

Benin

Introduction

The legal system in Benin is built upon the coexistence of formal law and customary law (Gbaguidi and Kodjoh-Kpakpassou, 2009). While the 2004 revision of the Code of Persons and Family stipulates under Art. 1030 that customary law ceases to be enforced under this Code, other legal sections are subject to customary law, especially property and land rights (Gbaguidi and Kodjoh-Kpakpassou, 2009). The Penal Code enforced in Benin is the Penal Code applicable in French Western Africa (Decree of 6 May 1877). An Act to constitute a new Penal Code is being developed but has not been adopted as of July 2017.

1. Discrimination in the family

a) Overarching legal framework for marriage

The Code of Persons and Family stipulates that marriage must be based on the consent of both spouses and provides women with the same rights as men to enter into marriage (Art. 119). The Code does not recognise customary and religious marriages nor informal partnerships (Art. 126). However, a divorced woman can only remarry after a waiting period of 300 days after the dissolution of the preceding marriage (Code of Persons and Family, Art. 124). This delay can be shortened by the president of the tribunal when there is proof that the preceding husband has not lived with his wife for the last 300 days (Code of Persons and Family, Art. 124).

With regards to forced marriage, the law stipulates that any person who is guilty of or complicit in a forced marriage or forced cohabitation between two persons is punishable of an imprisonment of one to three years and is liable for a fine (Act on the Prevention and Punishment of Violence against Women, Art. 31). Anyone complicit in the planning or execution of such marriage faces similar sentences (Act on the Prevention and Punishment of Violence against Women, Art. 31).

The law prohibits all traditional harmful practices against women, including the over-feeding of minor girls to render them physically fit for marriage or discriminatory practices around widowhood (Act on Prevention and Punishment of Violence against Women, Art. 3).

Moreover, the Code of Persons and Family under Art. 122 includes a legal exception regarding levirate marriage, whereby a widow remarries with her brother-in-law, as it stipulates that when the husband is deceased, the remarriage of the widow with her brother-in-law can be allowed by the Public Prosecutor in extenuating circumstances (“motif grave”). The practice of levirate is particularly prevalent in rural Benin and particularly affects young women (CEDAW, 2013). Levirate marriage is a way to maintain group alliances and to enable the children to remain in their father’s group (MFSN, 2009). Sororate marriage is also practiced: when the wife dies, her husband will marry his sister-in-law (CEDAW, 2012). Furthermore, despite the legal recognition of monogamous marriage (Art. 143 of the 2004 Code of Persons and Family), the practice of polygamy continues to exist in Benin (ICCPR,

2015). The Human Rights Committee stressed the persistence in some regions of Benin of harmful practices against women, such as rites of widowhood, levirate, child and forced marriages (ICCPR, 2015).

Rites and customs of widowhood are still practiced in Benin. In some cases, women must follow a long period of confinement, up to several months or cannot comb their hair, wash or wear perfume (CEDAW, 2012). In addition, the widow must prove to the family of her deceased husband that she was faithful by sleeping next to the body, crying every morning and drinking the concoction used to wash the corpse (CEDAW, 2012).

Evidence suggests that informal laws and practices sometimes take precedence over the statutory law regarding marriage or inheritance rights (IRBC, 2016b). Kings in northern Benin possess varying territories, they inherit their power from a male ascendant (IRBC, 2016b). Two organisations represent kingship in northern Benin: The Supreme Council of Kings of Benin and the National Council of Kings of Benin. Kings act as moral authorities locally but do not hold state powers, nor do they hold legal status (IRBC, 2016b). However, they can preside over certain matters, such as family disputes or succession problems (IRBC, 2016b). It is reported that political actors sometimes refer to kings to settle certain cases (IRBC, 2016b). Their influence varies in northern Benin, but it is suggested that locally they are considered a high moral authority and occupy an important place in regulating community life (IRBC, 2016b). In the eventuality that a king chooses a woman for marriage, by law the woman has the right to refuse according to the Code of Persons and Family. However, in such cases, family and community pressure is strong, as it is considered an honour and an opportunity to be chosen by a king (IRBC, 2016b). Cases were reported of women being brought against their will by family members to be married to a king (IRBC, 2016b). When refusing marriage, women may fear physical punishment or being cursed (IRBC, 2016b). They can file a complaint to government authorities, however judiciary staff or the police are often reluctant to intervene in kingship matters (IRBC, 2016b).

