



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

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**Committee on the Elimination of Discrimination
against Women**

**Consideration of reports submitted by States
parties under article 19 of the Convention on the
Elimination of All Forms of Discrimination
against Women**

Fourth periodic reports of States parties

Benin*

[24 June 2011]

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Introduction

1. The Constitution of 11 December 1990 established equality among all citizens without distinction as to origin, race, sex, religion, political opinion or social status as a fundamental principle of democracy and respect for the rights of the individual. Therefore, in accordance with its constitutional principles, the State of Benin has ratified a number of international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. Ratified on 12 March 1992, the Convention provides for equality between men and women. The State has thus made a commitment to uphold, protect and give effect to women's rights in accordance with the Convention.

2. Several measures have been taken by Benin to help to put an end to attitudes and practices that discriminate against women. The measures also contribute to a significant improvement in the status of women by providing men and women with the same opportunities, in accordance with various documents and development strategies, in particular the 2006–2011 strategic guidelines for development. With regard to the rights of women, the guidelines focus specifically on promoting women's education and training, enhancing the status of their work, fostering cultures and traditions conducive to women's development and ensuring equality between the sexes and women's economic independence.

3. However, the constitutional principles are ahead of society and the moral and customary standards that continue to hold sway, often posing obstacles to the fulfilment of rights. This sociological reality accounts for men's reluctance to accept and carry out these constitutional provisions and underlies their resistance to change. That is why discrimination against women remains a major barrier to their taking part in the country's development despite the efforts of the State to take measures to reduce, if not eliminate, inequalities between men and women.

4. Even women are resistant to the change that is now called for. Women are narrowly cast in the role of daughter, wife and mother by the culture, the education they receive, and religion. They do not have a clear awareness of the status of women as fully independent human beings. This explains why relations between men and women continue to be unequal in so many respects. The disparities encountered are most often to the detriment of women.

5. However, appreciable developments in the campaign to eliminate discrimination against women have been registered since the return of democracy even if much remains to be done. In rural areas stereotypes and customs continue to discriminate against women.

6. The current periodic report (2005–2008) on the implementation of the Convention has given Benin the opportunity to take stock of the legal status of women, assess the progress made and identify what it must now do to meet its international commitments. The report, which was due for submission in April 2009 according to the concluding observations of the Committee, takes into account certain facts and data from 2009 that could help to present the current situation in Benin.

7. The first part of the report includes a brief description of the country that takes into account only the latest developments recorded. The second part takes up the articles of the Convention. In addition, most of the information contained in the current report comes from official sources, which are cited in the body of the text rather than footnotes.

Part 1

Description of Benin

8. The report covers the period from 2005 to 2008. The initial report described the geographical and political situation of Benin. Nevertheless, it is necessary to summarize briefly the salient facts of the previous four years that may directly or indirectly affect the implementation of the Convention.

Population

9. The Declaration of Population Policy, adopted in June 2006, is worth noting, in particular goal No. 9 aimed at “creating an environment conducive to women’s full participation in the development process and enjoyment of the benefits thereof”.

10. Furthermore, according to the National Institute of Statistics and Economic Analysis (INSAE), the population was estimated at 8,224,642 in 2008, of which some 4,203,548 were women (51.1 per cent) and 4,021,094 men (48.9 per cent). The average annual rate of growth of the population was constant between 2002 and 2007 at 3.2 per cent. Average life expectancy at birth was 60.8 years in 2007 and was slightly higher for women (62.9 years) than men (58.6 years).

Political situation

11. The fourth democratic presidential elections took place on 5 March 2006 (first round) and 19 March 2006 (second round) with a new president, Mr. Boni Yayi, taking office. Legislative elections were held on 31 March 2007 ushering in the fifth legislature. Two municipal and communal elections were held on 20 April 2008 and elected local bodies were subsequently set up. The Constitutional Court was revived and set up on 7 June 2008 and the High Court of Justice on 10 June 2009. The Economic and Social Council was revived and set up on 17 July 2009 and the High Authority for Audio-Visual Media and Communications on 20 July 2009.

Social and economic situation

12. In 2006 Benin adopted the 2006–2011 strategic guidelines for development, which seek, among other things, “to enhance human capital in order to boost the productivity of the national economy”, including by “promoting gender equality and women’s empowerment”.

13. Benin has begun to implement poverty alleviation strategies, most often through poverty reduction strategy papers (PRSP), including the first and second poverty reduction strategy papers for 2002–2004 and 2006–2008, respectively, and the 2007–2009 growth and poverty reduction strategy. By enhancing human capital, the growth and poverty reduction strategy has set the objective of “improving social protection”, including through “the promotion of gender equality and women’s empowerment”.

14. Various poverty reduction strategies are being pursued by the State for the achievement of the Millennium Development Goals, which Benin endorsed in 2000, including Goal 3 aimed at promoting gender equality and empowering women.

15. According to the Social Indicators Yearbook 2007, Benin’s human development index (HDI) increased from 0.468 in 2005 to 0.471 in 2006 and 0.502 in 2007. Benin ranked 162nd out of 177 countries’ HDI table, with nearly a third of its population living below the poverty line. In 2005, there was a slowdown in economic activity, with a real growth rate of 2.9 per cent. The country then made an economic recovery with a growth

rate of 3.8 per cent in 2006 and 4.6 per cent in 2007. The inflation rate decreased from 3.8 per cent in 2006 to 1.3 per cent in 2007.

Part 2

Situation of women in Benin in relation to the Convention

16. Despite the constant efforts made by Benin on the legal and institutional front to improve the situation of women, tradition and social and cultural practices continue to weigh heavily against the political will to reduce age-old inequalities that continue to adversely affect women.

17. However, the State remains committed to remedying the situation of discrimination against women, which hampers the development process that the country has embarked upon.

Article 1

Definition of discrimination

(a) Constitutional recognition of the principle of equality

18. When it became a State party to the Convention, Benin condemned discrimination and committed itself to the inclusion or incorporation of gender equality provisions in its Constitution and relevant laws and regulations and the adoption of legal standards and other appropriate measures, including sanctions, to suppress or prohibit any discrimination against women.

19. Having ratified the Convention on 12 March 1992, Benin made sure that Act No. 90-032 of 11 December 1990 on the Constitution of the Republic of Benin established the principle of equality before the law. Article 26 of the Constitution provides that “the State shall assure everyone equality before the law without distinction as to ... sex” and that “men and women are equal before the law”. Article 8 provides that the State “shall assure its citizens equal access to health, education, culture, information, vocational training and employment”.

(b) Progress made

20. Act No. 2002-07 of 24 August 2004 on the Personal and Family Code lays down egalitarian principles in accordance with the Constitution and thus significantly combats discrimination. For example, it abolishes marriage by levirate (art. 122), sets the legal age of marriage for girls and boys at 18 (art. 123) and institutes monogamous marriage (art. 143), equal parental authority and inheritance rights for children regardless of their sex (arts. 594 and 604). It provides that bride money shall be symbolic in nature (art. 142) and each spouse shall have full legal capacity (art. 173).

(c) Persistence of forms of discrimination in social and cultural practices

21. Despite the progress made concerning de jure equality, the full achievement of de facto equality still lies ahead and is part of a longer-term process of social change. Studies conducted in 2007 and 2008 following the promulgation of the Code have shown that violence against women persists. Custom, tradition and religion still dominate social life in Benin. They have a power that helps to create and perpetuate discriminatory practices against women. The threat of punishment by ancestors or the gods brandished in religious and traditional rites continues to influence the behaviour of women, who endure or are subjected to all kinds of violence.

22. They are modelled on three studies on Benin conducted in 2007 and 2008. The first is a report on the current and future status of the population of Benin published in 2008 by the Government of Benin and the United Nations Population Fund (UNFPA). The second is a report on the 2008 baseline study for the Empower project (“Enabling mobilization and policy implementation for women’s rights”). The baseline study covered 13 out of the 77 communes of Benin. The Empower project, which provides support for the implementation of policies and laws to protect the rights of women, is run by CARE International in partnership with the Ministry for the Family and National Solidarity and with funding from USAID. The results of this survey were backed up by another survey conducted by the research centre on the family, women and children, of the Ministry for the Family. The report on this survey, which was conducted with technical and financial support from UNFPA, the Directorate-General for International Cooperation of the Netherlands, the Embassy of Denmark, the Swiss Agency for Development and Cooperation, the United Nations Children’s Fund (UNICEF), the United States Agency for International Development (USAID), Plan International in Benin and CARE International, is currently in press. Lastly, there is the demographic and health survey published in November 2007.

