



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
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Summary record of the 687th meeting

Held at Headquarters, New York, on Thursday, 7 July 2005, at 10 a.m.

Chairperson: Ms. Manalo

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third periodic reports of Benin (CEDAW/C/BEN/1-3; CEDAW/PSWG/2005/II/CRP.1/Add.1)

1. *At the invitation of the Chairperson, the representatives of Benin took places at the Committee table.*

2. **Ms. Hounkpe-Ahougbenou** (Benin), introducing the combined initial, second and third periodic reports of Benin (CEDAW/C/BEN/1-3), said that Benin, a West African country with a population of around 6.7 million, had made the transition to democracy and the rule of law in 1990. Following the adoption of its Constitution in December of that year, a culture of respect for human rights and fundamental freedoms, as defined by the Universal Declaration of Human Rights and the African Charter of Human and People's Rights, had been established.

3. The Constitution provided for the creation of several bodies charged with the protection of human rights, including the National Assembly, the Economic and Social Council, the High Authority for Audio-visual Media and Communication, the Constitutional Court, the High Court, the Supreme Court and various other courts and tribunals. In addition, a number of technical departments, committees and commissions within, inter alia, the Ministry of Justice, Legislation and Human Rights, the Ministry of Foreign Affairs and African Integration and the Ministry for the Family, Social Protection and Solidarity were responsible for taking measures to protect and promote women's rights. A national Human Rights Commission had also been established. NGOs also played an active role in the advancement of Beninese women, who were, by law, entitled to be represented at all levels of the country's political, economic and social life.

4. Article 26 of the Beninese Constitution enshrined the principle of equality between women and men, and other legislative measures adopted in implementation of the provisions of the Convention included the Labour Code of 1998, which afforded women special protection in certain situations, Decree No. 2001-019 on the conditions for access to widowhood pensions and the Act on the Suppression of Genital Mutilation.

In addition, the National Policy for the Advancement of Women had been adopted in January 2001.

5. The progress made in Benin had been slow, because socio-cultural considerations had prevented elected representatives from fully accepting the concept of gender equality. However, after eight years of preparation, the new Code on the Person and the Family had finally entered into force on 1 December 2004. Pursuant to its provisions, the legal age for marriage in Benin was 18 years for both men and women, and married women were entitled to retain their maiden names. The Code also outlawed levirate, provided for the sharing of domestic chores between spouses and stipulated that women and girls could inherit property. Activities to raise awareness of the Code among the general public were being carried out throughout the country.

6. The achievement of gender equality was a priority for the Beninese Government and, in that connection, one of the key objectives of its programme of action for 2001-2006 was the advancement of women. In order to monitor progress made in that regard, a thematic group on population, gender and development, which brought together development partners from the United Nations system, Government ministers and relevant NGOs, had been created. The group had set up an Observatory for the Family, Women and Children.

7. Unfortunately, violations of women's rights, in particular genital mutilation and domestic violence, continued to occur in Benin. For that reason, the Government was making renewed efforts to ensure the effective implementation of the Convention by, inter alia, disseminating the text of the Convention in schools and universities and increasing funding for measures to protect and promote women's rights. The primary challenge facing Benin was to engender a genuine culture of respect for human rights and, in particular, the rights of women. She was confident that the gaps in the current regime would be bridged in the near future.

Articles 1 and 2

8. **Ms. Shin** congratulated Benin on the submission of its long-overdue reports and welcomed, in particular, the adoption of the new Code on the Person and the Family. The complex realities of the situation on the ground were reflected in the report before the

Committee. The population was composed of 42 distinct ethnic groups and spoke 18 different languages and, as a young, developing nation, Benin suffered from poverty, a high HIV/AIDS prevalence rate and a lack of basic infrastructure. In that context, the Government must show the political will to achieve gender equality by, inter alia, eradicating discriminatory customs and practices. It should also work towards ensuring that girls had access to education and work in partnership with civil society and women's NGOs.

