

Benin 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in Benin during the year.

Significant human rights issues included credible reports of arbitrary or unlawful killings, including extrajudicial killings; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious problems with the independence of the judiciary; political prisoners or detainees; serious restrictions on freedom of expression and media freedom, including censorship and the enforcement of and threats to enforce criminal libel laws; substantial interference with the freedom of peaceful assembly; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, and child, early, and forced marriage; and child labor.

The government took some credible steps to identify, investigate, prosecute, and punish officials who committed human rights abuses and acts of corruption. Authorities sometimes held police accountable for misconduct for corruption-related crimes, but impunity remained a problem.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several credible reports from civil society groups that police and military members used disproportionate and lethal force against citizens.

In December 2022 Crystal News Radio broadcast journalist Virgil Ahouanse reported that in November 2022 police shot and killed 20 men allegedly involved in motorcycle theft in Porto Novo. Police acknowledged two deaths in an exchange of gunfire. According to Ahouanse it was a third incident of extrajudicial killings in the neighborhood and residents were reticent to speak publicly concerning police killings. Human rights activists stated police extrajudicial killings had occurred since 2016 and had become more frequent under the government of President Talon.

Authorities had yet to investigate the killings of civilians in connection with the 2019 legislative elections during which civil society groups stated police and military members used disproportionate force against protesters.

Although the government announced at the time it would launch investigations of police and military personnel involved, it had not done so by year's end.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibited such practices, and unlike in prior years there were no credible reports government officials employed them.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding, unsanitary conditions, and inadequate medical care and food.

Abusive Physical Conditions: According to the Benin Bar Association, conditions in the country's three prisons and eight jails were inhuman due to overcrowding, malnutrition, and poor sanitation. The nongovernmental organization (NGO) Social Change Benin stated prisoners suffered poor treatment and confinement to overcrowded cells. The 11 facilities held approximately 12,000 inmates, significantly exceeding a design capacity of 5,620 inmates. Convicted criminals, pretrial detainees, and juveniles were often held together. Inmates died due to lack of medical care, neglect, and poor ventilation in cramped and overcrowded cells. Prison facilities did not

provide support to inmates with disabilities, including those with mental disabilities.

Administration: Authorities conducted investigations of alleged mistreatment upon instruction by the Beninese Human Rights Commission.

Independent Monitoring: The government permitted prison visits by independent nongovernmental human rights monitors. Representatives of Amnesty International Benin and the Beninese Human Rights Commission visited prisons. Nonetheless, some NGOs complained authorities did not respond to their requests for prison visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. Nevertheless, police occasionally failed to observe these prohibitions. A person arrested or detained, regardless of whether on criminal or other grounds, was by law entitled to file a complaint with the liberty and detention chamber of the relevant court. The presiding judge was authorized to order the individual's release if the arrest or detention was deemed unlawful.

Arrest Procedures and Treatment of Detainees

The constitution required arrest warrants based on sufficient evidence,

issued by a duly authorized judicial official, and a hearing be held before a magistrate within 48 hours of arrest, but these rights were not always observed.

After examining a detainee, a judge had 24 hours to decide whether to continue to detain or release the individual. Under exceptional circumstances, or in cases of arrest involving illegal drugs, a judge was authorized to extend detention beyond 72 hours not to exceed an additional eight days.

The law provided for detainees awaiting judicial decisions to request release on bail and for the right to prompt access to a lawyer. Suspects were not detained incommunicado or prevented access to an attorney, although there were reports attorney-client communications in prisons were monitored.

There were credible reports of individuals held beyond the legal limit of 48 hours of detention before a hearing, sometimes by more than a week. Authorities often held persons indefinitely “at the disposal of” the Public Prosecutor’s Office before presenting the case to a magistrate.

The government often did not provide counsel to indigent defendants in criminal cases. Persons in rural areas accused of serious crimes often lacked adequate legal representation because defense attorneys were predominantly based in the capital Cotonou and generally did not work on

cases in rural areas.

Arbitrary Arrest: Arbitrary arrests and detentions occurred. During the year, authorities targeted members of the Fulani ethnic group through arbitrary arrests allegedly on the pretext of protecting state security and fighting violent extremism.

Pretrial Detention: Approximately two-thirds of inmates were pretrial detainees. The length of pretrial detention frequently exceeded the maximum sentence for the alleged crime. Several factors caused delays in the judicial process, including overcrowded dockets, poorly trained legal staff, inadequate court filing documents, judicial negligence, and insufficient legal assistance to prisoners and their lack of knowledge of legal procedures.

On May 25, the Constitutional Court ruled Ismael Makou's pretrial detention was unlawful because he was held in prison without trial for two years after an investigating judge had ordered he be tried.

e. Denial of Fair Public Trial

The constitution and law provided for an independent judiciary; however, the president headed the High Council of the Judiciary that governed and sanctioned judges, which could influence independence and impartiality. Corruption also afflicted the judicial system, although the government continued to make anticorruption efforts, including the dismissal and arrest of government officials allegedly involved in corruption scandals.

Authorities generally respected court orders.

On January 13, police arrested journalist Maxime Lissanon for posting a statement on Facebook alleging some representatives of the Democrats opposition party were denied access to a poll station in Abomey during the January 8 legislative elections. On June 14, the Court for the Repression of Economic and Terrorism Infractions (CRIET) convicted Lissanon of “incitement to rebellion” and sentenced him to a one-year suspended prison term.

In December 2022 police detained and charged Virgil Ahouanse for spreading false information after he published an article regarding alleged police extrajudicial killings. Ahouanse was later granted provisional release prior to trial in February. CRIET convicted Ahouanse and on June 15, he was given a one-year suspended prison sentence and a fine.

Trial Procedures

While the constitution provided for the right to a fair and public trial, judicial inefficiency and corruption impeded the exercise of this right.

The legal system was based on French civil law and local customary law. A defendant was presumed innocent. Defendants enjoyed the right to be informed promptly and in detail of the charges, with free interpretation as necessary, to a fair, timely, and public trial, to be present at trial, and to representation by an attorney.

By law courts had to provide indigent defendants with counsel upon request in criminal cases. Government-provided counsel, however, was rarely available, especially in court cases in remote areas. Defendants who could not understand or speak French were entitled to free interpretation services as necessary from the moment charged through all appeals. Defendants enjoyed the right to adequate time and facilities to prepare a defense, to present witnesses and evidence on their own behalf, and to not to be compelled to testify or confess guilt.

The provided for defendants to appeal criminal convictions to both the Court of Appeals and the Supreme Court, after which they could appeal to the president for a pardon. If convicted by CRIET, defendants could appeal to its appellate chamber.

Political Prisoners and Detainees

On August 10, CRIET ordered the release of 127 nationals of Niger, Togo, Burkina Faso, Nigeria, Ghana, and Chad detained from 2019 to 2022 on terrorism charges. All charges were dismissed.

In June 2022 CRIET granted provisional release to 17 political opponents detained in 2020 under terrorism, drug smuggling, and coup plotting charges. In July 2022 during the visit of French President Emmanuel Macron, CRIET provisionally released 30 political opponents; however, high-profile political opponents Reckya Madougou and Joel Aivo were not

released and remained imprisoned.

In November 2022 the UN Human Rights Council released its opinion on the detention and conviction of Reckya Madougou. Its Working Group on Arbitrary Detention concluded Madougou's imprisonment was arbitrary and in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The working group requested the government immediately release Madougou and provide her with restitution.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibited such actions, and there were no reports that the government failed to respect these prohibitions; however, the law on intelligence gathering provided the government broad authority to collect intelligence in the public interest and for national security purposes.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. Media were not fully independent, however. There were reports the government inhibited freedom of the press through restrictions on and sanctioning of media members. Many public and private media outlets refrained from openly criticizing government policy.

The government regulated the press and online media. The High Authority for Audiovisual and Communication (HAAC), a quasigovernmental commission with members appointed by the president, private media, and the legislature, had a dual role of providing for press freedom while protecting the country against “inflammatory, irresponsible, or destabilizing” media reporting.

On August 8, HAAC indefinitely suspended media outlet *Gazette du Golfe*, including its television, radio, newspaper, and online outlets, for allegedly “glorifying” the July 26 coup d’état in Niger and for violating a previous HAAC notice requiring media to “show professionalism.” HAAC also alleged *Gazette du Golfe* violated provisions of the Information and Communication

Code.

Violence and Harassment: In May 2022 Beninese journalist Flore Nobime and Dutch journalist Olivier Van Beemen were detained for four days and accused of espionage following their attempts to interview residents affected by the spread of violent extremist organization activity in the north of the country. Espionage charges were dropped against both journalists.

According to the Committee to Protect Journalists, in December 2022 police arrested Virgil Ahouanse, director of an internet radio station, and charged him under the Digital Code with spreading false news by accusing police of carrying out extrajudicial killings. He was questioned for more than five hours and released after two days' detention. He was tried and convicted by CRIET and on June 15, fined and given a one-year suspended prison sentence.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Public and private media refrained from openly criticizing government policy or reporting on security concerns. Some journalists practiced self-censorship because they were indebted to government officials who granted them service contracts. Media outlets practiced self-censorship due to fear the government would suspend their licenses. HAAC continued to hold public hearings on alleged misconduct by media outlets during the year.

Libel/Slander Laws: By law libel, slander, or blasphemy were criminal offenses. Journalists could be prosecuted for harassment based on true statements, incitement of violence and property destruction, and compromising national security through the press. Penalties for conviction included incarceration and fines. Prison sentences for libel, harassment, or both using electronic means were between one- and six-months' incarceration and a substantial fine.

National Security: Authorities reportedly cited national security interests to deter reporting on violent extremism.

Internet Freedom

The government censored online content, but it did not restrict public access to the internet or monitor private online communications without appropriate legal authority. The law stated operation of “a website providing audiovisual communication and print media services intended for the public is subject to the authorization” of HAAC.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provided for the freedoms of peaceful assembly and association; the government respected the right of peaceful association but not that of peaceful assembly.

Freedom of Peaceful Assembly

The law provided for the right of peaceful assembly; however, the government did not respect this right.

Advance notification and permits were required prior to holding protests, but authorities regularly denied or ignored requests for permits. The law prohibited unauthorized gatherings likely to disrupt public order.

Authorities sometimes cited “public order” to prevent the holding of demonstrations by opposition groups, civil society organizations, and labor unions.

On September 22, in Parakou police dispersed demonstrators protesting the high cost of living, the demolition of private structures that encroached on public spaces, and the Economic Community of West African States (ECOWAS) consideration of military intervention in Niger due to a coup d'état there. Protest organizers stated advance notification of the demonstration had been provided to the mayor of Parakou.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the

Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern. As of October there were 15,000 refugees in the country. UNHCR received reports humanitarian organizations could not assist many asylum seekers and persons of concern from Burkina Faso and Togo along the northern border due to security concerns. UNHCR reported it was unable to register Togolese asylum seekers due to continuing security concerns in the northern zones of the country and the government's reluctance to support their registration.

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees.

Durable Solutions: The government accepted refugees for resettlement, offered naturalization to refugees residing on its territory, and assisted in

their voluntary return to their homes. The government involved civil society in the process. The government's National Commission of Assistance to Refugees cooperated with UNHCR through the UNHCR Multi-Country Office in Dakar, Senegal.

f. Status and Treatment of Internally Displaced Persons (IDPs)

According to the International Organization for Migration, there were approximately 10,034 persons temporarily displaced because of seasonal flooding and security concerns in the Mono, Zou, Atacora, and Alibori Departments during the year. The government provided humanitarian assistance through its National Agency for Civil Protection and cooperated with humanitarian groups to aid internally displaced persons. There were no reports that these temporarily displaced persons suffered human rights abuses.

For further information regarding IDPs in the country, please see the materials of the Internal Displacement Monitoring Center:

<https://www.internal-displacement.org>.

g. Stateless Persons

There were large communities of stateless individuals residing in eight villages along the border with Niger and Nigeria. These villages were

returned to Benin following the resolution of land disputes among Benin, Niger, and Nigeria. The law afforded the opportunity to acquire or confirm nationality; however, these villagers lacked the necessary identification documents to claim citizenship. In December 2022 parliament enacted a law that clarified the roles, definitions, and responsibilities of stateless persons in the country. The law provided for clear pathways for stateless persons and asylum seekers to normalize their status in the country.

