



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

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**Committee on the Elimination of Discrimination
against Women
Thirty-third session**

Summary record of the 688th meeting

Held at Headquarters, New York, on Thursday, 7 July 2005, at 3 p.m.

Chairperson: Ms. Manalo

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention

Combined initial, second and third periodic reports of Benin (continued)

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05-41130 (E)

*** 0541130 ***

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

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

Combined initial, second and third periodic reports of Benin (continued) (CEDAW/C/BEN/1-3; CEDAW/PSWG/2005/II/CRP.1 and Add.1)

1. *At the invitation of the Chairperson, the representatives of Benin took places at the Committee table.*

Article 10 (continued)

2. **Ms. Hounkpe-Ahougbenou** (Benin) said that informal education existed in Benin for women, who were able to train as hairdressers, carpenters, mechanics and electricians. There were also retraining programmes in vocational training centres in which they were able to learn about new technologies. Girls who had to leave school to have babies were certainly not prevented by law from returning to school after their confinement; the fact that they generally did not go back to school was due to socio-cultural considerations of modesty. Linguistic diversity was not a problem in Benin's education system, as all teaching in educational institutions was in the French language only. Girls were encouraged to attend school through awareness-raising campaigns which involved the participation of many NGOs.

3. **Mr. Sossa** (Benin) said that while the sole language of instruction in Benin's schools, colleges and universities was French, literacy campaigns were of course conducted in the appropriate local languages, and involved substantial participation by civil society. Debt cancellation was very recent; it would be reflected in the country's next annual budget and would undoubtedly be of benefit to the Government's social programmes.

Article 11

4. **Ms. Arocha Dominguez**, noting that a member of the delegation had spoken of the difficulty in Benin of guaranteeing jobs for women and also for men, said that it was the responsibility of the State to ensure that there was no discrimination in the employment of women and to guarantee the conditions for their adequate remuneration. She requested up-to-date statistics on the participation of women in various

sectors of the labour market and on their income particularly in those sectors where the proportion of women employed was significantly higher than that of men and where women's income tended to be low. She also asked what the Government was doing, along with the private sector, to ensure that the provisions of the Convention were being implemented.

5. **Ms. Patten** said that in spite of the progress that had been noted in some areas of employment gross inequalities persisted. Was there a clear national policy for the promotion of equality of opportunity and treatment in regard to employment? The laws were in place, but enforcement of their provisions was very poor. There were few women in public service. What measures was the Government contemplating to increase their representation, especially in the higher levels of the civil service where they were particularly under-represented? She welcomed the fact that Benin had ratified a number of ILO Conventions, but noted that because of the difficult economic situation in the country and the consequent lack of female bargaining power, women had been entering the informal sector. What measures were being taken to promote and support women's self-employment and the development of small enterprises that could be run by women? Did they have access to credit and capital on the same terms as men? Were concrete measures being taken by the Government to facilitate women's access to and control over all productive resources — land, credit, capital and development programmes? The enactment of Benin's Labour Code had been a big step forward, but what measures were being taken to enforce all its provisions? Did Benin have an efficient inspectorate system in place, what means of redress were available to women in cases of non-compliance, did women have access to justice when their rights were violated and were they offered legal aid? Was the Ministry of Labour developing any workplace policies to combat gender discrimination in recruitment and promotion, especially in the case of older women, who were more vulnerable? Benin had no legal text that defined sexual harassment in the workplace, although mention was made of it in the draft Criminal Code. Did Benin in fact have a clear definition of workplace sexual harassment, and was it developing any policies to deal with it?

