



**UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
STRENGTHENING PROTECTION CAPACITY PROJECT**



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**Identifying Gaps in Protection Capacity
Benin**

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The views expressed in this report are those of its author and can in no way be taken to reflect the official opinion of UNHCR, the European Commission, Denmark, Germany, the Netherlands, or the United Kingdom

List of Abbreviations

AIDS	- Acquired Immune Deficiency Syndrome
CAT	- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
COP	- Country Operation Plan
CNAR	- Commission Nationale Chargé des Réfugiés
CPPS	- <i>Centre Panafricain de Prospective Sociale</i>
CRC	- Convention on the Rights of the Child
CTD	- Convention Travel Document
EC	- European Commission
ECOWAS	- Economic Community of West African States
FAO	- Food and Agricultural Organization
HIV	- Humane Immunodeficiency Virus
ICCPR	- International Covenant on Civil and Political Rights
ICERD	- International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	- International Covenant on Economic, Social and Cultural Rights
ILO	- International Labour Organisation
IP	- Implementing partner
MFI	- Micro-Finance Institution
NFI	- Non Food Items
NGO	- Non Governmental Organization
OAU	- Organization of African Unity
OP	- Operational Partner
PRSP	- Poverty Reduction Strategy Paper
RSD	- Refugee Status Determination
SGBV	- Sexual and Gender-Based Violence
UAM	- Unaccompanied Minor
UN	- United Nations
UNDP	- United Nations Development Programme
UNDAF	- United Nations Development Assistance Framework
UNFPA	- United Nations Population Fund
UNHCR	- United Nations High Commissioner for Refugees
UNICEF	- United Nations Children's Fund

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Executive Summary

This report was prepared in the context of the Strengthening Protection Capacity (SPC) Project. Funded by the European Commission and the governments of Denmark, the Netherlands and the United Kingdom, the SPC project is aimed at devising tools and approaches to strengthen the capacity of States to receive and protect refugees, including enhancing their means of self-reliance and expanding opportunities for durable solutions.

Four countries initially are the focus of this project: Benin, Burkina Faso, Kenya, and Tanzania.

This report examines the protection capacity of Benin, a country that, as of December 31st 2004, hosted close to 6,000 refugees and asylum seekers.

In late April 2005, following a disputed presidential election in neighbouring Togo, a large-scale exodus of Togolese refugees into Ghana and Benin began. Within one month, approximately 18,000 Togolese refugees had crossed into Benin.

This report was finalised during the initial emergency response stage, before the situation had sufficiently stabilised to allow for an assessment of protection gaps in respect of this new refugee population. As such, the emerging protection needs of the newly-arrived Togolese refugees are not assessed in this report. However, the various coordination measures taken by UNHCR and partners in response to the Togolese influx are outlined in Annex 1.

While this report notes the important measures taken by the Government of Benin to protect refugees, it focuses primarily on current protection gaps and challenges so as to provide a working document for the national consultations to follow. The consultations will be designed to focus on prioritizing refugee needs and identifying appropriate measures to address them.

The following is a list of some of the key gaps in protection capacity identified in this report.

Lack of information on current size of refugee population

Figures for the number of refugees registered with UNHCR are available, but these are not regularly updated with the result that there are no firm figures of how many refugees who registered with UNHCR over the past decade remain there.

Refugee empowerment not linked to national or local development strategies

Refugees are not included in national poverty reduction and development strategies, which tend to focus efforts on development of rural areas, whereas the vast majority of refugees in Benin live in urban areas.

To date efforts to improve the integration potential of refugees have not been anchored in overall economic empowerment and development strategies affecting host populations.

Lack of partner capacity

UNHCR's main government partner is CNAR which it financially supports. UNHCR also has contractual relations with two NGO implementing partners. High workload of

implementing partners and salaries which have not risen in seven years have negatively affected staff morale.

There is wide recognition that the capacity of UNHCR's local partners needs to be strengthened. In addition, neither the Benin government, UNHCR or Implementing Partners maintain an updated list of groups with whom to co-operate on an *ad hoc* basis to meet the emergency needs of refugees and asylum-seekers; i.e. NGOs, or even individual families, who can be called upon at short notice when UNHCR or Implementing Partners need to find shelter for particularly vulnerable cases.

Divisions within refugee communities have hindered efforts to organise a refugee committee in Cotonou and the absence of an effective refugee committee makes it difficult for the government, UNHCR and partners to have coordinated and regular communication between themselves and refugees.

Inadequate levels of assistance

Assistance provided to refugees and asylum seekers in Benin is insufficient to meet need. Only sporadic assistance, and sporadic monitoring as to the impact or shortfall of that assistance, is possible at present. Numerous refugees have stated that they face difficulties in meeting basic subsistence needs, due to both the lack of employment, and the low level of assistance provided by UNHCR and partners.

Absence of refugee registration by Government

The Benin government does not have a system in place for registering asylum seekers. This responsibility has fallen to UNHCR.

Lack of sufficient information to monitor and assist refugee population

An important constraint on the capacity of UNHCR and partners to effectively monitor and address protection risks is the lack of centralised, updated and disaggregated data on the refugee population in Benin. This information gap negatively impacts on the ability to identify vulnerable refugees, provide necessary assistance, monitor the well being of refugees and seek effective means to enhance self-reliance strategies.

UNHCR's registration system is outdated, not user-friendly and not regularly updated.

Although there are plans to update and improve UNHCR's registration system which will help address some of the information gaps that currently exist, as yet there is no plan to develop implementing partners' information systems to ensure compatibility with UNHCR's forthcoming new database.

Refugee status determination: Absence of due process guarantees

Asylum seekers are not accorded the right of an individual hearing before the decision making body. Decisions are made by the government's Eligibility Committee on the basis of a written dossier prepared by UNHCR following an interview with the asylum seeker by a UNHCR staff member. There is no independent appeal: negative decisions are reviewed by the same Committee that made the decision in the first instance. Asylum seekers do not have the right to legal representation before the Eligibility Committee. Reasons for negative decisions are not provided.

Security risks for women and children

As a consequence of widespread economic difficulties, many refugees in Benin, in particular women and children are exposed to the risk of exploitation and abuse as they struggle to meet basic subsistence needs. Problems include prostitution, sexual exploitation and harassment, and domestic violence. Partners are not sufficiently trained in how to prevent and respond to sexual and gender based violence (SGBV), and programmes to combat SGBV are limited.

Although child trafficking and exploitation is widespread in Benin, the absence of disaggregated and updated information on the refugee population makes it impossible to assess how and to what extent refugee children are similarly affected.

No reporting system for security incidents

Neither UNHCR nor partners in Cotonou have a systematised procedure for recording security matters reported to them or actions required and steps taken in response to those incidents that are brought to their attention.

Passive monitoring of the refugee population

UNHCR and partners are only made aware of urgent protection and/or assistance needs if these needs are brought to their attention by the refugees themselves. There are no mechanisms currently in place to identify those refugees or asylum seekers who may be in need but are less visible.

Problems accessing health services

Many refugees do not live near the health centres for the use of refugees, which provide subsidized service to refugees. They are unable to afford other public facilities. Those who can access refugee health centres are sometimes unable to afford the reduced fees required.

There are no regular HIV/AIDS prevention programmes targeting refugee populations.

No statistics on the proportion of refugee children enrolled in school

Refugee children have access to education on the same terms as nationals, but refugees have reported that fees for school uniforms and supplies are beyond their means. There are no statistics on the proportion of refugee children in school or their drop out rates.

Insufficient assistance for third-level education of refugees

Many qualified refugees in Benin encounter difficulties in pursuing higher education because they cannot afford the fees.

Obstacles to local integration

The successful local integration of refugees is undoubtedly the most pressing challenge for UNHCR and its partners in Benin. Low economic development and high unemployment in Benin are major constraints, and refugees and nationals often face similar difficulties in finding employment.

While numerous attempts have been made to address this underlying problem – through vocational training, assistance for university education, apprenticeships and micro-credit schemes – the results of these initiatives have been mixed, and have not been developed in an overall comprehensive and complementary strategy. Nor has

there been an in-depth analysis of the job market in Benin to ascertain what skills/services are lacking, and what gaps refugees could potentially fill.

An additional obstacle to local integration is the lack of motivation on the part of many refugees. Many refugees wish to be resettled out of Benin and resist efforts to integrate there on the assumption that lack of integration will enhance their qualification for resettlement.

Lack of clarity regarding naturalization procedures

The Government has no articulated policy regarding how refugees can apply for naturalisation. As a result there is no clarity among refugees, or indeed among UNHCR and partners, regarding the exact criteria for refugees wishing to naturalise, or regarding other factors taken into account and the process involved. Few refugees are believed to have actually applied for naturalisation.

Receptive legal, political and social environment

Demographic Profile

- 1) Prior to the recent influx of Togolese refugees (see Annex 1), UNHCR's Regional Representation (RR) in Cotonou was responsible for approximately 19,000 refugees and asylum-seekers in four countries: Benin, Burkina Faso, Niger and Togo.
- 2) As of 31 December 2004, the estimated population of concern to UNHCR in Benin was 5856 persons, of whom 40% are female and 33% are aged seventeen years or below. The majority of persons of concern are from Togo (1768), followed by those from the Republic of Congo (RoC) and the Democratic Republic of Congo (DRC), representing close to 1200 persons from each country. The remainder are made up of those from Rwanda (609), Chad (496), Nigeria (340) and Burundi (118).
- 3) These figures are based on the number of refugees and asylum seekers registered with UNHCR in Benin. Many persons registered as refugees in Benin arrived in the country six or more years ago. It is not known how many of this number remain in Benin.
- 4) The vast majority of refugees and asylum seekers in Benin live in urban areas, primarily in Cotonou and Porto Novo, while approximately 700 live in the site at Kpomassé, located 45km west of Cotonou.

National and Administrative Framework

- 5) Benin has ratified both the 1951 Refugee Convention (and its 1967 Protocol), and the 1969 OAU Convention. Benin has also adopted national legislation which is generally in line with its international obligations to protect refugees.
- 6) The principle piece of legislation governing refugee affairs is the *Ordonnance* No. 75-41 promulgated by the President of the Republic in July 1975 (hereafter the 1975 *Ordonnance*).
- 7) In Benin, an *Ordonnance* is a legislative instrument passed by the President without necessarily consulting the National Assembly. *Ordonnances* were intended to be passed by the President on behalf of the National Assembly, in situations where the National Assembly can not effectively be consulted – because of a national emergency, for example – and have the force of law. Decrees are instruments adopted by the Parliament, and are often used as a means to implement *Ordonnances*. For example, the 1975 *Ordonnance* was adopted by the President during a period of revolution in Benin, and has since been supplemented by a range of Decrees (see below).
- 8) The 1975 *Ordonnance* defines refugees as all those who fall within the mandate of UNHCR, or who meet the definitions contained within art. 1(A)2 of the 1951 Convention and/or art. 1 of the 1969 OAU Convention. Refugee status can be withdrawn in cases envisaged by art. 1(c) of the 1951 Convention, and/or 1(4) of the OAU Convention.
- 9) Refugees cannot be expelled from the territory of Benin, unless for reasons of national security or public order, and/or where such persons have been sentenced to

imprisonment for a particularly serious crime (art. 4). While the 1975 *Ordonnance* makes no specific mention of the fundamental international principle of *non-refoulement*, still this provision is broadly in line with articles 32 and 33 of the 1951 Refugee Convention in that it prohibits the expulsion from Benin of refugees not falling within these identified categories.

10) Refugees and asylum seekers in Benin benefit from the majority of the rights provided to nationals in the 1990 Constitution, which guarantees, *inter alia*, freedom of thought, of conscience, and of religion, freedom of opinion and expression (subject to limitations for reasons of public order).

11) Moreover, refugees and asylum seekers in Benin have the same rights as nationals with regard to education, access to health and social services, and employment in the private sector. In practice, however, the precarious economic conditions prevailing in Benin limits the extent to which refugees and asylum-seekers can benefit from these rights.

12) While on paper refugees also have equal rights to freedom of association, assembly and peaceful demonstration, in practice these rights have been limited. In particular, refugees involved in political activities have faced sanctions, which the Government claimed were justified under Article 3 of the 1969 OAU Convention which prohibits 'subversive' activities by refugees. For example, between 2003-4 eleven Togolese refugees, all of whom had a military background and met frequently to discuss events in their country of origin, were detained for eleven months (see Security in Refugee Hosting Areas, below).

13) Certain rights are only accorded to nationals, such as the right to vote and the right to be elected to public office. Also, in principle jobs in the civil service are reserved for nationals (see Access to Wage-earning Employment, below).

14) Pursuant to Decree No. 97-647 of December 1997, the protection of refugees in Benin is the responsibility of the *Comité Nationale Chargé des Réfugiés* (CNAR), under the authority of the Ministry of Interior, Security and Territorial Administration.

15) CNAR is charged with:

- Carrying out refugee status determination (RSD);
- Ensuring the legal and administrative protection of refugees;
- Ensuring the correct application of articles 31, 32, and 33 of the 1951 Convention as applicable to both refugees *and* asylum-seekers;
- Mobilising and co-ordinating all forms of national or international aid and assistance for refugees;
- Co-ordinating the actions of governmental bodies, UN agencies, NGOs and other actors for the benefit of refugees (art. 8).

