvement in the resolution of several cases of security force abuses. Individuals may file complaints of police abuse with the police leadership, the lower courts, the mediator of the republic (ombudsman), or the Constitutional Court. In an attempt to increase police accountability, in October 2016 the National Police set up a pilot telephone "Green Line" that individuals may call to report police wrongdoing. The inspector general of the National Police Investigation Division is responsible for investigating serious, sensitive, and complex cases involving police personnel. The mandate of the Investigation Division is to conduct administrative and judicial investigations involving police and to advise the director of national police on disciplinary action.

On June 9, following an investigation into the extortion of money from travelers by officers at the Hillacondji police station at the Benin-Togo border crossing, the Director General of the National Police Idrissou Moukaila ordered their reassignment. He stated that despite repeated warnings to stop the practice the officers had continued to extort money from travelers. He took no additional disciplinary action, however.

Military disciplinary councils deal with minor offenses committed by members of the military. The councils have no jurisdiction over civilians. The country has no

military tribunal, so civilian courts deal with serious crimes involving the gendarmerie and the military.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized judicial official, and requires a hearing before a magistrate within 48 hours, but this requirement was not always observed. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in arrests involving illegal drugs including narcotics, the judge may authorize detention beyond 72 hours that may not exceed an additional eight days. Warrants authorizing pretrial detention are effective for six months and may be renewed every six months until a suspect is brought to trial. Detainees have the right to prompt judicial determination of the legality of detention, which was generally observed. Detainees were promptly informed of charges against them. Detainees awaiting judicial decisions may request release on bail; however, the attorney general must agree to the request. They have the right to prompt access to a lawyer. The government provided counsel to indigents in criminal cases. Suspects were not detained incommunicado, held under house arrest, or without access to an attorney.

There were credible reports gendarmes and police often exceeded the legal limit of 48 hours of detention, sometimes by as much as a week. Authorities often held persons indefinitely “at the disposal of” the Public Prosecutor’s Office before presenting the case to a magistrate.

Arbitrary Arrest: Arbitrary arrests and detentions occurred. On January 12, the Constitutional Court ruled that police violated the 48-hour limit on holding a suspect in a commercial dispute without a hearing before a magistrate. The court ruled that suspects may only be held for more than 48 hours if accused of violating a criminal law and only after appearing before a judge who must authorize the extension.

Pretrial Detention: The law defines the maximum length of pretrial detention for felony cases as no more than five years and for misdemeanors as no more than three years. Approximately 75 percent of persons in prison were pretrial detainees; the length of pretrial detentions beyond these limits varied from two to as much as 11 years, according to a mediator’s report. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. The length

of pretrial detention frequently exceeded the maximum sentence for the alleged crime.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: A person arrested or detained, regardless of whether on criminal or other grounds, is entitled to file a complaint with the liberty and detention chamber of the relevant court. The presiding judge may order the individual's release if he determines the arrest or detention was unlawful.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. The government appoints judges at the Public Prosecutor's Office, making them susceptible to government influence; however, there were no instances in which the outcome of trials appeared predetermined, and authorities respected court orders. The judicial system was also subject to corruption, although the government made substantial anticorruption efforts, including through the independent National Anti-Corruption Authority and the dismissal and arrest of government officials allegedly involved in corruption scandals.

Trial Procedures

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

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Defendants enjoy the right to be informed promptly and in detail of the charges with free interpretation as necessary. 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 in criminal cases. Government-provided counsel, however, was not always available, especially in cases handled in courts located in the north, since most lawyers lived in the south. Defendants who cannot understand or speak French are entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants enjoy the right to adequate time and facilities to prepare a defense; to confront witnesses; to present witnesses and evidence on their own behalf; and to not to be compelled to testify or confess guilt. Defendants may 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

The judiciary exercised independence 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. The Constitutional Court's ruling is not binding on courts; citizens, however, may use rulings from the Constitutional Court to initiate legal action against offenders in regular courts. Adverse court rulings other than those of the Constitutional Court may be appealed to the Economic Community of West African States' Court of Justice and the African Court on Human and People's Rights. In February 2016 the government filed a declaration with the African Union Commission recognizing the competence of the African Court on Human and Peoples' Rights to receive cases from NGOs and individuals.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government generally respected these rights.

There were a large number of public and private media outlets, including two public and seven private television stations, three public and 50 private radio stations, and approximately 175 newspapers and periodicals. Many of these were openly critical of authorities, nearly always without consequence.