6. **Mr. Sossa** (Benin) said that although Benin had no special legal texts on sexual harassment in employment, provisions of the Criminal Code were

used to counter it. The new Criminal Code would certainly take care of the matter when it came into force in a few months' time. In public service, recruitment was subject to open competition on an equal basis, although it might be deplored that there were no quotas for women. In some areas of recruitment preference was in fact given to women, and efforts were being made to recruit them in areas where they were under-represented. If they had the same qualifications as men, they received the same income. In Benin, women were in fact very often in control of commerce, and in agriculture and trade they were often responsible for their own businesses; admittedly, it was in rural commerce that women were mostly involved, and it was an area that required a great deal of personal sacrifice and even suffering. The Ministry for the Family, Social Protection and Solidarity was seeking solutions to the difficulties women experienced in employment. He did not currently have the statistics on their representation in public service, but would provide the Committee with them at a later date.

Article 12

7. **Ms. Pimentel** said that, while Benin had a fair degree of de jure equality, the challenge was to secure de facto equality. Benin was making an impressive effort, but it was a very difficult process which took time. The report referred to the fact that non-governmental organizations had begun to study ways and means of retraining female circumcisers in other trades. Was the Government taking any measures to assist those efforts? Was the Government planning to take any special measures, under article 4, paragraph 1, of the Convention, to eradicate female genital mutilation? Such special measures would in her view be of great assistance.

8. **Ms. Dairiam** said that the report referred to a wide range of services and interventions in the area of health but failed to describe the concept of women's health on which those health services were based. Had Benin studied the Committee's general recommendation No. 24 which provided a wide definition of women's health going well beyond reproductive and maternal health? What was the basis for the report's claim that no discrimination existed in dealing with the population's health problems? Were there sex-disaggregated data for monitoring women's and men's access to health services? Had the

Government of Benin identified any particular obstacles that prevented women from gaining access to health services in addition to distance from home to health centre and local disparities? What was women's de facto access to health services and what steps were being taken to ensure more universal access? Did a plan exist, and if so with what time frame? Was there information on access to safe water supply and sanitation? The report referred to the principal causes of morbidity in women, one of which was given as "traumatism". Was domestic violence the basis for traumatism? How did the causes of morbidity in women differ from those in men? If there were differences, were there any specific care services that were geared towards women? What were the rates of maternal mortality? The report stated that standards of maternal health-care evaluation had evolved appreciably, but could the delegation provide statistics that showed the decline in maternal mortality and morbidity resulting from improved care? The report claimed that family planning activities were relatively well developed; was abortion still illegal, and if so what was the rate of unsafe abortions and what services were provided for the management of the health problems resulting from unsafe abortions?

9. **Ms. Morvai** said that it was extremely basic from the point of view of gender equality and women's rights that family planning should be considered the joint responsibility of the two partners. The report stated that the partner's prior authorization was generally required before a woman could receive family planning assistance. Did the law in Benin require the prior authorization of the female partner before a man resorted to the use of contraceptives or to sterilization? A woman's right to health services did not end with her reproductive capacities: what was the practice in Benin regarding the provision of health services to older women?

10. **Ms. Hounkpe-Ahoughbenou** (Benin) said that, following a campaign against genital mutilation waged by the Government and NGOs, an official ceremony had been held in April 2005 declaring an end to the practice. Now that it was illegal, people who wanted to continue the practice did so clandestinely. The Government had helped circumcisers to retrain for other activities. The law against genital mutilation was now being enforced. The concept of women's health in Benin went well beyond reproductive health; it embraced women's health as a whole, including girls'

health education, the struggle against HIV/AIDS and the problems older women encountered with cancer. There was no discrimination in health care: both men and women received treatment, health centres were now quite widespread, and the Government was raising awareness regarding the need for people to see a doctor when ill. Statistics on maternal mortality rates would be supplied to the Committee later. Abortion was now authorized in certain cases but both partners had to agree to it; it was the same with contraception.

11. **Mr. Sossa** (Benin) said abortion was authorized when the health of the mother was at risk or when pregnancy was the result of rape or incest. The law had been reformed in 2003, and would be further reformed in the coming months following what was expected to be a lively parliamentary debate in which NGOs were taking a very active interest. It was not really possible to control the way each couple dealt with the issue of contraception, but he had not yet heard of a case of one partner being opposed to the other's use of contraception; generally, the female partner had the male partner's authorization.

Articles 13 and 14

12. **Ms. Schöpp-Schilling** asked if the Government planned to continue the solar energy project and the various other commendable rural development programmes it had initiated in relation to article 14. She still did not, however, have a clear picture of the real situation of rural women. Although more women than men lived in rural areas and 54 per cent of the women were engaged in agriculture, they apparently did not own land. Presumably, then, they worked in the informal sector, or as paid hands on plantations. If independent farming was their income-generating work, it was not clear if they had proper access to water and could market their produce. She also wondered how many women lived in polygamous marriages and how such marriages affected their income. It would be interesting to know the percentage of the national budget allocated to poverty reduction, the proportion of that percentage allocated to women's programmes, and whether the resources needed for the latter programmes would be secured.

13. **Ms. Tan** said that the new Code of Persons and the Family adopted in 2004 had greatly improved the de jure situation of women, but not enough information had been given about the de facto situation and what the Government was doing to overcome the socio-

cultural legacy of the customary laws in what were essentially patrilineal families, especially with regard to access to land and participation in water management committees.

14. **Ms. Zou Xiaoqiao** observed that the report did not shed enough light on the condition of rural women — their poverty level or their access to education, social security, health care and the like; the next report should provide gender-disaggregated data on the rural population. The report also said nothing about domestic violence, even under article 6, and she wondered if that meant that there was none or that the Government had taken no action on it. Also, she asked the delegation to clarify why the report stated (CEDAW/C/BEN/1-3, p. 70, sect. 14.1) that one of the major problems of rural women was the inaccessibility of agricultural credit, yet went on in the following sections to list the many types of credits that were available to them.

15. **Ms. Ogooussan** (Benin) said that credit was available to rural women but not to all categories of women. The indigent or those who did not qualify for microcredit could get unguaranteed credit; the others had access to the types of credit listed in the report. Many rural women, especially in the north and centre of the country, worked alongside their husbands in the family fields, and hence the absence of any reference to women employed on plantations. Indeed, some women even hired men to help them with the harvest, and women certainly were able to market any produce on equal terms.

16. **Ms. Boko Nadjo** (Benin) observed that it was too soon to assess how familiar the population had become with the new Family Code, adopted only six months previously, and to evaluate the impact it would have on women. The de facto situation was still much the same, although since the democratization of the country, women had become much more aware of their rights as a result of the Government's information campaigns through the media and the work done by civil society organizations, directed at both men and women.

17. Domestic violence was a taboo subject in Benin, as elsewhere, and any problems were generally settled within the immediate family itself or with the assistance of moral or village authorities. Complaints rarely reached the courts, and no statistics were available.

18. **Ms. Hounkpe-Ahoughbenou** (Benin) said that the Government certainly intended to continue its various ongoing programmes for the advancement of women. It should be noted that women engaged in farming marketed their produce at the same price as men and had the same level of income. The Government's village water supply programme was in full swing and would eventually provide every village with a water pump. As no census had been taken, there were no data on polygamy in rural areas. In the next report, however, statistics broken down by rural and urban populations would certainly be provided.

19. As further clarification on the access to credit, it should be explained that some women, for lack of documentation, were not eligible for bank loans and instead received Government-allocated funds at a low 5-per-cent interest rate. Such credit programmes were operating in at least 25 villages, and the women benefited from a revolving, reimbursable system that would be in place until their lives were structured enough for them to apply for official credit under the normal system.

Articles 15 and 16

20. **Ms. Saiga**, referring to article 16, noted that the Government had given itself, together with NGOs, two years in which to publicize the newly adopted Code of Persons and the Family. She wondered nevertheless whether the new Code would be able to solve the problems created by the many discriminatory customs relating to marriage, inheritance and the like which were still extant. The next report should provide more comprehensive information on the provisions of the Code and should give an account of its impact.

