

BENIN

The 1990 Constitution of Benin prohibits discrimination based on race, sex and religion, and grants men and women equal economic and social rights as citizens. Article 26 establishes the general principle of equality between men and women, and Article 6 proclaims the equality of Beninese citizens of both sexes.¹ In 1992, Benin ratified the International Convention on the Elimination of All Forms of Discrimination against Women.² In 2006 Benin adopted the 2006-2011 strategic guidelines for development which seek, among other things, the promotion of gender equality, women's empowerment and improved social protection.³ In March 2009 the Government of Benin adopted a National Policy for Gender Promotion, which aims to achieve, by 2025, equality and equity between the sexes with a view towards sustainable human development.⁴ In January 2012, a law on the prevention and punishment of violence against women was enacted.

1. Discriminatory family code

The Personal and Family Code promulgated in August 2004 enacted egalitarian principles in accordance with the Constitution of Benin. While progress has been made towards enforcing the Code, discriminatory family practices remain. The Code sets the **legal age at marriage** at 18 for both sexes (art. 123); however, 2006 data from the UN indicates that 22.2% of women aged 15 to 19 were married, divorced or widowed.⁵ In some cases women and girls are forced, abducted or bartered into marriage.⁶

The Personal and Family Code states that husbands are no longer solely responsible for providing moral and material support for their family, but **parental authority** is the domain of both parents (art. 411).⁷ The 2006 DHS provides some information on decision-making among couples. With regard to large household purchases, the husband most commonly makes decisions; the same applies to decisions over women's health care. There is some increase in decision-making power as age increases, and among women who have paid work. To a lesser extent, education also seems to positively affect decision-making power.⁸

The Personal and Family Code grants widows **inheritance** rights (art. 604, art. 630 ff.) and also grants children equal rights to inheritance regardless of gender (art. 604). In practice, however, it remains difficult for women to inherit, and hence own land.⁹ According to customary law, only men may inherit land (see Restricted resources

¹ CEDAW (2002), p. 7

² UNECA (2009), p. 1

³ CEDAW (2012), p. 4

⁴ OECD (2014), *Gender, Institutions and Development Database*, <http://stats.oecd.org>

⁵ United Nations (2012)

⁶ CEDAW (2012), p. 6

⁷ CEDAW (2012), p. 26

⁸ INSAE and Macro International Inc. (2007), pp. 283-284

⁹ CEDAW (2012), p. 24

and assets). The Chronic Poverty Research Centre reports that in 2006 only 21.9% of widows inherited the majority of assets after their spouses died.¹⁰

Women have the legal right to **divorce** their husbands, but often fare very badly in divorce proceedings.¹¹

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The 2004 Personal and Family Code abolished **levirate** marriage, by which a widow is required to marry a brother of her deceased husband. The Code also outlawed **polygamy** (art. 143); however, polygamous marriage practices continue, with a reported 42.3% of women aged 15-49 declaring they were in such a marriage in the 2006 DHS.¹² The Code stipulates that **bride money** shall be only symbolic in nature (art. 142).¹³ In addition, in 2009, the Constitutional Court found the punishment of adulterous women to be discriminatory, and as such women are no longer prosecuted for this offence.

2. Restricted physical integrity

Gender-based violence is widespread in Benin. According to a survey conducted by the Benin Ministry of Family and National Solidarity in 2009, up to 70% of women and girls in Benin have experienced some form of gender-based violence, including domestic violence, rape, trafficking and female genital cutting.¹⁴ Pressure by Women's groups and NGOs led to Act. No 2011-26 on the prevention and punishment of violence against women, enacted into law in January 2012. Much work, however, remains to be done on dissemination, implementation and enforcement.¹⁵ Knowledge of legal reforms within the larger population remains an issue and priority in the courts is not given to cases of violence against women.¹⁶

Benin's Penal Code prohibits **domestic violence** and imposes jail terms of 6 to 36 months, but it is not mentioned under the Family Code.¹⁷ NGO observers believe that women remain reluctant to report cases and police and judges rarely intervene in domestic disputes.¹⁸ Attitudes play a role in the prevalence of domestic violence. The 2011-2012 DHS reports that 16% of women approve of their husbands beating them for one of the 5 reasons listed in the survey, such as going out without her husband's permission, neglecting her children, or arguing with her husband.¹⁹

