

■ BENIN

Fulfilment of the International Covenant on Economic, Social and Cultural Rights



The good will shown by the State in recognizing economic, social and cultural rights has not been translated into specific actions producing tangible results. Revising the Constitution is essential to guaranteeing that each Beninese can enjoy the rights that it enumerates. In addition, strengthening the North-South relationship would enable the country to obtain the transfer of technologies and resources that is necessary for development.

Social Watch Benin

Until now, the development policies based on the strategic development orientation of the 2006-2011 Government, the Poverty Reduction Strategy Paper (PRSP) and the Millennium Development Goals (MDGs) have had two primary objectives. One has been to improve the living conditions of the population. The other has been to create durable and decent job opportunities by establishing effective links between economic policies, economic performance, and the use of local resources that will improve income distribution, and at the same time have a significant social impact.

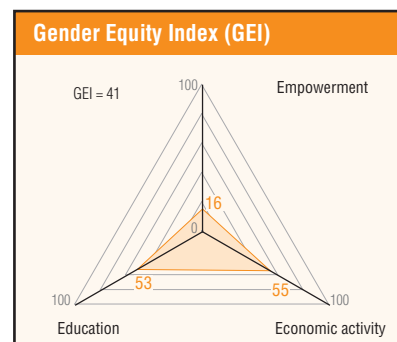
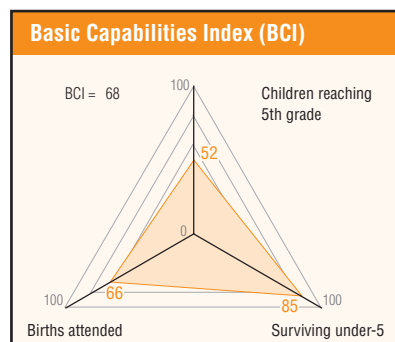
Based on the past 18 years of experience, an ad hoc committee set up by the President of the Republic on 20 February 2008, will produce a systematic study of the way the present Constitution operates. The committee will consult all sectors of Beninese society before writing a new draft. Civil society, which plays a very important role in the protection, defence and promotion of economic and social rights, must sift through the text of the Constitution to see that it is consistent with these rights. This process will also be informed by several conventions developed by international and regional bodies to implement the International Covenant on Economic, Social and Cultural Rights (ICESCR) that Benin has ratified.

This report evaluates the implementation of some of the articles of the ICESCR, focusing on the last few years.

The right of the peoples to determine their own lives

The decentralization of government begun in 2003 has given territorial communities managerial and administrative autonomy to define their local priorities and the means necessary to respond to them. However the State has yet to give them the capacity and financial resources to implement their plans. Despite its limited staff, the State retains centralized control over many of the activities already ceded to the communes. Consequently, in 2007 there was no public development aid, nor were national resources assigned for investment.

Pressed by civil society organizations, the Government was compelled to increase its financial support of the so-called intercommunal solidarity



funds and channel various subsidies allocated to local communities through the 77 communes. This funding increased has from XOF 675 million (USD 1.6 million) in 2003, XOF 2 billion (USD 4.9 million) in 2008. However, the needs of the communes remain far from satisfied.

Article 2 of the Covenant: no discrimination

Article 25 of the Constitution guarantees foreigners and residents the same rights and freedoms as nationals. However, even though native peoples coexist without apparent problems throughout the country, a strong tendency towards regionalism is evident in elections. Voters show preference for “sons of the land”. A similar phenomenon occurs in government appointments, where religion and political affiliation often take precedence over technical competence. At times tension has surfaced between followers of monotheistic religions and adherents of traditional religions.

Discrimination also occurs in the area of rights that the ICESCR recognizes for men and women. In the vast informal sector – a main pillar of the national economy – women form a majority and have no social protection. Their contribution is neither recognized nor valued. The situation is similar in the agricultural sector, where women have little access to either produce or the means of production, nor to credit, although they contribute their time and physical labour.

At the social level, despite the introduction of an Individual and Family Code in 2004, role stereotyping remains common, reflecting the mentality predominant among women as well as men in a patriarchal setting. This phenomenon is evident in the relatively

low level of participation of women in public life and national politics: of the 26 Government ministers, 6 are women; of the 83 parliamentary representatives, 9 are women; of the 6 mayors, 2 are women.

Protection and help provided to the family

The State has passed laws providing protection for the family, childhood, girls, people with HIV/AIDS and widows and widowers. However it does not have the resources necessary to implement these laws. Campaigns by NGOs and religious groups to win adherence to them have had limited impact.

Female circumcision, ritual infanticide based on superstition and the trafficking of children still occur in many regions. With the sole exception of a vaccination campaign against polio, programmes for the early detection of handicapped children have been non-existent. The 2007 budget for the education, training and development of these children is XOF 4,095.65 million (USD 10 million), that is, 0.70% of the state budget. For 2008, it is estimated that the allocation will be XOF 4,193.34 million (USD 10.28 million), 0.62% of the state budget.

The right to a satisfactory standard of living

Poverty. In 2006 households headed by men were poorer on average than households headed by women. The non-monetary poverty index is 42.3% for men and 34.6% for women. Overall, 1.33 times as many poor people live in households headed by men as live in those headed by women. Despite Government measures to combat corruption, absenteeism and embezzlement, the cost of living soared in 2007 due to the jump in the international oil prices and increases in the cost of basic consumer products.

As a result, living conditions have deteriorated significantly.

Housing. While 33.9% of the population live in comfortable homes, the homes of 24.6% are inadequate. Housing policies are not applied properly. Real estate development focuses on the wealthy.