16) While CNAR is under the authority of the Ministry of Interior, the responsibility for implementing the 1997 Decree is shared with some other ministries: the Ministry of Justice, Legislation and Human Rights; the Ministry for Health, Social Protection and the Advancement of Women; and the Ministry for Finance.

17) With the notable exception of appeals against negative eligibility decisions (see Individual Asylum Procedures, below), the legislative and administrative framework currently in place in Benin accords with international standards

International Instruments that Have Been Ratified

18) In addition to the principal instruments of international refugee law, Benin has also acceded to/ratified, without reservation or declaration: the ICCPR, and its First Protocol (1992); ICESCR (1992); CAT (1992); CRC (1990); CEDAW (1992); CERD (2001); the African Charter on Human and People's Rights (1986); and the African Charter on the Rights and Welfare of the Child (1997).

19) The African Charter on Human and People's Rights is specifically incorporated into Benin's 1990 Constitution; however Benin has not yet signed up to the African Court on Human Rights.

20) Benin has also signed, but not yet ratified, the following instruments: Optional Protocol to the CRC on the Involvement of Children in Armed Conflict; Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography; and the Optional Protocol to the CEDAW.

21) Benin has not yet signed either of Conventions relating to Statelessness (1954 and 1961). Information on these Conventions was sent by UNHCR to the Ministry for Foreign Affairs in January 2005; this issue was also raised with government officials during the recent visit of the Deputy Director of UNHCR's Africa Bureau. However to date there have been no further developments in this regard.

Partnerships to Strengthen Protection Capacity

22) In addition to CNAR, which UNHCR financially supports, UNHCR has partnerships with two contractual NGO Implementing Partners (IPs): Caritas and the *Centre Panafricain de Prospective Sociale* (CPPS). Caritas carries out needs assessments, and implements all assistance programs, including health assistance, primary and secondary education, and income generating activities. CPPS is responsible for managing all tertiary education and vocational training programmes.

23) UNHCR also works with some Operational Partners in Benin. *Racines*, a local NGO, is UNHCR's official (non-contractual) OP for all HIV/AIDS patients. *Messagers de la Paix*, a Spanish NGO, supports young children of asylum-seekers awaiting their decision. *Terre des Hommes* also supports refugee women and children, primarily in the health sector, when UNHCR is unable to do so.

24) RR Cotonou recently concluded new agreements with Amnesty International (AI) Benin, and the NGO *Téchnologie-Développement Centre de Ressources* (TDCR). The former seeks to strengthen the existing co-operation between AI and UNCHR in terms of exchanging information and organising joint sessions to promote human rights and the rights of refugees. The agreement with TDCR allows UNHCR continued use of an accommodation centre for vulnerable asylum-seekers.

25) Overall, RR Cotonou hopes to delegate more responsibilities to local actors. There is wide agreement that the capacity of UNHCR's partners needs to be strengthened and that technical UNHCR directives for partners working in different sectors be made available in French.

26) In particular, partners have highlighted the need for UNHCR to provide regular training: on refugee law for governmental partners, programme management for partners' logisticians, and Community Service training for social assistants.

27) While collaborations usually work well, and UNHCR and partners report good communication between them, some IPs do not have clear long-term strategies. NGOs have indicated that the potential restructuring of UNHCR was a factor in this regard, as the latter could have a large impact on their long-term plans.

28) One aspect is that long-term funding may not be secure. However another factor in this respect is that partners sometimes feel that personnel changes in the UNHCR Cotonou office have led to significant changes in policy directions – for example with regard to the long-term future of Kpomassé – which makes it difficult for partners to develop long-term plans.

29) Also, some partners have complained that because their contractual agreements with UNHCR are concluded on a yearly basis, some of their employees feel they lack job security. This, plus the high workload and the fact that (even if their salaries remain in line with local salaries) staff from some IPs have not received any salary increase for seven years, has made it difficult for some IPs to retain their staff.

30) There have also been some tensions between refugees and IPs: in early 2005 a representative from Caritas was refused entry to Kpomassé site by refugees, reportedly because of disagreements regarding the level of assistance being granted (see Non-Refoulement, below)

31) Neither CNAR, UNHCR or IPs maintain an updated list of groups with whom to co-operate on an *ad hoc* basis to meet the emergency needs of refugees and asylum-seekers; i.e. NGOs, or even individual families, who can be called upon at short notice when UNHCR or partners need to find shelter for particularly vulnerable cases.

32) Regarding other UN agencies, the RR is able to maintain regular contact with agencies in Benin. Since 2002, UNHCR has participated in the process of UNDAF (see below). Recently there has been inter-agency co-operation in developing a contingency plan for potential mass influx of Togolese refugees.

33) There is no functioning refugee committee in Cotonou. Several efforts, supported by UNHCR, have been made to remedy this situation, including the creation of the *Association des Réfugiés et Demandeurs d'Asile du Bénin* (ARDAB), and a Committee representing refugee women, but none have proven successful. With regard to ARDAB, this body effectively ceased operating when – aggravating mistrust within the refugee communities – some of the association's leaders were resettled out of Benin.

34) In Kpomassé, UNHCR and partners meet with groups of refugees on an *ad hoc* basis. These usually consist of about 15-20 refugees, made up of 2-3 representatives from

each refugee community living within Kpomassé. UNHCR believes that this works reasonably well, though this has not yet been replicated in Cotonou.

35) In 2005, UNHCR attempted to facilitate the creation of a refugee committee in Benin, to represent refugees from Cotonou and from Kpomassé. Soon after a provisional committee was created, however, members of this committee reported that they were being threatened by other refugees in their communities, who accused them of being 'spies' for UNHCR, of being involved in the provisional committee for their own ends, and of misrepresenting the wider refugee community. The attempts of this provisional committee to organise a functioning and fully representative committee have effectively stalled as a result.

36) The absence of an effective refugee committee presents a serious problem for the government, UNHCR and partners in Benin. There is already much misinformation among refugees regarding, for example, resettlement opportunities and criteria for assistance, and the lack of a committee facilitates the misrepresentation among refugees regarding the type of programmes UNHCR and partners have in place.

37) The lack of a refugee committee also makes it difficult to coordinate activities with different refugee communities, and to ensure refugee participation.

Host Environment

38) Benin has a hospitable attitude towards refugees, and that national legislation creates a framework which legally provides for the local integration of refugees. Refugees and asylum seekers are allowed to work, attend schools, move freely in Benin, and use local services including healthcare.

39) The impact of economic conditions in Benin cannot, however, be overestimated. Benin is one of the poorest countries in the world; unemployment is high for the population in general, and many nationals have to take second jobs to supplement their low income. The rate of unemployment, estimated at 40% of the active population, is even higher among young persons who are living in urban centres; this is also where the vast majority of refugees live. Refugees report that the economic situation they encounter is even worse than that of nationals.

40) In this difficult economic climate, employers are said to favour hiring family members and other nationals over refugees.

Refugee Issues and National and Regional Development Agendas

41) Despite a decade of economic growth, rapid population growth and the unequal impact of economic growth has meant that poverty in Benin has not been reduced significantly. As a result Benin remains one of the world's poorest countries and is ranked 161st (of 177 countries) in UNDP's 2004 Human Development Report.¹

¹ This ranking is based on Benin's Human Development Index (HDI) value as recorded in 2002. See http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf

42) The economy of Benin is dominated by agriculture, a sector that employs around two-thirds of the working population yet is characterised by low productivity.

43) Refugees are largely unaffected by national poverty reduction and development strategies, which tend to focus on development of rural areas. The vast majority of refugees in Benin live in urban areas, in particular in Cotonou, which is the most developed part of the country and hence not a priority for development plans.

44) There are some examples of development actors contributing resources which help underpin the self-reliance of refugees in Benin; for example the DAFI scholarship programme for refugees studying at university is funded through voluntary contributions to UNHCR Headquarters from the German Ministry of Foreign Affairs (see Educational and Vocational Programmes, below; DAFI contributions are not earmarked by donors specifically for Benin, as the number of scholarships allocated to different UNHCR country programmes is decided by UNHCR Headquarters in Geneva). In general, UNHCR's Regional Representation in Cotonou rarely receives earmarked contributions from donors.

45) Development co-operation in Benin takes place within the context of the country's Poverty Reduction Strategy Paper (PRSP). The PRSP for 2003-2005² indicates that poverty and income disparities in rural areas are increasing, and in response places greater emphasis on rural development. Again, this is significant as the vast majority of refugees in Benin do not live in rural areas, but in the urban zones of Cotonou and Porto-Novo.

46) The UN Framework for Development Assistance for Benin (UNDAF) 2004-2008³ was developed in line with the PRSP, and identifies three main strategic objectives. Firstly, fighting against poverty, food insecurity and environmental degradation. Secondly, ensuring equitable access to quality social services and promoting human rights (this includes promoting the role of women, the development of youth and the protection of children and adolescents). Thirdly, fighting HIV/AIDS, malaria, tuberculosis, and other infectious and non-infectious diseases.

47) UNHCR was involved in the development of the UNDAF in 2002, and is identified as an important partner with regard to objectives 2 and 3, above. Again, however, the UNDAF places the emphasis on regions of Benin where, by and large, refugees do not live. The *départements* in which most refugees live (*Atlantique* and *Littoral*) are mentioned in the context of fighting HIV/AIDS (Objective 3), but not in the context of ensuring access to social services and promoting human rights (Objective 2).

48) Moreover, UNDP have confirmed that the target regions for their interventions are primarily Borgou and Alibori; again, these are regions where very few refugees and asylum seekers live.

² « Benin Poverty Reduction Strategy Paper : 2003-2005 », National Committee for Development and Fight Against Poverty, December 2002 (http://povlibrary.worldbank.org/files/13970_Benin_PRSP.pdf)

³ « Plan Cadre des Nations Unies pour l'Assistance au Développement du Bénin (UNDAF) 2004-2008 », Coordination du Système des Nations Unies au Bénin, 14 January 2003 (available at http://www.undg.org/documents/1822-Benin_UNDAF__2004-2008_-_Benin_2004-2008.doc)

49) UNDP has suggested that refugees could nonetheless benefit from projects in northern Benin. On the one hand, refugees with the requisite expertise could work on some of their projects; although, in many cases it is essential that persons working on such projects not only have the relevant skills but also can speak some of the local languages (i.e. French in itself may not be enough). This may be an obstacle for refugees from outside the region. On the other hand, refugees living in a region targeted by development projects should, as a part of the population in that area, automatically benefit from such projects

50) Government representatives have stated that refugees are an economic asset to Benin, and are seen as important for the countries' development. However, UN development actors have pointed out that the small size of the refugee population (less than 6,000 persons in a population of 7 million) makes it less likely that refugees can have a significant impact on Benin's economy.

51) UNHCR acknowledges that the small size of the refugee population may limit the potential for impact at the national level. Nonetheless, at present there is insufficient information on the economic/professional profile of refugees in Benin to accurately assess the economic impact which refugees have in practice.

52) UNHCR hopes that the implementation of the 'proGress' and 'Refugee Skills' databases (see Individual Registration, below) will help address this information gap. Information on refugees' professional background and qualifications will be important in the implementation of any comprehensive livelihoods strategy for a refugee population facing high unemployment.

Admission

Admission Policy and Practice

53) Asylum seekers do not face difficulties entering the territory of Benin. The lack of visa restrictions on ECOWAS nationals within the region, plus a reciprocal visa regime between Benin and RoC, facilitates the access of many asylum-seekers to Benin.

54) Benin's immigration authorities, who are directly responsible for monitoring borders and entry points, have taken part in UNHCR training programmes on international refugee law.

55) UNHCR is in regular contact with CNAR, and also with high-ranking officials from the national Immigration office, and has good relations and close ties with both bodies. UNHCR is regularly informed when asylum seekers enter Benin, and has not received any complaints that asylum seekers faced difficulties with access to the territory of Benin.

Non-Refoulement

56) The principle of non-refoulement is fully respected in law, and in practice.

UNHCR Access

57) UNHCR has a good working relationship with immigration authorities and has encountered no difficulties access newly arriving asylum seekers at entry points.

Identification, Assessment and Treatment of Urgent Protection Needs

58) UNHCR and Caritas provide assistance to asylum seekers who present themselves with urgent protection needs. Caritas is responsible for doing an initial assessment and identifying those who are vulnerable. Vulnerable categories include single parents; single women; unaccompanied elderly persons; unaccompanied minors (UAMs); the physically disabled; mentally ill; chronically ill; parents who have reported missing children; pregnant women, and survivors of violence.

Support to Meet Basic Necessities of Life

59) Since December 2001, assistance provided to refugees has been phased out, except for vulnerable asylum seekers and refugees. This was primarily due to budget constraints.

