



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the fifth periodic report of Benin*

Women's rights and gender equality in relation to the pandemic, recovery efforts and the global crisis

1. Please describe efforts made and mechanisms put in place to face the coronavirus disease (COVID-19) pandemic and its long-term impact, and ways to apply these in the State party's response to current and future crises, such as armed conflicts, food insecurity and the energy crisis. Please provide information on strategies taken to ensure that gender equality and women's empowerment are a fundamental requirement in addressing such crises, and in elaborating adequate responses, such as policies, assistance programmes, recovery efforts and the consolidation of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in these processes, and that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

Definition of discrimination against women

2. As recommended by the Committee in its previous concluding observations (para. 9),¹ please report on the measures taken to introduce into legislation an explicit definition of discrimination against women, encompassing intersecting forms of discrimination and direct and indirect discrimination in the public and private spheres. Please also report on provisions guaranteeing equal rights for women and men, in accordance with article 1 of the Convention, and their full implementation, including at the local level. Please provide information on initiatives aimed at consolidating the rule of law through the harmonization of customary law with positive law; and initiatives undertaken with traditional and religious leaders with the aim of consolidating the rights and empowerment of women.

* Adopted by the pre-sessional working group on 1 November 2022.

¹ Unless otherwise indicated, paragraph numbers refer to the previous concluding observations of the Committee (CEDAW/C/BEN/CO/4).



Women's access to justice

3. Please inform the Committee about:

(a) Measures taken to ensure the dissemination of information, in local languages, on the normative and institutional frameworks for the protection of women's rights, particularly in remote areas;

(b) Actions taken to create a cultural environment sensitive to legal action by women, especially victims of gender-based violence; to ensure that they have access to quality legal aid; and provide statistics on cases of gender-based violence in which perpetrators have been prosecuted, tried and convicted, and the sentences handed down;

(c) Measures taken to facilitate physical and economic access of victims of gender-based offences to the Economic Crimes and Terrorism Repression Court;

(d) Measures taken to eliminate contradictions and harmonize laws relating to women's rights.

National machinery for the advancement of women

4. Please provide information on the following:

(a) National Council for the Promotion of Gender Equity and Equality, placed under the aegis of the President: its mandate and responsibilities; its human and financial resources, as well as its technical capacities, with the support of International Technical Assistance;

(b) National Gender Promotion Policy: mechanisms to evaluate its impact; evaluations carried out so far and their results; and how the policy is implemented at the national and municipal levels;

(c) Links between national, departmental and municipal entities with regard to gender equality activities and their coordination;

(d) Consolidation of a network of non-governmental organizations.

National human rights institutions

5. The Beninese Human Rights Commission was accredited with status "A" by the Global Alliance of National Human Rights Institutions in March 2022. Please provide information on the following:

(a) Measures taken to raise awareness among women about the existence of the mechanism, and whether assistance is available to women filing complaints;

(b) Number of complaints received from women and their outcomes;

(c) National Institute for Women: its mandate and responsibilities; its human and financial resources, and technical capacities, and links with other mechanisms on gender equality.

Temporary special measures

6. As recommended by the Committee in its previous concluding observations (para. 15), please report on the following:

(a) Enactment of legislation allowing for the adoption of temporary special measures;

(b) Temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special

measures, applied during the reporting period through national policies and programmes, to accelerate the achievement of the substantive equality of women and men in areas under the Convention where women are underrepresented or disadvantaged.

Stereotypes

7. It is indicated in the report that the State party continues to revise school textbooks and promote awareness-raising actions with a view to eliminating gender stereotypes and to changing behaviours (paras. 42–44). Please provide detailed information on efforts made:

(a) To eliminate the stereotypes that underpin deeply entrenched patriarchal attitudes and reinforce the subordination of women in society, through awareness-raising and educational campaigns, targeting religious and community leaders;

(b) To integrate women's rights into the professional training curricula for teachers, medical professionals, lawyers, the police, the judiciary and media workers.

Harmful practices

8. Harmful practices have been included in the law on violence against women (Law No. 2011-26 of 9 January 2012). Please provide the following:

(a) Statistics on the prevalence of harmful practices in the State party, such as child and/or forced marriage, polygamy, widowhood rites, levirate and sororate, and purification rites for adulterous women;

(b) Information on measures taken to prevent and eradicate harmful practices, including the development of a comprehensive strategy and plan of action, awareness-raising campaigns, and mechanisms to detect cases and ensure the prosecution and adequate punishment of perpetrators.

