

SUMMARY REPORT OF PARALLEL NGOs Benin CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Article 1 and 2: discrimination and inclusion of the principles of CEDAW into domestic law

The word "discrimination" was not specifically defined in the Beninese law but some provisions of Law 26 of Law 90-32 relative to the Constitution of the Republic of Benin of 11 December 1990 refers to it. In CEDAW, the law grants the same rights to women and men in all matters.

Since the advent of Democracy in our country in 1990, all the laws voted by the members of our parliament go through constitutionality review by the Constitutional Court, reason why items related to women discrimination are systematically withdrawn from these laws.

Adultery punishing law which is different for men and women in Articles 336-339 of the Penal Code has been declared unconstitutional in the Court Order DCC 09-081 of 30 July 2009 by the Constitutional Court.

In spite of this attractive legal set up, the positive impacts are hardly seen in practice due to people behaviour and cultural resistance.

It is therefore important to continue the sensitizations, train the law practitioners and provide them with existing laws, but also to provide the Ministry of Family with the funds needed for the implementation of the actions plan on gender equity promotion.

Articles 3 and 4: Appropriated dispositions and special measures

Benin has now a set of legal rules; and additional regulatory measures to promote women's rights and women's inclusion in all domains in life.

Apart from the focal points in our ministries, the national policy for gender equity adopted in March 2009 and its actions program are the frame of reference to the strategies and actions meant to reduce or eliminate discrimination between men and women. The vision for 2025 under this national policy is that Benin becomes a country where equality and equity allow men and women 'participation in decision making, access and control of resources for a sustainable human development.

However, significant challenges have been noted with regards efficiency and the effectiveness of these rules.

It is referred to the National Policy for Gender Equality. The Government is the formal national institution to provide for building capacities of Ministeries and civil society in implementing the policy and human rights but the resources it gives are non sufficient. If the national NGOs work and help women in their rights, it is because the international NGOs and institutions finance the implementing projects related to women rights particularly in CEDAW. We have some results in education, maternal health and micro-finance but it's

important to strengthen gender 'institutionalization at all levels, as well as the effective application of conventions and national and international laws on equality and gender equity.

It is also important to include in the PNPG the reinforcement of capacity of public institutions and civil society in the implementation of the policy and other national laws relating to women's human rights. It should also equip the Council National Promotion of fairness and gender equality, chaired by the head of State and its dismemberments of sufficient means for their application.

Article 5: Elimination of stereotypes and discriminatory cultural behaviors

Despite the legal provisions in Benin, we notice every day discriminatory behaviors towards women. Stereotypes always exist and in people's mind the woman remains the 'weaker sex'.

Traditional practices such as wife inheritance, widowhood rites, female genital mutilation (FGM), early and forced marriages, marriages by exchange, girls' internment in convents persist. Social responsibilities are still unequally shared between men and women. There are some laws to prohibit all those practices. The thing is that even if there are some increasing public awareness, guilty people are seldom punished because the victims fear to denunciate.

The awareness sessions should continue on both sides to give woman the dignity that the laws on equality and equity grant her. Act 2011-26 January 09, 2012 on the prevention and punishment of violence against women and girls now punishes these degrading practices for women

Shares of IEC must be pursued on the part of the Ministry in charge of family and NGOs in order to give the woman the dignity that grant legislative texts in favour of equity and equality between men/women.

The State support to NGOs doing default, the technical and financial partners must continue to provide financial and technical support to NGOs for the continuation of these measures

Article 6: The fight against women trafficking and exploitation for prostitution

Inspired by Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted by the UN General Assembly in 1979, Benin has taken appropriate measures on the legislative and regulatory levels such as:

At the legislative level

- Law n ° 2011-26 of January 9, 2012 on the prevention and punishment of violence towards Women;
- Law No. 2006-04 of April 05, 2006 on conditions for minors' moves and punishment of child trafficking in Benin.

- The 1995 Beijing Declaration on Women Rights;

- Law 2011-26 of January 9, 2011 provides in Article 34 that forced prostitution as defined in Article 3 shall be punished by imprisonment of 1 year to 5 years and a fine of 1 000 000 to 10 000 000 XOF should be paid. If the offense was preceded or followed by another offense, or if the victim is a minor under 16 years of age, the penalty is increased to at least 10 years.

At the regulatory level

- Decree for application of law No 2006-04 of 10 April 2006 on conditions for minors' moves and punishment of child trafficking in Benin;

- Decree No. 2009 - 695 of 31 December 2009 on the conditions for the issuance of administrative authorization for children travel within the territory of Benin;

- Decree No. 2009 - 696 of 31 December 2009 on the conditions for the issuance of the administrative authorization for children' travel out of the territory of Benin.