b) Child marriage

The legal age of marriage is 18 years old for both men and women (Code of Persons and Family, Art. 123). However, marriage under 18 can be contracted with parental consent or by authorisation from the president of the tribunal in extenuating circumstances (Code of Persons and Family, Art. 123). Practices enabling early or forced marriage, including by coercion, psychological pressure, emotional blackmail, social and family pressure are prohibited (Code of the Child, Art. 181). Except under circumstances mentioned in the Code of the Child, anyone who arranges a marriage for his/her child under the legal age of marriage is liable of imprisonment of three to ten years and a fine (Code of the Child, Art. 375). Furthermore, anyone, by tradition or custom, who is responsible for the pregnancy of a minor girl, can be sentenced to six months to two years of imprisonment and is liable for a fine (The Code of the Child, Art. 331).

c) Household responsibilities

The law provides women with the same rights as men to be recognised as the head of household, as both spouses hold the moral and material responsibilities for the family (Code of Persons and Family, Art. 155). Both spouses are expected to contribute financially to the family life (Code of Persons and

Family, Art. 159). In addition, the principle of self-determination with regards to marriage and procreation is guaranteed under the Act on Sexual Health and Reproduction.

The law provides women with the same rights as men to be the legal guardian of their children during marriage; parental authority must be exercised in common, by the mother and the father (Code of Persons and Family, Art. 411). This concerns children born during marriage and in informal unions (Code of Persons and Family, Art. 413). Furthermore, the law provides women with the same rights and responsibilities towards their children during marriage (Code of Persons and Family, Art. 158).

The law mandates that both spouses should choose the familial residence, however, if there is a disagreement between the spouses, the husband's decision prevails (Code of Persons and Family, Art. 156). The wife can obtain a judiciary authorisation in case the familial residence chosen by the husband represents a moral or material danger to her or her children (Code of Persons and Family, Art. 156). Regarding the right of unmarried women to choose where to live, no restrictions could be located in the legal framework.

The CEDAW Committee (2013) stressed the persistence of patriarchal attitudes and stereotypes concerning the roles and responsibilities of women and men within the family and society. Women, especially in rural areas, hold traditionally subordinate roles within the context of household responsibilities, the husband being the decision-making figure (US Department of State, 2016). Women are responsible for hard labour and subsistence farms (US Department of State, 2016). Following the adoption of the Code of Persons and Family, the Government and NGOs are holding education campaigns for women on their rights in terms of inheritance, property, and rights in marriage (notably the prohibition of forced marriage, early marriage, child marriage and polygamy) (US Department of State, 2016).

d) Divorce

Divorce can be initiated by both spouses by mutual consent or upon request of one of the spouse (Code of Persons and Family, Art. 221). Additionally, women have the same requirements as men to finalise a divorce or annulment (Code of Persons and Family, Art. 235 & 149). Women are guaranteed the same rights as men to be the legal guardian of their children after divorce; the judge is responsible for determining who will obtain child custody (Code of Persons and Family, Art. 412). After divorce, both parents share the same rights and responsibilities towards their children (Code of Persons and Family, Art. 264).

As women are expected to raise children, stigma over divorce persists in Benin, especially for divorced mothers who may be perceived as neglectful mothers (Emery, 2013). Additionally, constraints over women's ability to be economically independent (such as restricted access to land or the obligation sometimes to give their earnings to their husband) impede on women's ability to divorce, notably to pay for a divorce attorney or to live alone (Emery, 2013). In case of divorce, remarriage constitutes the norm in most cases, due to the high social value of marriage and the necessity of being married to be fully socially integrated (Emery, 2013).

e) Inheritance

With regards to inheritance, the law establishes equality between daughters and sons to inherit land and non-land assets. Children or descendants enjoy the rights to inherit from their father and mother and other ascendants without discrimination of sex or age (Code of Persons and Family, Art. 619). Moreover, female surviving spouses are provided with the same rights as male surviving spouses to inherit land and non-land assets. When the deceased has children, the surviving spouse will inherit one quarter of the succession (Code of Persons and Family, Art. 632). When the deceased does not have children, the surviving spouse will inherit half (the remaining going to ascendants of the deceased) (Code of Persons and Family, Art. 633). When the deceased does not have ascendant or descendant linkages, the surviving spouse inherits all (Code of Persons and Family, Art. 634). Women and men also have equal rights to make a will (Code of Persons and Family, Art. 871).