Polygamy

23. According to the Empower project baseline study, polygamy falls under the category of mental abuse, affecting 45 per cent of the persons surveyed, and was the most blatant manifestation of the belief in women’s inferiority to men.

24. Forced marriages are another kind of mental abuse. Forced marriages take the following forms:

- Simple forced marriage: The wife-to-be is not consulted at all on the choice of her husband, who is quite simply imposed on the woman by her father or family. She is not required to consent
- Marriage by barter: This is a practice that is current in some regions of northern Benin, in particular Coby and the surrounding area. Such marriages take place between two families who exchange their children. One family gives a daughter in marriage while the other promises to give a daughter in marriage in return. A debt is thus incurred in the form of the young woman and the need for a settlement perpetuates the institution of marriage by barter
- Marriage by abduction: The family of the husband-to-be, with the agreement of the young woman’s relatives, abducts the woman for the consummation of the marriage. This form of marriage without consent is still rife in western Benin

25. It is commonly held that these various forms of marriage offer families added assurances and constitute safety measures for the young women who are given in marriage.

Levirate

26. Under traditional law, a wife is considered to be the property of her husband. Thus, as an integral part of an estate, a widow is compelled to marry a relative of her husband on his death. In the event that a husband survives his wife, he may marry the late wife’s sister for the sake of family solidarity. This is known as sororate. These forms of union are observed especially in regions where dowries before marriage are required.

Widowhood rites

27. The widowhood ceremonies that women are subjected to when their husbands die constitute very telling examples of abuse. While a widower receives particular attention from another woman who must drive away the spirit of the deceased wife, a widow, for her

part, remains shut up for several months. Among other prohibitions, she is forbidden to comb her hair, wash, wear perfume or leave her late husband's house for several days or even months in some cases. In addition, she must undergo all kinds of ordeals to prove to her in-laws that she was faithful to her husband while he was alive, and in particular that she is not responsible for his death by agreeing, for example, to sleep beside the body, to cry every morning to demonstrate her affection for him and to drink the concoction used to wash the corpse.

Adultery by women and purification rites

28. Article 137 of the customary law states categorically that "adultery on the part of husbands is never punishable". Article 135, on the other hand, expressly prohibits adultery by women. In cases of adultery, Bariba women are whipped in public and given a divorce (art. 145 of the customary law). In the provinces of Atlantique and Ouémé husbands make do with compensation, which serves as "purification" for the women. Purification rites are often humiliating and degrading for women and generally result in a kind of "social death" for adulterous women.

29. The Constitutional Court rendered a decision in 2009 ending such injustice by finding punishment of adulterous women to be discriminatory. Women are no longer prosecuted for this offence.

Verbal and mental abuse

30. The 2008 Empower project baseline study published in December 2008 was modelled on a publication entitled "Effectiveness of women's rights in West Africa" by Women in Law and Development in Africa (WILDAF), a non-governmental organization established on 18 June 1999 that works to promote women's rights in West Africa, and treats mental abuse as a form of violence affecting the psychological and mental health of women.

31. According to the persons surveyed during the study, verbal and mental abuse take various forms, including (in descending order) insults (reported by 76 per cent of those polled), threats (57 per cent), fear (54 per cent), pressure (48 per cent), polygamy (45 per cent), intimidation (39 per cent), unwarranted criticism (24 per cent), repudiation (23 per cent), blackmail (22 per cent), vicious teasing (22 per cent), isolation (20 per cent), possessiveness (19 per cent), mocking nicknames (19 per cent), charlatanism and mysticism (18 per cent), denigration of women (18 per cent), false accusations/defamation and slander (14 per cent) and manipulation (13 per cent).

Physical abuse

32. Physical abuse affects married and unmarried women alike. According to the persons surveyed in the study of the Empower project, physical abuse of women and children take the form of slapping (66 per cent), hitting with an object (belt, stick, lamp, machete, bottle) (53 per cent), punching (47 per cent), kicking (37 per cent), wounding (37 per cent), bruising (18 per cent) and pinching (13 per cent). Under 10 per cent of the persons surveyed reported hair-pulling, biting, burning, spraining or breaking arms, murder, strangulation and dousing with acid. In addition there were reports of beating with a stick and physical mutilation.

33. It should be noted that, in the 2006 demographic and health survey conducted by INSAE, almost one in every two women (47 per cent) approved of husbands beating their wives for at least one of the reasons listed. In half of the cases (50 per cent), women stated that it was normal for a woman to refuse to have sexual relations with her husband for any reason at all.

34. The study carried out in the framework of the Empower project showed that sexual harassment was foremost among the manifestations of sexual abuse, with 37 per cent of the respondents reporting having experienced it. Out of 1,995 people, 737 said that it existed in the areas surveyed. After sexual harassment came rape (reported by 20 per cent of the respondents) and incest (10 per cent).

35. The type of female genital mutilation most widely practised in Benin is excision. According to the third population and health survey of 2006, published in November 2007 by INSAE, just over one in 10 women (13 per cent) said that they had undergone excision. The practice of excision varies significantly depending on the department of residence and ethnic background. The proportion of women who undergo excision is highest by far in Borgou, Donga and Alibori (59 per cent for Borgou and 48 per cent for each of the other two departments). In the departments of Mono, Couffo, Zou, Atlantique and Ouémé, less than 1 per cent of women have undergone excision. Excision is a widespread practice among the Bariba (74 per cent of the women have undergone the procedure), the Fulani (72 per cent) and the Yoa-Lokpa (53 per cent). However, there is a low prevalence of excision among the Adja, Fon and related ethnic groups.

36. The study showed that there was growing awareness of the phenomenon. A considerable proportion of women (64 per cent) said that they had no intention of subjecting their daughters to excision. Almost all women and men (93 per cent and 95 per cent, respectively) said that they were in favour of abolishing the practice. Among women aged 15 to 49, 44 per cent know that the practice of excision is punishable by law. Women are better informed in Cotonou (79 per cent) than in other cities (70 per cent) or in rural areas (60 per cent).

37. Out of the 6,219 women surveyed for the second demographic and health study (2001), 17 per cent said that they had undergone excision. Thus, it seems that excision is practised less and less, decreasing from 17 per cent in 2001 to 13 per cent in 2006. The trend is therefore positive owing to a number of concerted efforts by the Government, technical and financial partners and national and international NGOs to discourage the practice.

Articles 2 and 3

Obligation of States parties to take appropriate measures

I. Legislative and regulatory measures against gender-based violence

38. Previous reports have described the constitutional provisions prohibiting violence against any human being. Article 18, paragraph 1, of the Constitution provides: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment." Article 15 provides: "Everyone has the right to life, liberty and security of person."

39. In addition, two specific laws along the lines of these constitutional provisions have been passed: Act No. 2003-04 of 3 March 2003 on reproductive and sexual health and Act No. 2003-03 of 3 March 2003 on the suppression of the practice of female genital mutilation in the Republic of Benin.

40. Act No. 2006-19 of 5 September 2006 on the suppression of sexual harassment and protection of victims in the Republic of Benin has also been passed. The Act specifies: "Sexual harassment exists ... where anyone repeatedly gives orders or conveys a message, or makes threats, imposes constraints, exerts pressure or uses any other means in order to obtain sexual favours for themselves or a third party from a person in a vulnerable or subordinate position, and against the will of the harassed person." Provision is made for criminal penalties against the perpetrators and accomplices of sexual harassment (art. 21),

and persons who fail to notify the authorities of incidents of sexual harassment known to them (art. 23). It is also worth noting Act No. 2005-31 of 10 April 2006 on the prevention, treatment, and control of HIV/AIDS and Act No. 2006-04 of 10 April 2006 on conditions for the displacement of minors and the suppression of child trafficking in the Republic of Benin. Mention should also be made of interministerial Order No. 16/MEPS/METFP/CAB/DC/SGM/SA of 1 October 2003 on penalties for perpetrators of sexual abuse in public or private general, technical or vocational secondary schools or educational establishments.