Gender-based violence against women

9. Despite the law prohibiting female genital mutilation being in force since 2003 (law No. 2003-03), female genital mutilation persists. Please provide information on the following:

(a) Prevalence of female genital mutilation among girls aged 0 to 14 years in the State party;

(b) Programme against female genital mutilation, including: (i) planned measures targeting traditional and religious leaders, educators, health-care providers, social workers, magistrates and police officers; (ii) the annual budget allocation to support the programme; and (iii) systematic monitoring and evaluation framework of the programme;

(c) Number of prosecutions and convictions, and the penalties imposed on perpetrators.

10. According to data published in the Integrated Family, Women and Child Data System prepared by the Ministry of Social Affairs and Microfinance, between 2019 and 2021, the number of recorded cases of gender-based violence increased. Please provide data, disaggregated by age and relationship between the victim and the perpetrator, on the number of:

(a) Cases of gender-based violence registered in the past five years; cases pending prosecution; cases in which perpetrators were prosecuted; cases in which

perpetrators were tried; convictions and acquittals; and cases in which compensation was provided to the victim;

(b) Cases of gender-based violence against women with disabilities.

11. The share of the State party's general budget allocated to the Ministry of Social Affairs and Microfinance in 2019 was 0.49 per cent. Please do the following:

(a) Explain any measures taken to review the budget allocated to the Ministry of Social Affairs and Microfinance, in order to reverse the financing deficit for gender equality and the promotion and protection of women's and girls' human rights, and ensure funding for all activities to combat gender-based violence;

(b) Provide information on the types and availability of support services for women who are victims of gender-based violence, and the engagement of non-governmental organizations in such services.

12. Please provide information on:

(a) Capacity-building programmes for judges, prosecutors, and police officers on handling cases of violence against women and girls;

(b) Awareness-raising campaigns aimed at disseminating information on legal provisions prohibiting violence against women, encouraging women to report cases of gender-based violence and ensuring that women are duly informed of all the legal remedies available to them.

Extraterritorial State obligations

13. Please provide information on the adoption of the national action plan on women, peace and security, and on the respect of extraterritorial obligations in the protection of women's rights, in connection with Security Council resolution [1325 \(2000\)](#) and the general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.

Trafficking and exploitation of prostitution

14. As recommended by the Committee in its previous concluding observations (para. 21), please indicate a timeline for the adoption of a law and a national strategy to combat trafficking in persons. Please also provide data on the number of women and girls who were victims of trafficking, disaggregated by age and nationality, specifying whether the victims were trafficked for labour or sexual exploitation purposes. Please also indicate the number of cases investigated, persons prosecuted and convicted, and sentences imposed. Please provide data and information on victims of exploitation of prostitution and indicate measures that serve to combat the exploitation of women and girls in prostitution and to provide assistance and rehabilitation to victims.

Equal participation in political and public life

15. Law No. 2019-43 of 15 November 2019 on the Electoral Code reserves 24 seats exclusively for women in the National Assembly out of 109 (see art. 144), and will be applicable at the next legislative elections in 2023. However, the representation of women remains very low in communal and municipal positions, at decision-making positions in the civil service and within the judiciary (paras. 65–70). Please provide information on measures taken to ensure the equal representation of women in political and public life, including temporary special measures, at the communal and local levels; in decision-making positions in the Government, the judiciary and the civil and foreign services.

Nationality

16. Please inform the Committee about the progress of a new nationality code that would eliminate discrimination between women and men within matters of nationality (para. 74). As recommended by the Committee in its previous concluding observations (para. 25), please also provide information on the measures taken to ensure that birth registration is accessible and available in all parts of the territory of the State party, including in rural and remote areas.

Education

17. Data provided by the Institute for Statistics of the United Nations Educational, Scientific and Cultural Organization reveal that in 2020 the female gross enrolment rate was 109.67 per cent for primary education, but 42.44 per cent at secondary levels and 7.51 per cent in tertiary education. The Constitution and Law No. 2003-17 of 11 November 2003 on national education policy guarantees six years of free and compulsory primary education, yet Law No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women stipulates that schooling is compulsory until the age of 16. Please explain what measures have been taken to ensure the full access of girls to quality education and to protect their right to education up to the age of 16, with particular attention paid to the most vulnerable girls.