The Penal Code also prohibits **rape** (imposing sentences of one to five years in jail), but enforcement is weak and few cases are reported due to the stigma attached. The Penal Code makes no distinction between spousal rape and other forms of rape.²⁰

The Republic of Benin's National Assembly approved in September 2006 the country's first comprehensive **sexual harassment** legislation, aimed at protecting women in schools, workplaces and homes.²¹ In addition to

¹⁰ Chronic Poverty Research Centre (2012), p. 29

¹¹ Emery (2013), p. 133-134

¹² INSAE and Macro International Inc. (2007), p. 84

¹³ CEDAW (2012), p. 5

¹⁴ Benin Ministry of Family and National Solidarity (2009)

¹⁵ CARE (2013), p. 5

¹⁶ CEDAW (2013)

¹⁷ Economic Commission for Africa (2012)

¹⁸ US Department of State (2010)

¹⁹ OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

²⁰ US Department of State (2010)

²¹ CEDAW (2012), p. 8

perpetrators of sexual harassment, the Act (No. 2006-19) also penalises persons who are aware of sexual harassment and do not report it.²² Those convicted face sentences from one to two years in prison as well as fines. Enforcement of this act, however, remains an issue, due to a lack of legal knowledge and skills needed to pursue such cases and victims' fears of social stigma.²³ A study carried out within the framework of the 2008 Empower project, reported that sexual harassment was the most common manifestation of sexual abuse; 37% of respondents declared being victims of sexual harassment, follow by rape (20% of respondents) and incest (10% of respondents).²⁴ The law prohibiting sexual harassment and protecting women from violence is being translated into the various languages of Benin.²⁵

Benin outlawed **female genital mutilation (FGM)** in 2003, and an official ceremony was held in 2005 to declare an end to the practice, yet only about 44% of women age 15-49 are aware that the practice of excision is punishable by law.²⁶ The mostly widely practiced kind of genital mutilation in Benin is excision.²⁷ DHS data from 2006 indicates that 12.9% of women aged 15-49 had been subjected to FGM.²⁸ Of women aged 15-49 questioned during the DHS survey in 2006, only 1.4% stated that they believed that FGM was a practice that should continue and 64% stated they had no intention of having their daughters experience excision.²⁹ The practice has been more prevalent in rural areas (20% of women) than in urban areas (13%).³⁰

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There exists an unmet need for family planning among women with 33% of women who do not want to become pregnant but are not using contraception.³¹ According to DHS 2011-12 data, only 13% of women age 15-49 declared using some form of **contraception**; most used a modern method (8%), up from the 6% reported in the 2006 DHS.³²

In some families, husbands have general control over their wives' **access to health services**, with 44.6% of women reporting that their husbands primarily made decisions about their health without consulting them.³³

Abortion is available in Benin to save a woman's life, to protect her physical and mental health, in the case of rape, incest or foetal malformation.³⁴

3. Son bias

There does not appear to be a significant gap in the **sex ratio** at birth in Benin, reported to be 1.04 in 2011 by the World Bank.³⁵ The male/female sex ratio for the total population in 2013 is 1.01.³⁶ **Missing women** does not seem to be an issue in Benin.

²² Economic Commission for Africa (2012)

²³ US Department of State (2011)

²⁴ CEDAW (2012), p. 8

²⁵ CEDAW (2013)

²⁶ CEDAW (2012), p. 8

²⁷ CEDAW (2012), p. 8

²⁸ INSAE and Macro International Inc. (2007), p. 152

²⁹ INSAE and Macro International Inc. (2007), p. 165

³⁰ UNICEF (2007), p. 134

³¹ OECD (2014), Gender, Institutions and Development Database, <http://stats.oecd.org>

³² CEDAW (2012), pp. 9-11

³³ UNICEF (2007), p. 18; see also JICA (2009) and INSAE and Macro International Inc. (2007), p. 283

³⁴ United Nations (n.d.)