II. Practical measures to promote gender equality

41. The Ministry for the Family and National Solidarity, which is responsible for the promotion of women and gender equality, and members of civil society are raising public awareness about these laws and the penalties incurred if they are violated. The same measures should be taken with respect to already existing laws punishing violence against women. Citizens, organized civil society forces, social workers, health workers, public security forces and administrative and moral authorities must disseminate information widely and raise public awareness about their existence and their economic, social, cultural and legal implications in practice.

42. In addition, the Government must continue its efforts to legislate on matters such as levirate, widowhood rites, dowry obligations, scarification and confinement, incest, adultery, marital rape, restrictions on the freedom of movement of women on traditional religious grounds and the other forms of physical and psychological abuse mentioned above.

Gaps in legislation and penalties for acts relating to violence

43. On Thursday, 26 November 2009, women's rights NGOs went before deputies of the National Assembly to propose a list of forms of violence against women that could be covered by a law. If the initiative is accepted, the deputies will put forward a bill on that basis punishing rape, paedophilia, incest, harassment, abortion, pimping, the corruption of minors, female genital mutilation, mental abuse and other offences.

Plea addressed to deputies

44. The draft criminal code, which is pending a vote by the National Assembly, has partially taken into account concerns relating to violence against women. For example, rape is expressly defined in the draft and carries a maximum penalty of life imprisonment when it is accompanied by torture or barbaric acts. However, other matters involving violence against women are not covered.

45. To compensate for shortcomings in the legal framework, part of the aforementioned Empower project — run by CARE International in partnership with the Ministry for the Family and the Women's Justice and Empowerment Initiative in partnership with the Ministry of Justice, Legislation and Human Rights and with funding from USAID — is devoted to training criminal investigation officers and judges in issues relating to gender-based violence and dealing with victims of such violence, who are almost always women.

III. Institutional measures to eliminate discrimination against women

46. The Government of Benin adopted a National Policy on Gender Equality on 18 March 2009 with the overall objective of achieving, by 2025, equality and equity between men and women with a view to sustainable human development. The policy will make it possible to eliminate discriminatory behaviour and practices and will significantly improve the status of women by giving men and women the same opportunities or chances, as

provided for by the 2006–2011 strategic guidelines for development. The national gender equality policy will give rise to programmes and projects. The action plan for the implementation of the current policy was confirmed in 2010.

47. The National Council for Gender Equality has the following sections: a steering committee, an interministerial body working under the Minister for Development; a technical committee, a body to implement policy, chaired by the Minister for the Family; a family, women and children monitoring centre, which acts as a supervisory and preventive body for the implementation of the policy. Its implementing partners include sectoral ministries, civil society organizations, and local authorities; and supporting partners include parliamentarians, technical and financial partners, research and training institutes, universities, the media, trade unions and political parties.

48. The establishment of the Institute for Women by the President on 9 March 2009 is among the practical measures adopted to eliminate discrimination.

Article 4

Special measures to eliminate discrimination against women

49. The Government continues to adopt specific measures for the advancement of women and girls, ranging from legislation to policies, programmes and projects.

50. In partnership with national NGOs and with technical and financial support from development partners, the Government has implemented a number of programmes and projects specifically targeting women and not men. They include projects and programmes to combat forced marriage, inform and raise awareness of female genital mutilation, strengthen the management skills of female candidates and elected representatives, reinforce action to encourage female representation in politics, publicize the law against it, female genital mutilation, promote girls' education, strengthen women's legal and socioeconomic status, strengthen local structures to combat violence against women, provide training for midwives in Benin and promote maternal and reproductive health.

51. From the start of the 2010/11 school year, the Head of State has ordered that education for girls aged 11–13 is to be free.

52. The Government receives support to implement its projects and programmes from multilateral partners (e.g., UNFPA, the United Nations Development Fund (UNDP), UNICEF, WHO, the World Bank, the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), and the United Nations Educational, Scientific and Cultural Organization (UNESCO)), bilateral partners (e.g., Embassy of Denmark, Embassy of the United States, the Swiss Foreign Development Agency, USAID, Embassy of the Netherlands, the German Organization for Technical Cooperation, the Canadian International Development Agency); international NGOs (e.g., CARE International, Plan International Benin, Oxfam Quebec, Catholic Relief Services, World Education), and national NGOs (e.g., Association of Women Lawyers of Benin (AFJB), the Network for the Integration of Women in NGOs and African Associations (RIFONGA), Women in Law and Development in Africa (WILDAF-Benin), Donga Women Microfinance, Network for Female Councillors (REFEC), Social Watch, Centre béninois pour le développement des initiatives à la base (CBDIBA), Groupe de recherche et d'action pour le bien-être social (GRABS-ONG), Vinavo Association and Environment (ASSOVIE), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (CIAF - Benin), Christian Youth Movement for Development (MJCD), Action Group for Justice and Social Equality (GAJES), Research Centre and Initiatives for the Self-Development of the Rural Community (CERIAM), Amazone du Golfe, United Sisters at Work (SUO), Institute for Human Rights and the Promotion of Democracy (IDHPD), Beninese

Association for Child and Family Welfare (ABAEF), Regard d'Amour Foundation, Association Béninoise pour la Promotion de la Famille (ABPF), Amnesty International Benin, Benin Human Rights Commission (CBDH)).

Article 5

Changing social and cultural patterns

53. The State of Benin ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2003. This instrument aims at the elimination of discrimination against women.

54. The Government continues to pursue its policy of reviewing school textbooks to eliminate the negative sexual stereotypes of men and women that play a part in shaping the personalities of pupils, especially in preschool and primary teaching.

Article 6

Elimination of exploitation of women

Trafficking in girls and women

55. Data collected from the baseline study of the Empower project demonstrated that, in the communities surveyed, trafficking in girls and women take the form of physical exploitation of women and girls (44 per cent) and sexual exploitation (12 per cent).

56. Act No. 2006-04 of 10 April 2006 on conditions for the displacement of minors and the suppression of trafficking in children in Benin was adopted to combat this problem. There is currently no legislation in place to cover women.

57. The adoption of the National Policy on Gender Equality on 18 March 2009, with its overall objective of achieving, by 2025, equality and equity between men and women with a view to sustainable human development, and the establishment of an institutional framework, the National Council on Gender Equity and Equality, under the responsibility of the Head of State, constitute a real step forward.

Article 7

Equality in political and public life at the national level

Beninese women and the right to vote

58. In accordance with the Constitution of 11 December 1990, the various election laws make no distinction between men and women in terms of the right to vote and stand in all local and national elections or the exercise of that right.

59. The persistence of stereotypes, and illiteracy among women, mean that political parties leave little room for women in their decision-making bodies and on their candidate lists, so very few women are elected at local and national elections.

60. At the last presidential election there were two female candidates, compared to only one in 2001; but neither was elected. The first, Célestine Zannou, obtained 9,782 votes from 3,208,558 votes cast (0.32 per cent), and the second, Marie Elise Gbedo, obtained 9,687 votes (0.31 per cent).

61. At parliamentary elections from 2003 to 2011 the percentage of women elected was consistently low, ranging from 7.22 per cent (or 6 women out of 83 ministers) between 2003 and 2011, to 10 per cent (or 9 women out of 83 ministers) between 2007 and 2011.

62. According to data published by the Friedrich Ebert Foundation in 2008 and listed below, there had been a slight increase (0.43 per cent) in the number of women on local councils (see table 1). This growth is due in part to the awareness-raising activities carried out by women's rights NGOs. The RIFONGA Benin network, with funding from the Embassy of Denmark, piloted a skills and management training project from 2005 to 2008 for female candidates and elected representatives. The project led to the creation of a new NGO called the Network of Women Councillors (REFEC).

Table 1
Women councillors

Department	2002			2008			Increase in the number of women
	No. of councillors	No. of women	% of women	No. of councillors	No. of women	% of women	
Alibori	94	1	1.06	113	2	1.77	0.71
Atacora	117	3	2.56	163	4	2.45	-0.11
Atlantique	134	10	7.46	155	8	5.16	-2.30
Borgou	126	5	3.97	159	15	9.43	5.47
Collines	90	2	2.22	116	3	2.59	0.36
Couffo	102	3	2.94	117	1	0.85	-2.09
Donga	60	1	1.67	74	2	2.70	1.04
Littoral	82	1	1.22	49	5	10.20	8.98
Mono	45	6	13.33	91	1	1.10	-12.23
Ouémé	139	4	2.88	160	8	5.00	2.12
Plateau	82	5	6.10	97	7	7.22	1.12
Zou	129	4	3.10	141	4	2.84	-0.26
Total	1 200	45	3.75	1 435	60	4.18	0.43

Source: Friedrich Ebert Foundation, "Women of Benin at the heart of social change", 2008.