There is a legal contradiction regarding the application of customary laws regarding inheritance. The Code of Persons and Family establishes that customary law is not applied with reference to the legal provisions included in the law (Art. 1030). However, the Act on Rural Land Tenure recognises customary law with regards to inheritance of land (Art. 7). Inheritance practices are discriminatory towards women. Customary laws establish that women cannot inherit property nor land (CEDAW, 2012). When the husband dies, his family will take control of property and land and decide on inheritance (MFSN, 2009). The widow is expected to re-join her family (MFSN, 2009). Despite the legal framework guaranteeing the right of women to inherit property and land, customary law still dominates in rural areas (CEDAW, 2013).

2. Restricted Physical integrity

a) Violence against women

Benin adopted the Act on the Prevention and Punishment of Violence against Women in 2012, which provides a comprehensive approach to address violence against women with specific provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for survivors. The Act recognizes as forms of violence against women: harassment, incest, incitation of minors to debauchery, forced marriage, FGM, paedophilia, harmful traditional practices, forced prostitution, procuring, forced sterilisation, rape, marital rape, violence in the family setting, including honour crimes, violence in the professional setting, domestic violence, economical violence, patrimonial violence, physical violence, moral and psychological violence, sexual violence, and zoophilia. The Act includes measures for awareness-raising, prevention, training for professionals and detection in four sectors: the education sector, the publicity and communication sector, the medical and social sector and the judiciary and para-judiciary sector. Moreover, the legal framework establishes penal and civil dispositions for the punishment of gender-based crimes (Title V). The Act, following its adoption was translated into local languages and disseminated amongst 77 communes (IRBC, 2016a).

Services for survivors are provided through the establishment of a network of government-led Centres of Social Promotion in every department of Benin (Act on the Prevention and Punishment of Violence against Women, Art. 18). Those centres are mandated to provide shelters, emergency and assistance

services to survivors, including information, psychiatric, psychological, social, and medical support, service of police officers, follow-up of judiciary and administrative procedures, training on gender equality, support for education and professional insertion and facilitation of access to welcome centres (Act on the Prevention and Punishment of Violence against Women, Art. 18). Support for victims of gender-based violence is also enforced through NGOs and civil society organisations (US Department of State, 2016). For instance, WILDAF-Benin led a training session for judges, medical doctors and law professors on legislation and measures to protect victims of gender-based violence (US Department of State, 2016). In addition, the Ministry of Family and National Solidarity has coordinated 1600 awareness-raising actions throughout the country and has established in 2010 a helpline in 49 municipalities which advises women victims of violence (MFSN, 2012). The Ministry reports that over 13 months, 12,129 visits and requests have been administered by legal assistant and 5,042 cases have been opened (representing 4,927 women and girls) (MFSN, 2012).

Despite public measures and the legal framework, violence against women is prevalent in Benin (including domestic violence and sexual harassment) (ICCPR, 2015). Victims encounter difficulties to access justice and prosecutions of perpetrators are low (ICCPR, 2015). There is additionally a reluctance to report rape and domestic violence for fear of reprisals or social stigma (ICCPR, 2015). Furthermore, UNDP reports impunity for perpetrators of gender-based violence due to barriers to reporting (fear and stigma); inefficient follow-up of cases; lack of centralisation of data on reported cases; and a limited access to justice for victims (distance and cost) (Tandem, 2015).