9. **Mr. Flinterman** welcomed Benin's ratification of the Optional Protocol to the Convention but recalled that communications could be referred to the Committee only when all local remedies had been exhausted. In that connection, he requested further clarification of the local remedies available in Benin and wished to know more about the precise roles of the Human Rights Board, the ordinary and administrative courts and the Constitutional Court. In particular, could women bring directly before the Constitutional Court allegations that the application of the laws implementing the Convention, rather than the laws themselves, was unconstitutional?

10. He would be grateful for additional information on the composition of the various national human rights bodies, the mandates of which seemed to overlap. He also asked about the degree of independence of those bodies from the Government and whether they included a focal point for women's issues.

11. **Ms. Tavares da Silva** said that, on reading the report, she had sensed an underlying assumption that gender equality would be achieved because the relevant legislation had been adopted. Unfortunately, that was not the case, as evidenced by the widespread persistence of discriminatory cultural stereotypes in Benin. The Convention required States parties to take all the measures necessary to eradicate discrimination and, while legislation was the first step, laws alone would not bring about de facto equality. She suggested that the Government of Benin should re-examine its attitude towards the obligations incumbent upon it pursuant to the Convention.

12. **Ms. Gaspard** said that drafting an initial report provided States parties to the Convention with an opportunity to take stock of the measures adopted to ensure gender equality and to raise awareness of the issue among interested parties, in particular Government departments. The Ministry of Justice, Legislation and

Human Rights and the Ministry for the Family, Social Protection and Solidarity had shared responsibility for drafting the report currently before the Committee. However, mainstreaming a gender perspective into all areas of life in Benin was the responsibility of the Government as a whole and, in that connection, she wished to know whether any other Government departments or Parliament had been involved in the drafting process. She stressed the importance of widely disseminating the Committee's concluding comments and asked how the Government intended to follow up on them.

13. **Ms. Šimonović** welcomed Benin's ratification of the Optional Protocol. However, she was uncertain as to the place of the Convention in the domestic legal order: while the report stated that the Convention took precedence over domestic legislation, it also pointed out that, owing to the lack of a specific text incorporating the provisions of the Convention into national law, question marks remained over the efficacy of its implementation because of the absence of remedies in the event of violation. The Government of Benin must consider ways of rectifying that situation and must also examine the compatibility of national legislation with the Convention. She enquired whether the Government intended to incorporate a comprehensive definition of discrimination, both direct and indirect, into national legislation and whether complaints relating to violations of the Convention could be brought before the Constitutional Court.

14. **Ms. Gabr** commended the Government of Benin for its efforts to amend its national legislation following the State's accession to the Convention. However, it was clear from the report that the effective implementation of the provisions of the Convention remained problematic. Women accounted for 51 per cent of the population of Benin, and it was extremely important to take steps to improve their status, particularly since, in the right conditions, they could make a valuable contribution to the country's economic and social life and help to shape its future.

15. She would be grateful for additional information about the new Code on the Person and the Family. In particular, she wished to know whether the texts of new laws were widely disseminated throughout the country and whether the media played a role in that regard. Women needed to be aware of their rights in order to take full advantage of them.

16. **Ms. Dairiam** asked what was the conceptual and legal framework for bringing the domestic law into conformity with the Convention and where in the domestic law the definition of equality appeared. She would also like to know whether anti-discrimination legislation covered both private and public actors, whether exceptions to the principle of equality were made on the basis of cultural considerations, and whether temporary special measures had been put into effect. She also wondered whether a comprehensive analysis had been made of the implementation of the Convention under Beninese law, whether efforts were being made to remedy gaps, and, if so, what was the time-line for such revisions. It would be useful for the Committee to know what was being done to eradicate harmful cultural practices, and whether education was being provided to women so that they could fight discrimination on their own behalf.

17. **Ms. Schöpp-Schilling** said that the tables provided in the report indicated that the female population had nearly doubled between 1994 and 1996; she would like to know the reason for such a surge. She also wondered whether educational measures were being taken to disseminate the definition of discrimination, what was the time frame of educational programmes, what allocations were made from the budget, and how such programmes were evaluated. She would especially like to know how Benin was informing the public about the new Code on the Person and the Family, in view of the country's many ethnic groups.

18. **Ms. Zou Xiaojiao** said she regretted that the replies to the list of issues were available only in French. It would be useful to know the basic elements of the Code on the Person and the Family, in particular what was the marriage age, and how such matters as rape and female genital mutilation were handled in criminal legislation.