Beninese women in the public sector and decision-making bodies

63. Gender inequalities persist in the decision-making process in Benin and are characterized by a low level of representation of women in the civil service and State institutions.

64. Legislation stipulates equal access to the civil service. Yet a breakdown of the civil service workforce highlights very large gaps (see table 2). The breakdown according to sex in 2007 shows a civil service dominated by men, with a rate of 73.23 per cent compared to 26.77 per cent of women.

Table 2
Permanent state employees by category and sex (2007)

Category	Total	Men	Women	% women
A	8 181	6 664	1 517	18.81
B	14 355	10 093	4 262	29.69
C	4 884	3 386	1 498	30.67
D	2 938	1 881	1 057	35.97
E	862	746	116	13.45

<i>Category</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>% women</i>
Not specified	875	733	142	16.23
Total	32 095	23 503	8 592	26.77
(%)	100	73.23	26.77	

Source: Compiled from the Central Reference File 1999–January 2007.

65. In State institutions women struggle to gain admission to the decision-making bodies despite numerous well-conducted lobbying campaigns over the last few years calling for more female representation.

66. The percentage of women in Government since the return of democracy (i.e., from 1991 to 2007) has ranged between 5.5 per cent (1996–1998) and 23.81 per cent (2005–2006). The rate has varied from Administration to Administration: from 22.72 per cent in 2006 it went to 23.08 per cent in 2007 and then to 13.33 per cent in 2008. The rate of 33 per cent set at the Fourth World Conference on Women in Beijing has never been reached. When women are represented, it seems to be in positions earmarked for them (Ministry of Health, Ministry of Education, Ministry of Trade, Ministry of the Family and Children etc.).

67. Legislature: please see above.

68. In the Constitutional Court, the level of representation of women remained constant from 2006 to 2008. However, over the course of three mandates the Court had, two women presidents, who made an exceptional contribution to the consolidation of democracy. The current president is a man.

69. At the High Court of Justice women have been very poorly represented, with only one woman out of 13 members, or 7.69 per cent, in each of the two first mandates. Nevertheless, a small improvement was observed in the third mandate, when women's representation increased to three out of 13, or 23.08 per cent.

70. In comparison to other institutions, women's representation is the lowest on the Social and Economic Council. There was only one woman out of 30 members, or 3.33 per cent in the first mandate, and two out of 30, or 6.66 per cent, in the second, third and fourth mandates.

71. At the High Authority for Audio-Visual Media and Communications, there were two women out of nine members for the 2004–2009 mandate, equal to 22 per cent, and no women for the mandate which started on 20 July 2009.

72. Seven women out of 27 are councillors, or 25.92 per cent, which represents an improvement over the 6.5 per cent and 9.7 per cent noted in the last report. In 2002–2003 there was one woman in the Supreme Court, the president of one of the three chambers, equal to 33.33 per cent. But since 2008 when the last female president retired, no other woman has been president of a chamber.

Beninese women and political activism

73. Beninese women are underrepresented in the decision-making process of political parties (please see above).

74. However, they are found in large numbers in civil society. In 2008, the Department for the Advancement of Women and Gender Equality of the Ministry of the Family surveyed 1,127 women's groups whom it supported through centres for social advancement in the various departments. These women's groups and organizations work in a diverse

range of sectors such as public health, social education, microfinance, culture, decentralization, agriculture and livestock, water and sanitation, protection of the environment, literacy, the defence of women's and children's rights and the fight against HIV/AIDS.

75. Women are increasingly present in trade unions. In the General Confederation of Beninese Workers (CGTB) there are four women out of 19 members of the Executive Secretariat, or 21.05 per cent (2001–2008 mandate); in the Confederation of Independent Trade Unions (COSI – Benin) there are six women out of 23 members of the Executive Committee, or 26.08 per cent (2005–2010 mandate); in the Confederation of Autonomous Trade Unions of Benin (CSA – Benin) there are two women out of nine members of the national executive, or 22.22 per cent (2006–2010 mandate) and in the Confederation of Private and Informal Sector Trade Unions (CSPIB) there are three women out of 18 members in the national executive, or 16.66 per cent (2007–2011 mandate).

Article 8

Equality in political and public life at the international level

Beninese women in international institutions

76. Decree No. 2009-177 of 5 May 2009 on the responsibilities, structure and operation of the Ministry of Foreign Affairs, African Integration, Francophonie and Beninese abroad, article 32, established the Strategic Analysis and Executive Placement Unit; paragraph 5 of the text states that the Unit should “make suggestions and recommendations on the placement of Beninese executives and increasing their presence in international organizations, and monitor their progress; part of its work is to devise campaign strategies for Beninese candidates to elected office”. By way of example, in November 2009, a Beninese woman was elected president of the African Commission on Human and Peoples' Rights, the monitoring body for the African Charter on Human and Peoples' Rights. However, it must be noted that the Decree does not specify that male and female executives should be treated equally.

Beninese women and international meetings

77. Beninese women take part in international meetings in all sectors on the same footing as men. Beninese delegations, when presenting reports on Benin's implementation of human rights conventions to treaty bodies, are made up of men and women. This also applies to international meetings, for example, on health, environment and tourism. A woman (Director of the Advancement of Women and Gender, of the Ministry of the Family and National Solidarity), represented Benin at the last conference on the review of the implementation of the Beijing Platform for Action in African States, in Banjul in November 2009.

Article 9

Equality under the law with respect to nationality

78. No new information to add from previous reports.

Articles 10 to 14

79. To fulfil its obligations under articles 10 to 14, the State of Benin has ratified the International Covenant on Economic, Social and Cultural Rights, whereby it undertakes to ensure that men and women enjoy equal access to the same economic, social and cultural

rights, in part, by monitoring the social security, health and education of its citizens and guaranteeing their full enjoyment. In this context, each Ministry in the Government has set up a focal point for gender and development. The members of these gender units have received appropriate training but their effectiveness on the ground is limited due to their lack of political means. See budgets allocated to the ministry gender and development units, under articles 2 and 3.

Article 10

Equality in education

Legislation

80. The Constitution of the Republic of Benin recognizes the right of everyone to education without discrimination (art. 8). Article 12 of the Constitution provides that “the State and the public communities shall guarantee the education of children and create favourable conditions for that purpose”. Article 13 prescribes that “the State shall provide for the education of youth in public schools. Primary education shall be compulsory: the State shall progressively introduce non-fee-paying public education”. Article 11 states that “all communities comprising the Beninese nation shall enjoy the freedom to use their spoken and written languages and to develop their own culture while respecting that of others. The State shall promote the development of national languages of intercommunication”.

Institutions

81. The Republic of Benin has always given education pride of place. Most villages in Benin have a primary school. General secondary schools and lycées exist in almost all of the country. The majority are State-run but private institutions, alongside the State, are increasingly becoming involved in education in Benin. As to higher education, there are two public universities, the University of Abomey-Calavi (UAC) and the University of Parakou (UNIPAR) as well as some other private institutions. The formal education system in Benin comprises five levels of education, run by three ministerial departments, the Ministry of Preschool and Primary Education, the Ministry of Secondary, Vocational and Technical Education and the Ministry of Higher Education and Scientific Research. These ministries are responsible for the application of official education programmes and the administration of teaching staff, who make up the largest sector of the civil service.

Policy in the education sector and gaps between girls and boys

82. Equity indicators in education show wide gaps between girls and boys. The Government of Benin has therefore decided to prioritize gender in education. The poverty reduction strategy papers (PRSP) 2002–2004 and 2006–2008, the growth and poverty reduction strategy (GPRS) 2007–2009 and the national version of the Millennium Development Goals (MDGs) emphasize the need to educate girls in order to reduce inequality.