b) Domestic violence

The law defines domestic as an abuse of power or intentional negligence with the aim to dominate, submit, control or assault women physically, verbally, psychologically, in terms of the patrimonial situation, economically, sexually, whether the attacker is linked or has been linked to the victim by kinship, blood, alliance, marriage, cohabitation or has or has had a de-facto relationship (Act on the Prevention and Punishment of Violence against Women, Art. 3). When the victim and the perpetrator of the physical and sexual violence have a domestic relationship, the perpetrator is punishable by additional five to ten years of imprisonment to the initial sentence (Act on the Prevention and Punishment of Violence against Women, Art. 30). Moreover, the victim of domestic violence is granted the right to continue to occupy temporarily the familial residence (Act on the Prevention and Punishment of Violence against Women, Art. 20).

The law also mandates the provision of emergency shelters and comprehensive services to victims of gender-based violence, including domestic violence, through the Centres of Social Promotion (Act on the Prevention and Punishment of Violence against Women, Art. 18). Additionally provision of guidelines and professionals who may deal with domestic violence, such as health workers and judicial staff, is also stipulated in the law (Act on the Prevention and Punishment of Violence against Women, Art. 14, 15 & 16). Provisions for the prevention of domestic violence, awareness-raising and education campaigns about domestic violence are also included in the law (Act on the Prevention and Punishment of Violence against Women, Title II). Furthermore, a divorce can be pronounced in case of ill-treatment, excess, serious abuses or insults making life in common impossible (Code of Persons and Family, Art. 234).

The Central Office for the Protection of Minors, of Family and of Fighting against Human Trafficking deals with responding to reports of domestic violence against women and girls. NGOs and international actors organize trainings for national police and armed forces regarding domestic violence (on an ad-hoc basis) (IRBC, 2016a).

Domestic violence is prevalent in Benin (US Department of State, 2016). One of the key issues is the reluctance of victims to report domestic violence because it is considered a family matter but also for fear of retaliation and social stigma (IRBC, 2016a).

c) Rape

The law stipulates that rape and sexual violence are criminal offenses (Act on the Prevention and Punishment of Violence against Women, Art. 3). The definition of rape is based on lack of consent, stipulating that consent is not valid if the girl is under the age of 16 (Act on the Prevention and Punishment of Violence against Women, Art. 3). Fighting the attacker is not considered to be the exclusive proof of lack of consent and there is no reduced sentence if the perpetrator is married to the victim (Act on the Prevention and Punishment of Violence against Women, Art. 3). Concerning domestic violence and rape, the testimony of the victim can be considered solely as proof for conviction (Act on the Prevention and Punishment of Violence against Women, Art. 15). The fact that the victim and the offender are related or enjoy a domestic relation will be considered as an aggravating factor in cases of sexual violence, punishable by additional imprisonment of five to ten years (Act on the Prevention and Punishment of Violence against Women, Art. 30). The inter-ministerial order of 1 October 2003 includes penalties for perpetrators of sexual abuse in public or private general, technical or vocational secondary schools or educational establishments (CEDAW, 2013).

Additionally, the law mandates specialised training for professionals who may deal with sexual violence, in particular health workers, judicial staff and police officers (Act on the Prevention and Punishment of Violence against Women, Art. 14, 15 & 16). The law does not provide for specialised tribunals to address sexual violence but stipulates that each public prosecutor's office must appoint at least one trained member to represent the prosecution in all cases of domestic and sexual violence; each court of first instance must appoint at least one judge to investigate all cases of domestic and sexual violence (Act on the Prevention and Punishment of Violence against Women, Art. 16). The law also foresees state responsibility to provide medical support and legal assistance to survivors of sexual violence (Act on the Prevention and Punishment of Violence against Women, Art. 18). Moreover, the law includes provision of awareness-raising and education campaigns on sexual violence (Act on the Prevention and Punishment of Violence against Women, Title II).