18. Article 118 of the Law establishing the Children's Code provides for the continuation of education for pregnant girls and young mothers, placing the obligation for the continuation of young mothers' education on the male responsible for the pregnancy. Please explain:

(a) Measures in place to protect the right to education of pregnant girls and adolescent mothers;

(b) Steps taken to ensure pregnant girls and adolescent mothers at risk of dropping out receive the social and financial support needed to stay in school.

19. As recommended by the Committee in its previous concluding observations (para. 27), please:

(a) Report on measures taken to prevent, investigate and adequately punish sexual violence and sexual harassment of female students at school and on the way to and from school, and ensure that perpetrators, including teachers, are punished appropriately;

(b) Inform the Committee of measures taken to include age-appropriate education on sexual and reproductive health and rights in school curricula, including a comprehensive sexual education programme for adolescent girls and boys covering responsible sexual behaviour, the prevention of early pregnancy and sexually transmitted diseases, including HIV/AIDS.

Employment

20. As recommended by the Committee in its previous concluding observations (para. 29), please inform the Committee about:

(a) Measures taken to address occupational segregation and intensify technical and vocational training activities for women in traditionally male-dominated sectors;

(b) Mechanisms for the monitoring and regulation of recruitment and employment practices in the public sector;

(c) Monitoring of the working conditions of girls employed as *vidomegons* in order to protect them from labour exploitation, and the regulations that apply;

(d) Measures taken to address the gender pay gap, equal opportunities at work and apply the principles of equal pay for work of equal value;

(e) Regulatory framework for the monitoring of the working conditions of women in the private and informal sectors, and the measures taken to remove the obstacles faced by women wishing to enter the labour market;

(f) Measures to provide women with new technologies to further their leadership in the formal and informal sectors;

(g) Provide sex-disaggregated data on the situation of women in the private and informal sectors as well as information about measures on preventing sexual harassment.

Health

21. The Demographic and Health Survey in Benin 2017–2018 indicates that only 8 per cent of women in relationships use a modern method of contraception. The maternal mortality rate was 335.5 per 100,000 live births in 2013, according to the fourth General Population and Housing Census. Please provide information on:

(a) Efforts made to raise awareness among women and men, girls and boys of contraceptives, as well as sexual and reproductive health and rights, and to ensure that modern contraceptives are available, accessible and affordable;

(b) Steps taken to ensure that quality health services, including sexual and reproductive health services and access to modern and emergency contraceptives, are provided to the largest possible segment of women both in urban and rural areas;

(c) Monitoring of the national strategy for the reduction of maternal and infant mortality (2018–2022);

(d) Measures taken to combat unsanitary conditions in public maternity wards in the State party;

(e) Whether the adoption of a national strategy for the prevention of adolescent pregnancies is envisaged;

(f) Measures taken to implement the law on safe abortion and post-abortion care, including in remote areas.

Rural women

22. The State party adopted Law No. 2017-15 on 10 August 2017, amending and supplementing Law No. 2013-01 of 14 August 2016, on the Land and State Code in the Republic of Benin, which provides in its article 6 that the State and local authorities, as guarantors of the general interest, must “ensure respect for the equality of men and women in access to land”. Please provide information on:

(a) Sensitization activities targeting the general public in rural areas, including traditional leaders, in order to ensure the effective implementation of Law No. 2017-15 of 10 August 2017, and to ensure that women have access to land on an equal footing with men;

(b) Progress made with regard to women’s access to land, in line with the Sustainable Development Goals and general recommendation No. 34 (2016) on the rights of rural women.

Marriage and family relations

23. As recommended by the Committee in its previous concluding observations (para. 39), please inform the Committee on education and awareness campaigns on the Persons and Family Code (Law No. 2002-7 of 24 August 2004) and its recent modification allowing women, and no longer just men, to transmit their surname to their children, particularly targeting rural areas. Please also inform the Committee on measures taken to encourage all traditional leaders to waive the application of customary laws and practices, as provided for in the Persons and Family Code. Please provide information on measures against child and/or forced marriage, including the prosecution and punishment of responsible persons.