60) With regard to refugees living at Kpomassé, the phasing-out of assistance was also seen as part of a strategy seeking other long-term solutions for persons who had by then been living in a camp environment for a number of years. Alternative means for attaining self-reliance were sought for these persons, though the results of these initiatives have been disappointing (see Self-employment Opportunities, below)

61) Persons who are identified as vulnerable are given a one-time assistance in terms of non-food items (NFIs), full coverage for health care and rent allowance for, in

principle, a maximum period of three months. In practice this often gets extended as the underlying socio-economic difficulties in Benin mean that vulnerable families remain in precarious situations, and in need of assistance, for extended periods. Vulnerable families may also receive a food or financial allocation.

62) Due to resource constraints, however, assistance available is not sufficient to meet the needs of all asylum seekers and refugees.

63) There appears to be a lack of clarity among refugees regarding the criteria for deciding who should receive assistance. UNHCR's partners have indicated that an information campaign is required in this respect; in particular, partners have called on UNHCR to inform refugees that the criteria being applied are those agreed upon by all partners, including UNHCR.

64) Another problem that has been identified is a lack of coordination between UNHCR and Caritas in the vulnerability assessment and the decision to provide assistance. Occasionally UNHCR has reportedly provided assistance to those deemed ineligible by Caritas, or called upon Caritas to do so. This is said to undermine the decisions of Caritas, and has led to tensions between Caritas and the refugee community

65) There is no efficient system for recording, updating and centralising information on the type of assistance provided to refugees and asylum seekers in Benin. UNHCR hopes to address this gap by implementing a Refugee Assistance Database. This database will contain information on all individuals who have received assistance (of any kind), including details on the nature of the vulnerability, follow-up and action taken. Partners feel that this tool would facilitate the sharing of information on the refugee population, and better monitoring.

Tracing Mechanisms

66) Prior to the recent large-scale influx of Togolese refugees, there were very few cases of refugees or asylum seekers in Benin requiring tracing of family members. As such mechanisms in place prior to April 2005 involved the Benin and Belgian Red Cross organisations, but were largely ad hoc.

67) Following the Togolese influx, more formalised tracing procedures have been developed by UNHCR and partners (see Annex 1).

Registration

Individual Registration

68) National legislation provides that asylum-seekers can register at the Ministry of Foreign Affairs, the Ministry of Interior, or at the office of UNHCR. In practice, virtually all cases are registered at the UNHCR RR in Cotonou where registration takes place each Tuesday and Thursday.

69) The Benin government does not have a system in place for registering asylum seekers. According to officials from the Ministry of Interior, all asylum seekers coming to Benin know that the Ministry cannot provide assistance, so they go directly to UNHCR to register and access assistance more quickly.

70) While CNAR acknowledges that national authorities should take responsibility for the general registration of asylum seekers, they lack the resources to do so effectively. In particular, government officials underlined the need for trained personnel and equipment (stationary, storage space, etc.)

71) At the UNHCR office asylum-seekers are received by UNHCR staff, who explain the RSD process to them and provide them with a registration form to complete and return. The Registration Form comprises sections on bio-data, including family composition (both accompanying and non-accompanying family members), education details, employment history; details of any previous asylum claims; travel/identity documents; route to Benin; current state of health. It also includes questions relating to the asylum claim: political/religious affiliations, reasons for flight, nature of fear, military service, previous arrests/detention. The Registration Form is available in both English and French. Where necessary, asylum-seekers are assisted in completing this form.

72) When the asylum seeker submits the completed registration form (some persons complete the form at the UNHCR office while others do so at home), they are officially registered by UNHCR staff on the RICS database. This database provides an individual case number for each head of family.

73) At this stage, the UNHCR staff member informs the asylum seeker when to return to collect their *attestation* (certificate), and schedules an RSD interview. The *attestation* is valid for six months, and renewable if necessary. The *attestation* indicates the case registration number (provided by RICS).

74) As the RICS system is now quite dated, and not particularly user-friendly, information recorded in this system has to be migrated staff into another database, which has the capacity to produce attestations with the relevant case number.

75) UNHCR protection staff conducts an RSD interview with each asylum-seeker. Based on the information provided, UNCHR then prepares a case dossier, which it forwards, together with a record of the interview, to the CNAR Eligibility Committee. UNHCR seeks to prioritise single women, elderly persons and separated children with regard to registration and forwarding dossiers.

Registration and International Standards

76) The registration of asylum seekers in Benin is broadly in line with international standards. Reception/registration days are held twice weekly at UNHCR's office in Cotonou where confidentiality is observed. The registration process is easily accessible, and registration takes place in a secure environment (UNHCR's office) and is carried out in a non-intimidating manner by trained UNHCR staff. All relevant information is recorded.

Information on the refugee population

77) A major constraint for UNHCR and partners at present is the absence of centralised, regularly updated data on the refugee population which is disaggregated by age, sex, education and profession.

78) This factor limits the capacity of UNHCR or partners to provide aggregate data on the living conditions of refugees in Benin. Moreover, it negatively impacts on the ability to identify vulnerable refugees, provide necessary assistance, monitor the well being of refugees, and seek effective means to enhance self-reliance strategies and the ability to successfully locally integrate.

79) UNHCR believes that much of this information is actually available, as partners maintain detailed files on individual cases. However there is no effective system for centralising this information, and following-up on individual cases can involve contacting any number of partners to acquire all the necessary information. At present, the information is not easily accessible, and difficult to update as it is dispersed in the files of different partners. UNHCR's partners feel that an efficient structure for centralising and updating information on the refugee population is needed.

80) To address this issue, UNHCR is currently seeking to introduce new refugee databases. At present UNHCR's Protection Unit has one database (RICS), while a second database which records information on refugee skills and qualifications is about to be installed with partners (see Access to Wage-earning Employment, below).

81) In addition, RR Cotonou is developing a Refugee Assistance Database, which will contain information on all individuals who have received assistance, the nature of their vulnerability, follow-up and action taken. This database will be installed directly with Caritas; though it appears that Caritas will require additional training and resources if this database is to be used effectively.

82) A new standardised Profile Global Registration System, 'proGress', is being introduced into many UNHCR offices. This is a standardised refugee data collection tool designed to be continually updated - i.e. whenever a refugee's file is opened for whatever reason. A mission by Project Profile - the UNHCR division responsible for proGress - is currently scheduled for September 2005.

83) However proGress will only be installed at UNHCR's office in Cotonou and not with government or NGO partners. As such, UNHCR hope that those databases which will be installed with partners (namely the Skills and Assistance Database) will be

developed in such a way that information inputted to these databases can easily be migrated into UNHCR's proGress database.

84) Unless these new databases are complementary and easily accessible by those responsible for the management of refugee affairs, however, their value in terms of collecting, updating and sharing information, will be diminished.

Legislative framework for Determining Protected Status

Group Determination

85) National legislation makes no allowance for group determination, however in light of growing instability in Togo in early 2005, Benin government authorities pledged that Togolese asylum-seekers would be accorded *prima facie* refugee status on the basis of art. 1(2) of the 1969 OAU Convention (see Annex 1)

Individual Asylum Procedures

86) National legislation allows for refugee status to be granted to persons who meet the definitions contained either in the 1951 Convention, or the expanded definition contained in the 1969 OAU Convention.

The Eligibility Committee

87) RSD decisions are made by CNAR's Eligibility Committee, on the basis of a written dossier prepared by UNHCR. This dossier contains an expose of the relevant facts of the case, and some legal analysis, but no interview transcript or formal recommendation as to a decision.

88) In practice, UNHCR has to effectively prepare the case for the Eligibility Committee. A primary objective of the RR in Cotonou is to progressively hand over more responsibility for RSD to the government partner.

89) There are three members of the Eligibility Committee: a representative from each of the Ministries of Interior, Foreign Affairs, and Justice. A representative from UNHCR can also attend the Committee's sessions, and has a consultative voice. Nonetheless, only the government representatives have a deliberative voice.

90) In addition to preparing the dossiers for each case, UNHCR staff also attends the meetings of the Eligibility Committee, and are given the opportunity to explain UNHCR's position in each case. The 1997 legislation guarantees UNHCR's participation to every case as an observer, and a 'consultative voice', at the meetings of the Eligibility Committee. UNHCR protection staff regularly participate in Eligibility Committee sessions.

91) All members of the Eligibility Committee have received training in international refugee law. The President of the Committee has attended training sessions in Strasbourg and San Remo; the Vice-President of the Committee (who has a Master's Degree in International Human Rights Law from the *Chaire UNESCO* at the Université d'Abomey Calavi in Benin) has also attended training in San Remo. The third member of the Committee has received training by the UNHCR protection unit. In addition, UNHCR organises regular meetings with the Committee to discuss specific issues (for example, the application of UNHCR ExCom Conclusion 58 which addresses the issue of 'secondary movements').

92) The Committee examines asylum applications (on the basis of UNHCR dossiers), and provides an opinion on each dossier which is then passed to the President of CNAR (the Minister of Interior) to make a decision. In practice, almost all recognitions by the Committee are endorsed by the President of CNAR. In case of recognition, CNAR is responsible for issuing a refugee identity card to the person(s) concerned.

93) In 2004, the Eligibility Committee held regular sessions, and also met for additional sessions during the first half of the year. The Committee examined a total of 366 cases at first instance, and 125 cases at appeal. The rate of acceptance at first instance was 29.5% (192 cases were rejected, and 94 files were closed for no-show).

94) While this rejection rate is quite high, UNHCR reports that decisions are generally consistent with the principles of international refugee law. UNHCR's major concern with regard to RSD relates to the procedure for appeals (below).

RSD Procedural Standards in Benin

95) Asylum seekers are not accorded the right of an individual oral hearing before the decision making body. At 1st Instance, some asylum seekers are sometimes called to present themselves before the Eligibility Committee, though this is entirely at the discretion of the Committee. At appeal stage all applicants are called before the Eligibility Committee.

96) Since 2004, asylum seekers who are called to appear before the Eligibility Committee do not have the right to be legally represented. The Ministry of Interior justifies this change in policy on the basis that the RSD process is an administrative, not legal, process.

97) The denial of the right to legal representation at the hearing of the asylum claim is not in line with international law principles.

98) As regards interpretation for oral hearings, the Ministry of Interior has suggested that members of the Eligibility Committee would benefit from English language training; in cases where the Committee conducts oral hearings (i.e. particularly at appeal stage), it is sometimes necessary to use an interpreter as some asylum seekers are Anglophone (e.g. those from Nigeria, Sudan, Somalia, Liberia). In practice, asylum seekers are allowed to be accompanied by an interpreter if they are called before the Eligibility Committee, though interpreters are not provided by CNAR or the Committee and it is up to the asylum seeker to find an appropriate person.

99) While the issue of interpreters for Anglophone asylum seekers has not arisen for the past few years (the majority of Anglophone asylum seekers/refugees in Benin are Nigerians, who have now been in Benin for more than five years), UNHCR has already informed partners that there are funds available to support the presence of interpreters at oral hearings before the Eligibility Committee.

Decisions of the Eligibility Committee

100) Positive decisions are notified to the person concerned by way of an official letter from the Minister of Interior. As such letters can take time to process; in the interim a *fiche d'information* (Information Note) is given to the recognised refugee, usually within

one week of the decision, allowing him/her to access assistance while the official letter is being prepared.

101) In cases of negative decisions, a *fiche d'information* is given to the asylum seekers (the Ministry of Interior decided against issuing official letters for each rejection as the cases are too numerous). This note informs the asylum seeker that their application has been rejected, and informs them of the right to lodge an appeal within fifteen days. Reasons for the Eligibility Committee's decisions are not given.

102) According to UNHCR, the average waiting period between initial lodging of a claim and decision, has now reached seven months.

Appeals

103) Applicants whose claims are rejected at first instance must lodge an appeal within 15 days. Appeals are decided by the same Committee – in fact the very same people – who decide on first instance.

104) CNAR has acknowledged that an independent appeal system is required and some officials say that they are looking into this, though some CNAR officials doubt whether an independent appeal system will have significant practical impact.

105) Recently, officials from the Ministry of Interior have again pledged to take steps towards creating a new Committee for Appeals. It is presently envisaged that each of the three Ministries represented on the Eligibility Committee, will each provide one additional representative to hear appeals.

Persons rejected after appeal

106) Asylum-seekers whose applications have been rejected are very rarely removed from Benin. One reason for this is that some asylum-seekers are nationals of ECOWAS States and are therefore not subject to visa restrictions with regard to their entry into Benin and the first 90 days of their stay. Also the extension of stay for ECOWAS nationals tends to be easier to obtain, and less expensive.

107) All rejected asylum seekers can apply for a *Carte de Sejour* (residence permit), allowing them to reside legally in Benin. This is subject to a fee which many rejected asylum seekers cannot afford to pay. Persons who do not regularise their stay and are caught by police are liable to expulsion. The Ministry of Interior does not communicate with the Ministry of Immigration regarding rejected asylum seekers who do/do not attempt to regularise their stay in Benin, and no statistics are available in this regard.

Country and Legal Information and Analysis

108) UNHCR provides the Eligibility Committee with Country of Origin Information (COI), and other information related to RSD; UNHCR forwards new COI reports (e.g. IRIN, US Department of State documents) as these become available, and/or the Eligibility Committee contacts UNHCR regarding a specific issue/country.