19. **Ms. Maiolo** said she would like to know what was being done to remedy anti-adultery legislation that discriminated against women.

20. **Mr. Sossa** (Benin) apologized for the late submission of the replies to the list of issues and regretted that they had arrived too late to be translated.

21. **Ms. Boko Nadjo** (Benin) said she wished to assure the Committee that its recommendations would be taken into account. Replying to questions under article 1, she said that all the Ministries had taken part in the formulation of the report; a gender focal point

had been established in each, to act as a liaison between the Ministry and the drafters of the report. The courts of Benin ensured the protection of the rights of women, on the basis of the Criminal Code, and women also had recourse to appeals courts and the Supreme Court. In addition, all women had recourse to the Constitutional Court, which upheld the precepts of the Constitution. The Code on the Person and the Family had been adopted in 2002, promulgated by the President in 2004, and published in the Official Gazette in 2005. It was applicable to all Beninese.

22. When a Beninese woman married, she used both her maiden name and her husband's name. The marriage age in Benin was 18 for both girls and boys. Marriage was now essentially monogamous, any other form of marriage was forbidden by law. Marriage between close relatives was forbidden. The division of labour in the home arose from the abilities of each spouse to contribute; the husband was no longer the head of the household. As for the inheritance rights of a surviving spouse, they were now the same for men and women: each spouse was the heir of the other. Male and female children also had exactly the same inheritance rights.

23. The Code on the Person and the Family had been publicized throughout the country by way of training and awareness events, in which the civil society in particular had participated; a summary had been published in pamphlet form in the four principal languages. Although that Code was the principal instrument for combating discrimination against women in Benin, there were other laws that reinforced it: the Act on Punishment of Female Genital Mutilation; the Act on Reproductive Health and the Act on Sexual Violence against Women. In addition, the Criminal Code had been revised, providing severer punishments for rape. Furthermore, under the Code on the Person and the Family, adultery was no longer an absolute ground of divorce, and either spouse could put forward adultery as a ground for divorce.

24. **Mr. Alia** (Benin) said that, since 1992, Benin had ratified a number of international human rights instruments. One of the main functions of the Human Rights Board, which was part of the Ministry of Justice, Legislation and Human Rights, was the formulation of reports on the implementation of those instruments, among them the Convention. The Board worked with the National Committee to Monitor the Implementation of International Human Rights

Instruments, which was made up of focal points from each of the Ministries along with NGOs and experts, and which met twice yearly in regular session to discuss all matters relating to the violation of rights. Each time an expert undertook a report, his first action was to call a meeting to evaluate the report; the observations of the members were then integrated, and the report was submitted to the United Nations or the African Union, as the case might be.

25. The initial report of Benin to the Committee should have been submitted in 1993. The task had been given to an NGO, which had not prepared a report. In 1997, when the Human Rights Board had been founded, the Government had instructed it to prepare all reports to the Committee. It had then submitted the initial, second and third reports.

26. **Ms. Boko Nadjo** (Benin) said that Beninese national legislation contained no explicit definition of discrimination. The Constitutional Court had, however, reaffirmed the notion of discrimination as an inalienable element of democracy and the rule of law. Benin was a poor, developing country, and its traditions and customs could not be expected to change overnight. And yet, the political will existed to eradicate discrimination, which would progressively disappear. Many training and awareness sessions regarding the rights of women had been held for all who played a role in matters regarding the violation of women's rights, including judges, police, doctors and traditional and religious leaders.

27. **Mr. Sossa** (Benin) said that since international instruments had precedence over national legislation, the definition of discrimination contained in the Convention was the definition that obtained under the law of Benin. Therefore, the definition of discrimination should not be seen as presenting a problem. Legislation must, of course, be updated to give effect to the rights of women. Benin indeed had economic difficulties and diseases, but it was certainly not outdone. Such problems did not stop Benin from fulfilling its obligations, which it had, after all, freely undertaken. It had recently ratified the Optional Protocol because it wanted victims to be empowered to bring their complaints before the Committee. If there were shortcomings, Benin was ready and willing to redress them.

