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WOMEN'S LEGAL RIGHTS INITIATIVE
OF THE WOMEN IN DEVELOPMENT IQC

BENIN ASSESSMENT AND ANALYSIS REPORT
FEBRUARY 15-28, 2004

Contract No. GEW-I-00-02-00016-00

Submitted to:
Office of Women in Development
United States Agency for International Development

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc



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ACKNOWLEDGMENTS

The Women’s Legal Rights Initiative (WLR) team wishes to express its gratitude to USAID/Benin, and especially to Bernice Noudegbessi, Project Development Specialist and WID Officer, for the invaluable guidance and support provided during the course of our work in Benin. The WLR team greatly appreciated the professional collegiality with which we were received by the mission. We would also like to thank Afia S. Zakiya, Ph.D., Investing in Women in Development Fellow Gender Advisor at the USAID Africa Bureau, for her gender perspective and contribution to our assessment visit.

EXECUTIVE SUMMARY

The USAID Women's Legal Rights Initiative (WLR) is a task order under the Women in Development (WID) Indefinite Quantity Contract (IQC), which was signed by Chemonics International, Inc. on September 30, 2002. The WLR project is designed to contribute to the Office of Women in Development (EGAT/WID) Strategic Objective 3 (“Women's Legal Rights Increasingly Protected”) goals and intermediate results, and strengthen USAID mission strategic objectives, particularly with regard to promoting democracy, improving the implementation of women’s rights in Benin, and integrating gender into program activities.

The WLR project team, in coordination with the USAID Africa Regional Bureau, EGAT/WID, and the USAID/Benin mission, selected Benin as a focus country for WLR activities in West Africa. The WLR team talked extensively with USAID/Benin’s Strategic Objective teams for Gender, Democracy and Governance (DG), Health, and Basic Education, to identify obstacles to the full guarantee and enjoyment of women’s legal rights in Benin. To reinforce its initiatives related to gender, the mission recently developed a cross-sectoral strategy that involves all the Strategic Objective Teams. This is the approach WLR will pursue, strengthening the women’s rights and gender aspects of existing programs and activities, and building relationships and awareness across sectors.

To determine pervasive obstacles to the enforcement and enjoyment of women’s legal rights, WLR conducted a two-week assessment and analysis trip to Benin from February 15 to February 28, 2004, which included visits to Cotonou (the largest city), Lokossa, Ganvié, and Porto Novo (the capital). WLR conducted meetings with USAID/Benin, government representatives, judges, civil society groups, particularly women’s associations, and international donors.

The WLR team identified a number of critical barriers to the empowerment of women in Benin, primarily customary law and practice that denies women and girls basic human rights and defines women by their relationships to and with men. Customary law as currently practiced in Benin is not compatible with the constitutional guarantee of the equality between women and men, or international human rights law prohibiting discrimination against women. Customary practices such as forced marriages, child exchange, polygamy, no right of inheritance for women, domestic violence, and female genital mutilation harm women, increase their poverty, and slow the economic and political development of the entire country.

There have been recent improvements in the legal framework of Benin to support women’s legal rights, including a new Family Code which is on the brink of becoming law after 10 years of advocacy, education, review by the Constitutional Court, and revision to bring it into compliance with the constitutional guarantee of equality between women and men. Civil society organizations are active in the cities, working to raise awareness about laws eliminating school fees for girls to encourage parents to educate their daughters, for example, and prohibiting female genital mutilation. However, organizations lack the funding for outreach to rural areas and for necessary training programs for professionals. In addition, the executive branch of the government of Benin developed and is implementing a national plan to integrate gender concerns into all Ministry programs, which is increasing the government’s involvement in promoting

gender justice. We found, unfortunately, that there is widespread ignorance about and resistance to human rights in general and women's rights in particular. More damaging on a macro level is a lack of information and understanding in the National Assembly and the justice sector (judges, law enforcement, and prosecutors) about women's rights and how to achieve equality in practice.

The WLR team identified a number of areas for cooperation and assistance among WLR, USAID/Benin, grassroots NGOs, national government Ministries, the judiciary, and international donors to address gaps and constraints on women's rights. These general areas include education and training around family law issues, to be implemented through a public awareness campaign in areas or on topics not yet covered, paralegal training, support for impact litigation, the development of a bench book or practice manual on the new Family Code for legal professionals, and continuing education for judges. The WLR team will work in coordination with current programs to avoid duplication of effort and materials, and build on what has already been done. We will spread information on women's rights using existing networks from all sectors and levels of society to reach people who have previously been overlooked. We will build relationships between organizations and agencies that do not usually collaborate. By working together, distributing materials and attending trainings, the people educating on women's rights will construct networks that will endure beyond this particular project. WLR, USAID/Benin, the Africa Regional Bureau, and EGAT/WID will identify specific focus activities for the project based on the recommendations included in this report. Following discussions with USAID/Benin, the Africa Regional Bureau, and EGAT/WID, the WLR team will develop an action plan with defined activity details and time frames for project implementation.



The Union des Femmes Méthodistes du Bénin, with Bernice Noudegbessi of USAID-Benin, WLR Project Director David Vaughn, and WLR Legal Specialist Lyn Beth Neylon

SECTION I

Introduction

A. Women's Legal Rights Initiative Objectives

The Women's Legal Rights Initiative (WLR) team, in collaboration with the Office of Women in Development (EGAT/WID) and USAID missions worldwide, is working to strengthen and promote women's legal rights and participation by enhancing opportunities for women to meaningfully participate in the economic, social, and political dimensions of society. To achieve these goals, the project coordinates with international donors and local stakeholders to provide strategies to identify obstacles, discern gaps, and document best practices in knowledge and practice related to women's legal rights.

