



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

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## Committee on the Elimination of Discrimination against Women

### Fifty-sixth session

30 September – 18 October 2013

Item 4 of the provisional agenda

### Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

## List of issues in relation to the fourth periodic report of Benin

### Note by the Committee

The pre-session working group considered the fourth periodic report of Benin (CEDAW/C/BEN/4).

#### General

1. Please provide information on the process of preparation and adoption of the report and indicate if any consultations were undertaken with non-governmental organizations and other stakeholders in this respect, including women's rights organizations. Please elaborate on any advancement in the development of a specific system for the collection and analysis of sex-disaggregated data pertaining to all areas of the Convention, including the national census.

#### Constitutional, legislative and institutional framework

2. Please inform the Committee on the status of the draft law on gender equality and on the time frame for its adoption. Given the State party's monist legal system, please indicate if the current draft reflects the definition of discrimination against women as enshrined in articles 1 and 2 of the Convention. Please also provide information on the status of the draft Criminal Code (CEDAW/C/BEN/4, para. 44)<sup>1</sup> and on the amendment of the law regarding the establishment of the new national human rights institution. Further, in light of the revival of judicial institutions, such as the Constitutional court in 2008 and the High Court of Justice in 2009 (para. 11), please indicate if measures have been taken to enhance knowledge about the rights of women under the Convention, its Optional Protocol and related domestic legislation and if they form an integral part of the legal education and the training of judges, lawyers, prosecutors and all other relevant law enforcement officers.

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the fourth periodic report of the State party (CEDAW/C/BEN/4).

### **National machinery for the advancement of women**

3. Please provide detailed information about the Council for Gender Equality (para. 47), including the role of its technical committee and its family, women and children monitoring centre in the design and implementation of policies, in monitoring the situation of women comprehensively, as well as carrying out strategies and measures to eliminate discrimination. Please also provide detailed information on the human and financial resources allocated to it to effectively discharge its mandate. Please clarify the coordination between existing bodies and the Ministry for the Family and National Solidarity, which according to the report (para. 41), is responsible for the promotion of women and gender equality, and explain the role and mandate of the Institute for Women established by the President in March 2009 (para. 47).

4. Please provide information on the National Policy on Gender Equality adopted on 18 March 2009 and indicate which programmes and projects, referred to in paragraph 46, were implemented as part of the 2010 action plan.

### **Stereotypes and harmful practices**

5. The report acknowledges that women are narrowly cast in the role of daughters, wives and mothers by culture, education and religion (paras. 4, 21 and 22) and that customary, traditional and religious practices continue to dominate social life and perpetuate discriminatory practices against women (para 21) and girls. As recommended by the Committee in its previous concluding observations (CEDAW/C/BEN/CO/1-3, para. 148), please provide information on concrete measures taken by the State party, including through collaboration with traditional and community leaders and women's organisations, to change the public attitude and social and cultural patterns that lead to gender stereotyping in relation to the roles of women and men in the family, the community and the society at large.

6. The report sets out an extensive list of harmful practices which continue to be prevalent in the State party. Please indicate which measures have been taken, including comprehensive educational measures and awareness-raising campaigns about relevant provisions in the Personal and Family Code and criminal provisions, targeting rural areas in particular, to prevent and address harmful practices such as early and forced marriages, polygamy, widowhood practices, levirate and sororate, purification rites for adulterous women and killings of so-called children witches. Further, despite the existence of Act No. 2003-03 on the suppression of female genital mutilation, this practice remains widespread in the State party, as mentioned in the report (para. 35). Please provide information on the enforcement of the legislation prohibiting female genital mutilation, as well as on investigations, prosecutions and convictions of perpetrators of this practice, including penalties issued during the period under review.