Sexual violence is prevalent in Benin and cases of rape and sexual violence rarely reach convictions (CEDAW, 2013). Additionally, women seldom report being victims of rape or sexual violence, notably due to cultural taboos, fear of stigma and retaliation and fear of exclusion from their communities (CEDAW, 2013).

d) Sexual harassment

Benin adopted in 2006 the Act on the Suppression of Sexual Harassment and Protection of Victims. Under the Act, anyone guilty of sexual harassment is punishable of imprisonment from one to two years and/or a fine of XOF 100 000 to 1 000 000 (Western African CFA franc) (Art. 22). Accomplices are punishable of the same sentence (Art. 22). The maximum penalty will be applied in case of aggravating factors, such as the perpetrator abused his/her authority, is an ascendant or the victim is minor or vulnerable (Art. 23). Anyone who does not report an incident of sexual harassment also faces penalties (Art. 24). The legal framework covers sexual harassment in any location, including specific provisions for the workplace and educational institutions (Art. 2, 3, 6 & 7). Cyber harassment is not covered in the legislation.

The US Department of State (2016) reports that sexual harassment is prevalent in the education sector. Waubert de Puiseau & Roessel (2013) report that there is a high incidence of sexual harassment towards girls in Beninese schools (boys are affected to a lesser extent); in some cases, in exchange for sexual favours, teachers would grant better grades and privileges. The authors highlight that belief systems – such as sexism, traditional gender identities and acceptance of rape myth – support the persistence of sexual harassment in schools (Waubert de Puiseau & Roessel, 2013: 709).

e) Female genital mutilation

The legislative framework addressing Female Genital Mutilation (FGM) in Benin include the Act on the Repression of the Practice of Female Genital Mutilation, the Code of the Child (Art. 185) and the Act on the Prevention and Punishment of Violence against Women (Art. 3).

Any person who performs FGM is punishable by law of a prison term of six months to three years and a fine of XOF 100 000 to 2 000 000 (Act on the Repression of the Practice of Female Genital Mutilation, Art. 4). Higher penalties are imposed when the victim is a minor or if the victim dies (Act on the Repression of the Practice of Female Genital Mutilation, Art. 5 & 6). Anyone who assists or encourages the practice will be punishable as the person who performs the FGM (Act on the Repression of the Practice of Female Genital Mutilation, Art. 7). It is an obligation to report the crime (Act on the Repression of the Practice of Female Genital Mutilation, Art. 9). The law also mandates the provision of assistance and shelters under for survivors of FGM (Act on the Prevention and Punishment of Violence against Women, Art. 17).

Following the adoption of the law, Benin's Ministry of Family and National Solidarity led training programmes for public opinion leaders and practitioners of FGM, and brought criminal proceedings against FGM practitioners. The Ministry also conducted awareness-raising actions for members of the judiciary, police officers and civil society and programmes aiming at the reconversion of practitioners towards other professions (CRIN, 2008). NGOs also conducted a programme on local radio in local languages to prevent FGM (US Department of State, 2016). Despite these efforts, the World Organisation Against Torture notes that the practice remains largely unreported and that few prosecution are enforced by the judicial system (CRIN, 2008). FGM is prevalent especially in the Northern regions of the country (WILDAF, 2013). There is also evidence that the practice is conducted outside Benin to avoid prosecution (CEDAW, 2013).

f) Abortion

Abortion on request is not legal in Benin. The law stipulates that a woman who tried or had an abortion is liable of imprisonment of two months to two years and a fine (Penal Code, Art. 317). Additionally, anyone who tries or performs an abortion on a pregnant woman is liable for imprisonment of five to ten years and a fine; increased penalties are applied if the person performs abortions on a regular basis (Penal Code, Art. 317). Besides, the Act on the Prevention and Punishment of Violence against Women defines abortion as a violent act against women (CEDAW, 2013). This Act, however, does not mention punishment or measures to be taken with regards to abortion (CEDAW, 2013).

Abortion is permitted upon the decision of a doctor and under certain circumstances: when the mother's life is in danger, if the pregnancy results from rape and incest or when the unborn child is affected with an incurable disorder (Act on Sexual and Reproductive Health, Art. 17).

Reports highlight a limited access to health information and family planning in Benin, especially in rural areas (Africa for Women's Rights, n.d.). Usage of contraception is low and there is a high rate of abortion performed illegally under poor conditions (Africa for Women's Rights, n. d.).