109) While the Eligibility Committee does not produce written case adjudications (wherein their use of COI could be documented), UNHCR regularly participates in

Committee Sessions and highlights appropriate COI to Committee members where relevant. In addition, written case dossiers provided (in advance) by UNHCR to the Eligibility Committee sometimes include references to relevant COI reports.

110) Officials in the Ministry of Interior claim that they do not receive sufficient information on certain countries of origin, leaving members of the Eligibility Committee with no information other than what can be gleaned from radio broadcasts.

111) The fact that officials at the Ministry of Interior have no direct access internet access or access to email complicates the sharing of documents. This one reason why UNHCR's RefWorld CD-ROM may not be used to its full advantage.

112) UNHCR further notes that there is a need for more COI in French as members of the Eligibility Committee are more comfortable using such documents. UNCHR Cotonou relies heavily on UNHCR Paris to forward French language reports on the relevant countries of origin.

113) UNHCR's suggestion that the official from Benin's Ministry of Foreign Affairs who is a member of the Eligibility Committee, share with the other members and with UNHCR the reports on various countries of origin which come to the attention of his department, has not yet been acted upon.

114) UNHCR's protection unit in Cotonou monitors developments in national immigration/refugee legislation, and informs UNHCR Headquarters accordingly.

115) UNHCR's intranet is not available to staff members in RR Cotonou.

Complementary Forms of Protection

116) Benin's legislation allows for refugee status to be granted to persons who meet the definitions contained either in the 1951 Convention, or the expanded definition contained in the 1969 OAU Convention. There is no provision for according subsidiary/humanitarian status to persons who do not meet these refugee definitions.

Protection from Violence, Coercion or Deliberate Deprivation

Security in Refugee Hosting Areas

117) In general refugees in Benin do not face the wide range of threats to security that characterise many other refugee situations. UNHCR and partners believe that many claims from refugees are made more in the hope of resettlement, than in response to serious security concerns.

118) Having said that, some groups of individuals have experienced difficulties. These include women and children, who because of their difficult economic situation, are at risk of physical insecurity and exploitation (see Mechanisms to Prevent and Respond to SGBV as well as Programmes to Protect Children from Abuse and Exploitation, below).

119) Other at risk individuals include those who are particularly vocal and/or active in their criticism of the regime in their country of origin. Such persons can be at risk of arbitrary detention by local authorities for perceived (hostile) political acts against their country of origin.

120) There have been some security incidents in recent years which required UNHCR's involvement.

121) One case involved a group of eleven Togolese refugees who were arrested and arbitrarily detained by the authorities in Benin. Though this was not made explicit, it appears that the Benin authorities suspected them of involvement in activities prohibited by art. 1(4) of the OAU Convention (political activities threatening another State). UNHCR was informed of these arrests by the Ministry of Interior, and by the refugee community itself.

122) In this case, UNHCR had hoped that the case could be dealt with by the national judicial system in Benin; however political considerations and heightened media interest appear to have made this impossible. UNHCR secured the release of this group; ten have already been resettled out of Benin (together with their families) and one is still awaiting departure.

123) A group of Chadians were arrested for similar reasons in 2003. UNHCR was informed (by the refugee community) as soon as these persons were arrested (some were arrested in front of the UNHCR office in Cotonou). Again UNCHR managed to secure their resettlement.

124) In Kpomassé there have been some security incidents, resulting from conflicts between refugees, recorded over the past few years, though far fewer were recorded in 2004 than in 2003. While some refugees have expressed fears regarding the possible incursion of government agents from their countries of origin (Togo and Nigeria in particular), these claims have not been verified over the last few years.

125) When such claims are made, UNHCR forwards the information to the government authorities to investigate. Where necessary, UNHCR discusses the matter

with the refugees concerned, and local police. In general these claims are found to be unsubstantiated.

126) At present there is no regular security presence in Kpomassé because the funds that previously supported a gendarme there have been cut.

127) A representative from CNAR and one from Caritas are present in Kpomassé every day. The CNAR representative is the first point of reference for refugees in case of any security incidents.

128) UNHCR feel that additional security staff at Kpomassé is not required at present, as there are no specific dangers facing refugees resident there. In addition to the CNAR representative, refugees at Kpomassé can, like the nationals living in the area, approach the local police located less than 500 metres from Kpomassé refugee site.

Reporting and Monitoring

129) While UNHCR reports receiving very few complaints concerning security matters, it acknowledges that monitoring of the situation of refugees is largely passive in that it requires refugees to approach UNHCR or partners.

130) Caritas carries out some home visits, and visits to health centres, as part of their general programmes. Caritas attempts to conduct home visits on a weekly basis, but limited human resources make this difficult. At present Caritas have only two social assistants employed in Cotonou; often Caritas receives over 40 asylum seekers or refugees per day at its offices in Cotonou, and this workload limits the capacity of its personnel to conduct regular monitoring of the refugee population. As a result visits by Caritas personnel occur on an ad hoc basis. This is also true of home visits carried out by UNHCR personnel.

131) On average UNHCR carries out at least four home visits per month, while partners carry out an average of 8 home visits per month to follow-up on vulnerable cases. Refugees who received micro-credit receive weekly visits, while nurses visit hospitalised refugees on a daily basis and refugees who are ill at home on a weekly basis.

132) Most visits undertaken by UNHCR and partners are in response to the prior identification of vulnerable cases, and are not a means to identify and address cases in need that may otherwise go unnoticed. While it appears that UNHCR and partners do not always prioritise active monitoring, the absence of systematised active monitoring of the refugee population in Cotonou can also be traced to limited resources, and the more general problem of trying to monitor an urban refugee population which is dispersed across a city rather than concentrated in one (e.g. camp) area.

133) In Cotonou, neither UNHCR nor partners have an effective, systematised procedure for reporting security incidents, and the measures taken in response.

134) Until recently, there was no regular reporting system for Kpomassé either. In February 2005, however, UNHCR introduced a new bi-monthly report sheet which both Caritas and CNAR are required to complete. Here each organisation reports the issues which arose, how they found out, and measures taken in response. Representatives from

both organisations sign each others forms, ensuring that both are aware of all issues that arise.

135) One impact of the recent influx of Togolese refugees, however, has been that Caritas and CNAR staff who are usually present in Kpomassé on a daily basis, have been brought in to assist with the emergency response at the border and the Comé and Lokossa camps. As a result, no bi-monthly report sheets for Kpomassé were forwarded to UNHCR for the month of May 2005. Also, though the emergency phase of the Togolese response has now passed, so far CNAR and Caritas staff at Kpomassé have not been regularly submitting the bi-monthly sheets to UNHCR as required.

Civilian Character of Refugee Hosting Areas

136) At present the civilian character of Kpomassé is not an issue (regarding the civilian nature of newly-established camps for Togolese refugees, see Annex 1).

Mechanisms to Prevent and Respond to SGBV

137) There were no formal reports of sexual or gender-based violence against refugee women in Benin in 2004.

138) One case, which occurred in January 2005, involved the purported rape of a 14 year-old refugee by a Benin national. The girl was being accommodated by *Messagers de la Paix* at the time, and this organisation accompanied the girl to the police to report the incident, and provided counselling. Legal proceedings in this case began in April 2005.

139) However, in the absence of an effective reporting system between UNHCR and partners in Cotonou, UNHCR did not become aware of this case until two months after the purported attack took place.

140) UNHCR and partners acknowledge that, due largely to the difficult economic conditions in Benin, many refugee women and girls are being put at risk of sexual exploitation and violence. Interviews conducted with individual refugees and with groups of refugees, as well as discussions held to mark the *Journée Internationale de la Femme* have indicated that such problems may be far more widespread than previously thought.

141) The risk of exploitation and/or prostitution appears to be particularly prevalent in relation to one parent families. When looking for work, and even when they manage to find paid employment, refugee women and girls are exposed to the risk of sexual exploitation and harassment. Those who do not find work are sometimes forced into prostitution.

142) Refugee women have also highlighted the problem of domestic violence and the fact that they feel they have no recourse in the face of such treatment. The violence which some refugee women suffered in their countries of origin was also underlined, as was the lack of access to psychiatric and/or psychological treatment for refugee women in Benin.

143) Caritas carries out a range of activities aimed at refugee women: education sessions on the environment, sexually transmitted diseases (STDs) and reproductive

health, hygiene and sanitation, children's health, literacy in local languages, and some training in culinary skills.

144) UNHCR had planned more proactive monitoring of SGBV incidents in 2005. To date, however, there have been few concrete developments in this respect.

145) The Caritas social assistant who is based in Kpomassé attended an SGBV training session with UNHCR, and Caritas have also been given copies of UNHCR's guidelines on SGBV. However the Caritas social assistants working in Cotonou have not yet received SGBV training from UNHCR, and this has been highlighted as a gap by Caritas. In this regard, UNHCR have pointed out that the SGBV training provided to Caritas was to be a 'roll-out' training; i.e. that the person trained by UNHCR was to subsequently train other Caritas colleagues on SGBV issues. This has not yet occurred.

Programmes to Protect Children from Abuse and Exploitation

146) Child trafficking, and general exploitation of children, is widespread in Benin and throughout the region.

147) UNICEF reports indicate that widespread poverty, low levels of access to social services, and the absence of an adequate legal structure are the underlying conditions which facilitate widespread exploitation of children.⁴ In 2002 the estimated number of working children aged 5-14 was 480,000; many of these are believed to be victims of trafficking and/or of *vidomègon* (where children, in particular young girls, are handed over to third persons to carry out domestic chores). It is also estimated that up to 50,000 children aged between 6 and 16 years are working abroad; UNICEF does not specify whether these are Beninese children, however the report suggests that the majority of these children are boys from northern Benin (again, the majority of the refugees in Benin live in urban areas in the south).

148) The UNDAF for 2004-2008 emphasises that children in Benin are at risk of economic exploitation, infanticide in certain parts of the country, physical cruelty, sexual abuse and abandonment. FGM is also practiced in certain parts of northern Benin (the overall percentage for FGM in Benin is 16%, but this increases to 45% in the north).⁵ UNICEF confirms that recent activities undertaken by the Benin government (including the 2002 *Code de la Famille* and legislation passed in 2003 which prohibits FGM) have strengthened child protection in Benin.⁶ Such improvements are happening slowly, however, and much remains to be done.

149) As of yet there have been no reports that refugee children in Benin have been affected by child trafficking. To monitor developments, however, UNHCR has worked closely with UNICEF on this issue, and has also co-operated with the *Commissariat*

⁴ UNICEF et le Ministère Chargé du Plan, de la Prospective et du Développement, "Plan d'Action du Programme Pays entre le Gouvernement du Bénin et l'UNICEF", janvier 2004

⁵ Coordination du Système des Nations Unies au Bénin, « Plan Cadre des Nations Unies pour l'Assistance au Développement du Bénin (UNDAF) 2004-2008 » : 14-15

⁶ In 2001 Bénin also ratified both ILO Conventions on the elimination of Child Labour: the 1973 Minimum Age Convention (which sets the minimum working age in Bénin as 14 years) and the 1999 Worst Forms of Child Labour Convention (for details see <http://www.ilo.org/public/english/standards/norm/whatare/fundam/>)

special en charge de la protection des mineurs, in Cotonou. A representative from the latter participated in training on international refugee law in November 2004.

150) The absence of updated and disaggregated information on the refugee population in Benin, however, added to ongoing resource problems, limits the abilities of UNHCR and partners to effectively monitor the well-being of refugee children and ensure that they are not affected by the widespread phenomenon of child-trafficking.

151) Economic problems for refugees in Benin have exposed many refugee children to the risk of exploitation. Children of a very young age are often forced to look after themselves, or forced into begging or manual or household labour to help their parents meet basic subsistence needs. This is particularly true of one-parent families. Refugee children have themselves complained that they have are given too many domestic chores. Apart from increasing the risk of child labour and/or child trafficking (the more desperate the situation, the more likely families will feel obliged to send their children to work away from home so as to help support the family), the precarious economic situation also has detrimental effects on education.

152) Equally, economic problems are often cited as increasing the risk of refugee adolescents becoming involved in illegal activities or delinquency.

Legal Recognition of Protected Status

Protected Status is Recognised by Law

153) National authorities in Benin respect the protections afforded to refugees under national legislation.

154) National legislation accords to refugees the right to work and freedom of movement, as well as access to education, and health services on the same terms as nationals. Refugee status is conferred by CNAR, and the protected status of refugees is recognised in a range of legislative instruments (see International Instruments that Have Been Ratified, above).

155) In addition, refugees in Benin benefit from the majority of the rights provided to nationals in the 1990 Constitution, which guarantees, *inter alia*, freedom of thought, of conscience, and of religion, freedom of opinion and expression (subject to limitations for reasons of public order).

Documents Confirming Protected Status

156) Upon registration (with UNHCR), asylum-seekers are provided with an *attestation* (certificate) to facilitate access to basic services (education, health).

157) *Attestations* are always provided to the head of family. Where necessary, individual attestations are also given to other members of the asylum seeker's family; for example if a child requires an individual certificate to access primary/secondary education, health care etc.