B. Country Selection Process

In collaboration with EGAT/WID, the WLR team met in April 2003, with WLR Cognizant Technical Officer (CTO) Ed Lijewski and four representatives chosen from the USAID Africa Regional Bureau, namely Curt Grimm, Carla Komich, Ajit Joshi, and Afia Zakiya. To initiate the country selection process, meeting participants agreed on the need to send an Africa-wide cable introducing WLR as a way to identify current mission interest in the project's services. WLR developed six objective criteria for measuring the potential impact a project could have in a given country:

1. The applicability of the mission's strategic plan to a WLR component (such as a Democracy and Governance Strategic Objective that could easily incorporate the Women's Legal Rights Initiative)
2. The existence of significant local/indigenous grassroots women's or legal reform organizations, especially among current USAID partners
3. Women's rights work already underway, allowing WLR initiatives to build on and strengthen existing activities
4. The potential for substantive (breadth/depth) impact, given the existing political and economic environment
5. The ability to implement activities given the severity and breadth of systemic problems in the legal and judicial systems and customary law regimes
6. The potential for replication in neighboring countries, e.g., in Francophone or Anglophone regions, allowing best practices to be used productively

The Africa cable elicited 11 responses expressing interest in participating in the project. Following extensive consultation with the EGAT/WID office and Washington bureaus, the Republic of Benin was selected as the WLR focus country for the West Africa region. During the selection process, it became increasingly evident that many countries in Africa have comparable problems with regard to women's legal rights. For example, customary law and traditions that thwart women's property and inheritance rights were mentioned often. Lack of enforcement of existing laws and general ignorance of women's legal rights are also pervasive problems. In addition, many of the missions proposed similar activities to address these problems. The WLR team identified three activity themes in the mission requests:

- Reviewing the legal and judicial frameworks to document the impediments to women's rights and support for the drafting and passage of laws that bring national legislation into compliance with international standards and practices that protect women's rights
- Building capacity of civil society organizations to support women's legal rights through advocacy training, networking, and grassroots mobilizing to promote women's rights legislation and implementation
- Providing gender rights training for lawyers, judges, other decision-makers, and civil society organizations, and using the media to educate the public about the problems facing women and the means for legal redress that do or should exist.

These general types of activities will be implemented in all of the African countries where WLR has projects.

Because many of the problems involving women's legal rights in Africa transcend national borders, and since similar activities would provide solutions in a number of different countries, the WLR team concluded that a regional hub approach would be most appropriate for Africa. This method identifies one country in South, East, and West Africa as the focus site for implementation in each region. The hub country will first implement pilot programs and later will host region-wide conferences and training sessions to disseminate best practices and lessons learned to other countries in the region. The regional hub method will ensure the WLR goal of maximum impact and optimal use of resources.

WLR, the Africa Regional Bureau, and EGAT/WID selected USAID/Benin partly due to Benin's comparative political and economic stability, with no recent civil wars or ethnic cleansing. As a result of its status as a fledgling democracy, the government of Benin provides an enabling environment for a WLR project. Additionally, Benin has a number of active civil society organizations in the area of women's legal rights, such as the Association of Women Jurists of Benin (AFJB). Most importantly, USAID/Benin has a very strong Democracy and Governance program, which is already targeting legal reform and economic opportunities for women, and the mission emphasizes a cross-sectoral gender strategy that involves all of the mission's Strategic Objective Teams. Successful Benin-based programs will have great potential for replication because it is a French-speaking country like many of its neighbors in West Africa, and it is well respected in the region.

C. Assessment Objectives and Activities

The WLR team worked closely with USAID/Benin to identify potential partners and organize meetings for the assessment and analysis phase conducted in Benin between February 15 and February 28, 2004. USAID/Benin's Gender, Basic Education, Democracy and Governance, and Health Teams provided guidance and assistance to identify ongoing programs, constraints to women's legal rights, gaps in knowledge and practice, and the current legal, social, political, and economic context in Benin. Additionally, consultations were conducted with government Ministries, judges, government agencies, civil society groups, international organizations, and other stakeholders to identify priority issues, potential partners, and past and current activities.

Results from the assessment and analysis trip will be used to design a country action plan that addresses obstacles to women’s empowerment, meets the needs of USAID/Benin, and complies with the scope of work of the WLR task order. The action plan will target issues to be addressed using local and international resources to achieve the determined goals and objectives that strengthen women’s legal rights, reinforce USAID/Benin’s objectives, and dovetail with ongoing activities.

D. Technical Approach and Methodology

The WLR technical approach and methodology to assess the needs, opportunities, and constraints related to women’s legal rights in Benin include:

- Background research and document review on the economic, political, social, and legal context related to women’s legal rights in Benin prior to the initial assessment and analysis trip
- Presentation of WLR program to USAID/Benin staff and discussion of mission strategic objectives, constraints to women’s legal rights, existing programs, and identification of successful models
- Discussions and consultations with key civil society groups, Ministry representatives, judges, and other stakeholders to identify their program priorities, the most urgent problems, and possible areas for collaboration with WLR
- Collection and review of existing programs, reports, studies, legal texts, training materials, and public awareness campaign materials related to women’s legal rights to see how we might build on what has already been done and avoid duplication of efforts

The assessment and analysis team consisted of David Vaughn, WLR Project Director, and Lyn Beth Neylon, WLR Gender and Legal Specialist. In Benin, the team met with numerous civil society organizations, international donors, representatives of the judiciary and government agencies, personnel from USAID-funded projects, and USAID/Benin staff. (See Annex A for a comprehensive list of individuals and organizations). These meetings provided important background information about the current status of women’s rights in Benin, identified what has been and is being done to address obstacles to women’s empowerment, and assisted the team in determining crucial needs and responsive, strategic activities that may be undertaken as part of this project.

Following the assessment and analysis trip, the WLR team will:

- Debrief with USAID/Benin, EGAT/WID, and the Africa Regional Bureau on preliminary assessment and analysis findings and recommendations
- Identify local and foreign consultants and resources required for implementation

- Prepare and submit an assessment and analysis report to USAID/Benin, EGAT/WID, and the Africa Regional Bureau
- Prepare and submit a draft country action plan to USAID/Benin, EGAT/WID, and the Africa Regional Bureau
- Conduct discussions on the draft country action plan with USAID/Benin, EGAT/WID, the Africa Regional Bureau, and potential local partners
- Finalize the Benin country action plan incorporating comments and suggestions, and begin to implement activities

SECTION II

Women's Legal Rights Country Overview

Benin is located in West Africa between Togo and Nigeria. Formerly called Dahomey, Benin was a prominent West African kingdom that wielded power and influence in the 15th century. The Portuguese and other Europeans established trading posts at Porto Novo and Ouidah in the 1600s. For well over a century, the Dahomey shipped an average of 10,000 slaves a year to the Americas, primarily Brazil, the Caribbean and Haiti, exporting their knowledge and practice of voodoo; southern Benin became known as “the Slave Coast.”

The area became a French colony in 1872 and achieved independence on August 1, 1960, as the Republic of Benin. A succession of military coups and dictatorships ended in 1972 with the rise to power of Mathieu Kerekou and the establishment of a Marxist-Leninist government. A move to representative government began in 1989, and a new constitution with human rights guarantees, including the equality of men and women, was adopted in December 1990. In 1991, former Prime Minister Nicephore Soglo became president in free elections, marking the first lawful, nonviolent transfer of power in Africa from a dictatorship to a democracy. Five years later, Mr. Kerekou was returned to power, and was re-elected in 2001 in a disputed election (there were charges of intimidation by the executive branch). President Kerekou will not be eligible to run in the 2006 presidential election because of term limits.