Unlike in previous years, there were few reports the government inhibited freedom of the press.

Press and Media Freedom: The press and media were closely regulated, and the government considered itself to have an essential role in ensuring the press did not behave in an “irresponsible” or “destabilizing” way. The High Authority for Audiovisual and Communication (HAAC) is a quasigovernmental commission with members appointed by the president, private media, and the legislature. HAAC has a dual--and perhaps inherently contradictory--role of ensuring press freedom and protecting the country against inflammatory, irresponsible, or destabilizing coverage.

In November 2016 HAAC suspended seven media outlets. Radio Soleil FM, E-Tele, and Eden TV, were suspended for allegedly not informing HAAC of changes of address. Sikka TV, La Beninoise TV, La Chretienne TV, and Unafrica TV, were suspended for broadcasting without proper authorization. On January 26, HAAC lifted the broadcasting ban on Radio Soleil FM, E-Tele, and Eden TV.

On May 22, the Court of Cotonou ordered HAAC to authorize the reopening of Sikka TV affiliate Ideal Production. The court ordered HAAC to pay 50 million CFA francs (\$83,753) in damages. The court decision did not allow Sikka TV to resume direct broadcasting; its broadcasts, however, were available via satellite or internet.

Independent media generally were active and expressed a wide variety of views without restriction. Publications criticized the government freely and frequently. An independent nongovernmental media ethics commission censured some journalists for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was embargoed by the government.

The government owned and operated the most influential media organizations. HAAC controlled broadcast range and infrastructure. Private television and radio had poorer coverage due to inadequate equipment and limited broadcast ranges awarded to them by HAAC.

Most citizens were illiterate, lived in rural areas, and generally received news via radio. The state-owned National Broadcasting Company broadcast in French and in 18 local languages.

Censorship or Content Restrictions: HAAC publicly warned media outlets against publishing information related to legal cases pending before criminal courts because this could be interpreted as an attempt to influence court rulings. It was possible to purchase and thus influence the content of press coverage. HAAC warned the media against such practices. Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Other journalists practiced self-censorship due to fear the government would suspend their media outlets. HAAC held public hearings on alleged misconduct by media outlets during the year.

Libel/Slander Laws: In 2015 after years of lobbying by professional media associations, the National Assembly passed a revised press code, the Information and Communication Code, repealing the previous code that imposed prison sentences for conviction of certain abuses of freedom of expression. The press code, signed into law by the president in 2015, disallows prison sentences for journalists charged with defamation and some other offenses. Although journalists may no longer be imprisoned for libel and slander, they may face legal prosecution and fines for incitement of crimes through the press.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 12 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association. Permits are required for demonstrations and other public gatherings. The government generally respected these rights. Although opposition groups cited instances in which they did not seek permits, anticipating they would be opposed, there were no instances of denial on political grounds.

Freedom of Peaceful Assembly

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

The government requires and generally granted permits for use of public places for demonstrations. Authorities sometimes cited “public order” to deny requests for permits from opposition groups, civil society organizations, and labor unions.

On June 21, the prefect of the Department of Littoral Modeste Toboula banned political opposition demonstrations scheduled planned to take place in Cotonou the next day. Toboula asserted that there were not enough police officers available to monitor the demonstrations. The president countermanded the prefect’s ban and the demonstrations, took place as scheduled.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. There were, however, instances where the government violated freedom of association.

On March 16, the Constitutional Court overturned a Council of Ministers decree banning the activities of university student groups as a violation of freedom of association. The decree claimed that student groups were engaged in military training and intended to disrupt public security and peace. The court ruled that the government’s public order concerns did not justify the suspension of citizens’ constitutional rights.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

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

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 inconvenienced domestic movement. Authorities justified roadblocks as a means of enforcing vehicle safety and customs regulations, but police and gendarmes exacted bribes from travelers at many checkpoints.

Foreign Travel: The government maintained documentary requirements for minors traveling abroad as part of its 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) herdsman from other countries to enter and depart freely; the government did not enforce designated entry points.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: The government and UNHCR assisted former refugees and asylum seekers with obtaining documents from their countries of origin while granting their status as privileged residents. The government also facilitated naturalization of refugees as part of a local integration effort. The government involved civil society, the media, and academia in the process.

Stateless Persons

There were large communities of stateless individuals residing in eight villages along the border with Niger and Nigeria. These villages were returned to Benin following the resolution of land disputes among Benin, Niger, and Nigeria. The residents lacked the necessary identification documents to claim citizenship.