83. In terms of policies and strategies, institutional measures — drafting of documents, plans and declarations, and adoption of legislation — form the basis of strategies to promote girls’ education. The adoption of an adult literacy policy in 2001, which cut women’s illiteracy rate by 50 per cent between 2000 and 2010, can be noted in this context, along with the adoption of a strategic plan to develop higher education and scientific research in 2002 (looking ahead to 2007); the National Action Plan on Education for All, adopted in 2003; the adoption of a law on educational orientation in 2003; the national policy document on the recruitment of women teachers in June 2004; the policy of free

education for girls in rural areas in 1998, extended to the rest of the country in 2001, and the national policy on education and training for girls in 2007.

84. Political will notwithstanding, there remain numerous sociocultural, institutional and economic obstacles that entrench inequality.

85. Preschool education lasts for two years and covers children from 3 to 5 years old. At the start of the 2006/07 school year, preschool numbers rose thanks to a Government initiative to provide free education. According to data in the Social Indicators Yearbook published by the National Institute of Statistics and Economic Analysis (INSAE) in December 2008, around 39,136 children were in preschool education in 2007 compared to 27,673 in 2005, an increase of 11,463 pupils in two years. In 2007, the gross preschool enrolment rate, which remains very low for this type of education, was 4.47 per cent at the national level – 4.44 per cent for boys and 4.5 per cent for girls (table 3). Despite this slightly higher gross preschool enrolment rate for girls (the gross gap in education was slightly in favour of girls) when the total number of pupils is taken into account, the education gap between girls and boys widens to 10.9 per cent. This therefore reflects the inequality girls face in accessing preschool education.

86. The table below shows preschool enrolment rates.

Table 3

Preschool enrolment by sex and department

<i>Department</i>	<i>Boys %</i>	<i>Girls %</i>	<i>Total %</i>
Atacora	2.69	2.93	2.81
Donga	3.43	3.78	3.59
Atlantique	4.56	4.53	4.55
Littoral	13.24	13.18	13.21
Borgou	3.65	4.15	3.89
Alibori	2.15	2.21	2.18
Mono	5.14	5.66	5.39
Couffo	1.93	1.82	1.87
Ouémé	5.72	5.61	5.67
Plateau	4.33	4.10	4.22
Zou	3.31	3.06	3.18
Collines	3.21	3.10	3.16
Bénin	4.44	4.50	4.47

Source: Annual statistics, Ministry of Primary and Secondary Education, 2006–2007.

87. As stated in the Social Indicator Yearbook, secondary education lasts for seven years and comprises two cycles. In 2005, the gross enrolment rate in general secondary education was 31.23 per cent – 39.8 per cent for boys and 22.07 per cent for girls. In 2006, this figure increased to 31.76 per cent – 46.59 per cent for boys and 24.98 per cent for girls. Although girls experienced an overall improvement in their situation between 2005 and 2006, boys still have the edge in the gross enrolment rate. The total number of pupils at registration does not favour girls. While in 2004 girls made up 34 per cent of the total in the first cycle and 25 per cent in the second, in 2008 they accounted for 39 per cent in the first cycle and 32 per cent in the second. Although there has been an increase in the number of girls, the enrolment gap persists.

88. According to a study by the Ministry of Secondary, Technical and Vocational Education in August 2009, the situation for girls is not any better in secondary, technical and vocational education, even though after national consultations on education, the State declared that these sectors were its second priority after primary education. Girls made up 42 per cent of pupils in this sector in 2004, 41 per cent in 2005 and 2006 and only 25 per cent in 2008. The situation thus remained stable over the last four years but worsened in 2008.

89. In higher education, there were a total 27,614 students attending public universities in 2002. Numbers have grown year by year, reaching 42,054 students in 2006 and 49,178 in 2007. The private sector accounted for a total of 12,602 students in 2007. In 2007, the University of Abomey-Calavi had a total of 42,741 students compared to 6,347 at the University of Parakou. For the same year, the sex ratio at public higher education institutions was 0.32, or around 3 girls to 10 boys, while in the private sector it was 0.67. The percentage of girls in public higher education has fluctuated but rose from 18.9 per cent in 1997 to 22.7 per cent in 2005. Nevertheless, regardless of the year it is still very low. There is also a relative lack of girls studying scientific and technical subjects in higher education.

90. According to the study from the Friedrich Ebert Foundation cited above, illiteracy is one of the primary causes of poverty in Benin. It affects 67.4 per cent of the total population and 78.1 per cent of women compared to 44 per cent of men. For some years the literacy rate (age 6+) at the national level has been rising, and increased from 23.3 per cent in 1979 to 37.7 per cent in 2002. However, the gap between men and women remains a concern. In 1979, 46 women for every 100 men were literate and in 2002, 58 women for every 100 men. This means that at the national level men accounted for 61.3 per cent of the literate population compared to 38.7 per cent for women – a literacy gap of 22.6 relative points to women's disadvantage. According to the third general population and housing census, the gap between literate men and women, which in 1979 was close to 31 relative points in favour of men, had narrowed to 22.6 relative points in 2002, representing an opportunity to reduce the gender-specific poverty gap.

91. As the statistics show, although gender gaps persist, they have narrowed over the years. Government efforts are under way, through policies and programmes, to address their causes and narrow them further.

Article 11

Equal rights to employment and work

Legal measures

92. No new developments since the previous report.

93. In Benin, women have the same right as men to engage in any professional activity of their choice. Under the provisions of article 8 of the Constitution, the State “guarantees its citizens equal access ... to vocational training and employment”. The right to work, regardless of sex, is enshrined in article 30 of the Constitution, which provides that “the State shall recognize the right of all citizens to work, and shall strive to create the conditions which make the enjoyment of this right effective and which guarantee the worker fair remuneration for their services or production”.

94. The current Labour Code was adopted under Act No. 98-004 of 27 January 1998. The definition of worker status does not draw any distinctions on the basis of sex. In line with the constitutional principles governing this matter, it protects female workers by prohibiting any employer from taking sex, age or race into consideration when making

decisions relating to recruitment, the assignment of work, promotion, the right to social benefits or termination of contract (art. 4). Likewise, the provisions of article 208 establish the principle of equal pay for work of equal value. In line with International Labour Organization (ILO) labour standards, article 171 of the Labour Code provides particular protection for pregnant workers in the event of dismissal. Under the provisions of article 169, labour inspectors may, at the request of the interested party, ask for women and young workers to be examined by a doctor in order to establish whether the work they are doing is not too heavy for them. In this context, interministerial Decision No. 132/MFPTRA/MSP/DC/SGM/DT/SST of 7 November 2000, specifying the categories of work and workplaces prohibited for pregnant women and young persons and the corresponding age restrictions, was issued by the Ministry of the Civil Service and the Ministry of Health to supplement the Labour Code.

95. The General Collective Labour Agreement of 30 December 2005 complies with the requirements of the Constitution and the Labour Code. It covers enterprises in the private sector and is designed to “regulate relations between employers and workers in enterprises and establishments in the private sector”. The principles governing workers’ remuneration are set forth in article 31, which stipulates that: “where conditions are equal with regard to work, seniority and professional qualifications, the wage shall also be equal for workers whatever their age, sex or status ...”.

96. Act No. 86-013 of 26 February 1986 on permanent employees of the State complies with the principles enshrined in the Constitution, and clearly affirms the principle of equality between men and women with regard to access to employment in the public sector.

The current situation of female workers

97. In spite of all the legislation in place to promote equality, the situation of women in the workplace has barely changed. In reality, a gender gap exists in the world of work and with regard to economic participation. Although there are no recent statistics available, the third general population and housing census (2002) indicates that the public sector employs 0.4 per cent of women and 1.1 per cent of men, while the private sector employs 0.5 per cent of women and 1.2 per cent of men. The overall employment rate (63.8 per cent) conceals a gap that benefits men – a gap of 9 per cent, reflecting the difference between the employment rates for men (68.3 per cent), and for women (59.7 per cent).

98. Gender-disaggregated statistics from 2007 reveal that men dominate the civil service, with 73.23 per cent male employees and 26.77 per cent female (see above, under article 7). The percentage of female public sector workers has fallen slightly since 2002 (26.91 per cent).