### **Violence against women**

7. Information before the Committee refers to the recent adoption of a law on prevention and punishment of violence against women. Please inform the Committee on the forms of violence covered by the law, in particular if it prohibits domestic violence and marital rape as separate criminal offences and if they can be prosecuted ex officio, as well as if its provisions are in line with the Convention and the Committee's general recommendation No. 19 (1992) on violence against women. Please describe steps taken to develop a comprehensive strategy to combat all forms of violence against women to support the implementation of the new legislation and to develop capacity-building and awareness-raising programmes on its content for all relevant professional groups, such as the police, lawyers, the judiciary, health and social workers, as well as the public at large. Please also elaborate on the prevalence of informal dispute resolution mechanisms in cases

of violence against women and on measures taken to improve women's access to justice and to encourage them to report acts of violence, especially vulnerable groups of women, such as illiterate women, rural women, refugee women, as well as those living in polygamous marriages.

8. Please provide updated and detailed information on the current situation and trends with respect to violence against women and girls, such as corporal punishment, domestic violence, rape, incest, marital rape, and other forms of sexual abuse. Please provide information on the number of prosecutions, convictions and sentences imposed in all cases of violence against women. Please indicate whether steps have been taken to ensure that women and girl victims of violence, including sexual and domestic violence, are adequately protected and receive support and assistance, such as access to shelters and rehabilitation services.

#### **Trafficking and exploitation of prostitution**

9. The report indicates that the State party has enacted anti-trafficking legislation regarding children, but that it has currently no such legislation regarding women (para. 56), whereas women and girls are increasingly trafficked from and within the State party for the purpose of domestic work as *vidomegons*, as well as in the agriculture and trade sector. As recommended by the Committee in its previous concluding observations (CEDAW/C/BEN/CO/1-3, para. 152) and as accepted by the State party during its examination under the universal periodic review (A/HRC/22/9), please indicate a timeframe for the adoption of a comprehensive law on trafficking which fully complies with article 6 of the Convention, and whether the State party has established mechanisms for the investigation, prosecution and punishment of trafficking offenders under the existing legislative framework and for the assistance and support of victims.

10. The report is silent on the phenomenon of exploitation of prostitution of women and girls in the State party. Please provide information on its prevalence, as well as measures in place to combat it, including data on investigations, prosecutions and convictions of those who exploit prostitution. In light of the pending draft Criminal Code (para. 44), please also indicate if and how the State party intends to review its legislation to ensure that its provisions on prostitution do not discriminate against women and if it considers sanctioning the male demand side. Further, please also indicate if measures are in place to address the root causes that lead women into prostitution, to discourage male demand for prostitution, as well as to assist women who wish to leave prostitution and to facilitate their reintegration into society.

#### **Participation in public and political life**

11. Please provide updated data on the number of women civil service, the judiciary and in diplomatic service, including at decision-making level. In light of the legislative elections held in 2011, where only seven women were elected, please explain why the State party has not adopted any temporary special measures to increase the participation of women in political decision-making positions, as recommended by the Committee in its previous concluding observations (CEDAW/C/BEN/CO/1-3, para. 154). Further, in light of the upcoming municipal and local elections this year, please provide information on concrete measures planned to increase women's full and equal participation and representation. Please indicate what measures have been taken by the State party to encourage political parties to increase the percentage of female candidates and to conduct awareness-raising and capacity-building activities to encourage the involvement of women in elections.

**Nationality**

12. Please indicate if the State party's legislation is in line with the provisions of the Convention regarding equality of women with men in the acquisition, change and retention of nationality, particularly with respect to provisions on women passing their nationality to their spouses of foreign nationality.

**Education**

13. Please provide (a) updated and detailed sex-disaggregated data on the enrolment rates at all levels of the education system, (b) information on expulsions of girls due to pregnancy, and (c) dropout rates at the primary and secondary levels, and please clarify whether free education extends to girls below 11 and above 13 (paras 51 and 81-85). Please provide information on actions taken to overcome stereotypical attitudes that discriminate against girls with regard to access to education and include information on efforts developed to raise awareness on the importance of girls' education, with a view to ensure their equal access to education and improve their literacy rates, especially in rural areas. Please inform the Committee on the progress of the review of school textbooks undertaken by the State party to eliminate gender-based stereotypes (para. 54). Please describe steps taken to address the exclusion of pregnant teenage girls from school and the high dropout rate of girls, owing to pregnancy, early and forced marriage, corporal punishments, as well as sexual violence at school, including by teachers.