28. In addition to the Human Rights Board, there was the Human Rights Commission, which although an independent body, was not sufficiently active. The

Ministry for the Family, Social Protection and Solidarity was the body chiefly responsible for affairs related to women. His Ministry — that of Justice, Legislation and Human Rights — provided the necessary technical assistance to ministries that were compiling reports. NGOs were also involved in the formulation of reports. When a case came before the courts, judges enforced the rights of women in such matters as inheritance and marriage. But not all women knew how to protect their rights, and that was a question that certain NGOs were addressing. It should be pointed out, however, that there were many women judges in Benin, including one seated in the High Court of Justice.

29. **Ms. Houkpe-Ahougbenou** (Benin) said that the great number of ethnic groups in Benin had never posed a problem; all had always lived together in friendship. There were four principal indigenous languages, and all Beninese understood French. The Government was making every possible effort to bring about equality for women. It was striving, in particular, to give women financial autonomy, through micro-credit and income-generating programmes, so that they could take part in social and political life and contribute to the progress of the country. The demand for resources was greater than the supply; the Social Development and Solidarity Directorate and the Ministry of Health both had funds available to meet pressing needs.

30. As for the dissemination of the Code on the Person and the Family, she said that efforts had been made to disseminate it through radio broadcasts in all the local dialects. The Government was training women in the field to alert other women to the existence of legislation prohibiting female genital mutilation. Huge progress had been made in eradicating that custom. Once openly practised, it had become a clandestine activity, and those practising it were arrested and prosecuted.

Article 3

31. **Ms. Saiga** requested clarification on the institutional structure responsible for implementing the provisions of the Convention. To which department of the Government was the National Committee to Monitor the Implementation of International Human Rights Instruments answerable, and did its mandate in any way duplicate that of the Human Rights Board? She would appreciate information on the work already done by the National Committee, the reports submitted

by it, and, in general, the size and status of Benin's national implementing machinery and the coordination of its tasks with those of relevant ministries.

32. **Ms. Tavares da Silva**, referring to the reply to question No. 5 of the list of issues (CEDAW/PSWG/2005/II/CRP.1/Add.1), requested more specific information on the monitoring of the Convention. Noting that an outside consultant had been engaged to draft the report, she reminded the State party that technical presentation was only one aspect of the exercise. The real value in preparing reports was the opportunity it provided to assess the status of women, reflect on their situation and prepare future action.

Article 5

33. **Ms. Arocha Dominguez** said that concerted action by the Government, society and individual citizens was needed to eliminate stereotypes in a country where traditional practices persisted. Welcoming the revisions in school textbooks (CEDAW/C/BEN/1-3, para. 5.4), she enquired about additional measures to transform mentalities through the media and to ensure the effectiveness of changes in school curricula. In the rural area, where many women did not attend school, was the Government supporting the activities of NGOs with a view to eliminating stereotypes?

34. **Ms. Coker-Appiah** also stressed the need for measures to ensure the effective implementation of the Code on the Person and the Family and legislation prohibiting female genital mutilation. In particular, she wished to know whether the Government offered viable alternatives to shrine leaders for *trokosi* girls — sent to them by families of those who had committed crimes under customary law — or to those who performed female genital cutting as a livelihood? It would be interesting to hear about the State party's cooperation, if any, with neighbouring countries, given the porous nature of borders in the subregion and the reality that practitioners of *trokosi* and female genital mutilation often migrated when laws banning those activities were enacted in their own countries.

Article 6

35. **Ms. Morvai**, referring to the State party's assertion that it was both a receiver and a purveyor of children for trafficking (CEDAW/C/BEN/1-3, p. 24), encouraged it to establish a comprehensive plan of action to deal with the phenomenon on a large scale. In

particular, Benin had every right to expect wealthy developed countries to invest money and effort in eliminating the large-scale child pornography and child prostitution in their territories that fuelled child trafficking in the third world.

36. **Ms. Simms** welcomed the State party's decision to train police and the judiciary to deal with trafficking in and violence against women and to build awareness at the community level by disseminating information in local dialects. Did it also subsidize grass-roots activities by NGOs and did it operate shelters and rehabilitation centres for trafficking victims? She also wondered whether counselling was available to help men relinquish some of the power accorded to them by traditional practices, and whether more prisons were being built to enforce the recently adopted legislation criminalizing trafficking and female genital mutilation.

