



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Fifty-sixth session

Summary record (partial)* of the 1164th meeting

Held at the Palais des Nations, Geneva, on Thursday, 3 October 2013, at 3 p.m.

Chairperson: Ms. Patten (Vice-Chairperson)

later: Ms. Ameline (Chairperson)

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* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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In the absence of Ms. Ameline, Ms. Patten, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Benin (continued) (CEDAW/C/BEN/4, CEDAW/C/BEN/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Benin took places at the Committee table.*
2. **Mr. Laourou** (Benin) said that the country strategy paper for the period 2012–2016 presented updated statistics and highlighted certain challenges facing the State party, including in the area of gender equality, education, health and microfinancing. Endemic disease remained prevalent in Benin, with malaria being the leading cause of illness and accounting for almost half of all visits to doctors.
3. The Government's long-term strategic vision set various development targets, including the achievement of gender equality by 2025. Girls accounted for some 44 per cent of secondary-school enrolment in 2010. The Government had made significant efforts in capacity-building and mobilizing budget resources in order to improve the education system and encourage girls to stay in school and enter higher education.
4. Benin was a fledgling and predominantly agricultural economy, with limited resources compared with certain other developing countries. Unemployment remained a major concern, particularly in urban areas. The Government was striving to promote youth employment and had introduced multisectoral programmes to boost investment in agriculture, small and medium-sized enterprises, trade and the service industry. A ministry had been established to promote youth and women's employment and microfinance. The informal sector remained by far the largest part of the economy, but efforts were under way to shift jobs to the formal sector.
5. **Mr. Hounyeaze** (Benin) said that a special division responsible for maternal and child health had been established within the Ministry of Health. It coordinated health-related activities for mothers, children, adolescents and young people and the national family planning programme, which included the fight against infertility and female genital mutilation and had helped significantly to reduce maternal mortality rates. National programmes to combat malaria and HIV/AIDS had been strengthened, while agencies had been created to enhance access to vaccinations, primary health care and blood transfusions. An agency for health insurance had also been set up, as well as an agency responsible for ensuring the implementation of the Government initiative to provide caesarean sections free of charge.
6. **Mr. Djenontin-Agossou** (Benin) said that the high number of women working in agriculture did not mean that they were exploited by men. On the contrary, many female rural workers were self-employed. While there was no agricultural bank as such to provide financial assistance, there were local funds for small loans and microcredit available to help farmers to market their produce, which was particularly important as scarce resources meant agricultural subsidies from the State were limited to the cotton industry.
7. **Ms. Sranon Sossou** (Benin) said there was a large disparity between the number of men and women in decision-making positions and that there was no national legislation to increase the number of women in such positions. At the national level, over 80 per cent of decision-making positions were filled by men. In certain sectors, the disparity was less pronounced, while in others women outnumbered men. However, the long-term strategic vision for 2025 aimed to achieve an equal share of men and women in decision-making

positions in business and 30 per cent representation of women in public office. To that end, political parties were urged to appoint women to higher-level posts, although further legislative measures would be required to ensure more equitable representation.

8. **Ms. Schultz** wished to know if the widespread practice of *tontines*, informal funds organized at the local level as a means of saving money or providing a source of credit was included in the State party's development strategies and if there was any formal support for them, as they could be a significant factor in boosting the economic independence of women.

9. She also asked what was being done to comply with the provisions of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) and address the country's deplorable prison conditions. They included extreme overcrowding, poor sanitary conditions, no systematic separation of men and women, the placement of young female offenders with adult women, the lack of educational programmes or recreational activities, insufficient food, including food for the children incarcerated with their mothers, and the lack of personal hygiene supplies. She wished to know what financial and human resources would be used and whether there was a time frame for addressing those problems in each of the country's prisons. She also highlighted the issue of pretrial detention, which could last between 2 and 11 years.

10. **Ms. Gabr** wished to know if the State party had considered increasing the number of midwives as a means of reducing maternal mortality rates. She also asked about the practical implementation of the scheme providing for free caesarean sections, as reports had suggested that certain populations in rural areas lacked access to the requisite kits and patients had had to buy the materials so that the doctors could perform the operation. She asked if the programme required international assistance.

11. She welcomed the efforts to increase the number of mosquito nets used by women, and stressed the importance of providing protection against malaria to women, particularly pregnant women. However, she wished to know what other measures the State party was taking in the fight against malaria-bearing mosquitoes. She also asked what programmes the State party was implementing to assist elderly women, particularly those living in rural areas.