Benin is still making the transition from a socialist and centralized state to a democracy with a market-based economy. Some human rights are generally respected. For example, there is now a free press, as demonstrated by the dozens of readily-available local newspapers, as well as free (if not completely fair) elections, and an increasingly active civil society. Unfortunately, governmental and judicial corruption, poverty, low literacy and school enrollment rates, particularly for girls, little private investment, and the universal oppression of women are pervasive and difficult problems in Benin.

A. USAID Programs and Partners

USAID/Benin focuses on the following general development topics:

- Improving governance and reinforcing democracy by increasing citizen awareness of public issues, assisting in elections, strengthening legal institutions, and supporting the decentralization program
- Improving basic education by helping more children receive a quality basic education on an equitable basis, and increasing community involvement in local schools
- Improving primary health care by developing and implementing quality models, strengthening management capacity, and encouraging community participation in the development and implementation of health services

USAID/Benin's Democracy and Governance programs promote good governance through increased participation of civil society in decision making, strengthening mechanisms to promote transparency and accountability in government, improving the environment for decentralized private and local initiatives, and reinforcing the effectiveness and independence of the legislature. However, the DG Team sees democracy and governance not as a separate sector, but as a means or tool that enables social and economic sector programs to succeed. The DG Team holds a central role in supporting the mission's Basic Education and Family Health sectors. It is this kind of integrated approach that the WLR Initiative is looking for to best implement activities to promote women's rights. Just as the DG Team has simultaneously targeted actions at national level decision-makers and the local grassroots level, and linked democracy and governance activities to economic growth activities, so does the WLR team intend to work with all the Benin mission teams to integrate women's legal rights activities across sectors.

Some of the many contractors and grantees that have helped to implement USAID/Benin's democracy and governance activities include Enterprise Works Worldwide (EWW), International Foundation for Election Systems (IFES), National Democratic Institute for International Affairs (NDI), Global Women in Politics (a US-based NGO), the Association Against Racism, Ethnocentrism, and Regionalism (ALCRER, a local NGO partner), the Front des Organisations Nationales Anti-Corruption (FONAC, a local alliance of NGOs), and **GERDDES**, a Pan-African study and research group on democracy and economic and social development in Africa. Government of Benin partners include the National Assembly, Office of the Inspector General of Finance, the Chamber of Accounts of the Supreme Court, and the Decentralization mission of the Ministry of Interior.

USAID/Benin's Basic Education programs aim to ensure that more children in Benin receive a quality basic education by helping to improve the pedagogical system, increase enrollment of girls in target areas, improve the management of the education system which is being decentralized, and to help create a better environment for stakeholders by, for example, empowering parents and communities to become more involved in local schools.

Among USAID/Benin's many partners for their education programs have been the Ministry of Primary and Secondary Education; The Mitchell Group; Medical Care Development International (MCDI); World Education International Foundation for Education and Self-Help (IFESH); SONGHAI Center; US Peace Corps; CARE, International; World Learning; and numerous local individuals and schools.

USAID/Benin's Health programs seek to increase use of preventive and family health services by developing and improving policies and guidelines on key family health issues, improving management and planning systems, and strengthening the partnership between the public and private sectors. The Health Team is also developing a new HIV/AIDS program that will include national mass media campaigns for HIV prevention, targeted behavior change interventions for high risk-groups, and support to epidemiological and behavioral surveillance.

Partners in health programs include Africare; Population Services International with six partner organizations; Partnership for Child Health Care, Inc.; regional medical officers and political authorities (BASIC); Camp Dresser and McKee International; MACRO International; John

Snow International; Catholic Charities; Abt Associates; Population Council; Family Health International; CARE; University Research Corp.; Program for Appropriate Technology in Health (PATH); the Cooperative League of the United States (CLUSA); Program for International Training in Health Programs (INTRAH) at the University of North Carolina; and JHPIEGO, an affiliate of Johns Hopkins University.

Other USAID-funded programs include:

National Council of Negro Women (NCNW) was founded in 1935 by Mary McLeod Bethune, child of slave parents, distinguished educator, and government consultant. Mrs. Bethune saw the need to harness the power and extend the leadership of African-American women through a national organization. NCNW has developed the USAID-funded Basic Education, Empowerment & Technology Access Program (BEETAP) in Cotonou, Benin, to train women and offer technical assistance in computer and information technology, as well as education, literacy and economic programs focused on entrepreneurship and microcredit financing. NCNW is a voluntary, non-profit membership organization with the mission to advance the opportunities and the quality of life for African-American women, their families, and their communities. NCNW fulfills this mission through research, advocacy, and national and community-based services and programs in the United States and Africa. With its 38 national affiliate organizations and its more than 200 community-based sections, NCNW has an outreach to nearly 4 million women, all contributing to peaceful solutions to the problems of human welfare and rights.

VITAL FINANCE is a lending institution for micro-entrepreneurs without access to credit, about 90 percent of them women. Its main objective is to promote the growth, development, and diversification of the microenterprise sector in Benin. VITAL FINANCE was once a USAID/Benin project, but is now independently run. It has a phenomenal 98 percent repayment rate, showing how well-run the organization is and how its services are needed.

B. International Donors and Organizations

Cooperation between USAID and other donor organizations in Benin is growing. The United States is Benin's largest bilateral donor. Other contributors and organizations involved with Benin include: the European Union's African, Caribbean, and Pacific Group of States (ACP); the African Development Bank (ADB); the World Bank (WB); the International Monetary Fund (IMF); the UN Economic Commission for Africa (ECA); the European Investment Bank; the Economic Community of West African States (ECOWAS); the European Bank for Reconstruction and Development (EBRD); the Food and Agriculture Organization (FAO); the International Atomic Energy Agency (IAEA); the United Nations Development Programme (UNDP); the Organization of African Unity (OAU); the United Nations Development Fund For Women (UNIFEM); the Swedish International Development Agency (SIDA), the International Office of Migration (IOM); the International Fund for Agricultural Development (IFAD); UNICEF (investigation into child trafficking); UNESCO; the Universal Postal Union (UPU); the World Health Organization (WHO); the World Intellectual Property Organization (WIPO); the West African Economic and Monetary Union (WAEMU); and others.