³⁵ World Bank (2013)

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Data from the 2006 DHS similarly do not indicate any significant discrepancy between **malnutrition** rates of girls and boys under three.³⁷

Likewise, there is no significant gap between male and female neonatal **mortality** rates, and the under-five mortality rate is slightly higher for boys than for girls.³⁸

In terms of access to **education**, however, in the 2006 DHS, 48.2% of women aged 15-24 reported never having attended school, compared to 18.3% of men in the same age bracket.³⁹

4. Restricted resources and assets

According to Article 26 of the Constitution, as well as Article 3 of the African Charter of Human and Peoples' Rights (to which Benin is a signatory), women and men have equal right to own and administer **non-land assets**.⁴⁰ Customary practices, however, limit women's rights to own property. One of the principal issues that women face in owning and accessing **land** in Benin is a lack of available land. Inheritance is the primary means of gaining access to land, although according to customary law only men may inherit land. The Personal and Family codes address this issue in articles 1029 and 1030, stating that "all previous provisions contrary to this Code are hereby repealed," and that "custom ceases to have force of law in all matters covered by this Code." In addition, article 11 of the 2007 rural land code explicitly stipulates "all citizens of Benin have an equal right to access agricultural land without any discrimination on the basis of sex ... under the conditions established by the law and regulations." Yet only 13% of all land acquired with tenure belongs to women, and these are generally smaller in size than those owned by men. In an effort to promote tenure of rural land, the Benin Government has launched the Access to Land Project, part of the Millennium Challenge Account programme (MCA).⁴¹

Regarding access to **financial services**, agricultural credit and loans are contingent on owning land, thus women are further marginalised. However, a national policy for the advancement of women in agricultural and rural areas aims to address this issue, widening the criteria for loan applications and encouraging medium and long-term loans.⁴² Women are much more likely to obtain microcredit than bank loans, compared to men. According to the most recent Social Indicators Year Book, women had access to 26% of bank loans but obtained 60% of available microcredit, compared to men, who had access to 74% of bank loans but obtained 40% of microcredit.⁴³ Several initiatives have been made to handle microfinance and youth and women's employment, including the creation of a ministerial department for this purpose in 2006, the launching of a Microcredit Program for the Very Poor (PMCPP) in 2007 by the President of the Republic of Benin, and the allocation of a substantial budget in 2008 aimed at supporting women who comprise the majority of workers in the trade and the informal economy.⁴⁴

³⁶ CIA (2013b)

³⁷ UNECA (2009), p. 102

³⁸ JICA (2009), p. 28

³⁹ INSAE and Macro International Inc. (2007), pp. 34-35

⁴⁰ CEDAW (2002).

⁴¹ CEDAW (2012), p. 24

⁴² CEDAW (2012), p. 24

⁴³ CEDAW (2012), p. 22

⁴⁴ CEDAW (2012), p. 23

5. Restricted civil liberties

The Constitution recognises freedom of movement and **access to public space** as extending to all citizens. For some women, however, this freedom is constrained by practices of animist religions. The Oro and Zangbeto religions, for example, place restrictions on women's movements during certain times. Women are required to remain locked inside on pain of physical punishment or even death should they be suspected of spying with the intention of revealing the group's secrets.⁴⁵ In addition, in some households, husbands restrict women's freedom of movement: 45% of women reported that their husbands would only allow them to visit friends and relatives with their permission.⁴⁶ The 2006 Demographic and Health Survey (DHS) similarly reports that 30% of women declare that it is primarily their husband who decides whether she can visit her family and relatives.⁴⁷

Concerning **political voice**, in accordance with the 1990 constitution, various election laws make no distinction between men and women with regard to the right to vote or stand for office in local and national elections.⁴⁸ Nonetheless, high rates of illiteracy among women and the persistence of discriminatory practices mean few women are elected. From 2003 to 2011, the percentage of elected women was consistently low, rising from 7.2% (or 6 out of 83 ministers) to 10% (or 9 out of 83 ministers) between 2007 and 2011.⁴⁹ The poor representation of women in the political sphere is explained in part by the fact that, as stated in the JICA country profile for Benin, "Women's involvement in any activities, whether social, economic or cultural, is subject to men's decision".⁵⁰ A bill on political quotas for women is currently under consideration in parliament, while NGOs are promoting the importance of having women candidates at the grassroots level. A handbook entitled "Women in Politics: What Strategy" has been published by the government and efforts have been made to disseminate it widely, to encourage women to become politically active.⁵¹ The right to freedom of assembly is generally respected, and requirements for permits for demonstrations are often ignored.⁵²

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In terms of **workplace rights**, the civil service and state institutions have relatively few women workers, despite legislation stipulating equal access. Data from 2007 report that the civil service is made up of 73.2% men compared to 26.8% women.⁵³ The participation of women in government is at a similar level, varying from administration to administration (e.g. 23.08% in 2007 and 13.3% in 2008), and women tend to be in positions concentrated in the Ministry of Health, Ministry of Education, Ministry of Trade, and Ministry of the Family and Children.⁵⁴

Article 8 of the Constitution "guarantees its citizens equal access... to vocations training and employment" while article 30 recognises the right to work regardless of sex.⁵⁵ The Labour Code similarly does not make distinctions on the basis of sex and in fact prohibits employers from considering sex, age or race when making decisions

⁴⁵ CEDAW (2012), p. 26

⁴⁶ UNICEF (2007), p. 20

⁴⁷ INSAE and Macro International Inc. (2007), p. 283

⁴⁸ CEDAW (2012), p. 11

⁴⁹ CEDAW (2012), p. 11

⁵⁰ JICA (2009), p. 16

⁵¹ CEDAW (2013)

⁵² US Department of State (2010)

⁵³ CEDAW (2012), p. 12

⁵⁴ CEDAW (2012), p. 13

⁵⁵ CEDAW (2012), p. 17

relatives to hiring, promotions, benefits or terminations.⁵⁶ The code also establishes the “principle of equal pay for work of equal value”.⁵⁷

Under employment law, women are legally entitled to 14 weeks’ **maternity leave** and cannot be fired by their employers when they become pregnant.⁵⁸ In addition, in adherence with International Labour Organization (ILO) standards, the Labour Codes provides particular protections for pregnant women in the even they lose their jobs.⁵⁹ However, a lack of awareness among women hinders the successful implementation of these laws and policies.⁶⁰ Also, this legislation only applies to women working in the formal economy, where they make up 40.5% of the workforce.⁶¹ Those women working in the informal sector are not protected by this, or any other, employment legislation.

⁵⁶ CEDAW (2012), p. 18

⁵⁷ CEDAW (2012), p. 18

⁵⁸ CEDAW (2002), p. 48

⁵⁹ CEDAW (2012), p. 18

⁶⁰ UNECA (2009), p. 145

⁶¹ UNECA (2009), p. 130

Sources

Benin Ministry of Family and National Solidarity (2009) Violence Against Women in Benin: A Study Report of the Benin Ministry of Family and National Solidarity, October 2009, http://www.offebenin.org/documents/etude_sur_les_vff_rapport_final.pdf (accessed 1 October 2013).

CARE Gender and Empowerment (2013) The Empower Project: Fostering Alliances for action against gender based violence in Benin. Cooperative for Assistance and Care Everywhere, Inc., <http://www.care.org/campaigns/voices-against-violence/CARE-EMPOWER-Benin-Case-Study-FINAL-Web.pdf> (accessed 1 October 2013).

CEDAW (2002), 'Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Combined initial, second and third periodic reports of States parties: Benin', CEDAW/C/BEN/1-3, Committee on the Elimination of Discrimination against Women (CEDAW), New York, NY, <http://www2.ohchr.org/english/bodies/cedaw/cedaws33.htm> (accessed 27 September 2013).

CEDAW (2005) 'Concluding Comments of the Committee: Benin's, 22/07/2005.A/60/38, Committee on the Elimination of Discrimination against Women (CEDAW), New York, NY, <http://www2.ohchr.org/english/bodies/cedaw/cedaws33.htm> (accessed 1 October 2013).

CEDAW (2012) 'Consideration of reports submitted by States Parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Fourth periodic reports of States parties: Benin', CEDAW/C/BEN/4, Committee on the Elimination of Discrimination against Women (CEDAW), New York, NY, <http://www2.ohchr.org/english/bodies/cedaw/cedaws56.htm> (accessed 27 September 2013).

CEDAW (2013) Committee on the Elimination of Discrimination against Women considers the fourth periodic report of Benin on its implementation of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Discrimination against Women (CEDAW), New York, NY, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13825&LangID=E> (accessed 4 October 2013).

Chronic Poverty Research Centre (2011) Widowhood and asset inheritance in sub-Saharan Africa: empirical evidence from 15 countries, http://www.chronicpoverty.org/uploads/publication_files/WP183%20Peterman.pdf (accessed 27 September 2013).

CIA (2013) The World Factbook: Benin, online edition, Central Intelligence Agency (CIA), Washington, DC, <https://www.cia.gov/library/publications/the-world-factbook/geos/bn.html> (accessed 1 October 2013).

Emery, Robert (2013), Cultural Sociology of Divorce: An Encyclopaedia, Sage Publications, Inc. University of Virginia.

INSAE and Macro International Inc. (2007) Enquête Démographique et de Sante (EDSB-III) : Bénin 2006. Institut National de la Statistique et de l'Analyse Économique (INSAE), Benin, and Macro International Inc., Calverton, Maryland, USA, http://www.measuredhs.com/pubs/pub_details.cfm?ID=733&ctry_id=52&SrchTp=ctry (accessed 27 September 2013).

INSAE and ICF International (2012) Enquête Démographique et de Santé et à Indicateurs Multiples du Benin (EDS-MICS IV) 2011-2012 : rapport préliminaire. Institut National de la Statistique et de l'Analyse Économique (INSAE), Cotonou, Benin, and ICF International, Calverton, Maryland, USA, <http://www.measuredhs.com/what-we-do/survey/survey-display-420.cfm> (accessed 1 October 2013).

JICA (2009) 'Country Gender Profile (Benin)', Japan International Cooperation Agency (JICA) Bénin, Cotonou, http://www.jica.go.jp/english/operations/thematic_issues/gender/background/pdf/e09ben.pdf (accessed 17 October 2010).

Law No.2011-26 on Prevention and Punishment of Violence against Women, Republic of Benin (2011).

UNECA (2009) African Women's Report 2009: Measuring Gender Inequality in Africa: Experiences and Lessons from the African Gender and Development Index, UN Economic Commission for Africa (UNECA), Addis Ababa, http://www.ununece.org/UNECA_resources/publications/books/awr/AWR09_FIN.pdf (accessed 1 October 2013).

UNICEF (2007) State of the World's Children: the Double Dividend of Gender Equality, New York: UNICEF, <http://www.unicef.org/sowc07/docs/sowc07.pdf> (accessed 1 October 2013).

United Nations, Department of Economic and Social Affairs, Population division (n.d.) World Abortion Policies, 2013, http://www.un.org/en/development/desa/population/publications/pdf/policy/WorldAbortionPolicies2013/WorldAbortionPolicies2013_WallChart.pdf.

United Nations, Department of Economic and Social Affairs, Population Division (2011) World Contraceptive Use 2010 (POP/DB/CP/Rev2010).

United Nations Department of Economic and Social Affairs, Population Division (2012) World Marriage Data 2012.

United Nations, Department of Economic and Social Affairs, Population Division (2013) World Fertility Data 2012 (POP/DB/Fert/Rev2012).

United Nations Economic Commission for Africa (2012) Africa Women's Rights Observatory, http://www1.uneca.org/awro/country_benin.aspx (accessed October 2013).

US Department of State (2010) '2009 Country Reports on Human Rights: Benin', <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135938.htm> (accessed 1 October 2013).

US Department of State (2011) '2011 Country Reports on Human Rights: Benin', <http://www.state.gov/documents/organization/186377.pdf> (accessed 1 October 2013).

World Bank (2013) World Bank Data: Benin, <http://data.worldbank.org/country/benin> (accessed 1 October 2013).