During the year the government's Agency for Integrated Management of Spaces, with the assistance of UNHCR, worked with local authorities in communes to increase the registration of births and issuance of birth certificates.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In March 2016 the country held the first and second rounds of the presidential election. The vote proceeded calmly and credibly despite minor technical irregularities. Local and international observers unanimously characterized the voting process as peaceful and orderly. Observers identified some delays in the provision of voting materials to polling stations and evidence of training gaps of polling agents but no anomalies that would put the fundamental integrity of the election into doubt. In 2015 authorities conducted legislative elections to elect the 83 National Assembly members. Observers viewed the elections as generally free, fair, and transparent.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process. Cultural factors, however, limited women's political participation. By custom and tradition, women assumed household duties, had less access to formal education, and were discouraged from involvement in politics. President Talon appointed only four female ministers to his 22-member cabinet and one woman among the prefects administering the country's 12 geographic departments.

On April 26, the Council of Ministers increased funding for the National Institute for the Promotion of Women to increase women's participation and advancement.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. Police corruption was widespread. Police extorted money from travelers at roadblocks. 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 was a serious problem.

The government took a number of actions during the year to combat corruption. For example, on January 20, Minister of Economy and Finance Romuald Wadagni ordered that monthly records of completed government travel orders be monitored

in order to detect fraudulent travel per diem claims. He based his order on evidence of claims filed by officials for bogus expenses and for uncompleted and duplicate travel orders.

Corruption: On January 4, the Customs Administration announced the arrest of three officers implicated in several counts of misappropriating government funds. On January 19, two customs officers were relieved of duty for failing to inspect properly two currency traffickers who were attempting to leave the country with 4.5 million euros (\$4.8 million) and 700,000 British pounds (\$880,000) in cash. Police later arrested the two before boarding their flights. These incidents resulted in the firing of two deputy directors of the Customs Administration.

Financial Disclosure: The law requires income and asset disclosure by appointed and elected public officials. Declarations are not made available to the public. In March 2016 the National Anti-Corruption Authority submitted an appeal to the National Assembly urging lawmakers to submit their asset disclosure statements to the Supreme Court pursuant to Article 3 of the Anti-Corruption Act. Reportedly only eight of the 83 sitting deputies in the National Assembly and 15 of 21 government ministers submitted asset disclosure statements. The penalty for failure to submit an asset disclosure is a fine of six times the monthly wage of the official concerned. This penalty has never been applied.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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.

Government Human Rights Bodies: The country's ombudsman was independent, adequately resourced, and effective.

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

Women

Rape and Domestic Violence: The law prohibits rape, but enforcement was weak due to police ineffectiveness, official corruption, and victims' unwillingness to report cases due to fear of social stigma and retaliation. Prison sentences for rape

convictions range from one to five years. The law explicitly prohibits spousal rape and provides the maximum penalty for conviction of raping a domestic partner. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties victims faced in preserving and presenting evidence in court, judges reduced most sexual offense charges to misdemeanors.

Penalties for conviction of domestic violence range from six to 36 months' imprisonment. Domestic violence against women was common, however. Women remained reluctant to report cases, and judges and police were reluctant to intervene in domestic disputes.

The Ministry of Labor, Civil Service, and Social Affairs' Social Promotion Center in Aplahoue, in the southeast, reported that it addressed 148 gender-based violence cases during the first half of the year.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and provides penalties for conviction of performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (\$10,050). 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 UNICEF, 7 percent of girls and women ages 15 to 49 underwent FGM/C.

The government, in conjunction with NGOs and international partners, made progress in raising public awareness of the dangers of the practice. For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

Sexual Harassment: The law prohibits sexual harassment and offers protection for victims, but sexual harassment was common, especially of female students by their male teachers. Persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$168 to \$1,675). The law also provides penalties for persons who are aware of sexual harassment and do not report it. Victims seldom reported harassment due to fear of social stigma and retaliation, however, and prosecutors and police lacked the legal knowledge and skills to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Although the constitution provides for equality for women in political, economic, and social spheres, women experienced extensive discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses.

The law on persons and the family bans all discrimination against women in marriage and provides for the right to equal inheritance.

The government and NGOs educated the public on women's inheritance and property rights and their increased rights in marriage, including prohibitions on forced marriage, child marriage, and polygyny.