International organization and donor activities related to women's legal rights include the following:

Danish International Development Agency (DANIDA). Reducing poverty in developing countries is central to Danish development cooperation priorities. A number of crosscutting themes are built into DANIDA's development assistance: women's participation in development, the environment, promotion of democracy, and observation of human rights. One of DANIDA's themes is gender and the role of women in development, for which DANIDA has a twin-track strategy. One track focuses on bridging gender gaps in development assistance and providing women with opportunities to fully participate in and benefit from all types of aid. The second track focuses on the long-term goal of providing women with the material and structural possibilities for participating, on par with men, in setting the development agenda, and in defining goals and the means to reach them. In addition to sector program support, DANIDA supports projects related to Danish policy concerns. These include projects focused on gender, democratization and popular participation, good governance, and the promotion and protection of human rights.

Open Society Institute, through the Open Society Initiative for West Africa (OSIWA), promotes the ideals of an open society where functioning democracy, good governance, the rule of law, basic freedoms, and citizen's empowerment prevail. OSIWA collaborates with advocacy groups, like-minded foundations, governments, and donors to create initiatives that enhance civil society. OSIWA program priorities include human rights, good governance, media and communication, and economic reform. The countries covered by OSIWA include Benin, Burkina Faso, Cameroon, Cape Verde, Chad, Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo.

Through its programs, OSIWA has supported research, advocacy, NGO engagement, and legal reform in relation to truth and reconciliation (TRC) activities. It has funded organizations and initiatives that promote defense for prisoners, address pretrial detention issues, and offer alternatives to incarceration. OSIWA has worked to raise the level of professional journalism, reduce media self-censorship, promote freedom of information laws, develop electronic information for libraries, and strengthen community radio. OSIWA has also funded community-level projects that address the struggles of sex workers, youth, and people living with HIV/AIDS.

PLAN International worked with nearly 16,000 children and their families last year. Working with rural families, PLAN's projects focus on improving education and health care, agricultural training and increasing incomes. While they do not concentrate on women's rights, PLAN's health activities disproportionately affect women's lives, as women make up the greatest proportion of agricultural workers, women and children collect drinking water for the family, and women are the primary caregivers and are responsible for their family's health. In Benin, PLAN is based in Mono, a region 120 km west of Cotonou. Mono is characterized by a high population density, soil exhaustion, poverty, diseases and difficult access to drinking water. Last year, PLAN equipped eight village health units with vaccination kits to help communities protect children against easily preventable diseases. PLAN recruited 14 community health workers to staff 25 health units, and assisted 28 children orphaned by AIDS with medical care, school fees and food. PLAN continued supporting programs that increase access to clean water in the regions of Mono and Couffo. Communities drilled or dug 17 wells and installed 24 water tanks

in schools and health clinics. Nearly 50 water management committees were also trained to maintain the new facilities.

United Nations Development Fund for Women (UNIFEM) promotes the rights of young girls to their physical integrity and reproductive rights in Gambia, Guinea, and Benin. UNIFEM advocates the elimination of female genital mutilation and has adopted an outreach strategy of involving religious leaders, policy makers, and the media to mobilize communities and promote alternative rites of passage to FGM. In Francophone West Africa, UNIFEM created a Network of African Women Economists to link researchers, policy-makers, the media, and grassroots women's organizations, and to enhance the contribution of African women in policy debates about gender, the economy, and trade.

C. Branches of Government

C1. The Judiciary

The Republic of Benin is still a developing democracy where respect for and implementation of the rule of law remains elusive. The legal system of Benin is primarily based on French civil law and local customary law. Though the 1990 Constitution provides for an independent judiciary, in practice, the executive branch has a great deal of influence on the judiciary (as well as on the National Assembly). The Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Also, judges, magistrates, and law clerks are paid very low salaries, which makes the system susceptible to corruption.

The judicial branch is a complex, multi-tiered system, made up of the Constitutional Court, the Supreme Court, the High Court of Justice, the courts of first instance, and other quasi-judicial bodies. The Constitutional Court rules on the constitutionality of laws, disputes between the President and the National Assembly, and cases relating to elections. Its mandate is to guarantee fundamental human rights and public liberties, and to monitor the functioning of institutions and the activity of public authorities. Proposed laws may be challenged in Constitutional Court, as was the new Family Code. The Constitutional Court has seven members, four of whom are appointed by the National Assembly, and three by the President, for a maximum of two 5-year terms.

The Supreme Court is the court of last resort on administrative and judicial matters, and in the management of the state's accounts. Its decisions are not subject to appeal. The government may (and in practice, often does) consult with the Supreme Court on administrative and jurisdictional matters, and request it to draft legislation and regulations to be considered by the National Assembly.

The High Court of Justice is comprised of members of the Constitutional Court (other than its president), six deputies of the National Assembly, and the president of the Supreme Court. The High Court hears cases against the President of Benin and other members of the executive branch if they are accused of high treason or infractions committed in the exercise of official duties.



From left to right: Bernice Noudegbessi of USAID-Benin; WLR Project Director David Vaughn; Madame Clotilde Medegan Nougbo, President of the High Court of Justice and Member of the Constitutional Court; WLR Legal Specialist Lyn Beth Neylon; and Afia Zakiya, IWID Gender Advisor, USAID Africa Bureau, in Justice Nougbo's chambers

The Court of Appeal hears appeals from the courts of first instance, and is composed of a president, legal advisers, public prosecutors, court clerks, and assistant district attorneys. Recently, a second Court of Appeal became active in Benin.

There are courts of first instance in each of six judicial districts. They include the Traditional Peoples' Chamber, which can hand down executory judgments in family and personal property matters, and the Traditional Chamber for Property Matters, which can hand down executory judgments in real estate matters. Customary law courts in Benin were abolished in 1964, but lay tribunals still exist that perform the same function. It is at this level where women who gather the courage to ask that their rights be respected are generally rebuffed, as the families, police, prosecutors, legal counsel, magistrates, and judges are either ignorant of the laws protecting women's rights or will not enforce them.