21. **Ms. Belmihoub-Zerdani** questioned whether the new Code would be able to accomplish all it set out to do. The report itself stated (p. 16), for instance, that family and succession rights were governed both by the Civil Code and by the customary law of Dahomey; and indeed it was difficult to understand which law would actually prevail. The new Code abrogated the discriminatory aspects of inheritance code under the customary law but did so within traditional marriage structures that were still in place. She asked the delegation to clarify how the abrogation of the old by the new was actually working. Perhaps transitional laws would be needed during the changeover from the discriminatory system.

22. **Ms. Tan** asked what position the new Code took on religious law, given the clear distinction the report had drawn between religious, customary and civil law in the country. She would like to know if the Code was in conformity with the Convention and whether the Convention would prevail over domestic law in cases of discrepancy; and also if the Code included provisions on violence against women and the punishment and rehabilitation of the perpetrators.

23. **Mr. Sossa** (Benin) observed that the first part of the report had been written in 2002, long before the Code of Persons and the Family had been adopted, and did not reflect the current situation. The customary law of Dahomey, a legacy from the former colonial Power, dated from the 1930s and had itself evolved. Moreover, successive national constitutions had proclaimed equality between men and women, and the courts had regularly upheld the constitutional provisions. Women consequently did have inheritance rights and were not mere objects in the eyes of the courts. The new Code had abrogated customary law with immediate effect, and thus none of the earlier customary provisions regarding marriage, the separation of property in marriage, children, and so on, henceforth had any validity. The Code was immediately applicable, even though the other types of marriage had not been abolished as such. In any case, women could legally challenge any attempt to apply the old rules.

24. The crime of violence against women was not regulated in the Code of Persons and the Family but rather in the Penal Code, which prohibited it. The revised Penal Code would deal with domestic violence as well.

25. **Ms. Hounkpe-Ahoughbenou** (Benin) said that she agreed with Ms. Belmihoub-Zerdani that it would be difficult for rural women to move from an unmarried polygamous setting to the new type of marriage under the new Code.

Follow-up questions

26. **Ms. Schöpp-Schilling** asked, with regard to trafficking in children, what the percentage of girls among such children was. She applauded the establishment of a national human rights body for report writing and monitoring and asked what plans the Government had to disseminate the country report and the Committee's concluding comments so as to reach a wide audience. Temporary special measures offered a

most appropriate instrument for accelerating the achievement of de facto equality, and she recommended a careful review of the Committee's general recommendation No. 25 on such measures. With regard to constitutional problems with quotas, she recommended examining the practice of other countries, including some countries in Africa, which had successfully introduced a quota system. It might also be useful to re-examine the Constitution to see whether the language appearing to bar quotas could be changed.

27. **Ms. Shin** regretted the general lack of disaggregated statistics in the report. Such data were needed for policy and programme formulation and evaluation in order effectively to eliminate discrimination. She asked what machinery existed to collect statistics, how the information was collected and who decided what kind of data to collect. Whatever entities were involved, they needed to have gender focal points. Statistics were needed in all areas covered by the Convention, including cases of violence against women and time budgets and task sharing in homes.

28. **Ms. Morvai** noted, with regard to Benin's plan to introduce legal abortion, that experience in her own country had shown that such a step needed to be taken carefully and to be part of an overall family planning education programme that established the joint responsibility of men and women for contraception. Abortion could not be treated simply as a readily available after-the-fact method of contraception. Women deserved better treatment than that and needed real control over their bodies and sexuality.

29. **Ms. Simonovic** recalled her earlier question on the direct applicability of the Convention in courts. She noted an absence of explicit protection of Convention rights under domestic law. She asked whether the Convention could be invoked in the constitutional court or other courts.

30. **Mr. Flinterman** asked whether cases involving violations of Convention rights could be brought before administrative or other courts and whether such courts could rule on the compatibility of laws affecting Convention rights with the Constitution. Noting that remedies through the courts tended to be expensive, he asked whether a legal aid system existed and whether out-of-court dispute settlement procedures existed and were used.