Children

Birth Registration: Citizenship is derived by birth within the country to a citizen father. By law the child of a Beninese father is automatically considered a citizen, but the child of a Beninese woman is considered Beninese only if the child's father is unknown, has no known nationality, or is also Beninese. Particularly in rural areas, parents often did not declare the birth of their children, either from lack of understanding of the procedures involved 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 cooperated with donors on programs to increase the number of registered children through vital records staff capacity building. For additional information, see Appendix C.

Education: Primary education was compulsory for all children between ages six and 11. Public school education was tuition-free for primary school students and for female students through grade nine in secondary schools. Girls did not have the same educational opportunities as boys and the literacy rate for women was approximately 18 percent, compared with 50 percent for men. In some parts of the country, girls received no formal education.

Child Abuse: Children suffered multiple forms of abuse, including rape, sexual harassment, and abduction. The Child Code bans a wide range of harmful practices. The law provides for heavy fines and penalties with up to life imprisonment for convicted violators. Government authorities arrested suspects, referred them to judicial authorities, and provided temporary shelter to victims of abuse.

Early and Forced Marriage: The law prohibits marriage under age 18 but grants exemptions for children ages 14 to 17 with parental consent and authorization of a judge. Early and forced marriage included barter marriage and marriage by abduction, in which the groom traditionally 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 some communities concealed the practice.

On June 16, the government, in partnership with UNICEF, launched a nationwide “Zero Tolerance for Child Marriage” campaign to change social norms and create a protective environment for children and their communities. For additional information, see Appendix C.

Sexual Exploitation of Children: The penal code provides penalties for conviction of rape, sexual exploitation, corruption of minors, and procuring and facilitating prostitution, and it increases penalties for cases involving children under age 15. The child trafficking law provides penalties for conviction of all forms of child trafficking, including child prostitution, prescribing penalties of 10 to 20 years’ imprisonment. The act, however, focuses on prohibiting and punishing the movement of children rather than their ultimate exploitation. Individuals convicted of involvement in child prostitution, including those who facilitate and solicit it, face imprisonment of two to five years and fines of one million to 10 million CFA francs (\$1,675 to \$16,750). The law does not specifically prohibit child pornography.

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

Infanticide or Infanticide of Children with Disabilities: Traditional practices of killing breech babies, babies whose mothers died in childbirth, babies considered deformed, and one of each set of newborn twins (because they were considered sorcerers) continued in the north of the country.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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; the law, however, 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. Legislation that addresses equality, equity, and nondiscrimination among all citizens is general in nature. Several laws, however, including the labor code, the social security code, the persons and family code, and elections law, contain specific references to persons with disabilities. Children with disabilities had no access to the conventional educational system.

The government operated few institutions to assist persons with disabilities. The Office for the Rehabilitation and the Integration of Persons with Disabilities under the Ministry of Labor, Civil Service, and Social Affairs coordinated assistance to persons with disabilities through the Aid Fund for the Rehabilitation and Insertion of Persons with Disabilities (Fonds Ariph).

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

There were no reports of criminal or civil cases involving consensual same-sex sexual conduct. Members of the lesbian, gay, bisexual, transgender, and intersex

community reported instances of discrimination and social stigma based on sexual orientation.

Other Societal Violence or Discrimination

Police generally ignored vigilante attacks, and incidents of mob violence occurred, 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. On the night of May 1, local residents in Ouesse, a village in the central region, burned to death an 84-year-old woman accused of “sorcery” after her son, with whom she was living, died. The mob killing was under police investigation at year’s end.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, except certain civil servants and public employees, to form and join independent unions with some restrictions. New unions must register with the Ministry of Interior, a three-month process, or risk a fine. The law does not establish clear grounds on which registration of a trade union may be denied or approved, and official registration may be denied without recourse to a court. The law provides that a trade union federation must be made up of at least five enterprise-level trade unions in the same sector or branch of activity. Additionally, the law requires that a trade union confederation must be composed of at least three trade union federations of different sectors or branches of activities and that only trade union confederations may have affiliation at a national or international level.

On September 7, the secretaries-general of six trade union confederations issued a joint statement condemning the arrest and 60-day confinement of Captain Patrice Trekpo, the acting general secretary of the Water, Forests, and Hunting Union of Benin. On September 5, Trekpo was arrested after decrying poor management and bad working conditions for personnel in Pendjari National Park in a September 3 local television appearance. He also criticized a park management contract awarded to South African-based NGO African Parks Network, accusing the NGO of plundering the wildlife resources of Pendjari National Park. The six union leaders considered Trekpo’s arrest and confinement to be a violation of trade union law. The government argued that Trekpo’s status as a member of a paramilitary organization superseded his status as a union leader, the arrest was lawful under

legal provisions pertaining to paramilitary organizations, and Trekpo's statements were tantamount to "incitement to rebellion."