99. This sombre picture is confirmed by the results of an assessment carried out by the African Peer Review Mechanism (APRM) in 2008, which revealed that 26.6 per cent of public sector employees and 41 per cent in the formal private sector are female, and that women are less frequently promoted to management posts. Female graduates benefit from a certain level of positive discrimination on recruitment, but this becomes negative when it comes to career progression. The APRM team notes that women are restricted to less well-paid jobs, and believes that the main obstacle to the employment and advancement of women is their lower level of education. Moreover, social responsibilities (pregnancy, motherhood, taking care of the family, separation from spouses) and certain beliefs and perceptions restrict and impede women’s access to positions of responsibility during the course of their careers, and therefore to a sustained, higher income.

Women in Benin and Act No. 86-014 of 26 September 1986

100. There have been no new developments relating to this Act on the Code of Civil and Military Retirement Pensions.

**Article 12
Equal access to health services****Legal and institutional measures**

101. Health policy takes into account the rights and health needs of women and girls, and is based on various international and national texts, including the Bamako Declaration of 2001, which aims at a 50 per cent reduction in maternal mortality rates; the national policy and strategy document on development of the health sector 2002–2006; the national health development plan 2009–2018; Act No. 2003-03 of 3 March 2003 on the suppression of female genital mutilation in the Republic of Benin; Act No. 2003-04 of 3 March 2003 on sexual and reproductive health; Act No. 2005-31 of 10 April 2006 on the prevention, treatment and control of HIV/AIDS in the Republic of Benin, adopted on 18 August 2005; and the Millennium Development Goals (goals 5 and 6, relating to reproductive health). Benin has complied with all African decisions and recommendations regulating the health sector. The Government receives support in these efforts from various technical and financial partners.

102. The health sector faces a dearth of resources and poor management of the resources it has. The development of the health budget has been erratic. The health budget accounts for 15.15 per cent of the overall State budget, and is mainly funded by households (52.1 per cent), with 30.8 per cent coming from the State, 16.5 per cent from international sources and 0.6 per cent from local communities, health insurance companies, and private and State enterprises. With regard to human resources, in 2006, there were 6,275 health workers in public and private health centres. Nationwide there is one doctor for every 7,006 people; a relatively satisfactory ratio in terms of WHO standards. However, disparities exist at departmental level. The distribution of medical staff is therefore not equitable. Nevertheless, coverage in terms of health infrastructure has improved, although disparities remain between departments. In addition to these disparities, there is also the problem of the dilapidated state of 40 per cent of the infrastructure, which in general does not meet existing standards. There are similar problems with medical equipment. In spite of the institutional and legal framework in place, the situation faced by women clearly leaves something to be desired in various areas of the health sector.

Women's health situation**Reproductive health**

103. According to data on antenatal care from the 2006 demographic and health survey, nearly nine out of 10 women (88 per cent) attended antenatal consultations provided by health workers, usually a nurse or midwife (80 per cent). This figure constitutes a slight increase on 2001 statistics. According to the 2001 demographic and health survey, 87 per cent of women have access to antenatal care provided by a health worker. Just over one in 10 women (11 per cent) received no antenatal care at all during their pregnancy. Statistics indicate that 59 per cent of women received the required number of injections to protect their most recently born child against neonatal tetanus. Among the births surveyed in the five years before publication of the survey, 22 per cent took place at home, 78 per cent in a health centre, mostly in the public health system (65 per cent). In comparison to 2001, there was no real improvement in these figures (23 per cent and 76 per cent). More than three

quarters of births (78 per cent) took place with the assistance of health workers, mainly nurse midwives (69 per cent).

Maternal mortality

104. In the 2006 demographic and health survey the direct estimate of maternal mortality for 1999–2006 was 397 maternal deaths per 100,000 live births. These figures reflected an improvement, as they were lower than the estimate for 1989–1996 (1996 demographic and health survey), i.e., 498 deaths per 100,000 live births and the figure estimated in the general housing and population census, which put maternal mortality in 2002 at 474 deaths for every 100,000 live births. The high maternal mortality rate in Benin is the result of early and late pregnancies, multiple pregnancies and pregnancies that are too closely spaced, as well as clandestine abortions following unwanted pregnancies. In this regard, the measures taken by the Government and different actors in the health sector are to be applauded.

Fertility and family planning

105. The 2006 demographic and health survey indicated that, with an average of 5.7 children per woman, the fertility rate in Benin remains high. What is more, it is early fertility, for 21 per cent of girls under 20 years of age have already given birth to at least one live child. The fertility rate has remained more or less stable since the 2001 survey, the average number of children per woman moving from 5.6 in 2001 to 5.7 in 2006. Since 1996, when the first survey was conducted, fertility rates have fallen, on average, by 0.6 children per woman. The same tendencies may be noted as those observed in the two previous surveys. In particular, the figure varies according to women's level of education and the household standard of living, ranging from a maximum of 6.4 children per woman among women with no education, to 5.2 among women who have completed primary school and 3.4 among women who had completed upper secondary school. In 18 per cent of cases, the births were not planned properly: 14 per cent of children were not conceived at the desired moment and 4 per cent were unwanted.

106. Almost all men and women are aware of family planning methods, with male condoms, injectable contraceptives and the contraceptive pill being the most well-known methods. A little over two in five women in a relationship (45 per cent) stated that they had used contraceptives at some point during their lives. However, at the time of the survey, only 17 per cent of women were using any form of contraception – 6 per cent modern methods and 11 per cent traditional methods. The use of contraceptives has fallen slightly since 2001. At that time, 7 per cent of women in a relationship were using a modern method of contraception, in comparison to 6 per cent in 2006. There is a positive correlation between contraceptive use and a woman's level of education, with 19 per cent of women who had completed upper secondary schooling using a modern method of contraception at the time of the survey, in comparison to only 4 per cent of women with no formal education.

Child health, disaggregated by gender

107. According to the results of the 2006 demographic and health survey, in the 12–23 months age group, less than one child in two (47 per cent) had been vaccinated as part of the Extended Vaccination Programme, which consisted of one dose of BCG vaccine, three doses of diphtheria, tetanus and whooping cough vaccine, three doses of polio vaccine and one dose of measles vaccine. Vaccination coverage varies widely depending on the place of residence, and coverage is clearly low in rural areas, as compared with urban areas (43 per cent versus 55 per cent). As to completion of the vaccination cycle, there is barely any gap between girls (48 per cent) and boys (46 per cent). However, it should be pointed out that the proportion of fully vaccinated children rises along with the mother's level of education

(43 per cent for children with mothers with no education and 80 per cent for children of mothers with secondary education or higher) and with the household income (34 per cent for children in the poorest households, 65 per cent in the richest). With regard to childhood diseases, the survey noted that the most prevalent were acute respiratory infections, fever and diarrhoea. There is no noticeable difference between the sexes with regard to the prevalence of these diseases. The differences between boys and girls, respectively, acute respiratory infections, 10 per cent and 9 per cent; fever, 29 per cent and 28 per cent; and diarrhoea, 10 per cent and 9 per cent. A rural environment and the mother's level of education have a negative impact on these indicators.

Infant and child mortality rate

108. Between 2001 and 2006, for every 1,000 children born, 67 died before their first birthday, 32 died before they were 1 month old, and 35 died between the ages of 1 and 12 months. For every 1,000 children who lived to see their first birthday, 62 died before reaching their fifth and, overall, the under-five mortality rate was approximately 125 deaths per 1,000 live births. As a whole, the under-five mortality rate has declined dramatically over the past 15 years, falling from 151 deaths per 1,000 live births during the period 1991–1996, to 125 deaths per 1,000 live births during the period 2001–2006, a total decrease of 26 per cent.

109. In the first month of life, the mortality rate is higher for boys than for girls (41 per thousand versus 34 per thousand live births). However, during the post-neonatal period, the differences by sex become negligible. Overall, during the first year of life, the mortality rate is higher for boys (80 per thousand) than for girls (72 per thousand). However, between the ages of 1 and 5, there is little difference between girls and boys (64 per thousand and 65 per thousand respectively). Overall, the under-five mortality rate is higher in rural areas (145 per thousand) than in urban areas (116 per thousand). It stands at 143 per thousand for children of mothers with no formal education, and 84 per thousand for children of mothers who have completed the first stage of secondary school. Statistics also indicate that household standard of living has a very strong impact on child mortality.