31. **Ms. Dairiam** said that the fact that discrimination was prohibited would not satisfy the Committee's concerns, as it needed to assure itself that de facto realization of Convention rights prevailed in a given State party. She asked whether, for instance, there was any monitoring to determine whether men and women actually accessed health care equally and whether female genital mutilation had actually stopped. The discussion on health care had focused on reproductive health but there were other important aspects of health of concern to women. She asked what the term "traumatism" signified in the report's discussion of morbidity.

32. **Ms. Belmihoub-Zerdani** noted that there seemed to be no mention in the revised draft Penal Code of punishments for violence against women, which was a serious omission. In legal systems like her own and that of Benin, international treaties, such as the Convention were seen as superior to domestic laws. It might, however, expedite the elimination of discrimination if domestic law made direct reference to rights protected under the Convention.

33. **Ms. Kpongnonhou** (Benin) said that centres for social protection had been established to continue the Government's efforts at the local level to ensure that rights were protected and that such practices as female genital mutilation ceased. The centres also concerned themselves with family health, which included more than simply reproductive health.

34. **Mr. Sossa** (Benin) said that decisions on the constitutionality of laws could be taken only by the Constitutional Court but all citizens could bring such matters before the Court. The procedure was not costly and did not require a lawyer. Action on cases before other courts that involved questions of constitutionality were suspended until those questions were decided by the Constitutional Court. He assured the Committee that the country report and the dialogue with the Committee would be widely circulated to Government offices, the legislature, NGOs and the press. Statistics were gathered in Benin by the National Institute for Statistics and Economic Analysis. He assured the Committee that the next periodic report would include more statistics covering the areas referred to by members.

35. **Ms. Hounkpe-Ahougbenou** (Benin) said that trafficking in children was a matter of concern to the Government. She noted that the children involved were

not sold but were moved, usually by their families, to other towns or even neighbouring countries, usually staying with relatives in order to take advantage of work opportunities. Some statistics on the problem were available, in particular where the Government was involved in recovering or repatriating particular children. With regard to abortion, she pointed out that legal abortion under the new law would be available only in specific circumstances, such as rape or a dangerous medical condition. The Government continued its involvement in the campaign to eradicate female genital mutilation by working in the community to raise consciousness about the problem. She expressed her delegation's appreciation of the many useful constructive comments made by the Committee, which would help to strengthen the Government's efforts at home and improve the next report.

36. **The Chairperson** thanked the delegation of Benin for maintaining a frank and constructive dialogue with the Committee on the situation in their country. The Government's serious approach to gender equality could be seen in the ratification of the Optional Protocol, the adoption of important legislation such as the Code on Persons and the Family and the law punishing female genital mutilation, and generally in the provision of a constitutional framework for protecting women against discrimination. A number of problem areas remained, however. There was no clear legal definition of discrimination, such as could be found in article 1 of the Convention, and there needed to be better machinery to deal with complaints of discrimination. The educational programme to eliminate gender stereotypes suffered from a lack of resources and teachers. Stronger legislation and more extensive involvement of NGOs and the media were needed to fully eliminate forced marriage, bride money, female genital mutilation and trafficking in children, especially girls. Benin should ratify all international instruments against trafficking in persons. To that end, greater cooperation on such matters in the subregion should be developed. The participation of women in political life and decision-making needed to be strengthened and, in that respect, temporary special measures as described in general recommendation No. 25 would be valuable. As there were apparently no women ambassadors in Benin, a programme should be started to bring more women into the diplomatic service. Equality in education seemed to be hampered by high drop-out rates among girls, traditional stereotypes and a shortage of teachers. There needed to

be stronger measures to ensure equal pay for women and to combat sexual harassment in the workplace. Other traditional and cultural barriers to women's equality, such as forced marriages, child marriages and polygamy, needed more attention.

The meeting rose at 5.10 p.m.