A study was also conducted by the Ministry of Family in collaboration with UNICEF to show the importance of the phenomenon.

Furthermore statistics exist in our jurisdictions to show the application of laws in this domain.

However we should reinforce alert mechanisms, and put in place efficient measures for women' empowerment The violence against Women Act provides in article 18 "of the emergency social services, home and assistance to women victims of violence' in general

The alert mechanisms do not work effectively and there is not also a specific law for the financial empowerment of women

However it will be necessary to strengthen the mechanisms and put in place more effective measures that promote the empowerment of women, in particular, the programme of micro-credits to the poorest, with a focus on women victims of trafficking.

Articles 7 and 8: Participation in political and public life and in decision-making at the international level

Nowadays, the civil society is actively promoting gender equity in politics. They are taking actions to promote women candidates and their better positioning on electoral lists.

Regarding the participation in public and political life, there is a deep gap between the laws, the promises and the reality, despite the fact that Benin, in addition to the CEDAW, is part of the Declaration of African Heads of State on gender equity that devotes the principle of Parity.

Women account for 51.2% of the population of Benin but they are poorly represented

both in state institutions, civil society, NGOs as well as in the unions. The government formed on 11th August 2013 has 6 women ministers out of 26 thus 23%, 09 women out of 83 members of parliament, 01 woman out of 07 members is an advisor at the High Court of Justice, 01 woman out of 77 Mayors in Benin. And in more than one hundred fifty (150) union structures, the percentage of women holding the post of General Secretary hardly reaches 1%.

Looking at this situation, civil society in partnership with some donors have developed a law on Parity in case there are senior positions to be filled in public and para-public administrations, same for organs and institutions of the State. This law is forwarded to the National Assembly through a group of Members of Parliament that will follow the process to its adoption by the Parliament up.

This law was planned to be studied by the members of Parliament in March 2013 but it was rejected sine die by the National Assembly.

The President should keep his commitments to the people. This law needs to be rescheduled, studied and approved by the Members of Parliaments.

ARTICLE 9: The right to, change and keep our citizenship

The law 65-17 The law of 23 June 1965 on the code of Dahomey nationality which is still in force in Benin does not discriminate men and women. Section 7 of the Article states "Is Dahomean, each individual born in Dahomey by a father who was himself born in Dahomey". Under article 8, is Dahomean, except the faculty to repudiate this quality in the six months preceding his majority, the person born in Dahomey of a mother who was herself born.

Article 12 states "Is Dahomean:

1- A child born for a Dahomean father;

2-A child born by a Dahomean mother when the father is unknown or has no known nationality. Under the terms of article 13, "is Dahomean, except the faculty if he was not born in Dahomey to repudiate this quality in the six months preceding its majority, the child born of a Dahomean mother and a father of foreign nationality"

According to Article 18 "The Dahomean woman who marries a foreigner keeps her Dahomean citizenship unless she expressly declares, before the marriage, under the conditions provided by Articles 54 and following, that she rejects her citizenship ". The declaration can be without authorization even if the woman is a minor.

Article 10: Equality of rights to education and vocational training

The Constitution of 11 December 1990 and the resolutions of the Etats Généraux of Education, when expressing the people's will, states that education is the first priority of Benin. The Law on the Orientation of the National Education of 17 October 2003 states and insists on the fact that school should allow access to culture, science, knowledge and know-how for all. A greater attention should be paid to girls' education, people and children in difficult circumstances, children from poor areas and vulnerable groups.

The Government has taken measures for free schooling to increase girls' access to education but there are many factors that affect girls education such as:

- The traditional procreation role of women;
- Forced and or early marriages
- The detention of girls in "Vaudoun" convents
- Teachers' strikes convince parents in their lack of interest for sending their children to school.
- The lack of capacity for parents to meet their children' educational needs, leads to the privilege of sending boy to school instead of girls;
- Insufficient or poor school infrastructure, etc.

Additional measures should be taken to ensure that the subventions granted to schools must be effective. Actions should be taken to retain girls at all levels of formal education.

Article 11: Equal access to work

Benin's Constitution on Article 30 provides that "The State recognizes the right to work for all citizens and strives to create the conditions that make this right effective and guarantee workers a fair compensation for their services or their production." Other laws are in rule and grant specific rights to nursing or pregnant women.

Many other policies and strategies either national or sectarian and focus on valuing women' work, promoting gender equity and economic empowerment of women.

In this view, the National Policy for Employment 2011-2015 (NPE), plans 51 activities among which predominate transversal issues such as gender in employment programs.

