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**Committee on the Elimination of
Discrimination against Women**
Pre-session working group for the thirty-third session
5-22 July 2005

**List of issues and questions with regard to the consideration
of periodic reports**

Benin

Introduction

The pre-session working group examined the combined initial, second and third periodic report of Benin (CEDAW/C/BEN/1-3).

Articles 1 and 2

1. The report indicates that a definition of discrimination against women has not been incorporated into the Constitution or national legislation (*ibid.*, pp. 11 and 12). Does the Government intend to amend the Constitution or introduce legislation that will define and expressly prohibit discrimination against women as defined by article 1 of the Convention?
2. The report notes that the Human Rights Board has been mandated to “bring domestic legislation more closely into line with the provisions of international instruments” (p. 12). Please indicate whether the Board is effectively targeting laws that are discriminatory against women and not in compliance with the Convention.
3. Please clarify if the draft Code of Persons and the Family has been adopted by the National Assembly and promulgated, and provide more information on the content of the Code; in particular, clarify how the Code resolves conflicts with the customary law of Dahomey.
4. Please describe the process for the preparation of the report, especially the role of national machinery for the advancement of women, and indicate if non-governmental organizations were consulted during its preparation. Also indicate if the report was submitted to the National Assembly, and indicate the reasons for that delay.

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5. Has the National Committee to Monitor the Implementation of International Human Rights Instruments made any efforts to regularly assess the implementation of the Convention?

6. Article 147 of the Constitution provides that the provisions of agreements and treaties ratified by Benin take precedence over domestic laws and “can be invoked before all national instances, be they administrative, legislative or judicial” (p. 11). The report further notes that a number of remedies are available to women in the case of the violation of their rights (pp. 8, 9 and 12). Yet, it also states that there are no provisions in domestic law allowing for action to be taken in the event of violation of the Convention (p. 12). Please clarify the availability and the use of remedies for alleged violations of women’s rights and describe what steps have been taken by the Government to raise women’s awareness of their right to submit complaints of sex discrimination.

Article 3

7. Please provide further information about the current mandate, level of authority and human and financial resources of the national machinery for the advancement of women, including in relation to the implementation of the Convention.

Article 4 (temporary special measures)

8. The report refers to a number of initiatives that have been undertaken “with the aim of gradually reducing the gap between men and women”, such as the use of affirmative action measures in the award of foreign study grants and in certain development projects (pp. 19-21, 38 and 66). Has consideration been given to using temporary special measures, such as the establishment of quotas or incentives to accelerate achieving equality in other areas, particularly in the field of women’s participation in political and public life, taking into account the Committee’s general recommendation 25 on article 4, paragraph 1, of the Convention and general recommendation 23 on women in public life?

Article 5

9. In the report, the “relative slowness of women’s development” is attributed to their “primary role as mothers and as the persons principally responsible for bearing and raising children”, which is further inhibited by “custom, stereotyping, traditional practices and taboos” (p. 19). In addition to the elimination of sexual stereotypes in school textbooks (pp. 23 and 44), what practical steps have been taken to use the educational system and to involve the media to combat gender stereotyping in a systematic manner?

10. In the event that the Code of Persons and the Family has been adopted and promulgated, what specific measures have been undertaken to ensure its implementation and to challenge entrenched cultural and traditional obstacles to women’s equality, such as early and forced marriage, marriage by barter and polygamy?

Violence against women

11. Please indicate if a comprehensive and multidisciplinary strategy to combat all forms of violence against women is in place, and if so, please describe it.

12. The report discusses the prevalence of harmful traditional practices such as female genital mutilation, the employment and ill-treatment of “vidomegon girls” and the commission of offences related to forced and levirate marriages (pp. 17, 22, 23, 28, 65, 85 and 87). In addition, the Special Rapporteur on violence against women has reported that some young girls continue to be enslaved in Benin under the Trokosi system (E/CN.4/2002/83). Please provide information on the measures taken to eliminate those practices and describe their impact to date.

Article 6

13. The report candidly states that Benin remains a source, transit and destination country for internationally trafficked persons, in particular children (p. 24). Does the Government intend to introduce legislation and to implement a comprehensive strategy to identify, prevent and combat trafficking in women and children both into and out of Benin, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which Benin ratified on 30 August 2004?

Articles 7 and 8

14. The report provides little information on the number of women in public life in Benin. Bearing in mind article 7 (b) of the Convention, please provide information on the participation of women at all levels and branches of the administration, the parliament and the judiciary. What are the measures planned or in place to increase such participation?

Article 9

15. Does the Government intend to amend article 20 of the Nationality Code, which enables the Government to oppose, “where appropriate”, the acquisition of Beninese nationality by a foreign woman through marriage to a national of Benin (p. 35)? Do Beninese women have the same rights as men to pass on their nationality to their children when the spouse is a foreign national?

