



CIVIC SPACE IN BENIN

Summary of joint submission to the
UN Universal Periodic Review (2017-2022)

Coalition des Défenseurs des Droits Humains-Benin (CDDH-Bénin), West African Human Rights Defenders Network (WAHRDN/ROADDH), the Réseau des Femmes Leaders pour le Développement (RFLD) and CIVICUS

We are deeply concerned by the adoption of repressive laws, particularly the Criminal Code and Digital Code, with provisions used against human rights defenders (HRDs), journalists and bloggers. We are further alarmed by restrictions and violations of the freedom of peaceful assembly, which includes blanket bans on protests, the militarisation of law enforcement and the use of excessive force, including live ammunition, against protesters, along with increasing legal restrictions to the right to protest.

KEY CONCERNS



FREEDOM OF PEACEFUL ASSEMBLY

Authorities continue to use restrictive laws – especially articles 237 and 240 of the Criminal Code – to restrict the right to freedom of peaceful assembly. Article 237 prohibits any unarmed gathering that could disturb public tranquillity while ‘provocation to an unarmed gathering’, whether through speech, writings or the display or distribution of printed material, is punishable from one month to one-year prison sentence.

The authorities often ban protests, at times imposing blanket bans on protests in particular those related to the electoral process and the exclusion of the political opposition. During pre-electoral periods, authorities justified these blanket bans as necessary to preserve social peace and the protection of people and goods.

Security forces have resorted to the use of excessive force - including live ammunition, compressed air launcher and teargas - to prevent and repress protests, especially in the lead-up to the 2019 legislative elections and 2021 presidential elections. This violence led to several injuries and killings, as well as to the arrest and prosecution of dozens of people for protesting peacefully.



FREEDOM OF EXPRESSION

Under the Law 2015-07, defamation is still weaponised to stifle dissent. Individuals can be subjected to excessive fines ranging from approximately US\$800 to US\$16,000 for insults and contempt. Newspapers, periodicals, radio and television stations and websites that have broadcast or published a defamatory statement can be suspended for up to three months (newspapers and periodicals) and 15 days (radio and TV stations).

Media offences are unreasonably heavily punished. The Digital Code’s article 550 and article 553, on provocation to rebellion via online means, provide for prison sentences of between one month and two years and high fines.

Freedom of expression is criminalised in the country, particularly under certain provisions of the Criminal Code, (articles 254 and 280), and the Digital Code Act, which has been used by the authorities to silence dissent, targeting HRDs, journalists and bloggers.

There is a growing climate of insecurity for journalists and media workers, often subjected to judicial harassment, intimidation, threats and arrests. Political opposition have also been targeted with judicial persecution.



FREEDOM OF ASSOCIATION

The draft bill on associations, under review since 2012, raises some concerns including on the duration of registration processes and on some discriminatory provisions for vaguely defined ‘foreign associations’. If the draft law is adopted without addressing such issues, the law could be used to further restrict CSOs

The right to strike has been undermined by the adoption of Law No. 2018-34, which complements and modifies Law No. 2001-09 on the exercise of the right to strike. The law imposes severe limits on the duration of a strikes and further prohibits designated professions in the public sector from striking. Additionally, Article 2 forbids solidarity strikes.

As a result of Benin’s withdrawal from the protocol that allows individuals and CSOs with observer status to the ACHPR to apply directly to the African Court on Human and Peoples’ Rights directly after national legal avenues have been exhausted, CSOs will be unable to legally challenge the Benin authorities at the regional level.

Civic space in Benin is currently rated “**REPRESSED**” by the CIVICUS Monitor

COMMON VIOLATIONS AGAINST HUMAN RIGHTS DEFENDERS INCLUDE



Restrictive laws used to silence dissent, targeting HRDs, journalists and bloggers



Judicial harassment and arrests under the vague and imprecise charge of 'harassment through electronic means'



Targeting and judicial persecution of political opposition



Harassment, intimidation and attacks against HRDs, civil society activists and journalists.

PREVIOUS UNIVERSAL PERIODIC REVIEW PROCESS

Benin received 2 recommendations relating to the space for civil society (civic space)::



Benin did not implement any of the recommendations related to protection of human rights defenders



RECOMMENDATIONS

- 1 Review the 2012 draft law on associations and remove undue restrictions on the freedom of association to bring it into compliance with ICCPR articles 21 and 22.
- 2 Guarantee the effective and independent functioning of autonomous trade unions by removing undue limitations on the right to strike. Review law No. 2018-34 of 5 October 2018, which complements and modifies Law No. 2001-09 of 21 June 2002 on the exercise of the right to strike in Benin.
- 3 Repeal or amend laws and decrees that unwarrantedly restrict the legitimate work of HRDs. Specifically amend the 2018 Digital Code to bring it into line with the ICCPR, Observation No. 34 paragraph 44 of the UN Human Rights Committee and the UN Declaration on HRDs.
- 4 Reinstatement of all media outlets that have unwarrantedly been closed and Refrain from blocking access to the internet and social media platforms.
- 5 Amend articles 237 and 240 of the 2018 Criminal Code in order to guarantee fully the right to the freedom of peaceful assembly.
- 6 Unconditionally and immediately release all protesters, HRDs and journalists detained for exercising their right to the freedom of peaceful assembly and review their cases to prevent further harassment.

Civic space in Benin is currently rated **"REPRESSED"** by the CIVICUS Monitor