The law provides for the rights of workers to bargain collectively. By law collective bargaining agreements are negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. A labor inspector, a secretary, and one or two rapporteurs preside over the committee. The minister of labor has the authority to determine which trade unions may be represented in the negotiation at the enterprise level. The minister has the power to extend the scope of coverage of a collective agreement. The law imposes compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included. The National Permanent Commission for Consultation and Collective Bargaining, and the Social Sector-based Dialogue Committee were active in each ministry to foster dialogue between the government and unions. On April 13 and September 7, the commission held two ordinary sessions. The commission, however, did not hold sessions on a regular basis as prescribed by law, and lacked efficiency. In September 2016 the government approved a bill intended to improve the functioning of the commission.

In August 2016 the government, the National Employers' Association, and six union confederations signed a "National Charter of Social Dialogue" including several measures to be undertaken by the parties to enhance dialogue while fostering democracy and good governance in a climate of social accord and national unity. On June 28, the government approved two decrees to establish a National Social Dialogue Council and to appoint its members. The council is intended to replace the National Permanent Commission for Consultation and Collective Bargaining.

The law provides for the right to strike, but prior notification must be provided. The merchant marine code grants seafarers the right to organize but not the right to strike. A trade union considering a strike should notify, in writing, the leadership of the concerned entity and the minister of civil service or of labor at least three days before the start of the strike. The notification letter should mention the reasons for the strike; the location, date, and start time of the strike; and the expected duration of the strike. Authorities do not actually grant permission to strike, but strikes that fail to comply with these requirements are deemed illegal.

The law provides that civil servants, public- and private-entity workers, and parastatal employees who provide essential services to maintain minimum services

during strikes. The law provides for a discretionary determination of “essential services” and defines them as services pertaining to health, security, energy, water, air transport, and telecommunications. Authorities may declare strikes illegal for reasons such as threatening social peace and order and may requisition striking workers to maintain minimum services. The government may prohibit any strike on the grounds 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 law 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. In addition to certain civil servants and public employees, domestic workers, agricultural workers, migrant workers, and those in export processing zones are excluded from relevant legal protections.

Workers discussed labor-related issues with employers through the National Consultation and Collective Bargaining Commission. The commission held sessions and met with the government to discuss workers’ claims and propose solutions. Information regarding whether or not remedies and penalties had deterrent effects was not available.

The government generally respected the right to form and join independent unions and the right to collective bargaining. With the exception of merchant shipping employees, workers exercised their right to strike. Civil servants went on strike throughout the year. The government did not effectively enforce the law, particularly in the informal sector and with regard to the provisions on antiunion discrimination and reinstatement. There were reports that employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported.

On June 22, five trade unions at the Port of Cotonou started a series of strikes to protest the government’s plan to turn port management over to a private sector concessionaire. On July 4, the unions suspended the strike after signing an agreement with the Ministry of Transport that covered strengthening of dialogue with the unions and improvement of the organizational and regulatory frameworks of the Ministry of Transport.

b. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, with certain exceptions. The law allows for imprisonment with compulsory labor. By law authorities may exact work from military conscripts that is not of a purely military character. Laws regulating various acts or activities relating to the exercise of freedom of expression allow imposition of prison sentences involving obligation to perform social rehabilitation work. Penalties for forced labor were sufficient to deter violations.

Forced labor occurred, including domestic servitude and bonded labor by children. Forced labor was mainly found in the agricultural (e.g., cotton and palm oil), artisanal mining, quarrying, fishing, commercial, and construction sectors. 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 (see section 6).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under age 14 in any enterprise; children between ages 12 and 14, however, may perform domestic work and temporary or light seasonal work if it does not interfere with their compulsory schooling. The code bans night work for workers under age 18 unless a special dispensation is granted by the government in consultation with the National Labor Council. Workers under age 18 are entitled to a minimum 12-hour uninterrupted break including the nighttime period. The law lists hazardous work activities that are prohibited for children under age 18 and includes 22 trades and 74 related hazardous activities.

The Labor Office, under the Ministry of Labor, Civil Service, and Social Affairs, enforced the labor code only in the formal sector due to a lack of inspectors. The total number of inspections conducted during the year was unavailable. Penalties for those convicted of violating laws were sufficiently strict to serve as a deterrent and ranged from 140,000 CFA francs (\$235) to 350,000 CFA francs (\$586), sentences of two months to one year in prison, or both.