C2. The Executive

The executive power lies with the President of Benin, who is elected by popular vote for a maximum of two 5-year terms. The President commands the civil service and armed forces, and presides over the Council of Ministers, which directs national policy. The President may also

initiate consideration of laws by the National Assembly, and in practice this is the way most national legislation is introduced in Benin. The President, in consultation with the National Assembly, appoints the members of the cabinet. Four of 21 Ministers selected in 2003 are women: *Ministre de la Santé Publique* (Minister of Public Health) Madame Yvette Céline Seignon (née Kandissounon); *Ministre de la Famille, de la Protection Sociale et de la Solidarité* (Minister for the Family, Social Protection and Solidarity) Madame Massiyatou Latoundji (épouse Lauriano); *Ministre de l'Enseignement Primaire et Secondaire* (Minister for Primary and Secondary education) Madame Karimou Rafiatou; and *Ministre de l'Enseignement Technique et de la Formation Professionnelle* (Minister for Technical Instruction and Vocational Training) Madame Lea Hounkpè.

C3. The Legislature

The National Assembly, whose members are known as deputies, is a unicameral legislature elected every four years by direct, universal suffrage. However, women are seldom represented in the National Assembly, and many women do not vote. There are many reasons for this, including the fact that many women do not have identity cards. Identity cards are required to vote. One must have a birth certificate to get an identity card, and most women born in rural areas do not have birth certificates. Also, most women are illiterate, and not knowledgeable about voting, the candidates, or the issues in elections. In 2001, Madame Marie Elise Gbedo, President of l'Association des Femmes Juristes du Bénin (AFJB), was the first woman ever to run for president of Benin; her candidacy was a catalyst for voter education among women.

The National Assembly has the power to legislate on most matters, including civil rights, criminal law, and education, and to determine the national budget. In practice, Benin's National Assembly is weak. Most of its deputies are not lawyers and have no background in the law. Many are illiterate, and do not understand the ramifications of the legislation they vote on.

D. Civil Society Organizations

The NGO community in Benin is active on a variety of issues, including women's legal rights, literacy, FGM, and poverty alleviation. Most NGO activity is in the population centers because of the difficulty and expense of travel and communication to the center and north of the country. All civil society organizations complained of difficulty finding funding; lack of resources made it hard for them to successfully complete their missions and tended to make their programs donor-driven. While the WLR team emphasized to every organization that our activities will focus on women's legal rights, many made compelling arguments that their human rights to participate in the development of the Benin society and economy depend on access to microcredit and economic opportunity, and that their rights within the family would be enhanced if they had income-generating work that brought money into the household.

The WLR team met with many civil society organizations. The following groups which all have successful, if under-funded, programs and are well-known, are potential partners:

The **Association des Femmes Juristes du Bénin (AFJB)** is one of the largest and most active women's NGOs in the country. Made up of legal professionals who donate their time and money, AFJB has three Legal Aid Centers, all in population centers in the south of Benin

(Lokossa, Porto Novo, and Cotonou), but they train paralegals who work in villages all over the country. Since 1990, the AFJB has promoted legal literacy, especially among women and those from rural areas. They work to advance the legal rights of women and girls. AFJB paralegals work mostly with the very poorest clients in communities throughout Benin to raise awareness of issues important to women. They also conduct workshops and information campaigns. The AFJB has collaborated with all branches of the Benin government; it lent its expertise to educate members of the National Assembly in a series of seminars on the many sections of the Family Code legislation before it came to a vote, and helped the Law Commission to revise the unconstitutional sections of the Family Code after it passed in 2001. The AFJB was mentioned by judges, other organizations, and government representatives as the organization most involved in the promotion of women's legal rights.



Meeting at AFJB legal aid center in Lokossa, Benin

Women in Law and Development in Africa (WiLDAF) is another leading group working in Benin. A Pan-African non-governmental, non-profit organization, WiLDAF brings together organizations and individuals to promote the exercise of and respect for women's rights in Africa. WiLDAF's overall goal is to promote strategies for individual, community, national, sub-regional, and regional development. WiLDAF facilitates workshops and seminars on women, law, and development, and publishes a newsletter, a directory of women's resources, and posters and pamphlets giving simplified information on women's rights and development issues. WiLDAF also gives training and technical assistance to strengthen the capacity of local groups and individuals to design and carry out effective rights education, and maintains an institutional presence at sessions of major regional and international institutions dealing with the human

rights of women. It works as both an organization and a network of organizations, and has conducted several successful continuing education sessions for judges in Benin. The only successful prosecution for FGM in Benin was heard by a judge who had been to a WILDAF training.

L'Association des Femmes d'Affaires et Chefs d'Entreprises du Bénin/Association of Women Business Owners of Benin (AFACEB) is an association of women entrepreneurs whose aim is to contribute to the country's development and to the individual members' economic improvement. Association members are diverse, and AFACEB offers services to women at all economic and social levels. For professionals, the association offers networking opportunities through participation in international conferences; for "mid-level" women entrepreneurs, it offers discussions and advice on running businesses; and for women in the informal sector (mostly women selling wares in the outdoor markets), it has created a small microcredit program. For young women who have just gotten diplomas but who have no job, the organization has developed a training center to teach practical skills. The president of the AFACEB told us that the larger cultural issue of women's oppression must be addressed at the same time the association strives to solve some of the specific, day-to-day problems of women. She would like to create a program to teach women about their rights, perhaps integrating rights education into the vocational training program, which would allow women to attend meetings without being forbidden or beaten by their husbands for doing so.

SECTION III

Assessment Findings and Recommendations

After a careful review of the information obtained in the assessment and analysis process, the WLR team makes the following findings and recommendations for assistance related to legislative framework, judicial enforcement, civil society advocacy, and public awareness.

A. Legislative Framework

A1. Findings

The equal rights and duties of all citizens are guaranteed by the Benin Constitution, articles 7 through 40. The Constitution specifies that “[m]en and women are equal under the law. The State shall protect the family and particularly the mother and child.” In addition, the rights enumerated in the African Charter on Human and Peoples’ Rights has been explicitly incorporated into the Constitution (Title II, art. 7). A number of international human rights instruments, such as the International Covenant of Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child, have been ratified and impose specific obligations to protect and advance these rights. However, these and other laws affecting women’s rights are seldom actually enforced. There is almost no implementing legislation for broad Constitutional guarantees of equality and human rights, and such laws and regulations are absolutely necessary in a civil law system.

Women’s rights cannot be fully evaluated without investigating women’s status within society. Laws relating to women’s legal status reflect not only societal attitudes that affect women’s rights, but also have a direct impact on women’s ability to exercise their rights. Customary laws as now applied in Benin give women virtually no rights; in some areas, women are not even considered to be human beings. In most ethnic groups, customary systems traditionally included a social safety net. For example, while women could not directly inherit land or property from their husbands when they died, the male relatives who did inherit were responsible for and were required to take care of the surviving widows and children. However, this is no longer the norm, and today all customary law as practiced in Benin favors men over women. Customary law addresses relationships among individuals and families, and therefore covers many issues of family law, especially rights in marriage and divorce. The legal context of family life, women’s access to education, and the laws and policies affecting women’s economic status can contribute to the promotion or the restriction of women’s access to health care, education, income, and to their fundamental status as a human beings and fully functional members of society.