Article 10

16. In the light of the obstacles that inhibit girls’ access to education (pp. 43 and 44), the report states that a number of initiatives have been undertaken to promote women’s and girls’ rights to education, including in regard to access and enrolment (pp. 17, 20, 22, 36 and 37). Please provide more information regarding those programmes, including their content, intended beneficiaries, obstacles encountered and impact to date.

17. The report notes that the Government has undertaken a collaborative policy initiative to encourage girls to take up non-traditional careers (p. 37). Please describe the impact of steps taken and indicate whether the intended goals have been achieved.

18. Please provide recent statistical data, disaggregated by sex, showing overall literacy, enrolment and retention rates of girls at all levels of education, as well as trends over time and differences in urban and rural communities.

Article 11

19. The report notes that women are entitled to equal pay for work of equal value under the Labour Code and the general collective labour agreement of 17 May 1974 (pp. 48 and 49). Are these provisions equally applicable in regard to employment in the Government and private sectors? If so, please describe the measures planned or in place for their effective enforcement and implementation.

20. Please provide recent statistical information, disaggregated by sex and showing trends over time, indicating women's overall labour force participation by occupation in the public and private employment sectors.

21. Please provide information on women's participation in the informal sector, including the number of women in the informal economy compared to those employed in the formal economy.

Article 12

22. Abortion is reported to be prohibited by law, carrying a six-month to two-year prison term and a fine of 36,000 to 720,000 francs for any woman convicted of attempting to procure an abortion for herself (p. 29). It is not clear from the report how many women die annually due to complications from illegal abortions (pp. 64 and 65). Please indicate the status of the draft Act to repeal the Act of 31 July 1920 prohibiting incitement to abortion and contraceptive propaganda (pp. 13, 17 and 20).

23. Despite awareness-raising activities, the report notes that, 10 years after the start of an AIDS control programme, the results are not very encouraging (p. 63). In the light of the increasing incidence of HIV/AIDS and the reluctance on the part of both women and men to use condoms (pp. 61-63), please provide more detailed information regarding the existence of reproductive and sexual health education programmes for both women and men and young people, as well as their availability, substantive content and impact.

24. The report notes that a number of projects to benefit women and girls are planned or under way such as the "safer motherhood" and "reproductive health for a happy youth" projects (pp. 20 and 60). Please describe the current status, as well as the nature, scope and impact, of those programmes.

25. Please provide recent information, including rural and urban differences and trends over time, on rates and causes of maternal and infant mortality, morbidity, life expectancy, malnutrition, knowledge and use of contraception.

Article 13

26. According to the report, men in Benin have priority over women in receiving family allowances (p. 67). It is also noted that women civil servants pay a higher Progressive Wages and Salaries Tax based on their classification as having no dependants or children (p. 21). It is not clear whether women civil servants who are heads of households and are entitled to family allowances are required to pay a higher tax. Please explain if, and when, the Government intends to introduce

measures to ensure equality between women and men in taxation and allocation of social benefits.

27. The report notes that a series of microcredit-granting schemes have been undertaken by both the State and non-governmental organizations representing important innovations in increasing women's access to credit (pp. 67-69). It is not clear from the report what kind of practical and programmatic support has been provided to women as entrepreneurs. What measures are in place to support women entrepreneurs in diverse and non-traditional sectors?

Article 14

28. Please provide more information on the mandates and activities that have been undertaken by the National Commission for the Integration of Women in Development and the women's unit in the agricultural and rural development section of the Ministry of Rural Development (pp. 17 and 19).

29. Please indicate if a national rural development policy is in place, and whether it contains gender perspective as well as a particular focus on rural women to enhance their standard of living through increased access to education, health-care services, clean water and sanitation, economic opportunities and land ownership, as well as participation in decision-making processes related to development planning.

Articles 15 and 16

30. The report states that under customary law, the minimum age for marriage is different for girls and boys and that that disparity is not resolved by the draft of the Code of Persons and the Family (p. 86). Does the Government intend to introduce measures to require equality in the marriage age for women and men?

31. The report notes that Beninese law provides different definitions of and makes punitive distinctions for adultery depending on whether it is committed by the husband or the wife (p. 28). Does the Government intend to introduce legislative amendments to eliminate those discrepancies that discriminate against women?

32. Although the law recognizes women's equal inheritance and property rights, the Special Rapporteur on violence against women notes that in practice, "local custom in some areas prevents them from inheriting real property" (E/CN.4/2003/75/Add.1). The report states that customary laws are patrilineal and "deny all succession or inheritance rights to daughters" who as wives "form part of their husband's chattels and inheritance" (pp. 17, 23 and 78). What measures have been undertaken to ensure equality between women and men in matters of succession and inheritance?

Optional Protocol

33. Benin has signed the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women on 25 May 2000. Please indicate any progress towards its ratification.