37. **Ms. Houkpe-Ahoughbenou** (Benin), replying to Committee members' questions, said that Benin would take the Committee's recommendations to heart, particularly the recommendation on building additional prison facilities to enforce its legislation in favour of women. Trafficking in children had grown out of an old local practice in which poor families would send their children to live with families that could give them a better life; it used to be seen as an act of solidarity, not exploitation. With the deterioration of the economy, however, children were also trafficked across borders to work and earn some income for their families. She agreed that Benin should work closely with developed countries to address the problem of trafficking for the purposes of sexual exploitation. Trafficking victims were taken in by church-based centres, legal-aid centres and women's rights centres.

38. **Ms. Kpongnonhou** (Benin) said that, in an effort to promote girls' education, a number of girls' boarding schools had been opened, church-based schools for girls had been rehabilitated and enrolment fees had been waived in the rural areas. Other measures included teacher-training programmes and the revision of textbooks in order to eliminate stereotypes. Girls were being encouraged to pursue technical and vocational training and to enter other traditionally male fields. A military academy had been opened and scholarships were available for girls to attend a new technical school in Ouidah. Unfortunately, Benin lacked a sufficient number of qualified teachers and the necessary infrastructure to ensure the success of those

initiatives, but the Government was making every effort to overcome those obstacles.

39. **Ms. Ogoussan** (Benin) said that the Ministry for the Family, Social Protection and Solidarity coordinated and evaluated the implementation of the multisectoral plan of action 2001-2006, for which focal points had been designated in all relevant ministries. According to a midterm review currently under way, not all objectives had been attained owing to a lack of sufficient resources.

40. As part of an effort to improve the legal status of women and promote children's rights, a law prohibiting genital mutilation had been adopted and special outreach programmes to disseminate it had been set up in those areas where the practice was most prevalent. Benin also cooperated with neighbouring countries, including Togo and Nigeria, to combat trafficking in children for use as labour. Committees had been set up at the village level to trace missing children with support from the Government, the United Nations Children's Fund and the United Nations Population Fund. Awareness-raising sessions were being organized at the departmental and communal levels to promulgate the Code on the Person and the Family, especially among rural women. In addition, the Ministry for the Family, Social Protection and Solidarity was cooperating with the Human Rights Board to promote and implement the provisions of the Convention through local mechanisms.

41. **Ms. Babadoudou** (Benin) said that Government efforts to guarantee a woman's right to work were hampered by Benin's economic situation and its very high unemployment rate. With international cooperation, it would be able to achieve some of the objectives set out in its five-year plan. The Government was taking measures at the subregional level, and in conjunction with countries in Central Africa, to combat trafficking in children.

42. **Mr. Sossa** (Benin) said that the functions of the National Committee to Monitor the Implementation of International Human Rights Instruments and the National Human Rights Advisory Council were not overlapping. The Council gathered the views of civil society and NGOs, which were then examined by the National Committee. He stressed that, although the secretariat of the National Committee was housed in the Human Rights Board of the Ministry of Justice, it was composed of representatives of all the relevant ministries.

43. *Trokosi*, forced marriage, genital mutilation trafficking in women and children and abuse of *vidomegon* (girls sent by poor families to wealthy homes) were all prohibited by law. Thus, the sole focus was on tracking down the perpetrators of those crimes. Detention orders (*mandats de dépôt*) had been issued in a number of cases and the accused were awaiting trial.

44. **Ms. Hounkpe-Ahougenou** (Benin) reiterated that Benin was cooperating with the countries of the subregion on issues such as child trafficking. It had signed an agreement with Nigeria and had taken joint action with all neighbouring countries and with the Central African countries. A subregional meeting on child trafficking would soon take place at Abidjan. Benin had made great progress in eliminating the practice of genital mutilation and was open to sharing its experience in that regard with Governments of the subregion. A public awareness campaign reached out to mothers on the issues of forced marriage and *trokosi* enslavement at shrines, and village-level committees fought child trafficking and genital mutilation. While combating such practices required unrelenting vigilance, the Government had made progress.