Use of health services by women

110. More than three quarters of women (76 per cent) live less than 5 km from a health centre. However, 20 per cent need to travel 5 km or more to reach a centre. In the countryside, 70 per cent of women have access to a health centre located less than 5 km away, compared with 86 per cent of women in urban areas. In general, with regard to travel times, 85 per cent of women take less than 31 minutes to reach the nearest health centre. As with distance travelled, travel times to different types of health-care facilities are shorter in urban (especially in Cotonou) than in rural areas. Proximity to health centres is more important to rural women. When asked about problems relating to health care, the women interviewed listed — in descending order — distance from health facilities, the high cost of medicines, the shortage of health workers and equipment in health centres, the high cost of consultations, poor attitude of staff and a lack of essential medicines.

Women and malaria

111. According to the 2006 demographic and health survey, malaria remains the most widespread endemic disease, and the leading cause of illness and mortality among the most vulnerable groups, namely children under 5 and pregnant women. Despite progress made with regard to prevention and treatment, national health statistics indicate that malaria remains at the forefront of prevalent diseases and accounts for 36 per cent of visits to health-care facilities among the general population, and 41 per cent of visits by under-fives. Malaria is also the leading reason for hospital admissions, among both the general

population (18 per cent) and under-fives (29 per cent). It is therefore a serious public health problem in Benin, children and pregnant women being the worst affected. To protect children against malaria, mosquito net use has increased from 32 per cent (2001) to 47 per cent (2006). Statistics indicate that the percentage of boys sleeping under a mosquito net (47 per cent) is almost the same as the number of girls (46 per cent). A comparison with the 2001 survey data reveals an increase in the number of women using mosquito nets, from 33 per cent in 2001 to 45 per cent in 2006.

HIV/AIDS prevalence, disaggregated by sex

112. The 2006 demographic and health survey, together with a survey on HIV status in the general population, revealed an estimated HIV prevalence of 1.2 per cent. HIV prevalence for women aged 15–49, estimated at 1.5 per cent, is nearly double the figure for men in the same age group (0.8 per cent). As a result, the male-to-female HIV infection ratio stands at 1.88, that is, 188 HIV-positive women for every 100 infected men. Among the women, there are significant variations with regard to place of residence, level of education and employment status: urban areas have double the HIV infection rate of rural areas (2.2 per cent versus 1 per cent), and Cotonou in particular has the highest rate of HIV infection in Benin (2.8 per cent versus 2 per cent in other cities).

Female genital mutilation

113. This issue has already been addressed under articles 2 and 3 of the Convention.

114. A broad range of measures, policies, programmes and development strategies have been introduced to ensure the development of the health sector. Their implementation has led to a tangible improvement in the health of the population in general, and of Beninese women in particular, and has yielded the results outlined above. Nevertheless, much remains to be done in order to achieve results that will save more women's lives.

Article 13

Finance and social security

Women's access to credit

115. In 2003, according to the most recent Social Indicators Year Book, women had access to 26 per cent of bank loans, while men had access to 74 per cent. On the other hand, women obtained 60 per cent of available microcredit, whereas men obtained 40 per cent.

116. In 2006, a ministerial department was created to handle microfinance and youth and women's employment, with a directorate-general for microfinance. In 2008, a substantial budget was allocated to the microfinance fund, chiefly to alleviate women's hardship (CFAF 17,546,463 of a total ministry budget of CFAF 41,553,264). For a number of years, the State has been implementing measures to provide funding to small and medium-sized enterprises, in order to support women, who make up the vast majority of those active in trade and the informal economy. A microfinance society (FINADEV) and a microfinance providers' association (Alafia Consortium), established in 1998 and 2000 respectively, and other financial institutions such as the Support for the Development of Small and Medium-Sized Enterprises Project (PAPME), the Support for the Development of Micro-Enterprises Project (PADME), the Support for the Development of the Agricultural Sector Project (PASDA), the Caisses Locales de Crédit Agricole Mutuel (CLCAM) and a number of NGOs, together with the directorate-general for microfinance, which is responsible for regulating and strengthening the sector, are working to increase women's access to microcredit.

117. It is also worth noting that, on 27 February 2007, the President of the Republic of Benin launched a Microcredit Programme for the Very Poor (PMCPP), in order to enable the poorest sections of the population, and women in particular, to become economically active. Beneficiaries receive CFAF 30,000, with an interest rate of 2 per cent per annum plus a further 3 per cent, repaid in the form of a savings contribution. The Government has therefore made a remarkable effort to improve women's access to microcredit relative to men, although much still remains to be done, especially for rural women.

Social security system

118. Act No. 98-029 of 21 March 2003 on the Social Security Code in the Republic of Benin, provides non-discriminatory guarantees to women, particularly with regard to family benefits, including antenatal allowances, family allowances, daily allowances for wage earners on maternity leave, and non-cash health and social benefits (art. 38). More recently, Act No. 2007-02 of 26 March 2007 amended the provisions of Act No. 98-029 of 21 March 2003, improve these benefits, whilst still avoiding any discrimination against women.

Article 14

Rural women

Legal and institutional measures

119. Studies on household living standards in Benin indicate that the poverty rate is much higher in rural than in urban areas. Several factors have contributed to this phenomenon, including poor access to credit in rural areas, a limited range of exports of agricultural commodities, a poorly developed rural infrastructure (roads, water, electricity and telephone) and the low management and absorption capacity of public resources. Act No. 2007-03 of 16 October 2007 on rural land tenure in the Republic of Benin was adopted to improve the status of women in the agricultural sector, and explicitly guarantees women the right to inherit rural land from their elders or spouses.

120. Before this law was adopted, the Ministry of Agriculture, Livestock and Fisheries had introduced measures to support rural women, such as the Policy for the Advancement of Rural Women and Women in Agriculture, adopted in September 2001, which generally aims to "contribute to improving the living standards of rural people by providing equal opportunities for men and women in order to ensure the equal participation of all citizens in the development process in Benin", as well as various programmes and projects financed by technical and financial partners such as the International Fund for Agricultural Development (IFAD) and the Danish International Development Agency (DANIDA), and which, given their nature and scope, have important implications for improving women's living standards. The budget for the advancement of women and gender equality in agriculture is larger than in any other sector: CFAF 133,585,760 for the women's unit in the Ministry of Agriculture, from an overall budget of CFAF 61,911,667,000 for the sector. It is a considerable amount when compared to the budget for the gender unit within the Ministry of Youth, Sport and Leisure, for example (only CFAF 8,000,000). Nevertheless, the situation of rural women remains far from secure.

Rural women

121. According to statistics compiled by the National Institute for Statistics and Economic Analysis (INSAE), it is estimated that, in 1999, the rural population of Benin stood at 3.8 million, with women making up 51.3 per cent of that figure. The majority of women in Benin work in agricultural and rural production. According to the policy document on the promotion of women in agriculture, drawn up by the Ministry of

Agriculture, women represent 50–60 per cent of the agricultural workforce. In the agricultural sector, women perform a wide range of tasks, such as ploughing (depending on the region of the country), clearing, sowing, weeding, fertilizing, harvesting and transport.

122. With regard to livestock farming, it is primarily women who rear poultry, pigs and small ruminants. The situation is the same in the fisheries sector, where men are only involved in catching the fish. As a result, women outnumber men in the agricultural sector. They thus constitute the backbone of farmers' organizations in Benin: in terms of membership numbers, women's agricultural organizations make up 70 per cent of all small farmers' organizations. While this establishes women as potential partners for direct dialogue with technical and financial stakeholders over the support they need to develop their farming activities, they nevertheless face difficulties in accessing land and credit.

123. One of the main problems that women face is a lack of available land. As a result, women work as landless farmers. In Benin, inheritance is one of the main means of access to land, especially in the southern and central parts of the country. According to tradition, only men may inherit land, owing to the fact that they would normally be in charge of work in the fields (in the northern part of Benin). Gender-disaggregated agricultural statistics indicate that of all land acquired with tenure, 13 per cent belongs to women. Plots owned by women are also generally smaller than those belonging to men: 0.9 hectares versus 1.26 hectares. According to a 2008 report by the African Peer Review Mechanism, it is now accepted that the poor performance of agriculture in Benin (the expansion of farming, introduction of new plant varieties, etc.) is partly due to constraints related to the issue of land. It should be noted that the practice of excluding women persists in some families, despite the promulgation of the Personal and Family Code.