12. **Ms. Nwankwo** said that sex education was not solely a matter of family planning; rather, it should promote a thorough knowledge of reproductive health and rights. She encouraged the State party to review its sex education policy and ensure that it was comprehensive in nature, age specific, gender sensitive and based on life skills, to enable young people to make informed decisions.

13. Mortality rates showed that the scheme for promoting free caesarean sections was not working, as the kits required were unavailable or extremely limited in many hospitals and patients often had to pay for them. Regarding the law which legalized abortion in the event of rape or incest, she asked why women were required to seek court permission in such cases, as such proceedings were often lengthy, and whether the State party was considering amending the law.

14. **Ms. Sranon Sossou** (Benin) said that the practice of *tontines* was common in rural areas and communes, where women would organize themselves into a local association and contribute to a common fund. Contributions would vary from person to person and would allow members to obtain small loans. Further consideration must be given to keeping such funds safe, as the women concerned tended to keep their money at home. Nevertheless, the *tontines* provided women, particularly poor women, with access to financing and allowed them to generate income and play an active role in the local economy.

15. Regarding programmes for the elderly, there were a number of different schemes at the local level aimed at providing counselling services, forming associations of elderly people and increasing their interaction with younger people to help them to pass on their experience and become more active members of society. The Ministry of the Family and Children led special health programmes under which older persons made doctor's visits and received medicine and treatment for conditions such as high blood pressure and diabetes. The programmes made no distinction between men and women.

16. **Mr. Djenontin-Agossou** (Benin) said that the situation regarding detention and pretrial detention in Benin was complicated and needed to be viewed holistically, taking into account regional and national problems. One issue was that court officers went on strike from time to time, which, regrettably, meant that people remained in prison awaiting trial. However, new legislation sought to limit pretrial detention and provided for penalties for failure to uphold the law. Another problem was that Benin simply did not have the financial resources to address the problems that it was facing in the prison and court system. It had opened new courts and a new prison, but that had been a massive undertaking involving many unforeseen additional costs.

17. Mothers who were detained often preferred to keep their children with them in prison instead of entrusting them to a relative, which was partly a cultural issue. There were four national centres for children in conflict with the law, whose mission was to reintegrate them into society through their various training and educational programmes.

18. Young women received comprehensive training from specialized organizations in many areas of sexual education, not just contraception. Classes were also offered in hospitals to mothers in prenatal and postnatal care. Employing more midwives was one way to improve maternal mortality. However, resources were extremely scarce and Benin was already exceeding its budget for public salaries, most of which were concentrated in the health and education sectors. The Government could not afford to train more midwives. Caesarean sections were provided free of charge, but there was corruption in certain hospitals that entailed patients' being prescribed additional, unnecessary medicine and products which they had to purchase. Kits were available, but they occasionally lacked certain components owing to a lack of coordination between hospitals. Nevertheless, caesarean sections were fully covered by the State.

19. Mosquitoes were a serious problem in Benin. In addition to promoting the use of mosquito nets, the Government had established an environmental police which was responsible for monitoring and clearing potential breeding grounds for mosquitoes, thereby reducing the threat of malaria. It had also set up regional hospitals and provided them with the necessary equipment and skilled staff to ensure greater coverage of quality health care, particularly for women and children. In addition, it was making every effort to ensure that abortion cases proceeded as smoothly as possible through the legal system.

20. **Ms. Sranon Sossou** (Benin) said that elderly people remained within the family home in Benin and were principally looked after by their children. The Government provided health-care assistance, but it was not customary in Benin for elderly people to move into a residential care facility.

21. **Ms. Haidar** wished to know why the bill to increase the number of women in senior positions in public and semi-public administrations had been rejected by the parliament. She asked what the State party planned to do to gain support for the bill.

22. **Mr. Djenontin-Agossou** (Benin) said that achieving equal representation of men and women was a substantial challenge, particularly in the parliament, where the overwhelming majority of representatives were men. While the gender parity initiative had received support from within the Government, particularly from the head of State, it had met with resistance from certain representatives during debates and most party heads had

argued that positions should be based on merit rather than gender. However, the Government continued to lobby for the bill and would bring a revised version of it before the parliament at a later date.

23. **Ms. Haidar** would appreciate further details of the provisions of the gender parity bill. Had it stipulated quotas? Had it provided for penalties if such quotas were not met?

24. **Mr. Djenontin-Agossou** (Benin) said that provision had been made for quotas and their enforcement. However, all Government proposals had to be approved by the parliament. Many representatives had been very supportive of the proposal, but it posed a threat to many others who had opposed it to preserve their positions. The political will to achieve gender parity was not lacking, but further, long-term lobbying and awareness-raising were required to make it a reality.

25. **Ms. Gbedemah** said the issue of sexual education was important, as early pregnancies and unsafe abortions were restricting the life choices of young girls in Benin. She wished to know if the State party provided for a sexual education programme in school curricula aimed at boys and girls alike that promoted equal relationships and responsible sexual behaviours and was age appropriate and rights based.

26. **Ms. Sranon Sossou** (Benin) said that sexual education needed serious consideration in Benin, as girls were becoming pregnant as early as 12 years of age, or even younger, when they had little or no understanding of sexuality. Sex remained a taboo subject, particularly in rural areas. Thus, there was very little discussion of the subject outside schools. Local governments and communities were working to promote responsible behaviour among young people. In schools, sexual education was piecemeal and more an exercise in awareness-raising than formal education. There was a need to expand such education at both primary and secondary educational levels.

27. *Ms. Ameline took the Chair.*

Articles 15 and 16

28. **Ms. Schultz** commended the State party on the significant changes to the law that had been made since the adoption of the Personal and Family Code in 2004 and NGOs on their help in drafting the Code and getting the parliament to support it. She welcomed the decision by the Constitutional Court to ban polygamy and to declare the provisions of the Criminal Code concerning adultery to be unconstitutional, as men and women were treated very unequally under those provisions. She therefore wondered whether the Criminal Code had been brought into line with the Personal and Family Code and the Supreme Court decision. She noted with concern that courts lacked resources to implement the Personal and Family Code. Some courts reportedly had not even had a copy of the Code to hand.

29. A number of provisions of the Code were at variance with articles 15 and 16 of the Convention. For example, wives were required to add their husband's family name to their maiden name and divorced women were required to obtain permission from their divorced spouses or authorization from the court to keep that double name. Furthermore, a husband had the right to choose the marital home without his wife's consent if they could not reach agreement on where to live. A married woman who wished to live in a place other than the residence chosen by her husband had to prove in court that the place of residence would put her or her children in danger. Otherwise, she was compelled to remain in the home or sue for a divorce.

30. Although the Code had set the minimum age for marriage at 18 years for both men and women, exemptions could be made by order of a court of first instance at the request of the public prosecutor's office. She wished to know the minimum age for marriage in such

cases, particularly for girls, and how many exemptions for early marriage were granted every year.

31. The period of 300 days during which a woman could not remarry after the death of or divorce from her husband was a relic of the past. Was the State party considering amending the provision of the Code governing remarriage, particularly in the light of medical advances to prove quickly that a woman was not pregnant with her former husband's child?

32. Further details were needed of alimony and child support payments in Benin. What was the share of such payments that were not received or recovered? What remedies were in place for women who did not receive such payments? Did the State party have plans to guarantee payments in the event that former spouses defaulted on spousal or child support or to prosecute those in default?

33. She requested clarification of the statement in paragraph 132 of the report that women could not own or inherit property according to customary practices. Were women's property rights protected in law and in practice under the Personal and Family Code? What share of property fell under civil law and what share under customary law? What share of the population followed customary laws in matters relating to marriage and family relations? How did the Government plan to bridge the gap between customary and civil law? Did it plan to hold meetings with traditional authorities to help to eliminate such harmful customary practices as levirate and sororate, widowhood ceremonies and others?

34. What protections were in place for women in polygamous marriages and their children in the event of divorce? Although polygamy was currently illegal, many men continued living with several partners as husband and wife, either under a single roof or not. What steps had been taken to protect the women who were in such de facto unions?

35. **Mr. Hounyeaze** (Benin) said that all the courts in Benin had access to the Personal and Family Code. More needed to be done to encourage people to accept the Code and there were ongoing campaigns to raise public awareness about its provisions. Nevertheless, in court cases, the Code prevailed over customary law. Turning to the question on cases of default of spousal or child support payments, he said that while the State did not stand in for men who chose not to support their family, women could seek redress with the courts to recover any arrears. The legislature was currently endeavouring to bring the Criminal Code into conformity with the Personal and Family Code. Women had the same right to property as men. The Government was currently reviewing the transitional arrangements provided for under the Personal and Family Code to ensure that the Code was implemented effectively on the ground. Turning to the issue of polygamy, he said that while the practice was banned in Benin, further awareness campaigns were needed to ensure that women did not find themselves in such unions.