Electricity. According to the Third Census of Population and Housing 2002, one household in five (22.4%) has access to a public source of electricity. The remaining 77% illuminate their homes with kerosene lamps – 94.9% use them in rural areas, whereas nearly half (46.8%) of urban households have electricity. Frequent power cuts disrupt public administration activities, but have an even greater impact on the general population. Poor organization of the distribution and sale of kerosene hits the more destitute sectors hardest.

Fresh water. Water is more accessible, thanks to public works projects from 2003 to 2005, however desertification is increasing steadily in rural areas. By 2005, 41% of the country was desert.

Food. Inadequate nourishment is common in rural areas, particularly among the elderly, children and women. The young of both sexes have to abandon their homes to search for employment in the towns. Agriculture, which employs around 70% of the population, is not a priority investment for the State, which is only interested in profitable products, such as cotton and palm oil. Agricultural policies are not in harmony with the curriculum in educational institutions. The high cost of living in relation to salaries, especially in the large cities, impedes access to good food. The guaranteed minimum professional salary is, officially, XOF 27,500 (USD 67) – less than XOF 1,000 per day. Workers are compelled to take informal jobs to meet basic needs.

The right to enjoy better physical and mental health

Each year, the population suffers from a variety of tropical illnesses. The most common are malaria (36% of all medical consultations), followed by gastrointestinal diseases (7%). Both most frequently afflict children under the age of five.

The State has implemented the following measures to reduce mortality:

- Launching campaigns to distribute mosquito nets with repellent to women who seek prenatal care.
- Distributing mosquito nets with repellent to vulnerable populations and access to inexpensive nets at health centres and pharmacies.
- Launching campaigns to eliminate mosquitoes and larval habitats.
- Constructing and equipping health centres.
- Making generic medicines available at a minimal cost in pharmacies.

On the other hand, although health personnel follow the standards of the World Health Organization, their working conditions leave much to be desired. This has a negative influence on the quality of patient admissions and treatment at medical facilities. Strikes to demand better working conditions bring hospital activities to a complete halt.

The right to education

The educational system is comprised of a literacy programme, general schooling (pre-school, primary, secondary, and higher education), technical instruction and professional training. A ministry was created for the literacy programme. One of its current priorities is promotion of local languages.

Pre-school education is more widespread in urban centres and other highly populated areas. Access to primary education is more or less universal in urban zones; in rural areas, 86% of boys but only 64% of girls have access to schools. The overall primary school graduation rate is 70% for boys and 47% for girls; in rural areas the rates are 39% for boys and 14% for girls.

The education system suffers from poor working and living conditions for the teaching staff, lack of qualified teaching staff, deterioration in the quality of teaching and student discipline, a mismatch between the system and the needs of the labour market, a lack of infrastructure and equipment, absence of laws regulating education, constant strikes and general malaise.

Compulsory and free primary education

The current Constitution does not guarantee compulsory primary education. At this point in the country's development, much needs to be done to provide for universal, compulsory preschool and primary school. The institution of free preschool and primary education by the President of the Republic for the school year 2006-2007 created major disruption. Schools were apprehensive that they would not receive subsidies in time to prepare and confronted major challenges in logistics and mobilizing the necessary human resources.

Some actions of civil society

Benin civil society contributes a great deal towards the implementation of the ICESCR by improving living conditions. It has encouraged, at the global level:

- Dissemination of the final recommendations of the Committee on the Rights of the Child by the NGO Solidarity for Children in Africa and the World (ESAM).
- Citizen oversight of government actions through monitoring of MDG implementation and examination of the State budget by Social Watch Benin.

- Re-establishment of workshops and training on topics such as economic, social and cultural rights by the Research and Action Group for the Promotion of Agriculture and Development (GRAPAD).
- A campaign by the Platform of Civil Society Actors of Benin (PASCIB) to win Government approval of the Economic Partnership Agreement (EPA) with the European Union.
- Economic, judicial and political advocacy for women, especially to increase their participation in decision-making bodies and appointment to highly responsible positions, by networks such as the Integration Network of Women in NGOs and African Associations (RIFONGA), Social Watch Benin and Women in Law and Development in Africa (WILDAF). ■

References

- Aoudaghost Network. "Summary assessment of social, economic and cultural rights in Benin", October 2006.
- Benin, Poverty Reduction Strategy Paper (PRSP), March 2007.
- Constitution of the Republic of Benin, 11 December 1990. Porto-Novo, National Printing Office.
- High Commissioner for Human Rights. International Covenant on Economic, Social and Cultural Rights (ICESCR). <www2.ohchr.org/english/law/cescr.htm>.
- Institute for Human Rights and the Promotion of Democracy (2005). "Democracy in daily life", Cotonou.
- Liaison Committee of the Social Organizations for the Protection of the Rights of Children. Second Alternative Report on the implementation of the Convention on the Rights of the Child in Benin, March 2006.
- Mari bel Whorf (1998). "Recognition of economic, social and cultural rights for all". A project on equity for the 21st century. Contribution towards the 50th anniversary of the Declaration of Human Rights.
- Ministry of Finance, Law on finance for management 2008. Economic and financial report.
- Ministry of Finance, Law on finance for management 2008. Presentation report.
- Persons and Family Code, Porto-Novo, National Printing Office.
- Social Watch Benin, Private sector communes. Civil society for the involvement in favour of the MDGs in Benin (3rd alternative report of civil society organizations, December 2007).
- United Nations Development Programme Group (2001), National reports on the MDGs, directive note 2001.