Additionally a legislation on sexual harassment was enacted in 2006 addressing harassment of women workers by their colleagues, employees or supervisors. The fear of a dismissal leads the victims to suffer in silence these facts that affect their dignity and their rights as human beings.

All these laws must be strictly followed by private companies that sometimes, trample upon the rights of pregnant or nursing women. Despite the existence of Act 2006-19 of September 05, 2006 on sexual harassment, there is a resurgence of women victims of sexual harassment by their superiors.

Managers who do not apply these legal provisions must also be punished. But they often are not. Sanctions and penalties are for both public and private companies but the most of time victim of sexual harassment does a amicable arrangement with her employer. Sometimes, there is a lack of evidence, of proofs.

The law on sexual harassment should also be popularized widely in the public and non-public sectors and the perpetrators punished.

Article 12: Equal access to health care

According to our constitution, all Beninese have the same rights and equal access to health care. This includes the information on family planning, the right access to family. In the villages, women go seldom at hospitals where the family planning services work because those centres are far from their houses.

Although the health infrastructure coverage has improved, many women die during childbirth.

To reduce maternal mortality the Government has institutionalized free Caesarean in 2009.

This measure is only applied in some hospitals, where we often notice that there is kits shortage to serve the women.

We also notice a low birth planning by the Beninese women mostly illiterate and women living below the income poverty. This is most often due to a lack of information, and the fact that some husbands refuse that their women benefit from family planning methods, as they fear that it could lead to unfaithfulness.

The Universal Health Insurance Plan (UHIP) promotion in Benin starts its operational phase on 21st June 2013.

It will help the medical care in general and medical fees related to pregnancy and childbirth but some voices are already rising to replace the decree establishing it by a law.

It is important to:

- Increase awareness on the importance of family planning for couples
- Extend the free cesarean measure to all our 77 communes.
- Make available the cesarean kits for all the women that need it.
- Take special measures related to RAMU for women.

Article 13: Economic and social life of women

Women are the most affected by income poverty. Mostly illiterate and active in the informal economic sector, they face big issues for their access to finance, land, chemicals, and the expertise for the improvement of their products, markets, and movement of people and goods.

To alleviate these difficulties, the Government launched on February 27, 2007, the program "micro loans to the poor"

The measures taken by the Government to facilitate women's access to credit did not visibly solve the problems women are facing in the economic field, because many of them could not reimburse their loans as they do not have enough resources for it, despite the pressures and measures in place to recover the loans.

These micro loans to women were perceived by a range of the population as a electoral campaign tool.

It is therefore necessary to review these measures to promote efficiently women's economic activities and allow them to avoid discriminative access to services and goods.

Article 14: Rights of rural women

Income poverty affects predominantly rural women. The negative cultural practices to the promotion of women and girls' rights persist and greatly affect the implementation of laws that protect women.

The indicators are far from brilliant for rural women in the domains of health, education, welfare, economics, access to decision-making instances, etc. Food security and nutrition are the new challenges in last few years.

The climate change, the economic crisis, the access to land, the difficult access to chemicals, manual agriculture and the market' problems for their products, increase the vulnerability of rural women, the non-respect of their rights.

Audacious actions must be taken to promote women's access to land and other resources, as well as their participation in decision-making instances.

Article 15: Equality to the law

Apart from Article 26 which provides that "the State guarantees the equality of all before the law regardless of origin, race, sex, religion, political opinion or social position ", many other laws advocate gender equity.

Despite this progress and the construction of new courts, justice remains remote from litigants in many areas and women still believe that justice is the privilege of rich people. The State also provides free legal assistance to women victims of violence in social promotion centres. But those centres are not in the national territory accessible for people because of the distance. Then, the NGOs and networks such as the Association of Women Jurists of Benin and the WILDAF offer these services. The problem is the State's incapacity to provide for experimented personnel because of lack of financial resources according to the officers.

Men and women have equal rights to conclude contracts but women often operate in the informal sector that does not require a contract. This also leads to several forms of arbitrary deprivation of freedom. Action must be taken to ensure that women have better legal protection.

Article 16: Marriage and Family Life

The Code of Persons and family give men and women the same rights regarding marriage.

Forced marriage is prohibited as stipulated in Article 119 as follow; "each spouse, even minor must personally consent to marriage" Despite this provision, forced marriage is present in almost all the seventy-seven (77) municipalities of Benin. From the results of a survey conducted by the Ministry of Family, out of 2745 women surveyed, 25.5% admitted that they did not choose freely their husbands.