158) If an asylum-seeker is recognised as a refugee, that person will receive a letter from the Ministry of Interior, confirming the status of the head of family and advising them to collect their refugee identity cards. Refugee ID cards are issued to heads of family and spouses; minor children can be provided with an *attestation* by UNHCR where necessary. The ID cards are valid for three years, and renewable.

Documents Confirming Civil Status

159) Refugees do not encounter difficulties in obtaining documents related to their civil status, and follow similar procedures to Benin nationals to acquire birth, marriage, and death certificates.

160) For birth certificates, the relevant hospital forwards information on the birth to the local *Mairie* (town hall), which provides refugees with the official birth certificate. For births outside of Benin, the State recognises attestations issued by UNHCR (identifying place and date of birth, parentage).

161) Refugees who get married in Benin can receive marriage certificates from the local *Mairie*. This will be provided to refugees with valid ID, and/or to asylum seekers with an *attestation* confirming their identity and status.

162) For death certificates, refugees approach Caritas, which in turn contacts the Ministry of Interior. The Benin State provides a grave for the deceased, while Caritas provides the coffin and also provides assistance to help the family of the deceased cover costs for the funeral. The death certificate itself is again issued by the *Mairie*.

163) UNHCR has not received any reports of refugees encountering difficulties in acquiring these certificates.

Information Disseminated on Rights and Responsibilities

164) Information for refugees and asylum-seekers is posted on notice-boards outside the UNHCR office in Cotonou, with regard to registration, assistance programmes, and resettlement.

165) The letter issued by the Ministry of Interior to recognised refugees, makes no mention of their rights or responsibilities. UNHCR distributes an information leaflet, *Droits et Devoirs du Réfugié* (available in French only), either at initial registration or following recognition, which outlines the rights and responsibilities of refugees under both international law, and Benin legislation.

166) The absence of an effective refugee committee (see Partnerships to Strengthen Protection Capacity, above), makes it difficult for UNHCR and partners to address misinformation within the refugee community, particularly with regard to assistance programmes and resettlement opportunities.

167) UNHCR recently opened a Centre for Documentation and Research on Refugee Protection, within the compound of the RR in Cotonou. This is accessible to students, researchers, as well as NGO and governmental staff, and provides a range of information on the rights and responsibilities of refugees.

168) RR Cotonou has recently deepened its co-operation with *La Chaire UNESCO des droits de la personne*,⁷ within the Law Faculty of the *Université d'Abomey-Calavi* outside Cotonou. A UNHCR internship programme is already in place for graduates of this institution. UNHCR delivers lectures as part of the annual summer course on Human Rights, the refugee law component of which has been strengthened; the summer 2005 course brought together 60 representatives from civil society, government institutions and the judiciary from 15 countries across Francophone Africa. 21 of these persons were selected by UNHCR offices. RR Cotonou sees this co-operation as a means to strengthen national and regional protection capacities, and anchor human rights and refugee protection principles throughout the region.

⁷ This is a leading academic institution within the region, specialising in human rights issues.

Free Movement

Restrictions on Freedom of Movement

169) Refugees and asylum seekers can freely move within Benin. In 2004, UNHCR did not receive any reports that the movement of refugees within Benin was being arbitrarily restricted.

Travel Documents

170) Permission for refugees to travel outside Benin is also given, but on a case-by-case basis. Refugees must approach RR Cotonou individually for a Convention Travel Document (CTD).

171) CTDs are generally not granted to those refugees who come from countries where in UNHCR's view conditions have significantly improved.

172) When UNHCR has ascertained that the refugee applying for the CTD would *still* be eligible for refugee status at that point in time, and has reasonable grounds for needing a CTD, UNHCR then writes to the national authorities advising them of the details of the application and UNHCR's opinion, and providing a blank CTD for the government to complete and present to the refugee in question.

173) These procedures are followed by UNHCR so as to monitor the issuance of CTDs and prevent fraud.

174) In practice, even without CTDs it seems that refugees (and even asylum-seekers) can move freely within the region. A refugee working in Natitingou in northern Benin reported that he regularly goes back and forth to Togo without any difficulty, whereas an asylum seeker in the same town (whose claim had been rejected after appeal and has no regularised status in Benin) reported that he has been able to cross into Togo with only a permission slip from his employers (a local public school). Neither of these persons are ECOWAS nationals.

Arbitrarily Arrested and Detention

175) Some refugees who had been perceived as particularly vocal/active in their criticism of the regime in their country of origin, have been subject to arbitrary detention in previous years (see Security in Refugee Hosting Areas, above)

176) In general, however, the authorities in Benin respect the right of refugees and asylum seekers not to be arbitrarily arrested and/or detained.

Assistance in Meeting Protection Need

Provision of Food, Water and Clothing

177) Neither UNHCR nor its partners have detailed information on the food, clothing and water needs of refugees and asylum seekers in Benin (the vast majority of whom live in urban areas). Nor is there precise information available on the extent to which current assistance programmes do or do not meet these needs in practice.

178) For example, Caritas has information on the type, and quantity, of food items which they distribute, and to whom, but do not possess detailed information on actual malnutrition rates within the refugee population.

179) UNHCR's Guide to Standards and Indicators⁸ has been developed for use in a camp context. At present, however, these are not used in Kpomassé, and in fact Caritas have confirmed that they do not have a copy of this guide.⁹

180) According to UN figures, only 61% of the national population has access to potable water. There is no accurate information on the extent to which this national trend affects the refugee population. Nonetheless, both UNHCR and Caritas feel that 100% of refugees in both Cotonou and Kpomassé have adequate access.

181) In 2004, work on maintenance, sanitation, and fumigation against insects of the Kpomassé site was carried out, and no epidemic related to hygiene was recorded. A new water pump was installed in Kpomassé in 2003, in principle enabling all refugees on site to have constant access to drinkable water. According to UNHCR, in 2004 refugees at Kpomassé did not suffer from illnesses brought on by contaminated water. However, individual refugees at Kpomassé have complained that they have insufficient drinking water. UNHCR has concluded that these complaints are not substantiated, and that refugees at Kpomassé have a better water supply than nationals living in surrounding villages, with showers for each family and solid tap stands for each block of houses.

Immediate Shelter and Longer-term Housing

182) UNHCR and partners do not have detailed information on the housing needs of refugees outside of Kpomassé, nor on the extent to which current assistance programmes address these needs in practice.

183) Caritas provides rent allowance to the most vulnerable refugees and asylum seekers. In practice, the nature of refugee vulnerability in Benin (see Identification, Assessment and Treatment of Urgent Protection Needs, above) means that this assistance is often granted on an indefinite basis.

184) It is standard practice for landlords in Cotonou to demand 3-6 months rent in advance from potential tenants. For refugees who are dependent on monthly assistance from Caritas, however, this is often impossible. While Caritas often negotiate with

⁸ "Practical Guide to the Systematic Use of Standards and Indicators in UNCHR Operations", UNHCR, First Edition January 2004

⁹ RR Cotonou consulted UNHCR Headquarters on this point and was informed that the UNHCR Standards and Indicators had been developed for use in refugee camps of 5000 or more people; Kpomassé camp in Bénin currently contains approximately 700 persons so the guide was not deemed appropriate.

prospective landlords on behalf of refugees, refugees in Cotonou still frequently encounter problems with landlords as they struggle to find permanent employment.

185) At Kpomassé, refugee families are accommodated in brick rooms, with each family having their own latrine. Communal buildings include a nursery school for children, a library and a meeting hall. CNAR carries out cleaning of the site, maintenance and repairs of the living quarters, and paying of electricity and water bills.

186) UNHCR has recently formalised an existing agreement with *Téchnologie-Développement Centre de Ressources* (TDCR), a local NGO. This allows continued use of an accommodation centre for vulnerable asylum-seekers or refugees with special protection needs. TDCR has provided a house, situated approximately 7km from Kpomassé, where such persons can be accommodated for a maximum of three months. It is as yet unclear what actions will be taken, and by whom, in cases where vulnerable individuals or families refuse to leave the accommodation centre after the three months has elapsed.

Access to health care

187) The general health situation for nationals in Benin is characterised by low use of health services - the overall rate of doctor's visits is less than 0.4 per person per year. This situation is explained by the high cost of health care, the lack of qualified personnel and the poverty of the general population.

188) National legislation allows refugees access to health care on the same terms as nationals. Additional health assistance is provided to all refugees by UNHCR, through its IP Caritas.

189) In addition to malaria, respiratory illnesses, gastroenteritis and typhoid, all of which are widespread throughout Benin society, refugees also tend to suffer from arterial hypertension, and depression, reportedly due to stress related to past traumas and an uncertain future.

190) Beyond anecdotal evidence, however, there is no detailed information on the extent to which national trends affect refugees in Benin; i.e., on the specific health needs of refugees and the extent to which the existing refugee health care system does or does not address these needs in practice.

191) Based on the recommendations of the UNHCR Regional Health Coordinator,¹⁰ two health centres have been identified for the use of refugees in Cotonou. These are community centres and are also used by nationals. Refugees are not given priority access. Refugees who attend these centres have to pay a percentage of the total costs; for the first (generic) consultation refugees pay 100% of the cost, thereafter they pay 25%. Benin nationals (including vulnerable cases) have to pay 100% of the costs of their health care. If refugees use health facilities other than the two identified centres (public hospitals for example), without having first been referred by an approved clinic, they will have to pay fees at the same rate as nationals. Vulnerable refugees do not have to pay for healthcare, as UNHCR assumes 100% of the costs.

¹⁰ An evaluation of the health care system provided to refugees and asylum seekers in Bénin was carried out in August 2003; based on the recommendations made, a new system was put in place in January 2004.

192) One reported problem is that refugees living in Cotonou tend to be dispersed across the city, with some living far away from the centre where accommodation is cheapest. Such persons often have difficulty reaching the identified health centres. The identification of additional health centres in Cotonou is seen as important by refugees working in the medical profession, who have requested to be involved in this process.

193) A medical clinic and hospital are situated close to Kpomassé and there is an ambulance available on site. A nurse also visits Kpomassé three times per week, to monitor the health of refugees.

194) A general problem which is frequently cited by refugees, is the level of contribution they must pay for health-care. Previously, refugees had to pay 10% of the costs for first consultation. However, with this system the annual health care budget of Caritas was depleted 2-3 months before the end of the year.

195) Numerous refugees have complained that they cannot afford to meet health services fees and that as a result their access to health care is limited. Caritas acknowledges that with the current system, and in light of limited resources, it is impossible to satisfy the needs of all groups of refugees. It has also been underlined that refugees are in a better position than nationals as regards assistance in accessing health care.

196) Women refugees have highlighted additional problems including the difficulty they have in accessing gynaecological and psychological treatment..

HIV/AIDS

197) According to UNAIDS, the current rate of HIV/AIDS in Benin is 1.9%, however this varies from 1.4% to 13% in different *sous-prefectures*.¹¹

198) The main causes are: multiple sexual partners; denial and lack of understanding of HIV/AIDS; the weak socio-economic status of women in Benin; extreme poverty; illiteracy; mobility/migration and prostitution; insufficient health care for HIV/AIDS patients; and (financial) inaccessibility of anti-retroviral treatments (ARVs).

199) The Benin government has developed a Strategic Framework for National HIV/AIDS Control for 2000-2005. This Framework aims at maintaining the prevalence of HIV/AIDS through fourteen general objectives. One of these general objectives is to significantly reduce the prevalence of STI/HIV/AIDS among the 'mobile population groups', specifically including refugees and displaced persons.

200) *Racines*, a local NGO, provides free healthcare to HIV/AIDS patients in Cotonou; this service is available for nationals, refugees, and other immigrants. According to this group there are approximately twenty refugees living with HIV/AIDS in Benin.

¹¹ "Le Point sur l'épidémie de SIDA: Decembre 2004", UNAIDS & WHO; "Rapport de Surveillance de l'Infection à VIH et de la Syphilis au Bénin : Année 2002 », Ministère de la Santé Publique – Programme National de Lutte Contre le SIDA et les IST ; « Plan Cadre des Nations Unies pour l'Assistance au Développement du Bénin (UNDAF) 2004-2008 », Coordination du Système des Nations Unies au Bénin, 14 January 2003 : 19-20.

201) *Racines* only provides generic medication. Specialised medication, and additional (e.g. nutritional) requirements, for refugees living with HIV/AIDS are supposed to be provided by Caritas. However Caritas is unable to provide full coverage to all those who approach them in need.

202) In 2003, *Racines* organised sessions on HIV/AIDS prevention, screening, and stigmatisation in Kpomassé; however since then there have been no resources to repeat this initiative. Staff at *Racines* pointed out that free condoms are not regularly distributed at Kpomassé, nor are there regular facilities for treatment of STDs, and said there is an urgent need for prevention activities to be undertaken regularly there. The fact that refugees come and go from Kpomassé (thereby increasing the chance of infection to/from nationals), plus the fact that sufferers often wish to hide their condition, are complicating factors.

203) While women in Benin officially have equal access to health care, it is felt that the economic subordination of women throughout Benin society means that they cannot afford to pay for quality healthcare. Few men come to *Racines* for treatment as they can usually afford healthcare elsewhere; however many women do come to *Racines* as the services provided there are free. The two health centres identified for refugees in Cotonou (above), do not provide specialised treatment for HIV/AIDS, but do treat some of the opportunistic diseases which can accompany HIV/AIDS.

