



The Global Initiative
for Economic, Social and Cultural Rights

**SHADOW REPORT TO THE UNITED NATIONS COMMITTEE
ON THE ELIMINATION OF DISCRIMINATION AGAINST
WOMEN**

BENIN, 56th Session (30 Sep 2013 - 18 Oct 2013)

Submitted by:
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I. Concerns Relating to Women's Land and Property Rights in Benin (addressing paragraph 17 of the "List of Issues"¹ on 'Rural Women')

1. As the fourth periodic State Party report notes, the majority of women in Benin work in agricultural and rural production.² However, despite women's close relationship with the land and agricultural production, women's ability to have equal rights to land is a major concern in Benin, and particularly in rural areas most women do not enjoy equal right to land. The State Party Report itself highlights that:

One of the main problems that women [in Benin] 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. ... It should be noted that the practice of excluding women persists in some families, despite the promulgation of the Personal and Family Code.³

2. According to LANDac, the IS Academy on Land Governance for Equitable and Sustainable Development,⁴ most women in Benin only have user rights to land through their male relatives (generally their husband). While policy and legislative efforts have been undertaken in recent years to promote women's *de jure* right to land, the *de facto* reality continues to be that customary practice exclude women from being able to access and control land on an equal basis with men. To remedy this situation, LANDac has suggested that interventions to facilitate women's access to land should include: "further strengthening of the legal framework, combined with information and communication on women's rights, and active policy support at the national and local level."⁵

3. In rural communities where women remain subject to customary law, it is extremely difficult for women to inherit and enjoy equal rights over land. The Social Institutions and Gender Index (SIGI) of the OECD Development Centre reports, "... access to land is extremely restricted for women in Benin; in fact, they may be prohibited from owning any land at all and customary practices make it practically impossible for them to inherit property, and hence, obtain land. This situation is most evident in the agricultural sector. Women make up 80% of the agricultural workforce but very few are landholders; rather, they must rent land, and often the only land that they are offered is of poor quality."⁶

¹ List of issues and questions with regard to the consideration of periodic reports: Benin, UN Doc. CEDAW/C/BEN/Q/4, 19 March 2013.

² 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, UN Doc. CEDAW/C/BEN/4, 12 March 2012, at para. 121.

³ *Ibid.*, at para 123.

⁴ LANDac is one of the IS Academies for International Cooperation sponsored by the Netherlands Ministry of Foreign Affairs.

⁵ LANDac, 'Benin: Food Security and Land Governance Factsheet,' 2012.

⁶ See: SIGI, 'Benin.: Discriminatory Family Code,' <http://genderindex.org/country/benin> [last accessed 29 August 2013].

4. This reality suggests an urgent need to address discrimination against women with respect to land in customary law and traditions at the local level. The SIGI also confirms that despite the fact that family law in Benin is governed by the Code of Persons and Family (2004), and despite the fact that customary law is no longer recognised by the courts, in practice “women continue to be subject to the *‘Coutumier du Dabomey’* – a collection of customs and rules codified in 1931 (when the country was still a French colony), which treats them as legal minors and accords them limited rights in marriage and inheritance.”⁷ In its 2008 Concluding Observations on Benin, the UN Committee on Economic, Social and Cultural Rights expressed concern “at the persistence of stereotyped traditions and attitudes that have an adverse effect on women’s equal enjoyment of economic, social and cultural rights, despite the adoption of the laws”⁸

5. In addition to equal access to and control of land, women in Benin would benefit from the provision of agricultural credits and other supports which would enable them to make the most use of their land. After his mission to Benin, the UN Special Rapporteur on the Right to Food observed that “... access to credit must benefit not only the most successful agricultural investors, but also the great majority of small farmers, in particular women, as stipulated in article 14, paragraph 2 (g), of the Convention on the Elimination of All Forms of Discrimination against Women, which guarantees the right of women in rural areas to have access to agricultural credit and loans on a basis of equality.”⁹

II. Recommendations

6. In light of the above information, the Global Initiative respectfully suggests that the CEDAW Committee urge the State party to take the following measures:

1) Take immediate steps to address and remedy negative customs and traditional practices, especially in rural areas, which affect full enjoyment of women’s land and inheritance rights, including by ensuring that local customary leaders and traditional authorities are trained to protect women’s land rights at the community level and receive specific training with respect to the Personal and Family Code, as well as the 2007 Rural Land Act.

3) Introduce direct intervention mechanisms to support women’s access to land tenure, including by enacting temporary special measures to ensure that women have access to productive land, agricultural credits, seeds, tools and other necessary resources to make their farming practices sustainable and productive.

⁷ See: SIGI, ‘Benin.: Discriminatory Family Code,’ <http://genderindex.org/country/benin> [last accessed 29 August 2013].

⁸ Concluding observations of the Committee on Economic, Social and Cultural Rights: Benin, UN Doc. E/C.12/BEN/CO/2, 9 June 2008, at para. 14.

⁹ Report of the Special Rapporteur on the right to food, Olivier De Schutter, Addendum: Mission to Benin, UN Doc. A/HRC/13/33/Add.3, 22 December 2009, at para. 41.