Labor laws were not effectively enforced. Despite the government's limited capacity to enforce child labor laws, 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 regarding child labor and child trafficking. The ministries of Justice, Labor, Civil Service, and Social Affairs supported capacity building for officials and agencies responsible for enforcing child labor laws.

During the year authorities prosecuted perpetrators of child labor violations in connection with child trafficking. On April 3, security forces intercepted two Togolese sisters, ages 17 and 16, at the Benin-Nigeria border; the sisters were on their way to Badagry in Nigeria for domestic servitude. The man accompanying the two girls claimed he was taking them from Togo to Badagry to live with their older sister, who was his wife. The police station of Krake sent the two girls and the suspected trafficker to the Central Office for Minors' Protection, which investigated the case and referred it to the Court of Cotonou for legal action. The suspect was in detention pending trial at year's end.

To help support their families, children of both sexes, including those as young as age seven, worked 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*. Under *vidomegon* 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 *vidomegon* arrangement, and abuse and forced labor of child domestic servants was a problem. Children often faced long hours of work, inadequate food, and sexual exploitation; factors indicative of forced labor and exploitation of children in domestic servitude. Sometimes the child's parents and the urban family that raised the child divided between themselves the income generated by the child's activities. Up to 95 percent of children in *vidomegon* were young girls. Several local NGOs led public education and awareness campaigns to decrease the practice.

A majority of children working as apprentices were under the legal age of 14 for apprenticeship, including children working in construction, car and motorbike repair, hairdressing, and dressmaking. Children worked as laborers with adults in quarries, including crushing granite, in many areas. Children were at times forced to hawk goods and beg, and street children engaged in prostitution (see section 6). 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 and vending, food and beverages, transportation, and other services, including employment as household staff.

Children are required to attend only six years of primary school, through age 11. Children ages 12 to 13 are particularly vulnerable to the worst forms of child labor, as they may have completed primary school but are under the minimum legal working age of 14.

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.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution and labor code prohibit discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, national origin or citizenship, social origin, and disability. The laws, however, do not explicitly prohibit discrimination based on sexual orientation, gender identity, and HIV or other communicable disease status. The government, in general, effectively enforced these laws and regulations in most sectors. Women experienced extensive discrimination because of societal attitudes and resistance to behavioral change (see section 6). Women’s wages consistently lagged behind those of men. Employment discrimination occurred in the private and public sectors. According to the National Institute of Statistics and Economic Analysis, the employment rate was 73 percent for men and 69 percent for women in 2011. The prohibitions on discrimination did not apply to the large informal sector.

The labor code includes provisions to protect the employment rights of workers with disabilities, which were enforced with limited effectiveness.

The Office of Labor is responsible for protecting the rights of persons with disabilities.

Migrant workers enjoyed the same legal protections, wages, and working conditions as citizens.

e. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. In 2014 the government increased the minimum wage to 40,000 CFA francs (\$67) per month from 30,000 CFA francs (\$50) per month.

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 law establishes occupational safety and health standards (OSH). The government has the authority to require employers to remedy dangerous work conditions but did not effectively do so. Provisions of the law related to acceptable conditions of work apply to all workers. Penalties for violating the labor code were not sufficient to deter violations. In September 2016 the first annual session of Benin's National Labor Council focused on proper enforcement of the minimum wage by the government and private sector employers.

The Ministry of Labor, Civil Service, and Social Affairs was responsible for enforcement of the minimum wage, workweek, and OSH standards. The ministry did not effectively enforce these standards, especially in the large informal sector. Significant parts of the workforce and foreign migrant workers did not benefit from minimum wage scales. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or control foreign or migrant workers' work conditions. Government efforts were impeded by the small number of labor inspectors and lack of resources to implement inspections. There were 75 labor officers; 56 labor inspectors, 15 administrators, and four labor controllers. Random inspections were conducted in some sectors, but no information was available on the number of violations or convictions.

Many workers supplemented their wages by subsistence farming or informal sector trade. Most workers in the formal sector earned more than the minimum wage; many domestic and other laborers in the informal sector earned less. 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 in close proximity to dangerous tools and equipment, and some adults and children lacked adequate protective gear. According to various sources, informal workers accounted for more than 90 percent of the total number of workers in the country. Informal workers faced numerous challenges and vulnerabilities, including long working hours and no social security coverage. They often endured substandard working conditions and exposed to occupational risks. No data on workplace fatalities and accidents was available.

The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment.