

Women's rights protection instruments ratified by Benin:

- **CEDAW**: ratified in 1992
- **CEDAW Protocol**: signed in 2000, not ratified
- **Maputo Protocol**: ratified in 2005

Ratify! Although Benin has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Government has yet to ratify the Optional Protocol to CEDAW.

Respect! While the law in Benin does not contain provisions that discriminate against women, women's rights continue to be violated in practice. The Coalition of the Campaign is particularly concerned by the following violations of women's rights in Benin: discrimination within the family; violence against women; obstacles to freedom of movement; and limited access to education, decision-making positions and healthcare.

/ Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The adoption of the new Family Code in August 2004, that gives precedence to statutory law and renders customary law obsolete. The new Code establishes gender equality concerning the legal age for marriage (fixed at 18 for both men and women), parental authority and inheritance and prohibits levirate and polygamy.
- The adoption of a law concerning the land tenure system in October 2007 that provides for equal access to natural resources in general and to farmland in particular, and specifically prohibits discrimination on the basis of gender or social background (art. 11).
- The adoption in April 2007 of a national policy to eliminate gender inequality in education and training.

/ But discrimination and violence persist

Although laws provide for equal rights between men and women, their effective enforcement comes up against serious obstacles including women's lack of knowledge of the law and deeply rooted discriminatory traditions.

• Discrimination in the family

Although the new Family Code prohibits polygamy, the status of marriages concluded before this law was passed remains unclear. Before the law was adopted, it was estimated that between 15% and 41% of marriages were polygamous, depending on the region. Forced marriages remain widespread. Despite provisions in the Family Code

establishing equal rights to inheritance, in practice women continue to be refused the right to inherit property in certain regions.

When Ayaba, an only child, lost her father, her uncles seized all her father's property on the grounds that their niece, as a girl, should not inherit property.

Case documented by the WILDAF Benin

Women continue to be subjected to widowhood rites. For example, in some rural communities, for periods of several months following the death of their husbands, widows are not allowed to go out of the house, or wash for several days etc. Unable to work, such women find themselves isolated and in situations of extreme poverty.

• Violence

There is no specific law punishing violence against women, which remains widespread. Such violence, particularly within the home, is considered a private matter and women are often reluctant to report it. The practice of vidomegon, whereby a poor family sends their child to live with a better off family to be cared for and educated, is increasingly affecting young girls (90% to 95% of cases are girls) and is encouraging the growth of a new form of economic and in some cases sexual slavery. Numerous young women employed as servants are victims of exploitation and abuse.

The law prohibits trafficking in children but does not sanction trafficking in women.

The 2003 law prohibiting female genital mutilation (FGM) and the awareness-raising campaigns that accompanied it throughout the country have contributed to reducing this practice. Nonetheless, in some regions, FGM persists, notably in the northeast of the country where, according to UNICEF in 2005, almost 58% of women were estimated to have suffered some form of genital mutilation.

• Obstacles to freedom of movement

Certain traditions deprive women of their freedom of movement and confine them indoors. In the Ouémé Valley during the period of "ORO" worship in August, women are forced to remain inside for 17 days.

• Obstacles to access to education

Poor educational facilities and a lack of schools and teachers in Benin represent major obstacles to girls' education. The attendance rate among girls is very low and preference is often given to boys' schooling. Large numbers of girls leave school early, often as a result of teenage pregnancy. Illiteracy levels among women are extremely high: it was estimated that around 80% of women and girls aged between 15 and 49 years were illiterate in 2005.

• Under-representation in public and political life

Women in Benin are poorly represented in public and political life. The government has not adopted any special temporary measures, such as quota systems, arguing that such measures could be considered contrary to the principle of gender equality enshrined in the country's constitution. In the last legislative elections in 2007, only 9 women were elected out of 83 members of parliament (10.8%).

• Obstacles to access to health

Despite the adoption in 2003 of a new law on sexual and reproductive health and several initiatives aimed at improving women's access to maternal healthcare services, efforts are still falling short, particularly in rural areas. Women in Benin have extremely limited access to family planning services. The low rate of contraceptive use results in a high rate of abortions, sometimes in secret and carried out in dangerous conditions that put the woman's life at risk.

The Coalition of the Campaign calls on the authorities of Benin to:

- **Take measures to ensure effective enforcement of the Family Code**, in particular those provisions regarding polygamy and inheritance.
- **Strengthen laws and policies to protect women from violence and support victims**, including by: adopting a specific law to prohibit all forms of violence against women, including domestic violence and marital rape; allocating additional financial resources to combating domestic violence; taking measures to put an end to the practice of vidomegon; strengthening legal protection for women working as domestic servants; adopting a law to sanction trafficking in women.
- **Eliminate obstacles to the education of girls and women**, in particular by: ensuring equal access to all levels of education; adopting measures to retain girls within the education system, including pregnant pupils; increasing the budget for education to improve educational infrastructure and teacher training ; establishing courses for adults to reduce illiteracy.
- **Take measures to increase women's participation in public and political life**, in particular by adopting special temporary measures, such as quota systems.
- **Ensure women's access to quality health-care**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; and taking measures to allow women access to safe abortions with a view to reducing levels of maternal mortality.
- **Adopt all necessary measures to reform and eliminate discriminatory cultural practices and stereotypes**, by disseminating simplified versions of legal texts to the general public and adopting awareness-raising programmes aimed at men and women, including government officials and religious, traditional and community leaders.
- **Ratify the Optional Protocol to CEDAW.**
- **Implement all recommendations issued by the CEDAW Committee** in July 2005.

PRINCIPAL SOURCES

- Focal Points: WILDAF-Benin
- Ligue pour la défense des droits de l'Homme (LDH)
- Recommendations of the CEDAW Committee, July 2005
- Inter-Parliamentary Union, www.ipu.org
- Amnesty International, www.amnestyinternational/benin
- UNICEF, www.unicef.org

For more information on women's rights and the actions of the campaign in Benin, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN BENIN

WILDAF – Benin



WILDAF-Benin is a member of the pan-African network WILDAF. Created in 1999, its main activities include: the establishment of a shelter and legal advice centre for women; training for legal personnel; fighting harmful traditional practices concerning widows; and implementing awareness-raising campaigns.

www.wildaf-ao.org