



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

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### Committee on the Elimination of Discrimination against Women

Thirty-third session

5-22 July 2005

#### Concluding comments: Benin

1. The Committee considered the combined initial, second and third periodic report of Benin (CEDAW/C/BEN/1-3) at its 687th and 688th meetings on 7 July 2005.

#### Introduction by the State party

2. Introducing the report, the Minister for the Family, Social Protection and Solidarity and head of the delegation pointed out that the 1990 Constitution of the Republic of Benin paid particular attention to human rights, and that the principle of equality between the sexes was established in several of its articles (inter alia articles 6 and 26).

3. Several technical departments, commissions and committees, established by law or by decree, ensured the promotion and protection of women's rights. The National Commission for the Advancement of Women, which was established in October 2002, as well as the Benin Human Rights Commission played a decisive role in this system.

4. The representative pointed out that numerous associations and non-governmental organizations, through their activities, were contributing to promoting and protecting the rights of women. Those organizations were associated with the work of the State structures working in the human rights sphere.

5. Constitutional, legislative and regulatory measures allowed Beninese women to be represented in the political, economic and social life of the country.

6. Numerous legislative, administrative and judicial measures had been adopted to ensure the implementation of the Convention's provisions: the Labour Code of 1998; the 2001 law concerning specific rules for the election of a President of the Republic; the 2001 decree on conditions for access to widowhood pensions; the policy on the advancement of women, adopted in January 2001; the law on the suppression of female genital mutilation; the 2003 law on sexual health and



reproduction; and the inter-ministerial decree outlining the sanctions to be imposed on perpetrators of sexual violence.

7. The most important recent measure concerned the adoption of the Code on Persons and the Family which outlawed the levirate, set the legal age for marriage for boys and girls at 18, and established monogamous marriage, parental authority and equal inheritance rights for children, regardless of gender.

8. The Code has been promulgated in 2004, and activities were being carried out throughout the territory to publicize and raise awareness about it.

9. The representative mentioned that the seventh section of the Government's programme of action for 2001-2006 was entitled "gender promotion". It included specific objectives for the advancement of women.

10. Regarding activities and measures undertaken by Benin in the framework of the Convention's implementation, the report pointed out that steps had been taken.

11. Nevertheless, violations of individual rights and of the physical integrity of women continued to occur. These violations were prosecuted in accordance with the laws in force.

12. The representative stressed that gender equality was a priority for the Government of Benin. A thematic group on population, gender and development, consisting of partners from the United Nations system, Government ministers and non-governmental organizations, was ensuring follow-up.

13. The representative concluded by stressing that the Government was making efforts to promote the rule of law and to guarantee gender equality and that it was determined to promote a genuine culture of respect for human rights and, in particular, the rights of women.

## **Concluding comments of the Committee**

### **Introduction**

14. The Committee commends the State party for ratifying the Convention without reservations and expresses its appreciation to the State party for its combined initial, second and third periodic report which was, however, long overdue. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and clarifications in response to the questions posed orally by the Committee.

15. The Committee commends the State party for its high-level delegation, which was headed by the Minister for Family, Social Protection and Solidarity and which included the Minister for Justice, Legislative Affairs and Human Rights. The Committee expresses its appreciation for the frank and constructive dialogue between the delegation and the members of the Committee.

### **Positive aspects**

16. The Committee commends the State party for the process of preparation of the report and in particular for the use of a coordinating body to ensure inter-ministerial collaboration and input from non-governmental organizations in the preparation of the report.

17. The Committee congratulates the State party for the recent legislative reforms to eliminate discrimination against women, including the adoption of law number 3 of 2003 prohibiting the practice of female genital mutilation and the Personal and family code in 2004.

18. The Committee welcomes the ratification by the State party of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in December 2004.

#### **Principal areas of concern and recommendations**

19. While the Committee notes with satisfaction that, following ratification, international treaties prevail over national laws, it remains concerned about the status of implementation of the Convention. In particular, the Committee is concerned about limited compliance in national laws and policy with the provisions of the Convention and the definition of discrimination contained in article 1. The Committee is especially concerned about the State party's narrow focus primarily on de jure equality rather than the realization also of de facto, or substantive, equality of women as required under the Convention. The Committee is concerned about lack of efforts to assess the impact of laws and policies on women's equality in such sectors as decision-making, education, employment and health.

**20. The Committee recommends that the State party review all its laws, policies and programmes to ensure compatibility and compliance with the Convention and take all appropriate legislative and other measures to ensure that women enjoy de facto equality with men in all sectors, including adequate sanctions prohibiting direct and indirect discrimination against women as defined in article 1 of the Convention, as well as remedies for violation of rights. It recommends the implementation of campaigns to raise awareness about the Convention and the State party's obligations under the Convention, including the meaning and scope of substantive equality between women and men. Such efforts should be aimed at the general public and especially at public officials, the judiciary and the legal profession. The Committee calls on the State party to assess progress towards the achievement of women's de facto equality in all sectors and provide that information in the next report.**

21. While welcoming the adoption of the Personal and Family Code in 2004, aimed at eliminating discrimination against women and abolishing many discriminatory provisions of the customary law of Dahomey, including polygamy, levirate marriage and discrimination in inheritance rights and the age of marriage, the Committee remains concerned about the application of customary practices and the consequences thereof. It is also concerned about the prevalence of structural patriarchal attitudes and deep-rooted stereotypes that may undermine the effectiveness of the Code and prevent compliance with its provisions. The Committee expresses similar concerns regarding the effectiveness of the law on female genital mutilation. The Committee is concerned about the status of marriages concluded prior to the Code's coming into force.

**22. The Committee calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns on the provisions of the Personal and Family Code and on other laws designed to eliminate discrimination against women so as to achieve full compliance with their provisions. It also urges the State party to ensure that the polygamous**

marriages concluded prior to the entry into force of the new Code enjoy the same rights and benefits provided for in the new Code. The Committee recommends that those efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory harmful customs, traditions, practices and stereotypical attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and to target women and men in all segments of society, including public officials at all levels of Government, community and traditional leaders, and employers and the general public.

23. The Committee is concerned about the absence of policies and programmes, including legislation, to address violence against women and the economic exploitation and ill-treatment of young girls employed as domestic servants. The Committee is particularly concerned about the perception prevalent in the State party that violence against women, particularly domestic violence, is a private matter and the reluctance of women to report incidences of violence committed against them. The Committee also expresses its concern about the paucity in the report of information and statistics on violence against women.

24. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to combat violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse, and to ensure that women and girls, including domestic servants, who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that training be undertaken for the judiciary and public officials, particularly law enforcement personnel, and for health-service providers so as to ensure that they are sensitized to all forms of violence against women and can adequately respond to it. It also recommends the implementation of awareness-raising campaigns through the media and public education programmes, and the working towards a zero-tolerance policy on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.**

25. While welcoming the adoption of measures to prevent and combat trafficking in children, the Committee is concerned that similar measures have not been undertaken with regard to trafficking in women.

26. **The Committee urges the State party to take measures to combat trafficking in women through the adoption and implementation of a comprehensive strategy, including national laws and subregional cross-border initiatives, to prevent trafficking, punish offenders and protect and rehabilitate victims.**

27. The Committee is concerned about the low level of representation of women in public and political life and in decision-making positions, including at the international level. It notes with concern the absence of pro-active measures to increase women's participation in political and public life. The Committee further

expresses its concern regarding the State party's position that the use of temporary special measures such as quotas might be considered to be in violation of the principle of equality between women and men of the country's Constitution.

**28. The Committee draws the States party's attention to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein. The Committee also urges the State party to implement temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making positions. The Committee encourages the State party to implement and strengthen training and awareness-raising programmes to highlight the link between the application of temporary special measures and the achievement of substantive equality between women and men, as well as the importance of women's participation in decision-making at all levels, including at the international level, and to create enabling, encouraging and supportive conditions for such participation.**

29. The Committee is concerned at the poor educational infrastructure and the insufficient number of schools and teachers, which constitute particular obstacles for the education of girls and young women. The Committee expresses its concern about the low rate of enrolment of girls in schools, preference for the education of boys and the high dropout rate of girls due to pregnancy and early and forced marriage. The Committee is especially concerned about the extremely high rate of illiteracy among women and girls, which presently stands at 81 per cent for women and girls between the ages of 15 and 49.

**30. The Committee urges the State party to increase its investment in education, including through international donor assistance, and to raise awareness of the importance of education as a human right and as a basis for the empowerment of women. It also encourages the State party to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It recommends that the State party take steps to ensure equal access of girls and young women to all levels of education, to retain girls in school and to strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee recommends that the State party make every effort to improve the literacy level of girls and women through the adoption of comprehensive programmes, in collaboration with civil society, at the formal and non-formal levels and through adult education and training. The Committee encourages the State party to take temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's general recommendation 25, to accelerate the improvement of women's and girls' educational situation.**

31. While noting the efforts made by the State party to improve reproductive health care for women, the Committee remains concerned about the lack of access to adequate health care of women and girls, particularly in rural areas. It is concerned about the causes of morbidity and mortality in women, particularly the number of deaths due to illegal abortions, and about inadequate family planning services and the low rates of contraceptive use. The Committee expresses its concern that women

require the permission of their husbands to obtain contraceptives and family planning services.

**32. The Committee recommends that the State party take measures, in accordance with general recommendation 24 on women and health, to improve and increase women's access to health care and health-related services and information, particularly in rural areas. It calls on the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing clandestine abortions, and to make available, without requiring the permission of the husband, contraceptive services to women and girls. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases.**

33. The Committee is concerned about the situation of rural women and regrets that the report did not provide sufficient information on their de facto position in all sectors, including education, health and employment, and in regard to their access to credit, arable land and drinking water.

**34. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women in all sectors, and on measures taken to implement article 14 of the Convention.**

35. The Committee regrets that the report does not provide sufficient updated statistical data disaggregated by sex on the situation of women in all areas covered by the Convention and information on the impact of measures taken and results achieved.

**36. The Committee calls upon the State party to put in place a comprehensive system of data collection and of measurable indicators to assess trends in the situation of women and of progress towards women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved.**

**37. The Committee recommends that the State party avail itself of technical and financial assistance from the international community as indicated in the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly, in order to facilitate implementation of the Convention.**

**38. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.**

**39. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in, and to consult with non-governmental organizations during the preparation of its next report. It encourages the State party to involve Parliament in a discussion of the report before its submission to the Committee.**

**40. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform**

for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

41. The Committee also emphasized that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the MDGs and requests the State party to include information thereon in its next periodic report.

42. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Benin to consider ratifying the treaty to which it is not yet a party, that is the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

43. The Committee requests the wide dissemination in Benin of the present concluding comments in order to make the people of Benin, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

44. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, due in April 2005, and its fifth periodic report, due in April 2009, in a combined report in April 2009.

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<sup>1</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.