Moreover, the notion of head of family disappeared in the same law in Article 155, "The spouses ensure jointly the moral and material management of the family. They provide for the education of their children and prepare their future " On Article 157, "each spouse has the right to exercise the profession of his choice"

To enforce the law on the code of persons and the family

OTHER ITEMS COVERED BY THE REPORT

1) Situation of Women Living with HIV

In Benin, antiretroviral are free but there are sometimes shortages and this situation exacerbates the health of people living with HIV, where women double men' rate. The program of Mother to Child Transmission (PMTCT) is also free Apart from these data, people living with HIV (PLHIV), including women face various problems related to discrimination and stigmatization. Law No. 2005 of April 10, 2006 -31 on the prevention, care and control of HIV / AIDS in the Republic of Benin is relatively unknown by people. It is important not only to ensure the availability of antiretroviral drugs and other products necessary for the health of PLHIV, but to popularize the existing law and make sure the revised one that take gender into consideration is voted and promulgated.

2) Women and decentralization in Benin

Women are strongly represented demographically in Benin, but their roles and importance are not visible in the decentralization process. There are several barriers to women's participation in decision-making. Notwithstanding the efforts to take women' problems into consideration in the development process; the negative socio-cultural practices are the bottlenecks to their participation and contribution to the process of decentralization as actresses and beneficiaries.

With regard to the above and taking into account the commitments to support women, the State must ensure the effective implementation of the laws enacted to promote women' rights in Benin, by taking decrees and applying them. It's also important to strengthen and promote women education taking into consideration the visibility and the value of their contribution regardless of their activities to really give them power.

Women abuses in Benin

Women are integral part of the human beings. Clause 2of article 26 of our Constitution states that men and women have equal rights ... "

A study sponsored by the Ministry of the Family in 2009 highlighted the extent of violence against women and girls based on gender. 69% of women report that they have experienced violence at least once in their lives, and 44% in the year preceding the study. Violence affects mostly illiterate women living in rural areas (89%) and women in poor and polygamous households (87%).

The law No. 2011-26 of January 9, 2012 is in force and has preventive and penal provisions. This is a great achievement. This law must be applied for a significant reduction of women abuses. Supporting measures should also be taken for the victims and survivors

Situation of women in prison

The situation of women is not rosy in our prisons. We can see overcrowding and deplorable living conditions.

New prisons must be built and pregnant and nursing women must have special conditions.

Recommendations

To the Government and its institutions

- To continue the construction of new courts of first instance
- To train the military and paramilitary bodies on their ethics compliance
- To strengthen the mechanisms of free legal aid
- To rigorously enforce the law 2011-26 January 09, 2012 with regard to forced marriage and the law on the code of persons and the family
- To continue the IEC activities on the existence of a law that punishes forced marriages in all its forms (marriage by abduction, simple forced marriage, marriage by exchange)
- To make any effort to avoid fractures of antiretrovirals and reagents necessary for a better state of health of PLHIV
- To organize training for the criminal and the magistrates who mostly ignore the existence of the law No. 2005-31 of 10 April 2006 on the prevention, care and control of HIV/AIDS in the Republic of Benin
- To continue the actions of IEC in favour of women's rights
- To involve husbands and men in activities for the promotion of female candidates
- To strengthen measures of free schooling for girls, keeping them in school and literacy
- To review the implementation of the programme of micro-credit to the poor so that it actually helps out the beneficiaries of poverty
- To Improve devices (micro credits to the poorest) women's empowerment and particularly marginalized girls
- To Take policy and to develop specific programmes to improve the conditions of vulnerable girls
- To promote regular and constant basis CSOs and the Government in all their actions of struggle for women's rights
- To promote the effective implementation of existing laws

To the NGOs

- To continue the activities of sensitization of the population on the respect and application of the law on female genital mutilation
To raise awareness on equal rights between man and women through various pieces of legislation in force
- To develop some activities of legal services related to HIV
To continue increasing public awareness on the law on HIV and the brochure entitled "HIV and law, you need to learn" developed and published under the same pilot project
- To organize radio broadcasts for good communication about what is actually on HIV/AIDS and the rights and duties of PLHIV
- To encourage people to denounce the perpetrators of violence
To collect and popularize legal texts for the protection of the rights of women and marginalized girls.
To carry out and strengthen advocacy and lobbying to be taken into account in policies, projects/programmes included in the General Budget of the State
- To raise awareness of all judicial players on the women's rights
To provide legal assistance to poor women and marginalized girls
To bring the justice of the litigant

To the Partners of Development (PTF)

- To continue the technical and financial support for the benefit of NGOs and the Government
- To continue supporting the direction of the Government and NGOs for the implementation of activities in the field