45. **Ms. Belmihoub-Zerdani**, noting that a quota system under a previous Government had brought about the greater participation of women in political bodies, urged a return to the quota system. Since political parties received Government funding, it was suggested that the Government require them to introduce quotas for women in the lists of party candidates. She asked which wealthy countries had fulfilled their 0.7 per cent official development assistance obligations towards Benin.

46. **Ms. Gaspard** said that the participation of women in political bodies was not only a question of justice but a requirement for effective government and the modernization of society. She was surprised at the low rate of participation of women in political life and challenged the assertion that women had little political awareness. The Committee's general recommendation No. 25 showed how temporary special measures, such as quotas, could be implemented.

47. **Ms. Popescu Sandru** underlined the need for the greater participation of women in political bodies. She noted some progress in that participation but wanted to know the number of women deputies in Parliament. She welcomed the activities of the Réseau des femmes élues conseillères (Network of Elected Women

Advisers) and wished to know more about it and its achievements. Like others, she urged the use of the quota system.

48. **Mr. Flinterman**, noting that Benin's law on naturalization was being revised to take into account, among other things, gender non-discrimination, wished to know the main elements of the draft law: whether it would include the current discriminatory provision preventing foreign-born women marrying a Beninese national from acquiring Beninese nationality; and whether the new law would give men and women equal rights with respect to their children's naturalization.

49. **Mr. Sossa** (Benin) said that a national committee was revising the law on naturalization and that a draft text had been submitted to the Supreme Court. The draft law had been prepared in accordance with international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women. All concerned found the aforementioned provision on the naturalization of foreign wives to be unacceptable, because men and women had an equal right to naturalization. The new law would contain no such gender discrimination. Nor would there be any bias in the naturalization of children.

50. **Ms. Hounkpe-Ahoughbenou** (Benin) said that she would explore ways to implement a quota system. Much had been done to remedy the low participation of women in political bodies. She welcomed the comment on official development assistance obligations and took note of the recommendation to link the funding of political parties to quotas for women candidates.

51. **Ms. Boko Nadjo** (Benin) informed the Committee that the recently created Réseau des femmes élus conseillères was tasked with placing women in decision-making positions in their communities, a condition essential for gender equality. She was in favour of the quota system, as it was the only way to place women in positions of power. But it remained controversial in Benin, where some argued that the quota system constituted discrimination against men and thus contravened the principle of gender equality enshrined in the Constitution. It should be recalled that historically, women in Benin held important positions of decision-making. Today, wealthy women ran the markets of Togo and Benin, and there were equal numbers of female and male graduates in the sciences; only in the achievement of political power did women lag behind. In 2002 and

2003, women members of Parliament had unsuccessfully attempted to introduce a quota system for women's participation in political bodies, but the proposal would be put forward again.

52. **Ms. Hounkpe-Ahoughbenou** (Benin) said that the Government would continue to fight for gender equality and hoped that the Committee and the United Nations would assist Benin's progress. One important step would be to officially recognize the domestic work done by women.

53. **Ms. Patten** noted that Benin was among the few countries whose Constitution guaranteed universal education and that the Government had not been idle in that regard. She asked whether Benin received development assistance for the education and the training of girls and women, which was among the best means of achieving sustainable development. She wanted to know about the Government's efforts to improve women's access to vocational training, education in science and technology and continuing education and its efforts to encourage adolescent mothers to continue their schooling, such as by providing child day care. She asked what measures were taken to encourage parents to send their girls to school.

54. **Ms. Popescu Sandru** noted that measures had been taken to combat illiteracy and to encourage girls' education. She wanted to know the results of the 2001 national education and literacy strategy, which included the use of national languages. She asked whether languages other than French were used for instruction and whether teaching in multiple languages created problems for education and literacy. Finally, she asked how the partially successful literacy campaign was conducted and whether civil society and non-governmental organizations had been mobilized.

55. **The Chairperson**, speaking in her capacity as an expert, asked whether funds freed up by debt cancellation initiatives for least developed countries had been used to improve the education of women and girls.

The meeting rose at 1.05 p.m.