More

Women and children in Benin are particularly vulnerable to human trafficking and forced labour (ICCPR, 2015). Benin represents a country of origin, of transit, and of destination for human trafficking (ICCPR, 2015). Identified victims are mostly Beninese girls, involved in domestic servitude, forced labour in markets or sex trafficking (US Department of State, 2015). Trafficking occurs internally (from rural to urban areas) and externally (towards neighbouring countries, such as Nigeria, Côte d'Ivoire, Togo, Ghana and the Republic of Congo). West African women are also brought to Benin for domestic servitude and sexual exploitation (US Department of State, 2015). Cases of sex tourism targeting children on the coast of Benin have been also reported (US Department of State, 2015; CLOSE, 2015).

Furthermore, reports show misuses of the placement of children *vidomégon* (ICCPR, 2015). The practice by which rural families send their children to urban families for domestic work in exchange for education has led to cases of abuse, forced labour and sexual exploitation (US Department of State, 2016). 95% of child domestic workers were found to be girls (US Department of State, 2016). There is evidence that child domestic workers suffer from economic exploitation and occasional and informal prostitution (CLOSE, 2015).

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Benin has strengthened its legislative framework in the past decade with regards to land and property ownership. Women have the same rights as men to own, use, make decisions and use land as collateral (Act on Rural Land Tenure, Art. 11). These rights are also guaranteed after divorce or separation (Code of Persons and Family, Art. 185).

Regarding property and other non-land assets, the law provides women with the same rights as men to own, use, make decisions and use as collateral regardless of their marital status (Code of Persons and Family, Art. 190 & 191, Act on Private and State-owned Land, Art. 14). These rights are ensured after divorce or separation (Code of Persons and Family, Art. 185).

Moreover, a married woman has the same rights as a married man to administer marital property (Code of Persons and Family, Art. 185). The law also provides joint land titling (Decree on the Modalities of Division and Reunion of Land Titles, Art. 2). Every person with physical or moral Beninese nationality can acquire property or land in the Republic of Benin (Act on Private and State-owned Land guarantees, Art. 14). No person can be deprived of his/her property unless for cause of public utility, which would include compensation (Act on Private and State-owned Land guarantees, Art. 43).

The law mandates a gender-sensitive approach in every rural development policy or programmes to enhance women's participation in the sector (Act on Rural Land Tenure, Art. 2). Furthermore, the Government has provided investments in equipment and technical support for cooperatives of women in rural areas (PNUD, 2013).

However, the legal framework recognises customary law for rights regarding land ownership and allocation and inheritance practices (Act on Rural Land Tenure, Art. 7). With regards to land, customary practices tend to be discriminatory towards women (GI-ESCR, 2013). Discriminatory traditional systems of inheritance are still prevalent in some regions which impede women's access to land, as inheritance constitutes one of the major means to acquire land (MFSN, 2009). Widows are traditionally expected to re-join their families after their husband's death while the husband's family would take control of land and property (MFSN, 2009). In some cases, when there is a male heir, the widow can use the property and land (MFSN, 2009). Additionally, some localities permit women to buy land under customary law (MFSN, 2009). These practices are declining in urban areas (with regards to property) (MFSN, 2009).

b) Secure access to formal financial resources

The law stipulates that each spouse can open a bank account without the authorisation of the other (Code of Persons and Family, Art. 175). Married women have the same rights as married men to obtain credit (Code of Persons and Family, Art. 202). Similarly, unmarried women have the same rights as unmarried men to obtain credit (Sossa, 2011).

The National Policy on the Promotion of Gender in Benin (2009) aims to strengthen women's access to formal financial services, in particular credit. The Policy's objective is to ensure access to micro-credits to 90% of women in urban areas and 70% in rural areas and to increase the average rate of credit allocated to women from XOF 100 000 to 250 000 by 2025. Within the framework of a national strategy to reduce poverty, the rates of micro-credit allocated to the poor segments of the society has notably increased, particularly for women (PNUD, 2013). The government has provided capacity-building in credit management to rural women (PNUD, 2013). Institutions of microfinance in Benin apply a gender lens to their activities: some operate programmes directly targeting women, other operate programmes for men and women that consider women's specific situation and lines of activities (Sossa, 2011).