Education for Children

204) In urban areas of Benin, access to primary education is virtually universal among nationals. Completion rates for primary education among nationals range from 70% among urban boys and 47% for urban girls, to 39% for rural boys and 14% for rural girls. UN reports indicate high dropout and repetition rates among nationals, particularly at the secondary level. Low quality of student supervision and the lack of school infrastructure and equipment have been identified as continuing obstacles for education in Benin.

205) The PRSP for Benin has highlighted the increasing role played by private schools/institutions at all levels of the education system; this indicates that public education institutions cannot meet demands. Also, the education system in Benin is not well-tailored to meet the needs of the job market.

206) Refugee children have access to education on the same terms as nationals. Caritas oversees refugees' education at primary and secondary level.

207) UNHCR and partners believe that 100% of refugee children are enrolled in school, as they have received no reports to the contrary. However with the exception of refugees at Kpomassé, these impressions can not be confirmed: there are no reliable figures for the number of school aged refugees and asylum seekers currently in Benin. Information is contained in individual files maintained by partners, but the absence of a system for centralising and compiling this data makes it difficult to confirm general trends rather than merely individual concerns.

208) There are also no statistics available on the drop out rates of refugee children in either primary or secondary school.¹²

209) According to UNCHR, during the academic year 2003-2004 100% of children enrolled at primary level received assistance, consisting of allowances for enrolment fees where necessary (in principle primary education is free in Benin, however some schools require contributions from parents), school uniforms and stationary/books, etc. The enrolment fees of refugee children at secondary level are also covered by Caritas, up to a maximum of 80,000FCFA (approximately 160 USD); where the enrolment fees exceed this amount, the parents have to cover the difference.

210) Numerous refugees have highlighted the impact of economic difficulties on the education of refugee children. Often children do not have sufficient school books, either because the education assistance they receive is insufficient, and/or because this money is being used to meet their families' basic subsistence needs. Refugee children have themselves complained that they sometimes have difficulties concentrating at school because they are not eating enough food (or enough food of adequate quality) at home.

211) Some refugee children and adolescents have also called for more information regarding the criteria for according education grants. Again, partners have called on UNHCR to clearly define, for refugees, the criteria which are to be applied in this respect.

¹² A UNHCR mission report from May 2003 reported that the drop-out rate among refugee children at primary and secondary level at Kpomassé was "considered quite high", although no details were provided. ("UNHCR Mission Report: DAFI Scholarships in Bénin", 12-16 May 2003, Education Assistant, HCDS, UNHCR Geneva: 4)

Equal Benefit and Protection of the Law

Access to Effective Remedies

212) The 1990 Benin Constitution guarantees equality to all before the law, irrespective of ethnicity, race, sex, religion, political opinion or social status (Article 26). Refugees have access to the courts.

Fair and Public Hearings without Discrimination

213) Individual refugees have complained that in a dispute between them and nationals, courts tend to favour the latter. However, neither UNHCR nor its partners in Benin believe that there is systematic discrimination against refugees within the judicial system.

214) Where refugees are involved in criminal or civil legal proceedings which are beyond the competence of UNHCR, the refugees are directed towards appropriate lawyers.

215) UNHCR provides legal authorities in Benin with documentary tools on refugee law, so as to better exercise their competence where refugees or asylum-seekers are involved in a disagreement; in particular to ensure that principles of refugee protection, including non-refoulement and non-discrimination, are observed. To this end, in November 2004 the RR held training sessions on refugee law for the legal authorities of the *Procureur du Tribunal*, including its President, in Ouidah (the district court which is responsible for Kpomassé).

216) Recently, refugee women have called for the identification of a lawyer or legal advisor to cater specifically for refugee women. In response, UNHCR has strengthened its links to the *Association des femmes jurists du Benin*. This organisation, comprising women lawyers and magistrates from across Benin, runs legal clinics for women. The two women in charge of the association's legal clinics in Cotonou and Lokossa were among those sponsored by UNHCR to participate in the annual human rights/refugee law course at the *Chaire UNESCO* (see Information Disseminated on Rights and Responsibilities, above) – so as to strengthen their capacity to provide legal advice to refugee women.

Traditional Forms of Justice

217) Disputes between refugees at Kpomassé are often brought before the camp leaders (representatives from each national community present in Kpomassé), and are usually solved amicably. This is an ad hoc system for informal dispute resolution. UNHCR is able to monitor developments through Caritas and CNAR, whose representatives at Kpomassé attend such meetings, and inform UNHCR of proceedings. Some of the camp leaders involved are women.

218) Beyond this, UNHCR does not know of any cases where refugees have relied on traditional forms of justice in Benin; refugees and asylum seekers living in Cotonou (and indeed those in Kpomassé) have access to the national justice system.

Self-reliance

Educational and Vocational Programmes

University Education

219) Refugees are entitled to enrol in tertiary education on the same terms as nationals, however many lack the funds to avail themselves of the opportunity.

220) For the academic year 2004-05, UNHCR present 340 requests to national authorities from persons of concern seeking to be enrolled at university in Benin. All of these requests were accepted; however only 27 of these persons received a grant to help them complete their studies. CPPS is UNHCR's IP responsible for managing all third-level education programs for refugees in Benin.

221) From 2005, the 'DAFI' scholarship program¹³ is the only program now available to assist refugees wishing to begin their university education. It is funded through voluntary contributions to UNHCR from the German Ministry of Foreign Affairs. In 2004, a total of 18 refugees (10 female) benefited from DAFI scholarships.

222) DAFI scholarships cover enrolment fees, stationary and books, a subsistence grant (food, accommodation, transport, etc.), and also cover expenses for those students who have to complete a *travaux de recherche* (thesis). The DAFI grants do not cover medical treatment.

223) At present, in addition to DAFI, UNHCR provides 'ED' grants also designed to cover the costs of tuition, food, accommodation, transport books and dissertations. Nine refugees in Benin are currently receiving ED grants. However the ED Programme will finish when current beneficiaries complete their studies (in 2007). It is envisaged that resources from the ED Project will then be re-directed towards vocational training programmes.

224) UNHCR has begun seeking the support of donor agencies to provide additional scholarships. A contract was established with the Konrad Adenauer Foundation, which has agreed to treat refugee applicants the same as nationals. This will allow refugees, within the established parameters, to apply for scholarships offered every year. At present two refugees are benefiting from the assistance provided by this Foundation to the *Chaire UNESCO des Droits de l'Homme* (see Information Disseminated on Rights and Responsibilities, above)

225) CPPS try to find 6-month *stages* (apprenticeship or internship placements) to help the ex-DAFI students find work when they finish university. Finding places for *stages* is not difficult, however finding permanent jobs once the *stage* has finished is far more complicated, even for those who have completed a university degree. Again the obstacle is the job market in Benin, where there are too many qualified persons applying for a limited number of jobs. Benin nationals also encounter this problem.

¹³ The 'Albert Einstein German Academic Refugee Initiative Fund', a trust provided annually by the foreign office of the Federal Government of Germany to UNHCR. Its purpose is to provide scholarships to needy refugee students in developing countries.

226) Some former DAFI students have been able to get work in specific sectors - in particular those who studied science courses, or recently qualified as doctors, are often in demand. For those who studied law, however, finding work is far more difficult. Over the last two years, CPPS estimates that only 3-4 ex-DAFI students have managed to find permanent, remunerated employment.

Apprenticeships

227) CPPS also manages professional placement activities. Refugees who fulfil the criteria (i.e. who have passed schooling age and are unemployed) sign a *stage* (apprenticeship) contract for six months with an employer (*patron*) who, in case of mutual satisfaction, has the option to recruit the refugee after the 6-month period.

228) The *stagiaire* is remunerated by CPPS, in line with his/her qualifications, the employment sector, and available resources. For 2005 the maximum remuneration for *stagiaires* is set at 67,000FCFA (134USD) per month.

229) In 2004, 23 refugees (including 8 women) benefited from financial and technical support from CPPS to complete *stages*. However, none of these were retained for a permanent, remunerated position. Some refugees do not take the experience seriously and are frequently absent, while some abandon the *stages* before they are finished. However the most common response from the employers when asked about the possibility of a permanent position for the ex-*stagiaires*, is "business is bad; could you give us another 6 months?" CPPS feels that the major problem for refugees is less discrimination by employers, than the state of the job market in Benin.

230) CPPS indicates that, between 1997 and 2004 150 refugees have undertaken *stages* in Benin. Approximately 10% of these have found remunerated employment within the same organisation after they have completed their *stage*, while an additional 10% have managed to find remunerated employment elsewhere.

Vocational training

231) Vocational training in Benin is often of mediocre quality due to a low level of theoretical knowledge on the part of instructors, insufficient training materials/equipment, the non-codification of training provided, and the absence of a harmonised system for evaluating trainees at the end of the programmes. Vocational training in Benin is often ill-adapted to the current demands of the national job market.

232) As with university education, there are insufficient resources to provide vocational training to all the refugees who desire this. According to CPPS, out of 120 requests by refugees for vocational training during a recent intake, it was only possible to train 50 refugees (38 female, 12 male). Training programmes normally last between one and two years. In 2004 refugees were trained in: hairdressing, dressmaking, car-mechanics, hotel/restaurant/cafe business, and computer maintenance/repairs.

233) CPPS selects candidates for vocational training taking into account the applicant's age, level of education, motivations and the possibilities of employment in the refugee's preferred sector. CPPS aim to orient refugees, and firmly discourage

vocational training in certain sectors where the market is particularly over-saturated (for example haulage and transport).

234) Approximately 20 refugees finished their vocational training programmes in 2004; again it has been easy to find *stages* for these people, but the problems arise after the *stage* is finished.

235) CPPS has also highlighted the need for trained refugees to be supplied with equipment/materials after they finish their training.

236) Apart from the issue of funding, it has been pointed out that a market needs assessment is required. This would allow UNHCR and IPs to better orient the vocational training programmes so that refugees are being taught skills which they can use to find work in Benin. UNHCR contacted the relevant government departments, as well as UNDP, to obtain the necessary information in this respect. However much of the information received is quite dated, and so far there have been no further moves towards undertaking a market needs assessment.

Access to Wage-earning Employment

237) Access to employment is the most frequently highlighted problem facing refugees in Benin. Refugees have the right to work, however in practice widespread poverty and high rates of unemployment throughout Benin society have made it extremely difficult for most refugees to find work.

238) Two important national trends in Benin are the increasing recourse to the informal sector, and the increased reliance by businesses on (unpaid) apprenticeships to meet their labour needs.

239) In addition to unemployment for refugees, there are also many reported cases of under-employment, where highly qualified/professional refugees are forced to take jobs as security guards or taxi drivers, to provide for their family. This also applies to nationals; many civil service workers are reported to drive taxis during their spare time.

240) It has been reported by refugees that corruption is widespread – the payment of bribes to a would-be employer is seen as almost obligatory.

241) Individual refugees have also highlighted cultural factors: while Benin is generally receptive to refugees, employers would sooner appoint a Benin national (in particular, a family member), than a refugee. Alternatively, it has been suggested that not all employers realise that refugees have the right to work in Benin.

242) Another complicating factor is the lack of motivation. The majority of refugees want to be resettled out of Benin, and some feel that if they become fully integrated in Benin, they will not be chosen for resettlement. This lack of motivation has been seen as a factor in the failure of the Songhai Agricultural Centre initiative at Kpomassé, where the rate of participation by refugees has been markedly low (see Self-employment Opportunities, below).

243) One initiative by UNHCR has been to prepare a 'Refugee Skills' database. Information on individual refugees' qualifications and work experience will be collated

and shared with potential employers. The RR is currently updating this database, seeking to include information on more refugees, and make the database easily searchable. The database will be installed with NGO and government partners, whose responsibility it will be to enter data and forward the information to local and international companies in Benin.

244) Jobs in the civil service are generally reserved for Benin nationals. However in practice, if there are no nationals deemed qualified to fill the post qualified refugees can be selected, and some refugees are at present working in public health institutions, or public schools.

245) UNHCR has referred several refugees to teaching positions in northern Benin. Two remain there in Natitingou and report that they are treated the same as nationals and have no difficulties in their relations with the local communities or with their students. There are reportedly additional teaching posts available, particularly for those qualified to teach the science subjects; not only in Natitingou, but especially in the surrounding villages and small towns. However qualified refugees are said to be reluctant to move away from Cotonou.

246) In 2004, CPPS and *Messagers de la Paix* helped establish a centre for dressmaking in Cotonou, employing six refugees (four women and two men) and two nationals. The machinery was provided by *Messagers de la Paix*, and CPPS paid rental charges and one year's salary. To date, the results have been mixed. The co-operative has, however, benefited from orders to manufacture uniforms for refugee students and school children.

247) In July 2003, the Benin government established a new body responsible for overseeing national policies on employment and facilitating job placement. The *Agence Nationale pour l'Emploi* (ANPE) is a public institution, under the supervision of the Ministry of Industry, Commerce and the Promotion of Employment.