Section 3. Freedom to Participate in the Political Process

The constitution and law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuses or Irregularities in Recent Elections: National elections were widely reported not to be fair and free of abuses and irregularities. The 2021 presidential election excluded candidates from established opposition parties. Voter turnout declined from 65 percent in 2016 to 27 percent according to the independent Electoral Platform of Civil Society Organizations and by 50 percent according to the government's Independent National Electoral Commission. The Independent National

Electoral Commission reported voting did not take place in 16 of 546 districts due to violent demonstrations that prevented delivery of voting materials.

According to human rights activists, police in Tchaourou physically prevented voting. During the campaign and immediately following the presidential election, police arrested more than 200 activists, opponents, and journalists, according to human rights organizations. ECOWAS observers, however, released a statement declaring the “voting process took place in an orderly, transparent, and professional manner.” African Union observers released a statement calling the election “peaceful,” and International Francophone Organization observers released a statement stating the “election complied with the legal measures but without participation of all political parties.”

On January 8, authorities held legislative elections in which the political opposition participated and won seats. President Talon’s supporting coalitions the Progressive Union for Renewal and the Republican Block won 81 of 109 seats in the National Assembly, and opposition party the Democrats won 28 seats. International observers viewed the elections as generally free and transparent despite minor irregularities and logistical problems.

Political Parties and Political Participation: Only three candidates qualified for the 2021 presidential election. Prior to the election, the Independent

National Election Commission disqualified 17 of the 20 presidential candidates who had submitted applications, citing failure to meet various application requirements, including obtaining at least 16 sponsorships from National Assembly deputies and mayors, designating a vice presidential running mate, and paying a 50 million CFA francs (\$82,000) registration fee.

Participation of Women and Marginalized or Vulnerable Groups: In 2021 voters elected Mariam Talata as vice president, the first woman to hold that position. Cultural factors, however, limited women's political participation. By custom and tradition, women assumed household duties, had less access to formal education, and were discouraged from involvement in politics. There were reports persons with physical disabilities were unable to access polling stations due to a lack of ramps and other means of access. There were also reports no measures were taken at polling stations to assist blind persons to complete their ballots (see section 6).

Section 4. Corruption in Government

The law provided for criminal penalties for corruption by officials, and the government sometimes implemented the law effectively. There were numerous reports of government corruption.

Corruption: Officials frequently engaged in corrupt practices with impunity. It was commonly believed, and acknowledged by some judicial personnel, that the judicial system at all levels was susceptible to corruption.

The government took several actions during the year to combat official corruption. On March 27, CRIET convicted an unnamed customs officer for abuse of office for falsifying receipts when clearing goods and sentenced him to 10 years in prison.

On June 9, CRIET President Edouard Cyriaque Dossa announced there were 50 corruption cases involving government agents pending prosecution.

According to the press traffic police routinely solicited bribes from truckers in exchange for not enforcing vehicle safety law.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publishing their findings. Government officials often were cooperative and responsive to the views of these groups.

Nevertheless, the government denied registration to some domestic human

rights groups critical of government actions. Human rights groups reported they did not share all their findings publicly due to fear of government reprisal.

Government Human Rights Bodies: The Beninese Human Rights Commission was mandated by law to investigate human rights complaints, issue instructions to government officials, and publish an annual human rights report. The country also had an ombudsman responsible for responding to citizen complaints of maladministration who was independent, adequately resourced, and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized spousal and domestic partner rape without reference to gender. Sentences for rape ranged from five to 20 years' imprisonment. The law did not specifically reference so called corrective rape of lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons.

Enforcement was weak due to police ineffectiveness, official corruption, and survivors not reporting cases due to fear of social stigma and retaliation. Because of the lack of police training in collecting evidence associated with sexual assaults, ignorance of the law, and inherent difficulties survivors

faced in preserving and presenting evidence in court, judges reduced most sexual offense charges to misdemeanors. The primary form of evidence used to prove sexual assault required physician certification. Since physicians were accessible only in large cities, survivors in rural areas were effectively precluded from pursuing charges.

Penalties for domestic violence ranged from six to 36 months' imprisonment. Nevertheless, domestic violence against women was common. Women remained reluctant to report cases, and judges and police were reluctant to intervene in cases of domestic violence.

The Ministry of Social Affairs and Microfinance provided financial support to some survivors of abuse. The ministry's Centers for Social Promotion provided mediation services that in some cases resulted in restitution. The ministry also organized public outreach campaigns to raise public awareness of violence against girls and women. During the year, the Ministry of Health and the Ministry of Social Affairs and Microfinance conducted a training program on survivors of rape, domestic violence, and other forms of gender-based violence (GBV) for health clinic and social service first responders. The government's National Institute for Women addressed complaints of abuses of women's rights and provided financial assistance to survivors of GBV.

Female Genital Mutilation/Cutting (FGM/C): The law prohibited FGM/C of girls and women and provided penalties for performing the procedure,

including prison sentences of up to 10 years and substantial monetary fines. Nevertheless, FGM/C occurred, and enforcement was rare due to the code of silence associated with this crime. The practice was largely limited to remote rural areas in the north. According to the *2020 UNICEF Inter-country Statistical Overview*, 9 percent of girls and women ages 15 to 49 had undergone FGM/C.

The government, in conjunction with NGOs and international partners, continued to raise public awareness of the dangers of the practice.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was common in the workplace and in schools. Persons convicted of sexual harassment faced sentences of one to two years' imprisonment and substantial monetary fines. The law also provided for penalties applicable to persons who were aware of sexual harassment but did not report it. Survivors, however, seldom reported harassment due to fear of social stigma and retaliation; furthermore, police, examining magistrates who conducted pretrial investigations, and prosecutors lacked the legal knowledge and capacity to pursue such cases. Although laws prohibiting sexual harassment were not widely enforced, judges used other provisions in the penal code to address sexual abuses involving children. On April 19, the CRIET prosecutor charged a school headmaster with sexually harassing and abusing a woman student. He was tried, convicted, and sentenced to five years in prison and a substantial fine.

Discrimination: The constitution provided for equality of women in political, economic, and social spheres; however, women experienced extensive discrimination in obtaining employment, credit, equal pay, and in owning or managing businesses. There were legal restrictions on employment of women, including limitations on the occupations in which women were allowed to work.

The law banned all discrimination against women in marriage and provided for the right to equal inheritance. The government and NGOs educated the public on women's inheritance and property rights and their rights in marriage, including prohibitions on forced marriage, child marriage, and polygamy. The government did not enforce the law effectively.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

In 2021 the National Assembly passed amendments to the 2003 Law on Sexual and Reproductive Health legalizing elective abortion. The amendments went into effect in 2021. The amended law provided for termination before 12 weeks if a pregnancy was likely to aggravate or cause a situation of material, educational, professional, or moral distress incompatible with the interest of the woman, the unborn child, or both.

Societal pressures created barriers to contraception. Although girls had the legal right to access contraception without parental consent, health-care

workers sometimes impeded access by requiring parental consent. Cultural norms also influenced low rates of contraception. In some areas, notably the Plateau Department bordering Nigeria, traditional leaders used voodoo to threaten women to stay indoors during contraceptive campaigns, according to the Beninese Association for Social Marketing. Some religious groups strongly discouraged the use of contraceptives. Poor access to reproductive health information in rural areas, poverty, and limited formal education contributed to low usage of contraceptives and high pregnancy rates. Only 13 percent of girls and women between ages 15 and 49 used a modern method of contraception, and 35 percent of women had an unmet need for contraception.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception and post exposure prophylaxis; however, LGBTQI+ persons reported being routinely refused medical care and social services. Individuals were informed and had access to safe effective and affordable methods of family planning and contraception of their choice through public outreach campaigns and planning services provided by public hospitals. Not all methods, however, were available to women in rural areas.