124. The Personal and Family Code addresses the issue of women's access to land through inheritance by stipulating, in articles 1029 and 1030, 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". Moreover, the 2007 rural land code addresses the problem by explicitly guaranteeing women the right to inherit rural land from their elders or spouses. The provisions of article 11 stipulate that "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". To that end, the Government plans, as part of its new national gender equality policy, to introduce direct intervention mechanisms to support women's access to land tenure. Another tool introduced to promote tenure of rural land is the Access to Land Project, part of the Millennium Challenge Account programme (MCA), funded by the United States Government.

125. In addition to the problems they face with regard to land, women also have limited access to agricultural credit. Given that the granting of agricultural loans is contingent, *inter alia*, on the possession of a piece of arable land, women are often marginalized in this sector. The national policy for the advancement of women in agriculture and rural areas, designed to address this problem, aims to relax the selection criteria for loan applications made by rural women, and to encourage medium and long-term lending. A number of technical and financial partners, as well as international NGOs such as Plan Benin and SNV, are also working in that area, in order to ease the burden on rural women.

Beninese women in the forestry, water and fisheries sectors

126. Population growth has led to overexploitation and scarcity of land, highlighting disparities and inequalities between men and women relating to the management of natural resources. Unfortunately, the National Institute of Statistics and Economic Analysis (INSAE) lacks statistical data in this area. Nevertheless, with regard to the division of labour, men cut timber and logs, while women are predominantly involved in cutting and transporting firewood, and making charcoal. The gathering, processing and trading of non-

timber forestry products are also female-dominated activities. However, women's opinions are barely taken into account in the decision-making process with respect to the management of forestry resources.

127. It is worth noting that, although drinking water is generally available in urban areas, access to drinking water is a major problem for rural women. The Rural Water and Sanitation Project (PADEAR), with funding from various donors (the Danish cooperation agency, the Japanese cooperation agency, the World Bank, GTZ-KFW (the German technical cooperation agency and the KfW Development Bank), the Danish International Development Agency, the Economic Community of West African States (ECOWAS), the Islamic Development Bank, the French Development Agency, FAC, and the West African Development Bank) has led to significant improvements in drinking water provision. However, the supply of drinking water in rural areas remains poor. According to the latest population census, 50.2 per cent of rural households had access to drinking water. This figure has fallen below 50 per cent in recent years (46.5 per cent in 2007, in comparison to 44 per cent in 2006), according to the latest Social Indicators Yearbook, published by INSAE. As part of their traditional role as homemakers, rural women are responsible for ensuring that the household is supplied with water. They are therefore obliged to travel long distances (5–10 km) during the dry season to obtain water, and even that may be of questionable quality. Yet they are not able to properly participate in the management of water resources.

128. There is a gender-based division of labour in the fisheries sector. Although men catch the fish, the tasks that follow are varied in nature and are performed by women – the processing of the fish or shrimp, and the sale of fresh or processed fish products in local markets.

Article 15

Equality in legal and civil matters

Legal and institutional measures

129. Equality between men and women in legal and civil matters is enshrined in the national Constitution. Article 26 of the Constitution of the Republic of Benin stipulates that “the State shall guarantee all citizens equality before the law regardless of origin, race, sex, religion, political opinion or social status. Men and women are equal before the law. The State shall protect the family, and in particular the mother and child. It shall care for persons with disabilities and the elderly.” Likewise, the State recognizes the equal right of men and women to freedom of movement, as affirmed in article 25 of the Constitution, which provides that “the State shall recognize and guarantee, under conditions fixed by law, freedom of movement, of association, of assembly, of procession and of demonstration”. The Constitution recognizes women's right to choose their place of residence or domicile. Article 22 states that “all persons shall have the right to property. No one shall be deprived of their property unless it is in the public interest and in exchange for fair and prior compensation.”

130. At first glance, there is no discrimination between the sexes with regard to legal capacity. Article 1123 of the French Civil Code of 1958, applicable to Benin, provides that anyone can enter into an agreement, unless declared incapable by law. The grounds for incapacity specified in law, do not include sex. Therefore, these provisions are in compliance with the Convention.

131. At the institutional level, Benin has a Ministry of Justice and the corresponding judicial institutions, namely the courts and tribunals. Women and men have equal access to all available judicial services. The principle of the non-retroactivity of legislation applies,

regardless of sex. Article 16 of the Constitution stipulates that a person may be arrested or charged only in violation of a law promulgated prior to the charges against them Likewise, the presumption of innocence applies to all persons, regardless of sex, and is enshrined in article 17 of the Constitution, which states that “anyone accused of a crime shall be presumed innocent until their culpability has been established in the course of a public trial, during which all the guarantees necessary to their free defence shall have been assured. No one shall be condemned for actions or omissions which, at the moment they were committed, did not constitute a criminal offence under national law. Likewise, the person concerned may not have a more severe penalty inflicted than that which was applicable at the time the offence was committed.”

Certain problems relating to freedom of movement and residence

132. Freedom of movement is recognized by the Constitution as extending to all citizens. However, for women, this freedom is limited by the practices of some animist religions, such as the Oro or Zangbeto in the plateau region, and in other parts of the country, in that restrictions are placed on a woman’s comings and goings. Indeed, when the “Oro” or “Zangbeto” appear, women must remain locked indoors, on pain of corporal punishment or even death for spying with the intention of divulging the secrets of the group. Moreover, with regard to their place of residence or domicile, women are in practice not permitted to own property. According to most customary practices, women may not inherit property. However, where possible, and especially in urban areas, there is a growing trend towards women owning property.

Article 16

Equal rights in family matters

Legal and institutional measures

133. Benin has a large number of traditional and customary laws relating to the status of persons and the family. Some of these rules have long posed an obstacle to the empowerment of women. Custom in Benin always grants men primacy and a privileged position in relation to women. Following the adoption of the Personal and Family Code, these customs no longer have the force of law. Thus, significant progress has been made towards de jure equality between men and women, although de facto equality has yet to be achieved. Therefore, awareness-raising campaigns continue to be implemented to inform the public of the provisions of the Code.

134. Certain areas where significant progress has been made are mentioned below.

Progress made with regard to the former status of women

135. Act No. 2002-07 of 24 August 2004, on the Family and Personal Code, establishing principles of equality in line with the Constitution, and thus substantially reduces discrimination against women. It also abolishes levirate (art. 122), sets the legal age for marriage for girls and boys at 18 (art. 123), establishes the concept of monogamous marriage (art. 143), parental authority and equal inheritance rights for children, regardless of their sex (arts. 594, 604). The Act stipulates that the dowry is symbolic in character (art. 142) and that both spouses have full legal capacity (art. 173). It also grants widows inheritance rights (art. 604, art. 630 ff.). The husband is no longer in sole charge of providing moral and material guidance to the family, and parental authority is exercised jointly by both parents (art. 411).

136. The provisions of the Personal and Family Code have facilitated progress towards the goal of equality between the sexes. However, it is important to continue awareness-

raising campaigns and to educate people about the Code and its provisions. The Government and national NGOs must continue this work with the support, where possible, of technical and financial partners.

Conclusion

137. Since 2005, successive Governments have taken both legislative and institutional measures to reduce inequalities between men and women, and to implement the provisions of the Convention. In this regard, it is worth noting that, in recent years, there have been some improvements in the legal status of women. Several laws have been passed to promote their advancement, and various policies, programmes and projects have also been introduced to that end.

138. These efforts have led to improvements in the situation of women in various socioeconomic sectors, including education, health, rural land tenure, and access to credit as a result of the development of microfinance systems and a reduction in inequality between the sexes. Moreover, there is increasing public awareness of the problem of sexual violence. Female genital mutilation rates fell between 2001 (17 per cent) and 2006 (13 per cent). NGOs continue to lobby the National Assembly to adopt a specific law to punish acts of sexual violence. Moreover, the National Assembly is also to vote on the draft criminal code, which represents progress in terms of preventing certain acts of violence against women, such as rape.

139. However, challenges remain with regard to efforts to eliminate discrimination against women. To this end, projects and programmes to raise public awareness of women's rights — and of new legislation — should be placed high on the Government's agenda, in collaboration with national NGOs and with technical and financial support from development partners.

140. The adoption of specific legislation against all forms of violence against women would strengthen the legal framework for the elimination of discrimination against women.