A significant development in Benin was the adoption of a new Family Code in 2001. This Code was introduced in 1994, and was the source of much contention, education, and advocacy over many years before and since. When it was finally passed, women’s associations and others complained that there were many sections of the law that still discriminated against women. For example, one section provided that unless affirmatively indicated otherwise, marriages are

considered polygamous and customary, leaving the wife with few or no rights concerning inheritance, child custody, finances, or her own physical integrity. The Family Code was sent to the Constitutional Court, which ruled that many sections did not meet the constitutional guarantee of the equality of women and men. The law was sent back to the Executive branch to be rewritten, and is now again with the National Assembly to get final approval as amended before becoming law, which is expected in April 2004.

Women make up 80 percent of the agricultural sector of Benin, but have little access to or control of the land they work. Customary practice forbids women from inheriting property, and income derived from women's work on the land may be taken away by husbands or husbands' families. Women do not belong to the groups that make decisions about land. The Ministry of Agriculture, with advice from the Supreme Court, is drafting a Code on Land and Property. In this draft, all sections require equality between women and men; it does not specifically address remedies to traditional obstacles to women's land and property rights. When and if the Code is passed, implementing regulations will be approved by the Ministry of Agriculture. The Ministry's Gender Unit said it will insist on applying the law to men and women equally. This is a dangerous strategy that doesn't acknowledge the persistent customary barriers to women's land and property ownership, but the drafters think the new Land Code will have a better chance of passage by the National Assembly, and will withstand constitutional scrutiny, if it requires equality and then has strong enforcement and implementing regulations. The National Assembly is currently revising a separate law regulating rural women's associations so that it complies with CEDAW and the Benin Constitution.

A2. Recommendations

We recommend cooperation with government ministries and civil society organizations to provide assistance to a public awareness campaign on the new Family Code, in areas or on topics not covered by current or past campaigns, and on the ramifications for women's land ownership in the new Land Code if it is introduced in the National Assembly. This could include a component to give favorable publicity to members of the National Assembly who promoted this law as a way to provide positive reinforcement for supporting women's rights. We also propose to provide training and continuing education for legal professionals regarding the new Family Code in an effort to ensure its effective implementation, which will advance women's legal rights.

B. Judicial Enforcement

B1. Findings

Corruption, lack of information, and improper behavior in the judiciary are serious problems in Benin. Judges, lawyers, and administrative staff are not sufficiently trained, particularly in the implementation of international treaties and national laws that contradict misogynistic customary law. The judicial system has serious deficiencies and is viewed by the public, with reason, as corrupt, unprofessional, and ineffective. Recently, 27 judges were charged with embezzling millions of dollars from the state. They are among the 99 court and finance ministry officials who have been in detention since December 2001, charged with illegally pocketing more than

US\$15 million from the state over 4 years. The defendants include 45 court clerks and judges from 12 of Benin's 13 district courts.

Prosecution of child trafficking, female genital mutilation, forced marriage, *levirat* (forcing a widow to marry her dead husband's brother), and domestic abuse is virtually nonexistent. The WLR team heard of only a single successful prosecution for female genital mutilation in Benin; the judge in that case had recently completed a training on women's rights given by WiLDAF. Police, prosecutors, legal counsel, judges, and sometimes the victims themselves do not recognize these as serious crimes against women.

The legal framework of Benin is a convoluted mixture of the Napoleonic Code of 1804, the Customary Law of Dahomey of 1931, the Basic Law of 1977 ("la Loi Fondamentale") from the socialist era, the Benin Constitution of 1990 and the laws passed since that time, and local customary practice. There is enormous social pressure to follow tradition, however unfair or unhealthy, and to keep even severe human rights violations "in the family." Even when a case does go to court, judges, especially in rural areas, seldom apply national law or international standards. We were told that if the person bringing the charge is literate, the judge will apply the old French Civil Code, and if illiterate, the judge will apply customary law; a vast majority of women are illiterate. Any continuing education or other activities developed by WLR involving the judiciary will take place against this backdrop.

B2. Recommendations

We recommend cooperation with WiLDAF, a leading women's organization, to give continuing education courses to judges. Judges need specific training on cases involving the Family Code and women's rights, and on the differences that will result between applying customary law or old civil law and the new Family Code. We also recommend the development of a "bench book" or practice manual on the Family Code that will provide judges and other legal professionals with specific legal and procedural guidelines for family law cases. Additional training to raise gender awareness and sensitize legal professionals to these specific issues should also be included in the continuing education program.

C. Civil Society Advocacy

C1. Findings

Civil society in the urban areas of Benin is comparatively active, with many small women's associations working on a variety of issues, some, but not all, related to women's legal rights. Funding for these NGOs is typically provided through the international donor community. Given the poor economic situation in Benin, it is difficult for NGOs to find local financial support. Most depend on volunteers. The NGO community uses print and electronic media to disseminate their messages, although many newspapers will not cover women or women's issues, and some local radio stations have refused to air programs that criticized customs such as FGM. The civil society sector is centered in the south of Benin, especially Cotonou, and mostly confines itself, with a few notable exceptions, to gathering and disseminating information, monitoring human rights violations, and advocating for their causes with the government. There are very few actual services or interventions, except for

some legal counseling, very limited shelter for victims of domestic violence, and a small amount of microfinance.

The Association des Femmes Juristes du Bénin, one of the best-known civil society organizations that promotes women's rights, conducts a highly successful paralegal training program. They recruit interested men and women from villages throughout Benin, people who are traditional leaders or who have shown leadership skills, and who have some formal education. The AFJB, whose members are all legal professionals who donate their time, gives these recruits rigorous paralegal training, and then returns them to their villages to act as a resource for the community. The paralegals do public education about women's rights and how they affect everyone in the community. Legal training confers knowledge and status on the paralegals, who solve problems people bring to them; approximately 80 percent of their cases are resolved through mediation and reconciliation, within the law. Of the remaining cases, some are referred to the Legal Aid Centers in southern Benin, where AFJB members will take cases to court *pro bono*. The AFJB also does public education campaigns on women's rights.

C2. Recommendations

The WLR team recommends working with specific groups that go beyond gathering statistics and publishing reports, groups who are well known and who have shown results. We recommend working with the AFJB to utilize their successful and well-respected, but underfunded, paralegal training program already in place. WLR should support these trainings.