According to the government's *Multiple Indicators Cluster Survey* conducted in 2022, the maternal mortality rate was 23 deaths per 1,000 live births. Factors contributing to the high mortality rate were deliveries without

adequate medical assistance, lack of access to emergency obstetric care, and inadequate sanitation and infection prevention control. According to the survey, 84 percent of live births took place in a health center (most of which were public), and 20 percent of adolescent girls between ages 15 and 19 were either pregnant or had already had one live birth. These rates varied dramatically, with higher adolescent birth rates (24 to 38 percent) in northern departments and lower rates (8 to 16 percent) in southern departments.

The taboo and persisting stigma associated to menstruation and lack of access to information on menstrual hygiene affected girls' social, economic, and academic well-being. A 2020 NGO survey of 2,500 women students stated 27 percent of them missed classes because of menstruation.

Systemic Racial or Ethnic Violence and Discrimination

The law provided the main legal basis for protection against discrimination. There were no reported incidents of ethnic violence and discrimination.

Children

Child Abuse: Violence against children was common. The law prohibited a wide range of harmful practices and provided substantial fines and up to life imprisonment for persons convicted of child abuse.

The government enforced the law effectively. Police of the Central Office

for the Protection of Minors arrested suspects, referred them to judicial authorities, and provided temporary shelter to survivors of abuse. Courts meted out stiff sentences to persons convicted of crimes against children, but many such cases never reached the courts due to lack of awareness of the law and children's rights, lack of access to courts, fear of police involvement, or a combination of the three.

In September 2022 the government reported an increase in child rape cases in the commune of Abomey Calavi in the south of the country. On March 10, as part of the celebration of International Women's Day, traditional women's leaders from Abomey and Bohicon engaged in the fight against GBV through advocacy and awareness-raising activities, with the support of the Beninese Association for Family Promotion.

Child, Early, and Forced Marriage: The law prohibited the marriage of persons younger than age 18 but granted exemptions for children ages 14 to 17 with parental consent and a judge's authorization. The law was effectively enforced in urban areas but not in rural areas.

Child, early, and forced marriage included barter marriage and marriage by abduction, in which the bridegroom traditionally abducted and raped his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children. Local NGOs reported some communities concealed the practice. The joint government and UNICEF Zero Tolerance

for Child Marriage campaign to change social norms and create a protective environment for children in their communities continued.

Sexual Exploitation of Children: The law prohibited the sale, grooming, or use of children for commercial sexual exploitation, including sex trafficking, and prescribed penalties of 10 to 20 years' imprisonment. Individuals convicted of involvement in child commercial sexual exploitation, including those who facilitated and solicited it, faced imprisonment of two to five years and substantial monetary fines. The child code prohibited child pornography. Persons convicted of child pornography faced sentences of two to five years' imprisonment and substantial monetary fines. The law imposed additional penalties for abuses involving children younger than age 15.

Infanticide, Including Infanticide of Children with Disabilities: Although concealed from authorities, traditional practices of killing breech babies, babies whose mothers died in childbirth, babies considered deformed, and one newborn from each set of twins (because they were considered sorcerers) continued to occur in the north including the communes of Djougou, Gogounou, Kouande, and Kandi. Social workers discouraged the practice through door-to-door counseling and awareness raising.

Antisemitism

There was no known Jewish community, and there were no reports of

antisemitic incidents.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law did not criminalize consensual same-sex sexual conduct between adults. Nevertheless, a provision related to public indecency and debauchery in the penal code was applied to prosecute same-sex sexual conduct by charging individuals with public indecency or acts against nature. Prosecutions did not occur during the year.

Violence and Harassment: An LGBTQI+ NGO reported LGBTQI+ persons faced physical attacks and assaults, verbal abuse, and many other forms of intimidation, usually perpetrated by nonstate actors, that police often tolerated.

Discrimination: The law prohibited all forms of discrimination by state and nonstate actors but did not explicitly prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics. The law

did not recognize LGBTQI+ couples and their families.

The LGBTQI+ community, especially outside major urban areas, faced hostility, and discrimination against LGBTQI+ persons was common.

LGBTQI+ persons reported being routinely refused medical care and social services both related (hormone treatment) and unrelated (malaria treatment) to their sexual orientation or gender identity. An LGBTQI+ NGO reported it sheltered 107 homeless LGBTQI+ young persons rejected by their families.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices: There were no reports of government coercive medical or psychological practices targeting LGBTQI+ individuals during the year. Local NGOs reported family members involuntarily compelled LGBTQI+ persons into so-called conversion therapies operated by priests, imams, and traditional healers.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events. During the year LGBTQI+ organizations openly held events in Cotonou. There were no

reports authorities restricted LGBTQI+ persons from expressing their views or prevented freedom of association or peaceful assembly. Nevertheless, due to social stigma and intolerance, many LGBTQI+ individuals refrained from openly expressing their views. Members of the community reported they faced verbal abuse on broadcast media.

Persons with Disabilities

Persons with disabilities did not have access to education, employment, health services, public buildings, and transportation on an equal basis with others.

Nevertheless, the law provided for the protection of the rights of persons with disabilities. The Promotion and Protection of the Rights of Persons with Disabilities Act provided for a wide range of social benefits to persons with disabilities, including improved access to health care, education, vocational training, transportation, and sports and leisure activities. It included provisions regarding the construction or alteration of buildings to permit access for persons with disabilities. It required schools to enroll children with disabilities. On June 21, the government issued five implementing orders under the Promotion and Protection of the Rights of Persons with Disabilities Act regarding the social integration and welfare of persons with disabilities. The orders included creation of an interministerial commission to implement measures for the social and economic inclusion of

persons with disabilities, including employment and entrepreneurship, and improved access to public transportation, leisure, and education and vocational training.

The government did not fully implement the law. According to the Federation of Associations of Persons with Disabilities of Benin, persons with disabilities faced discrimination in employment and occupation, housing, health care, access to education, and access to justice. Only 2 percent of children with disabilities attended school. Mobility and access to buildings were problems. Crutches, white canes for blind persons, wheelchairs, and prostheses were not provided by the state or affordable for most persons with disabilities. Most public buildings were not accessible for persons with disabilities, including bank, school, university, hospital, and court buildings.

The government operated few institutions to assist persons with disabilities. The Ministry of Social Affairs and Microfinance coordinated assistance to persons with disabilities through the Support Fund for National Solidarity. There were no reports of abuse or harassment of persons with disabilities.

Other Societal Violence or Discrimination

Police generally ignored vigilante attacks. Incidents of mob violence occurred, in part due to the perceived failure of local courts to try and punish convicted criminals adequately. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly individuals

caught stealing. On July 31, media reported vigilantes beat to death and burned three suspected goat thieves in Bokohou village in the south of the country.

Despite government efforts to implement policies to regulate transhumance (the practice of moving livestock seasonally from one grazing area to another), periodic violence between farmers and Fulani herders continued. While several commune-level officials blamed armed Fulani herders from Nigeria for provoking violence by allowing their cattle to eat farmers' crops, both herders and farmers engaged in violence. There were numerous reported instances of violence similar to the following example. In June 2022 in the northern village of Tekparou, two farmers were killed in a clash between farmers and Fulani herders.

In 2021 the government established the High Commission for Herder Settlement in the Office of the President. The commission was mandated to address farmer-herder conflict matters, including the permanent settlement of migratory herders. In July the High Commission for Herder Settlement in the Office of the President, mandated to address farmer-herder conflict, conducted public awareness-raising sessions in areas where conflicts were recurrent. It introduced reforms in the agropastoral sector to facilitate social cohesion between farmers and herders.

NGOs focused on protection of persons with albinism reported societal discrimination and abuses, including infanticide of children with albinism,

organ trafficking, and inadequate health services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the rights of workers, except certain civil servants and public employees, to form and join independent unions with some restrictions. Unions were required to register with the Ministry of Interior, a three-month process, or risk a fine. The law did not establish clear grounds on which registration of a trade union could be denied or approved, and official registration could be denied without the union having recourse to a court. By law a trade union federation had to be made up of at least five enterprise-level trade unions in the same sector or branch of activity.

Additionally, a trade union confederation had to be composed of at least three trade union federations of different sectors or branches of activities, and only trade union confederations could have affiliation at a national or international level. There were no reports of significant barriers to international affiliation.

The right to strike was carefully regulated. The law restricted the maximum duration of a strike to 10 days per year for all employees, except workers barred from striking. By law health-sector employees, along with officers

serving in the military, police, customs, air traffic control, and water and forest management, were barred from striking. Minimum service was required for workers who carried out essential responsibilities such as judges, prison and justice system personnel, and staff of the sectors of energy, water, maritime and air transport, financial administration, and telecommunication and authorities could requisition workers if minimum services were not provided.

Authorities could declare strikes illegal for reasons such as threatening social peace and order and could requisition striking workers to maintain minimum services. The government could prohibit any strike on the grounds it threatened the economy or the national interest. Laws prohibited employer retaliation against strikers; however, a company could withhold part of a worker's pay following an illegal strike.

The law provided for the rights of workers to bargain collectively. By law collective bargaining agreements were negotiated within a joint committee including representatives of one or several unions and or representatives of one or several employers' associations. The minister of labor had authority to determine which trade unions could be represented in the negotiation at the enterprise level. The minister had the power to extend the scope of coverage of a collective agreement. The law imposed compulsory conciliation and binding arbitration in the event of disputes during collective bargaining in all sectors, "nonessential service" sectors included.

The government generally respected the right to form and join independent unions and the right to collective bargaining. The government did not effectively enforce the law, particularly in the informal sector and regarding the provisions on antiunion discrimination and reinstatement. There were reports employers threatened individuals with dismissal for union activity. No violations related to collective bargaining rights were reported. Penalties were commensurate with similar crimes.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The government set minimum wage scales for several occupations in the formal sector that were slightly higher than the poverty level. In January the government increased the minimum wage

from 40,000 CFA francs (\$65) per month to 52,000 CFA francs per month (\$85). According to the UN Development Program, 60 percent of the population, predominantly in the informal sector, lived on an income of \$1.90 a day or less, a poverty-level income less than the minimum wage.

The labor code set workweek hours at 40 to 60 hours, depending on the type of work, and provided for paid holidays and at least one 24-hour rest period per week. The labor code also mandated premium pay for overtime and prohibited excessive compulsory overtime.

The Ministry of Labor and Civil Service and the Ministry of Social Affairs and Microfinance were responsible for enforcement of the minimum wage and hours of work standards. Authorities generally enforced legal limits on workweeks in the formal sector but did not effectively monitor or enforce these standards in the large informal sector. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum of 12 hours per day or 60 hours per week provided for by the labor code. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales.

Occupational Safety and Health: The law established appropriate occupational safety and health (OSH) standards. Provisions of the law related to acceptable conditions of work applied to all formal-sector workers including migrants. Penalties for violating the labor code were commensurate with those for similar violations.

The Ministry of Labor and the Ministry of Social Affairs and Microfinance were responsible for enforcement of OSH standards. The ministries did not effectively enforce these standards, especially in the large informal sector. The government had authority to require employers to remedy dangerous work conditions but did not effectively do so. Significant parts of the workforce and foreign migrant workers working in the informal sector did not benefit from minimum wage scales. The insufficient number of labor inspectors and lack of resources to implement inspections impeded government efforts. Random inspections were conducted in some sectors, but no information was available on the number of violations identified or convictions of persons tried for violations. The law did not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment.

Violations of OSH standards mostly occurred in informal-sector trades, including hairdressing, dressmaking, baking, mechanics, and carpentry, where workers faced biological, chemical, physical, and psychological risks. Children involved in these trades as apprentices worked long hours and were more vulnerable to hazardous working conditions. In some mechanical and carpentry shops, children worked near dangerous tools and equipment, and some adults and children lacked adequate protective gear. No data on workplace fatalities and accidents were available.

Wage, Hour, and OSH Enforcement: The Ministry of Labor's labor

inspectors were responsible for monitoring labor infractions related to wage, hour, and OSH. The government failed to effectively enforce minimum wage, overtime, and OSH laws in the private sector. Penalties were rarely applied against violators. The Labor Code provided for labor inspectors to conduct unannounced inspections. Inspectors generally sought immediate corrective action for minor labor infractions and sometimes ordered payment of compensation for serious violations. The government did not effectively enforce labor laws in the informal sector that represented approximately 80 percent of workers.