However, women are still reported to hold lower numbers of accounts at a financial institution than men (International Monetary Fund, 2016). Furthermore, women in rural areas remain excluded from agricultural credit, which is allocated according to land titles – likely to be held by men in many cases (MFSN, 2009; GI-ESCR, 2013). It is also reported that women in Benin are often refused bank loans, notably because of the lack of resources or ownership titles they can use as collateral (Emery, 2013).

c) Workplace rights

The law mandates non-discrimination on the basis of sex during recruitment, work implementation and division, professional training, promotion, remuneration, social benefits, discipline or the termination of a contract (Labour Code, Art. 4). The law also recognizes the principle of equal work for equal pay (Labour Code, Art. 126). The law allows women to work the same night hours as men (Labour Code, Art. 153). However, women are prohibited to enter certain professions, such as hazardous work, metalwork or heavy lifting (Inter-Ministerial Order on the Categories of Work and Workplaces Forbidden to Women, Pregnant Women and Youth). The law does not require women to have permission from their husband or legal guardian to choose a profession, occupation or work or to register a business (Code of Persons and Family, Art. 157).

The laws mandates paid maternity leave of 14 weeks, with full wages covered by the social security system (Labour Code, Art. 170). The law protects women's employment security when they are on maternity leave (Labour Code, Art. 171). Additionally, workers are entitled for 3 days of paid leave in special circumstances, notably when a child is born, paid by the employer (General Collective Labour Agreement, Art. 54). The law does not mandate parental leave.

Women's participation in the work force in Benin is largely concentrated in the informal sector, and discriminatory distribution of tasks based on gender persists (CEDAW, 2013). Socio-cultural perceptions tend to enforce the traditional division of work whereby men occupy higher income-generating activities and women are concerned with house-related and care-giving activities (MFSN, 2009). Discriminatory practices against women in recruitment for directors and/or professionals position have also been reported (ILO, 2014).

Women are increasingly present in activities traditionally occupied by men, however there is a significant rural/urban divide (MFSN, 2009). In some regions, the wife is expected to help the husband in the agricultural work and ask for his permission if she wants to carry out other activities (MFSN, 2009).

4. Restricted Civil liberties

a) Citizenship rights

The Constitution does not recognise intersectional discrimination but stipulates that women and men are equal (Art. 26). Women have the same rights as men to acquire, change and retain their nationality as men (Code of Nationality, Art. 35, 38, 46 & 48). Moreover, the law provides women with the same rights as men to confer nationality to their children (Code of Nationality, Art. 7, 8, 12 & 13). However, women are not guaranteed with the same rights as men to confer nationality to their spouse (Code of Nationality, Art. 18, 35 & 36).

The law provides women with the same rights as men to register the birth of their children (Code of Persons and Family, Art. 60).

The law provides women with the same rights as men to apply for identity cards and passports (Ministry of Foreign Affairs and Cooperation of Benin, n. d.). However, married women must provide a certificate of marriage in order to obtain an identity card or passport; this is not required of married men (Ministry of Foreign Affairs and Cooperation of Benin, n.d.). The law provides women with the same right as men to acquire passports and other travel documents for their minor children (Code of the Child, Art. 165). Women are also granted the same rights as men to travel outside the country (Constitution, Art. 25).

All births must be registered within ten days after the birth, however a delay of three months is authorised in regions where the decentralised institutions have not been implemented (Code of Persons and Family, Art. 60). Additionally, the Public Prosecutor can register a birth beyond the delay (Code of Persons and Family, Art. 60). Birth registration is low in rural areas (CLOSE, 2015). The Ministry of Interior led a campaign in 2015 to increase awareness on birth registration (US Department of State, 2016). The Government and UNICEF are jointly establishing programmes to deliver birth certificates to those who do not possess one (US Department of State, 2016). CLOSE (2015) estimates that 1 out of 5 children are not registered, and that amongst those who are declared, only 1/3 hold a birth certificate.

b) Voting

Women, irrespective of marital status, have the same rights as men to vote (Electoral Code of Benin, Art. 9). The National Electoral Autonomous Commission oversees citizens' right to vote. Furthermore, no information on discriminatory practices that may restrict these rights was located.

c) Political voice

The law provides women with the same rights as men to hold public and political office, including in the executive, legislative or judiciary (Constitution, Art. 6). There are no legal quotas nor special measures in Benin to promote women's political participation at the national or local level. The National Institute for the Promotion of Women is tasked with promoting women's participation in public and political life and conducts capacity-building and training activities for women and girls (INFP, n. d.).