**Employment**

14. Please provide information on employment and unemployment's rate of women, as well as on the wage gap between women and men in the private and public sectors, and indicate which means and methods are used by the State party to enforce its existing legislation (article 208 of the Labour Code) establishing the principle of equal pay for work of equal value (para. 94). Please also inform the Committee of measures taken by the State party to monitor the working conditions of girls employed as *vidomegons*, regularly subjected to verbal, physical and sexual violence. Please indicate if measures have been taken to protect women working in the informal sector, particularly to provide them with social benefits, including maternity leave provisions, and to promote their integration into the formal labour force.

**Health**

15. The report states that high maternal mortality rate is the result of early and late pregnancies, multiple pregnancies and pregnancies too closely spaced, as well as clandestine abortions following unwanted pregnancies (para. 104). Please describe the measures taken (a) to raise women and girls' awareness of sexual and reproductive health and rights issues, including in the school curricula and through the use of mass media; (b) to enhance the use, availability and affordability of contraceptives and family planning information, particularly in rural areas; (c) to increase the number of trained health-care personnel in the State party. Have any measures been taken to educate women and their spouses on the rights of women to independent decision-making on their health and well-being? Further, referring to paragraph 112 of the report on the prevalence of HIV/AIDS, please indicate if the State party has taken steps to address the apparent feminization of HIV/AIDS and reduce women's vulnerability to this disease.

16. Does the State party envisage decriminalizing abortion on other grounds such as pregnancies due to rape and incest? Please report on measures in place to address the issue of unsafe abortions in the State party and provide data on the number of deaths and health-related complications due to unsafe abortions.

**Rural women**

17. According to the report (para. 121), rural women constitute 50 to 60 per cent of the agricultural labour force. Please elaborate on the measures undertaken or envisaged by the State party to improve the situation of rural women, including their access to justice, standard of living, education, health and their participation in decision-making process. Given that the report states that women continue to face difficulties in accessing land and credit (para. 122) and that the practice of excluding women from inheriting persists (para. 123), please inform the Committee on measures taken to ensure the strict enforcement of its legislative framework enabling women to inherit land from their elders and spouses and on whether intervention mechanisms supporting women's access to land tenure, as stated in paragraph 124, have been introduced. Please also indicate if poverty alleviation strategies referred to in paragraphs 13 and 14 of the report have included programmes to improve the situation of rural women and girls, including their land and credit access.

**Women in detention**

18. Please provide updated information on the situation and conditions of women in detention facilities. In particular, please indicate whether female detainees are held separately from men detainees, whether female guards are in charge of their supervision, and whether gender-sensitive measures are in place to ensure appropriate treatment of adolescent detainees, pregnant women as well as women detained with their children, including the provision of sufficient food and adequate health facilities. Please also inform the Committee on measures aimed at facilitating women's access to justice and ensuring compliance with their fair trial guarantees.

**Marriage and family relations**

19. Following the adoption of the Personal and Family Code, marriage and family relations are no longer governed by coexisting customary laws, the legal age of marriage is 18, levirate and bride price are abolished, and only monogamous marriages are legally recognized (paras 20 and 135). However, the report confirms that practices such as polygamy, early and forced marriage, levirate and sororate are still prevalent in the State party. Please indicate which measures have been taken to strictly enforce its existing legislative framework to combat these practices. Please also clarify the status of polygamous marriages concluded prior to the entry into force of the Code and indicate if they enjoy the same rights and benefits provided for in the Personal and Family Code, as recommended in the previous concluding observations (CEDAW/C/BEN/CO/1-3, para. 148). Information before the Committee indicates that children born out of wedlock can only enjoy the same rights as children born in wedlock if they are recognized by their father. Please explain the legal situation of single women with children born out of wedlock and describe measures taken to ensure that their rights are protected. Please indicate if practical steps have been taken to improve birth registration in the State party, especially in rural areas.

**Amendment to article 20, paragraph 1**

20. Please also indicate when the State party intends to accept the amendment to article 20, paragraph 1, of the Convention pertaining to the Committee's meeting time.

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