One of the tasks of ANPE is to place employers in contact with qualified potential employees. ANPE carries out research to identify businesses seeking additional personnel, and collate existing offers of employment; candidates who meet the required profile are then proposed to prospective employers.

248) ANPE began its work in April 2004, and is currently pursuing new partnerships with the aim of strengthening its capacities. CPPS recently placed a refugee *stagiaire* with ANPE, to help build its capacity and also to learn about the structure of ANPE and the possibility of future partnerships which could potentially be concluded with ANPE in favour of refugees in Benin.

Self-employment Opportunities

In Cotonou

249) UNHCR and partners administered a micro-credit scheme in Benin to provide vulnerable refugees with an opportunity to become self-employed by receiving a loan which would have to be reimbursed.

250) An external evaluation of the Micro-Credit Programme implemented in Benin (and Togo) identifies numerous flaws in the planning and implementation of the programme.¹⁴ In Benin, the micro-credit programme was administered by Caritas – the NGO which is responsible for providing assistance to refugees. Refugees viewed the loans provided as ‘assistance’ and when their assistance was phased out, they did not feel obliged to repay the loan. This led to an extremely low level of reimbursement.

251) In addition, UNHCR’s own guidelines for micro-credit schemes were not followed in Benin. The loans granted were often too large, and no feasibility study or market/needs assessment was carried out in advance of the programme. Many micro-projects were undertaken in sectors which were already over-saturated.

252) The evaluation questions the logic of providing micro-credit to refugees purely on the basis of vulnerability, and suggests that vulnerable refugees should in future receive smaller loans. It also questions the decision not to provide credit to refugees who had already benefited from vocational training.

253) Others have also attributed the low level of reimbursement to the reluctance of some recipients to actively pursue local integration in Benin.

254) An important issue which arises in the evaluation, and in discussions with partners and refugees, is the question of punitive measures for refugees who fail to pay back the loans. UNHCR has stressed that any measures undertaken must not jeopardise the healthcare, or education, provided to refugees. The evaluation report suggests that some refugees may own property which can be used as a guarantee, and seized in cases of non-payment. However this may not be appropriate in all cases, and there is no consensus on how best to penalise non-payment, and ensure the recovery of funds so as to allow the continuation of the micro-credit scheme.

255) In light of all the above, the micro-credit scheme has been suspended for 2004. UNHCR is currently looking at the possibilities of agreements with local Micro Finance Institutions (MFIs), where refugees will be able to approach individually and apply for credit. In particular the RR hopes to reach agreement with some MFIs who cater especially for vulnerable women.

In Kpomassé

256) The Songhai Centre was established on the Kpomassé site, aiming to provide technical and material assistance for refugee farmers, as well as professional training. At present, however, out of approximately 700 refugees living on the Kpomassé site, only one refugee actively utilises the facilities available.

257) When asked about the strikingly low level of participation, individual refugees at Kpomassé claimed that they had worked at the Songhai Centre for a period, but left when the wages being paid dropped dramatically. According to Caritas, refugees were remunerated according to the work they put in; according to the refugees, their wages were cut in half. It appears that there was confusion regarding the purpose of the Songhai Centre: i.e., to employ refugees to farm the land and grow communal produce,

¹⁴ “Evaluation of UNHCR’s Micro-credit Programs in Bénin and Togo”, Global Microenterprise Initiatives, LLC, November 2004

and pay them a wage for doing so; or, to provide refugees with free access to farm-land which they could use to grow (their own) produce to sell in local markets.

258) In late-2004 UNHCR tried to re-launch the Songhai centre initiative for refugees at Kpomassé. A group of refugees were taken for a site visit of the well-known Songhai Centre at Porto-Novo. A certain number of training places at the Porto-Novo centre were to be set aside for refugees, with the costs shared by UNHCR and the Songhai Centre. Again, however, refugees at Kpomassé showed little enthusiasm and none applied for this programme.

259) Refugees in Kpomassé have also complained that the distance to the nearest town, in Ouidah, makes it difficult to transport their goods to the markets. UNHCR and partners question this, pointing out that Benin nationals from Ouidah often come to the Songhai Centre in Kpomassé to buy produce to sell in local markets.

260) Other refugees (specifically Nigerians of the Ogoni ethnic group) complained that they cannot trade goods with Beninese because the latter speak Fon, which the refugees do not understand. Some Anglophone refugees in Kpomassé, while highlighting linguistic barriers as a major obstacle to finding employment, have nonetheless been unwilling to learn French. UNHCR has offered to provide language classes for this group, yet the response from the refugees was not positive.

Recognition of Foreign Diplomas

261) No general problems regarding the recognition of the foreign qualifications of refugees have been brought to the attention of UNHCR. In line with national regulations, refugees need to approach the Ministry of Education for this purpose, and no difficulties have been reported in this respect.

262) While there are occasions when certain foreign institutions are not considered by employers to be credible or of a sufficient standard, Benin nationals who have studied abroad are also confronted with such obstacles, and there is no evidence of discriminatory treatment of refugees in this regard.

Social security and Just and Favourable Conditions of Work

263) In practice, due to the highly competitive job market and high rates of unemployment, ECOWAS regulations regarding conditions of work are not always observed in Benin. Nonetheless, there are no reports of refugees being treated less favourably than nationals in regard to conditions of work.

Right to Own Property

264) No problems have been reported in this regard.

Durable Solutions

Voluntary Repatriation

265) In 2004, UNHCR assisted 271 individuals to repatriate from Benin, primarily to Togo, Chad, RoC, DRC, Burundi and Rwanda. This represents an overall increase on the figures for previous years (168 in 2003; 38 in 2002), and, conditions permitting, UNHCR anticipates further increases in levels of voluntary repatriation from Benin in 2005.

266) This will necessitate effective information campaigns, and appropriate reintegration programmes in the countries of origin. The provisions given to refugees for the journey home will ideally be increased further (these were increased from US\$50 to \$100 per adult in 2004).

267) Co-ordinating voluntary repatriation requires rigorous planning and follow-up. Virtually all repatriation is done by plane; disruptions to flights and lack of direct links to destinations have complicated co-ordination of voluntary repatriation activities. One out of only three protection staff in RR Cotonou spends 90% of her time co-ordinating these activities for the four countries covered by the RR.

Local Integration

268) The successful local integration of refugees is undoubtedly the most pressing challenge for UNHCR and its partners in Benin. Low economic development and high employment in Benin are major constraints, and refugees and nationals often face similar difficulties in finding employment.

269) The actual rate of unemployment for refugees in Benin is difficult to verify; many refugees are employed informally, as day workers, while some refugees who are employed may claim that they are still unemployed, so as not to jeopardise any assistance they may be receiving or indeed their chances of being resettled out of Benin.

270) It has been pointed out by both refugees and an independent evaluation¹⁵ that many refugees in Benin rely heavily on remittances from friends and family abroad, and that without this source of income many would be unable to survive.

271) At present, the absence of updated and accurate data on the education and professional qualifications/skills of individual refugees, limits the capacity of the government, UNHCR and partners to assist refugees to become economically self-sufficient in Benin. This is one information gap which the RR hopes to fill by implementing the refugee skills database (see Registration and International Standards, above).

272) UNHCR hopes that an improved micro-credit scheme, coupled with greater resources for third-level education and vocational training for refugees, will help facilitate the economic self-sufficiency of refugees in Benin. The different programmes need to be used in a complementary manner, however, so that a refugee can be awarded

¹⁵ Sperl, S. & Bradisteanu, I., "Refugee resettlement in developing countries: The experience of Bénin and Burkina Faso, 1997-2003 – An independent evaluation", UNHCR Evaluation and Policy Analysis Unit and Resettlement and Special Cases Section, April 2004. This report is discussed in greater detail below.

both a vocational training grant, as well as micro-credit, to allow him/her to put the newly acquired skills to work. To date, however, there is little concrete evidence that a more comprehensive plan is being developed.

Naturalisation of refugees

273) Two Decrees from 1965 (Nos. 65-17 and 272) deal with issues of nationality and naturalisation in Benin, and provide for naturalisation for foreigners who are, *inter alia*, 'of sound body and mind', and able to prove their 'assimilation in the Dahoméen (Benin) society'. Applicants must also have attained the age of majority, which is here defined as 21 years old. In addition, the existing legislation decrees that the naturalised foreigner would not be eligible for appointment to any public office remunerated by the State for three years. However, it is unclear to what the extent this legislation is still applied in practice.

274) Neither of the 1965 Decrees make an mention of refugees resident in Benin. According to an official from the Ministry of Interior, applications for naturalisation made by refugees are to be treated flexibly, and can usually be made after five years residence in the country. However naturalisation applications are handled by the Ministry of Justice, to whom refugees wishing to naturalise are directed.

275) Overall, there is no clarity among refugees, or indeed among UNHCR and IPs, regarding the exact criteria for refugees wishing to naturalise, or regarding other factors taken into account and the process involved. As a result very few refugees are believed to have actually applied for naturalisation. Beyond the need for clarification regarding the naturalisation process, and awareness-raising among refugees, it has also been suggested that the relevant Ministries might create a 'fast-track' system, specifically for refugees seeking naturalisation.

Absence of motivation

276) It is also clear that some refugees are not motivated to actively pursue local integration in Benin. An important factor is the desire of many refugees to be resettled out of Benin. This has limited the extent to which certain refugees have been willing to participate in local integration activities facilitated by UNHCR and partners and to apply for naturalization.

277) The difficulties they have encountered in finding work, widespread under-employment, and the lower standard of living encountered by all (including those who do manage to find work in Benin), is cited as the primary reason for refugees' dissatisfaction.

278) Government officials feel that refugees see Benin as a poor country, and that many do not accept the lower standard of living they encounter here. The result, acknowledged by refugees, UNHCR and partners, and governmental officials, is that refugees often see Benin as a temporary destination, and are sometimes unmotivated to actively pursue local integration.

Resettlement

Resettlement into Benin

279) Between 1997 and 2001, 162 refugees, were resettled into Benin under the auspices of a UNHCR Pilot Project. The majority of these refugees came from the Great Lakes region.

280) An independent Evaluation Report of the Resettlement Pilot Project was completed in April 2004.¹⁶ This Report concludes that the Pilot Project cannot be considered a success, for a number of reasons. The Report highlights the failed local integration, and precarious economic situation, of many of the refugees resettled to Benin. By late 2003, 32% of the refugees resettled into Benin, had left the country.

281) Among the implementation problems encountered, the report highlights the absence of a feasibility study in advance of the Pilot Project, inappropriate criteria for selecting refugees to be resettled to Benin, inadequate briefing of the refugees prior to departure, and the limited capacity of UNHCR's implementing partners.

282) Overall, shortcomings in assistance and local integration programmes aimed at all refugees in Benin, negatively affected the resettled refugees. Resettled refugees encountered similar problems regarding the ineffective and poorly managed micro-credit programme in Benin (see Self-employment Opportunities, above).

283) UNHCR had intended the resettlement Pilot Project to have a significant development component; that is, assistance provided to the resettled refugees should have been integrated into Benin's national development programme, in a way that it could benefit the communities hosting these persons. While a series of discussions to this end were arranged between UNHCR and partners, donor representatives, UN agencies and NGOs in 1999, there was no concrete follow-up to these discussions.

284) In addition, some of the resettled refugees were reluctant to actively pursue their local integration in Benin; many had expected to be resettled instead to the USA, Canada or Europe.

285) The Evaluation Report indicates that the challenge of resettling refugees to developing countries is primarily a challenge for local integration strategies. Comprehensive, multi-faceted integration programmes must be in place, and should be equipped with a long-term development component to benefit both resettled refugees, as well as 'first asylum' refugees.

286) In particular, the report stresses that a resettlement project can only succeed where there are socio-economic conditions with enough potential to allow for the attainment of self-reliance by *all* able-bodied refugees in the country; i.e. both 'first asylum' refugees as well as resettled refugees.

¹⁶ Sperl, S. & Bradisteanu, I., "Refugee resettlement in developing countries: The experience of Bénin and Burkina Faso, 1997-2003 – An independent evaluation", UNHCR Evaluation and Policy Analysis Unit and Resettlement and Special Cases Section, April 2004

287) In light of the above report, resettlement into Benin is currently on hold. In coordination with the Bureau for Africa and the Resettlement Section within UNHCR's Department of International Protection (DIP), RR Cotonou is seeking to implement the recommendations of the evaluation report.

288) The Benin government remains willing to receive resettled refugees in the spirit of responsibility-sharing, yet has stressed that the underlying economic difficulties which are faced by refugees and nationals alike must be considered before further resettlement into Benin is attempted. Government officials are of the view that capacity-building measures by UNHCR and partners are necessary to facilitate the employment of refugees in Benin; and should specifically target the private sector in Benin.

289) As of April 2005, of the 162 refugees resettled into Benin, 98 individuals remained in the country. 40 refugees have voluntarily repatriated, while 22 persons left Benin for unknown destinations.¹⁷

290) During 2004 UNHCR assisted many of the refugees who had been resettled into Benin, with regard to education, access to health care, and attestation letters for prospective employers.