An Act mandating quotas and special temporary measures for increasing women's access to political position was drafted, but has not yet been adopted as of July 2017 (ICCPR, 2015). There is little information on the government's effort to increase women's participation in the political sphere.

Few women are candidates at local and national elections, partly because of high rates of illiteracy of women and lack of access to education (CEDAW, 2012). In State institutions, women hold very few decision-making positions in all spheres, due to stereotyping and structural discrimination (CEDAW, 2012).

d) Access to justice

The law provides women with the same capacity as men to be sued and to sue (Constitution, Art. 26). A woman's testimony carries the same evidentiary weight in court as a man's in all types of court cases, including civil, criminal, family court or tribunal (Code of Civil, Commercial, Social and Administrative Procedure, Art. 272 & Code of Penal Procedure, Art. 110). The legal framework includes elements to ensure that women are able to exercise their capacity to sue, such as the Act on the Prevention and Punishment of Violence against Women, which guarantees to women victims of violence free legal aid and follow-up services with regards to judicial and administrative procedures (Art. 18). Additionally, procedural rules do not take account of the particular interests of women and girls, but the Code of Penal Procedure includes provisions regarding witness protection, such as anonymity or audition of witness at distance without voice recognition (Art. 120-124).

The National Council for Gender Equality and Equity, established by decree in 2013, is the dedicated body tasked with the promotion of gender, notably the implementation of the National Policy on the Promotion of Gender (AFD, 2014). All relevant Ministries are mandated to integrate a gender-sensitive approach within their policies and action plans. To this effect, the 2010 National Policy on the Promotion of Gender provides for gender focal points in all institutions (MFSN, 2012).

Benin's National Human Rights Commission is mandated to receive individual and collective requests from citizens and can pursue prosecution in cases of violations of human rights, it is also mandated to help victims accessing justice (Act on the National Human Rights Commission of Benin, Art. 4). In cases of judicial pursuits, the Commission can act as civil party for the victim (Act on the National Human Rights Commission of Benin, Art. 34). The National Human Rights Commission is also tasked with monitoring compliance with international human standards (Act on the National Human Rights Commission of Benin, Art. 4). However, the ICCPR (2015) notes that no members have been appointed to the National Human Rights Commission following the adoption of the Act.

The National Institute for the Promotion of Women, established by decree in 2009 and 2015, is mandated to conduct research and analysis on women in Benin, to establish and produce gender statistics and to conduct capacity-building and training activities for women and girls (INFP, n. d.). The Institute also leads education and public awareness campaigns on gender equality and women's rights (INFP, n. d.).

Women in Benin enjoy a limited access to justice, due to several factors, including non-reporting for fear of social stigma or retaliation and structural discrimination (Tandem, 2015). Rural women face high costs and distance to access a court, tribunal, lawyer's office or police station (CEDAW, 2013). Reports highlight a practice of judges to reduce sexual offences to misdemeanours (US Department of States, 2016). According to reports from NGOs, some political actors, local authorities, and traditional leaders have in some instances intervened in gender-based violence cases to obtain a settlement out of court (Tandem, 2015). It is estimated that only 3% of victims of domestic violence have access to justice (Tandem, 2015). The IRBC (2016a) establishes similar observations whereby a judicial practice exists of settling cases of domestic violence out-of-court. Care International highlights that suspension of local proceedings occur at the demand of local chiefs or representatives (IRBC, 2016a). Furthermore, the CEDAW Committee (2013) notes the low representation of women in the judiciary

and highlights “the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in all spheres of life and (...) [the] customs and practices that perpetuate discrimination against women and the subordination of women within the family and society”.

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