36. **Mr. Djenontin-Agossou** (Benin) said that the adoption of the Personal and Family Code was a very considerable step forward in promoting the rights of women and required overcoming many cultural obstacles. Women's associations had played a key role in gaining the necessary support for it. De facto polygamy was a problem faced by many countries, including in Europe, and was not limited to Africa. Although more remained to be done to tackle the problem, the prohibition of polygamy under the Code was a significant accomplishment. Men and women were treated equally under the law if found guilty of adultery. Turning to the question of the right of a partner to choose his or her name, he said that a review of the status of implementation of the Code, 10 years after its adoption in 2004, would soon be complete and his Government would be able to take stock of what further steps were needed to uphold such a right.

37. **Ms. Sranon Sossou** (Benin) said that the review of the Code under way would enable the Government to determine what provisions required amending and what further

steps to implement the Code were needed. She paid tribute to the NGOs that had had to surmount formidable cultural obstacles to get the Code passed.

38. **Ms. Halperin-Kaddari** asked for clarification of the current status of polygamous marriages that had been entered into prior to the adoption of the Personal and Family Code. Were the economic rights of women in such relations safeguarded under the Code, in particular under article 1022? Had such polygamous relations been invalidated following its adoption? She drew the delegation's attention to the Committee's general recommendation No. 29 on the economic consequences of marriage, family relations and their dissolution, which stated that States parties must take steps to uphold the economic rights of women in existing polygamous marriages.

39. She noted with concern the reference in the report to the restriction of freedom of movement and residence because of the practices of certain animist religions, involving for example worship of the Oro or Zangbeto divinities. What was being done to address discriminatory customary practices such as requiring women to remain locked indoors for religious reasons? Were there any measures to change mindsets and eliminate harmful customs that restricted women's rights and freedoms?

40. **Ms. Schultz** asked what share of the population was covered by civil law and what share by customary law. She noted with concern that a revision of the Personal and Family Code under the pending review of its status of implementation could result in setbacks rather than further advances. Clarification was needed of the provision of the Code (art. 400) that required women who were owed back alimony to file a claim within two months of the default on the payments. The arrears ceased to be due thereafter, unless the women in question could show that there were reasons for failing to file a claim in time other than not needing the support payments. The deadline for filing was tight, especially as women tended to be reluctant to appeal to the courts in such matters.

41. **Mr. Hounyeaze** (Benin) said that animist ceremonies involving Oro or Zangbeto, for example, were time-honoured religious traditions. It was believed that they watched over the night and the uninitiated should not venture outside as they were not permitted to encounter them. That was a reality that he hoped would diminish over time and his Government would strive to improve the situation. Citing article 1022 of the Personal and Family Code, which dealt with divorce and legal separation proceedings in customary marriages in an unambiguous manner, he said that the rights of persons in such marriages that had been entered into before the adoption of the Code, including polygamous marriages, were fully protected by the Code.

42. **Mr. Djenontin-Agossou** (Benin) said that the restriction of movement during ceremonies involving Oro or Zangbeto was a matter of initiation. When festivals celebrating Oro were held, men who had not undergone the relevant initiation rites were also prohibited from leaving their homes at night. However, there were ongoing discussions with traditional leaders and efforts to have such ceremonies held in private rather than public places. Local authorities regularly consulted and cooperated with traditional leaders to ensure that customary practices did not interfere with economic or educational activities.

43. He did not have statistics that broke down the share of the population that followed customary and civil law. Women would not allow the review of the status of implementation of the Code to reverse the progress made to date. The review would enable the Government to step up its awareness-raising efforts and make the provisions of the Code a reality in the day-to-day lives of the people. Turning to the issue of spousal support arrears, while he agreed that the two-month deadline to file a claim was tight, it would encourage women to do so in a timely manner. There was a need for greater awareness of the right of women to such support.

44. **Ms. Sranon Sossou** (Benin) said that considerable efforts had been made to raise awareness of the Code, including on the part of trade unions. There had been steady progress in implementing its provisions and the momentum was such that it was no longer possible to return to the situation that had existed 10 years previously.

45. **The Chairperson** expressed gratitude for the productive exchange with the delegation and hoped that the recommendations of the Committee would help the State party to fulfil its obligations under the Convention.

46. **Ms. Sranon Sossou** (Benin) said that she was grateful to the Committee for its questions and recommendations. The Government would continue to strive to improve living conditions in Benin, in particular by empowering women and raising awareness about their rights.

The discussion covered in the summary record ended at 4.45 p.m.