Resettlement out of Benin

291) Resettlement out of Benin continues to be an option for individual cases, with the emphasis on urgent protection and medical cases, rather than those cases falling under UNHCR resettlement criterion 4.9 (lack of local integration prospects).¹⁸ In other countries UNHCR has begun facilitating returns to certain areas of DRC, and there is an increasing emphasis put on repatriation and local integration rather than resettlement for refugees from Rwanda.

292) During 2004, the RR submitted 13 cases (52 persons) for resettlement. By the end of the year, 54 persons submitted for resettlement during and prior to 2004, were transferred out of Benin. Major resettlement countries included USA, Canada, the Netherlands and Sweden.

293) There is a perception on the part of some refugees that UNHCR has limited resettlement opportunities to medical cases, and that there is insufficient understanding on the part of UNHCR as to the daily life of refugees.

Durable Solutions and Comprehensive Approach

294) It is clear from discussions with both refugees and UNHCR's partners that the desire of many refugees to access one durable solution - resettlement - is a major obstacle in their willingness to actively pursue another durable solution - local integration.

295) Resettlement is certainly a high priority for the vast majority of refugees in Benin, and it is felt by UNHCR that many refugees (including those resettled into the country) view Benin as merely a transit point on the way to Europe or North America.

¹⁷ The remaining two persons died in Bénin (information provided by Ministry of Interior, May 2005)

¹⁸ See "Resettlement Handbook", UNHCR Department of International Protection, November 2004 (available at www.unhcr.org).

296) This attitude has limited the extent to which certain refugees have been willing to participate in local integration activities facilitated by UNHCR and partners.

297) In this respect, and while stressing the importance of continuing individual resettlement to address urgent protection needs, some of UNHCR's partners have suggested that any potential group resettlement of refugees out of Benin, would have a significant negative impact on the willingness of those refugees remaining in Benin to actively pursue local integration.

Annex 1: Large-Scale Influx of Togolese Refugees

Background and Demographic Profile

298) In light of the general insecurity which followed the disputed presidential elections held in Togo on 24 April 2005, thousands of Togolese persons sought asylum in Benin. These individuals have, in principle, been granted *prima facie* refugee status by the Benin government.

299) As of 3 June 2005, a total of 20,850 Togolese refugees had been registered in Benin. Of this number, approximately 7,400 individuals are being accommodated at the refugee camps set up in Comé (north of the town of Grand Popo) and Lokossa (near the town of Agamé). The remaining 65% of the Togolese refugees are staying with friends and family.

300) There are no firm estimates of how many of these refugees are now being accommodated in Cotonou.

301) To date, in contrast to the situation in Ghana where many Togolese refugees have already returned home, there has been minimal repatriation of Togolese refugees from Benin.

302) The recent influx of Togolese refugees has swelled Benin's refugee population by over 300% within a one-month period. UNHCR and partners have been heavily involved in the emergency response to receive these persons and meet immediate assistance and protection needs.

Partnerships for emergency response

303) UNHCR is involved in partnerships with a range of organisations as part of the coordinated response to the recent influx of Togolese refugees.

304) The Benin government, through the Ministry of Interior, is responsible for the management of the refugee camps at Comé and Lokossa.

305) During the initial emergency phase, the identification of vulnerable refugees was carried out by the field staff of the Benin Red Cross, Caritas, and personnel from the UNHCR Emergency Team. During this phase UNHCR was working with many temporary staff and volunteers at the Benin Red Cross, which was not an official UNHCR partner.

306) As the initial phase ends, co-operation will be formalised with the International Federation of the Red Cross, which will assume responsibilities for community services for the newly arrived Togolese refugees.

307) UNICEF has assumed responsibility for child protection and education, as well as water and sanitation at the Comé and Lokossa sites. Latrines at these sites were constructed by UNICEF and the Benin Red Cross. *Terre des Hommes* is UNHCR's partner with regard to the protection of unaccompanied minors (UAMs) within the Togolese influx.

308) In addition to the above partnerships, WHO has been involved in providing health care to the Togolese refugees, while UNFPA has assumed responsibility for activities related to family planning.

309) An appeal for funds was launched by the United Nations, in consultation with the Benin government, on 13 May 2005. The appeal called for 5.9 million USD; as of 3 June 2005, 258,732 USD had been collected.

310) Some of UNHCR's IPs have faced resource difficulties in responding to the Togolese emergency situation. IPs such as Caritas are attempting to clearly distinguish emergency programmes (and budgets) from their standard programmes in Benin (i.e. those aimed at the 'old' refugee population). In practice, however, the emergency response has also diminished partners' capacity to mobilise with respect to the old refugee population (with regard to personnel, equipment, and vehicles).

Access to New Arrivals

311) UNHCR has a good working relationship with immigration authorities and faced no difficulties in accessing the new arrivals at their entry points (the majority entered Benin at the Hilakondji border crossing).

Identification of Urgent Protection Needs

312) In advance of the Togolese emergency, UNHCR provided training on vulnerability criteria, and the identification of vulnerable cases, to the Benin Red Cross (volunteers) and CNAR personnel at Lokossa.

313) During the early emergency stages, the initial identification of vulnerable cases was carried out at the border point of Hilakondji, with further screening during the full registration at the two camps at Comé and Lokossa.

314) At Hilakondji, UNHCR Community Service staff, with the support of UNICEF and Benin Red Cross staff, ensured that vulnerable cases, including UAMs, received priority transfer to the Comé site.

315) Pregnant women and lactating mothers were also given priority transfer and treatment at the Comé site. As of 3 June 2005, 202 pregnant women have been identified and are receiving special health care.

316) At present, further identification of vulnerable cases is being carried out by two UNHCR Community Services officers, who go from tent to tent at the Lokossa and Comé sites. These Community Service officers complete weekly report sheets, covering both their own activities and incorporating information from other agencies, which are shared with RR Cotonou.

317) The full registration of UAMs at the camps was carried out by UNICEF, UNHCR protection staff, and *Terre des Hommes*. At the Comé site, UAMs were accommodated in separate tents, and monitored by staff from the Benin Red Cross.

318) As of 3 June 2005, 201 UAMs have been identified within the Togolese refugee population. Of this number, 165 are being accommodated at Comé, the remainder are in

three centres in Cotonou. Family reunification procedures have already been set in motion by UNHCR, UNICEF and *Terre des Hommes* (TDH), as a result of which 11 minors have found their family.

319) For family reunification within the camps, the names and photographs of identified UAMs are first posted in the camps at Comé and at Lokossa by TDH and UNCHR. TDH then organises searching activities within the camps to identify family members. Where these searches are successful, the family link is first verified by TDH and certified by UNICEF. A certificate of family reunification is then issued by UNICEF (and copied to UNHCR).

320) Where an UAM's family member has been found outside of the camps, again verification exercises are carried out by TDH under the supervision of UNICEF. UNICEF certifies the results of the verification, and on the basis of this UNHCR issues an *attestation* to the minor involved, prior to his/her departure from the camps. These same agencies then arrange for the transport of the minor from the camps. Upon successful family reunification, a certificate is issued by UNICEF (and again copied to UNHCR).

321) For UAMs separated from their family members in Togo, tracing activities are organised by *Terre des Hommes Togo*, in cooperation with UNICEF Togo. The procedures are similar to those above; transfer to the border is organised by UNHCR and UNICEF Benin, and transfer on the other side from the border to the identified place of residence of family members is carried out by UNCHR in collaboration with TDH Togo and UNICEF Togo. Again, upon reunification a certificate is issued by UNICEF Togo, and copied to UNHCR.

Registration

322) In preparation for the emergency, UNHCR had provided training on refugee registration to officials from CNAR and the Benin Red Cross: one session was organised by UNHCR in Cotonou, and another was organised by Caritas in Djougou, northern Benin.

323) Togolese refugees arriving at the Hilakondji border crossing after the April 24 elections and the upheavals which followed had their names recorded by the Benin Red Cross and the Benin Ministry of Family, Social Protection and Solidarity.

324) As of 3 June 2005, a total of 14,430 individuals were registered at the Hilakondji transit centre. This initial registration recorded the gender of each individual, and also identified children, pregnant women, and UAMs. The refugees registered at Hilakondji to date comprised 4,164 male adult, 3,755 adult female, and 6,330 children.

325) Those requiring shelter in one of the camps, Comé or Lokossa, were provided with a UNHCR bracelet and transported by bus to the relevant camp. At the camps, registration of newly arriving Togolese was carried out by staff from CNAR together with UNHCR protection staff. Persons registered were provided with ration cards.

326) While the rate of persons crossing the border into Benin dropped towards the end of May, new refugees are still being registered on a daily basis, both at the main border point at Hilakondji, and at the UNHCR office in Cotonou.

327) As of early June 2005, most new registration of Togolese refugees is taking place at the UNHCR office in Cotonou. As of 3 June 2005, approximately 5461 Togolese refugees had registered directly with UNHCR at RR Cotonou.

328) At present, Togolese refugees registered in the camps are issued ration cards rather than refugee ID cards. For newly-arriving Togolese refugees registered at the UNHCR office in Cotonou, it has not yet been decided what type of ID cards they will receive.

329) Some of UNHCR's partners feel that these refugees should not receive ID cards which are identical to those provided to the existing refugee population; given the numbers involved, if the new Togolese have identical ID cards and access (health) services intended for the existing refugee population, partners' budgets for these services could be rapidly depleted. Partners are trying to clearly separate their budgets for the 'new' and 'old' refugee populations, and it is hoped that the new Togolese refugees will receive an ID card which is noticeably different, so that service providers in Cotonou can easily distinguish.

Refugee Status Determination

330) In early 2005 UNHCR, in collaboration with national Ministries, other UN agencies and some IPs, prepared a Contingency Plan for the potential mass influx of persons from Togo. The Plan envisaged a possible influx of 75,000 into Benin over a six month period. In such a situation, the Eligibility Committee of CNAR pledged that Togolese asylum-seekers (as well as those already recognised as refugees in Togo), would be accorded *prima facie* refugee status on the basis of art. 1(2) of the 1969 OAU Convention.

331) In the weeks leading up to the influx, officials from the Benin Ministry of Interior confirmed that all persons who enter Benin from Togo seeking asylum would be granted *prima facie* status. Subsequently, as soon as persons entering have been moved away from the border, any Beninese nationals included in the influx would be separated from the Togolese. Shortly before the elections in Togo, the Benin Ministry of Interior confirmed that Togolese will not be subject to RSD, but will retain their *prima facie* status for a temporary period, the duration of which will depend on developments in Togo.

332) As of 1 June 2005, however, Benin authorities have not officially confirmed the status of the newly arriving Togolese. Nonetheless, numerous government communications on the subject refer to the group as 'Togolese refugees', and given the generally hospitable attitude of the Benin authorities, UNHCR does not feel that this is a problem.

Civilian Character of Refugee Camps

333) The Contingency Plan envisaged that armed elements (including both ex-soldiers as well as armed civilians), could be mixed within the displaced population entering Benin. The Plan emphasised that the government authorities will be responsible for

searching all asylum-seekers entering the country to ensure that arms do not cross the border. The Plan also stressed that any refugee-hosting settlements created would have to be located at least 20km from the border.

334) Following the influx of over 20,000 Togolese refugees, UNHCR and partners have acknowledged the recruitment of combatants within the refugee population at Comé and Lokossa as a potential problem. As of 1 June 2005, however, there have been no official reports of recruitment taking place in either camp.

335) Nevertheless, both camps are highly politicised, and persons perceived as representatives of the Togolese government have been the victims of physical attacks by other refugees.

336) At the same time, there is growing concern among UNHCR and partners that refugees who are vocal/active opponents of the current regime in Togo may be at risk of physical insecurity through incursions by Togolese forces.

Access to Adequate Food and Water

337) 86 latrines, 80 showers and 26 water taps are available at the refugee camp at Lokossa, which is currently hosting just under 6000 individuals. At Comé camp, where almost 1400 persons are accommodated, there are 12 latrines, 24 showers and 10 taps available to the refugees.

338) The daily consumption of water by each refugee is above the international standard of 17 litres: 20 litres/person at Comé and 21 litres/person at Lokossa.

339) The World Food Programme and the Catholic Relief Service are responsible for providing food to refugees living at Comé and Lokossa, while Caritas is responsible for distribution. Food stuffs are provided to each head of family.

Immediate Housing Needs

340) The camp which was set up at Comé on 28 April 2005, reached its capacity within three days. At present, the camp hosts 1378 Togolese refugees, who are accommodated in 134 tents. The camp at Lokossa currently accommodates 5950 refugees, living in 620 tents. An additional five hectares is currently being cleared to allow for the extension of this site.

341) UNHCR and partners currently lack adequate information on the location and assistance needs of 65% of the Togolese refugee population who are currently being accommodated with friends and family within Benin.

Primary and Secondary Education

342) As of 1 June 2005 approximately 1,600 refugee children have begun classes at the pre-school, primary and secondary education levels at the Comé and Lokossa camps. The classes were set up with UNICEF, which has also assisted in constructing classrooms and providing textbooks from the Togolese curriculum. Some of the teachers involved, who are themselves refugees, have received training from UNICEF on psycho-social counselling for the children.

University Education

343) 110 students who had been attending university in Togo prior to their flight to Benin have expressed a desire to be integrated into the Benin university system.