WLR should also selectively support impact litigation brought by the AFJB. Bringing key cases on family law or property issues to court and then shepherding them up through the many levels of the court system can be a time-consuming but cost-effective strategy to successfully impact women's legal rights throughout Benin.

D. Public Awareness

D1. Findings

Women, particularly in rural areas, are ignorant of their rights. They are isolated and illiterate in communities that have followed customary law for generations. Issues such as forced marriage, rape, polygamy, *levirat*, domestic violence, girls' education, female genital mutilation, reproductive rights, and women's lack of self-determination are considered family and customary matters, and therefore not worth protesting or reporting.

A public awareness campaign, spearheaded by the AFJB, was crucial to the passage and re-writing of the new Family Code. With its adoption, many changes regarding the rights of women and children will be introduced throughout Benin. If women are not made aware of their rights, they will continue to accept the tradition that men are the deciders of their fate, that they are defined only in relation to their husbands, brothers, and sons, and that they have no human rights. Women must be aware of their rights to assert them, which is why most of the pressure to codify and enforce women's legal rights in Benin has been from the cities, where the level of women's education, literacy, and income is higher, and from the international community. Women throughout Benin deserve to know their rights.

D2. Recommendations

The NGO community is experienced with public awareness activities, but lacks the resources for sustained campaigns. WLR should complement ongoing or pending advocacy and public education campaigns by providing assistance for the development of new materials and training for the groups, networks, and Ministries that will disseminate these materials. This will be particularly important for the sustainability of relationships and networks working to promote women's rights. Also, WLR should provide support for getting out the word in a variety of ways, for example, "video-mobiles," T-shirt campaigns, traveling dramas, soap opera radio spots, as well as the usual print and electronic media methods. Finally, WLR should explore the possibility of complementing USAID-Benin's basic education programs with educational materials and/or trainings on girls' rights, especially on the issue of sexual harassment in the schools.

SECTION IV

Implementation and Next Steps

A. Implementation Strategy

Promoting the legal rights of women in Benin requires an integrated, cross-sectoral approach. Since the possibilities for activities are endless, the WLR team has considered the strategic advantage of the many suggestions from civil society organizations, international donors, representatives of the judiciary, government personnel, and USAID/Benin staff. We have decided that targeting the main players of a legal case – the one whose rights are violated, the legal counsel, and the decision-makers – is the best way to approach our Initiative. First, women must understand that they have rights as a practical, not just theoretical, matter. Next, WLR will find a way for those women to get legal help if they want to assert those rights, since rights are only symbolic if there is no way to exercise them. Finally, WLR will support activities to ensure that the magistrates or judges who hear women’s rights cases understand and enforce those rights. By sponsoring a public awareness campaign on the new Family Code, by supporting paralegal training and impact litigation, and by funding continuing education for judges, WLR can promote the objectives of USAID/Benin and strategically impact women’s enjoyment of their legal rights.

WLR will link program activities to EGAT/WID’s strategic objective (S03) and to USAID/Benin’s strategic objectives and intermediate results. The Intermediate Results toward WLR’s project goals are:

- IR 1 Improved legislation to protect women’s legal rights
- IR 2 Enhanced justice sector capacity to interpret and enforce legislation that protects women’s legal rights
- IR 3 Strengthened civil society organizations’ ability to advocate for women’s legal rights
- IR 4 Increased public awareness of women’s legal rights

A1. Public Awareness Campaign on the Family Code

The primary focus of our project activities will be to educate the public about women’s legal rights. Strategically, the best way to approach this broad (and for many, theoretical) topic, is a public awareness campaign on the newly revised Family Code, and what it will mean in practical terms in women’s lives. The timing of WLR’s project provides us with a unique opportunity to become involved with the acceptance and enforcement of this important law. It is imperative that the public be aware of their new rights and obligations under the Family Code. The new Code contains significant changes from the old French Civil Code and customary law regarding the right to consent or refuse to marry, rights within marriage, rights at divorce, child support and custody, inheritance, ownership and control of property, polygamy, and other family law issues. This law touches on many of the areas where women in Benin are most oppressed. If enforced, it will significantly affect the lives of every person in Benin.

Specific proposed activities:

- Develop summaries in simplified language of the new Family Code and its implications in day-to-day life for women and men in six or eight local languages and French – brochures, posters, radio spots; can be on entire Code or particular rights or both
- Provide support for *L'Amazone*, an established newspaper/magazine that prints articles of interest to women and/or about women; few male-owned, male-run newspapers will print news about women, thinking their audience doesn't want to hear about women unless it's something bad or scandalous
- Dissemination of rights materials through existing networks: WiLDAF member organizations; AFJB-trained paralegals; church women's associations, including the Union des Femmes Methodistes du Bénin (UFM); Ministry of Agriculture's rural network; Ministry of Health's family health Network; Ministry of Education's school network; parents' associations; training programs for teachers; the Ministry of Family, Solidarity, and Social Protection's ongoing program to integrate information on reproductive rights into adult literacy programs; USAID/Benin's sector networks; vocational training programs (AFACEB); microfinance programs (VITAL FINANCE); and other NGO networks
- Support training of individuals in the networks disseminating materials on women's rights on how to incorporate a gender perspective into their particular issues, topics, and programs
- Assist the AFJB in developing and implementing a media strategy around a highly visible lawsuit on women's rights (see A3 Impact Litigation)

The promotion of public awareness around women's rights issues is not new. A variety of organizations and government agencies have carried out public awareness projects. AFJB, WiLDAF, and other groups successfully created the momentum to pass the Family Code and raised some level of awareness about it. However, these organizations do not have sufficient resources for a continuous campaign throughout the country, and their efforts, while laudable, have not resulted in general public awareness about women's rights outside the population centers of the south.

WLR proposes to mobilize resources from all levels of society and use existing networks crossing many sectors to connect with people the previous campaigns did not reach. WLR recommends that we fund the development, translation, and printing of materials, radio spots, and other publicity tools. The important difference between WLR activities and other campaigns is that WLR will invest in the relationships between people and networks to create sustainable partnerships that will continue to function after this particular project is finished. WLR will use current programs at the government and NGO levels that are not necessarily targeting women, but that deal with issues important to women, such as microfinance, health, schools, job training, agricultural techniques, and access to water and land, to spread information about women's rights as specifically applied to those topics. This allows people who do not usually come into contact with each other to work together on this public awareness project for the common goal of achieving greater gender equity. People, organizations, and networks cooperating in this way

will result in new relationships and strengthen existing ones, improving the chances of reaching more people with the message that women have rights.

As far as the WLR team has been able to determine, there has never been a media strategy to promote women's legal rights built around impact litigation in Benin. This will be an effective way to create interest about women's rights in the popular and male-dominated media. If handled correctly, the AFJB and other women's organizations will be the primary sources of information for newspapers, television and radio news. This will increase these organizations' exposure, and give wide coverage to women's rights issues from women's perspectives, which have been lacking in the mainstream media.

Expected results: Providing assistance to local organizations for the development of an effective public awareness campaign will educate the public and government on women's legal rights (IR 4). By increasing their awareness of their rights, women will be more likely to join women's associations and/or participate in NGO events, strengthening organizations' ability to advocate for women's rights (IR 3).

A2. Paralegal Training

The new Family Code, expected to become effective in April 2004, provides an excellent and timely opportunity for WLR to promote women's legal rights through the training of paralegals on the practical application of the Code's provisions and to raise public awareness of the law in Benin. By supporting the legal education of local leaders, we can reach people all over Benin through members of their own communities who are educated in how the new law differs from customary practice and the outdated civil law, and who understand the best ways to impart that information to the general population. Paralegals who know the law but also know the local traditions, and who are trained both to mediate and to use the legal system, are the best chance women, especially rural women, have to protect them from the oppression and unfairness of customary practices that violate their human rights.

Specific proposed activities:

- Provide assistance to the AFJB for more trainings for paralegals, at least one group to go to the Ganvié region. The AFJB does not have sufficient resources to conduct trainings for all the paralegals that are needed in Benin. The Ganvié region is extremely poor and traditional, yet after one paralegal started to work in a village there, a group of women began to meet, and incidents of forced child marriage decreased. These women, whom we met, want to learn about their rights and the rights of their daughters.
- Create a practice manual in French to provide lawyers, paralegals, and other legal professionals with information on women's legal rights, including relevant national and international law, commentaries, step-by-step procedures, and best practices in dealing with customary law cases (including winning strategies from other civil law African countries). Strategies for bringing impact litigation (see A3 below) would be included. A practice manual would provide a valuable tool to lawyers and paralegals working to defend women's rights, who could refer to the manual as they prepare for and proceed through cases.

Expected Results: Providing assistance to the AFJB to train paralegals to protect the legal rights of women pursuant to the Family Code will increase public awareness of rights (IR 4) and improve the ability of civil society organizations to promote and facilitate administrative and legal changes (IR 3). Teaching legal professionals to apply current laws and constitutional and international standards to protect women's rights will expand the capacity of civil society organizations to provide legal services to women (IR 3), as well as to ensure the proper enforcement of legislation that protects women's rights (IR 2).

A3. Impact Litigation

A practical method by which WLR can promote women's human rights in Benin is encouraging strategic impact litigation. "Impact litigation" means lawsuits that have a broader effect than simply resolving a dispute between the parties to any one case. While the civil law and common law systems treat such cases slightly differently, civil law systems like Benin's do recognize the concept of precedent, and look to the courts for constitutional interpretation of the laws; single cases, especially when decided by a high court or involving constitutional interpretation, can shape the law and society for generations. Litigation is a crucial means of ensuring and vindicating individual rights. It is also used to assert the rights and interests of groups or classes of people. Using impact litigation is a legal strategy, and to WLR's knowledge, has never been used in Benin. Litigation can be a powerful means for protecting the rights of vulnerable groups, especially in laws concerning social policy. Women's rights advocates can use impact litigation as a tool to bring cases to court that will have far-reaching influence. However, given the costs, expertise, time and effort required to strategize, bring a lawsuit and see it through to the highest level, individual clients and lawyers often can't afford to pursue promising cases, and need outside financial support.

There is risk to this strategy. If the lawsuit is won, the positive result would be far-reaching, benefiting not only the plaintiff in the case, but perhaps every woman in Benin. But, while a win could expand women's rights, a losing decision could harm not only the client, but could restrict the rights of women. However, there are other reasons to support impact litigation. It can be used to promote the use of international law within the national legal system. High impact cases are also an effective public education tool. Savvy lawyers can amplify the value of a case by presenting it to the media, encouraging public debate about important legal, political and social issues, so there is a long-term educational benefit even if the case is lost.

Specific activities include:

- Provide assistance to the AFJB to selectively support impact litigation. Cases that, if successfully brought before the Constitutional Court, could affect the rights of all the women of Benin, are not being taken to court for lack of funds. Plaintiffs need support for travel and living expenses for themselves and their children, who must go to the south of Benin to litigate their cases for the long periods of time it takes a case to work its way through the legal system. Plaintiffs also need assistance with court costs. The AFJB would need funding for experts and legal fees, as the lawyers could not be expected to donate the large amount of time that would be required for such cases, and would probably require some outside assistance with developing impact litigation strategy. The

AFJB has the expertise and passion, but not the financial wherewithal, to conduct impact litigation, which has the potential for yielding the most results at a relatively low cost.

- Provide assistance to the AFJB to develop a section in the paralegal training manual on bringing successful impact litigation to court, and integrate it into their paralegal trainings.

Expected Results: Providing assistance to the AFJB to bring impact litigation to protect the legal rights of women will improve the ability of civil society organizations to promote and facilitate administrative and legal changes (IR 3), and increase public awareness of rights (IR 4). Developing and using impact litigation strategy, and then using the experience in training paralegals to apply current laws and constitutional and international standards to protect women's rights, will expand the capacity of civil society organizations to provide legal services to women (IR 3), as well as to ensure the proper enforcement of legislation that protects women's rights (IR 2).

A4. Continuing Education for Judges

It is essential that magistrates and judges at all levels be properly trained to effectively implement the Family Code and ensure that women's rights are protected. Proper interpretation and enforcement of this law can lead to empowerment of women and improve their economic and social status. Timing is important; although precedent is not as crucial in civil law countries as in common law states, how judges interpret the Family Code in early decisions will have an influential and lasting impact on the course of women's legal rights in Benin. Empowering women is a valuable goal in itself, but is also central to the larger goals of development and economic growth and improving institutions and governance in Benin.

Specific proposed activities:

- Cooperation with and assistance to WiLDAF to provide continuing education for magistrates and judges, on women's legal rights in general and the Family Code in particular, based on WiLDAF's prior judge's training program
- Develop and disseminate a bench book or practice manual on family law practice and the Family Code for magistrates and legal professionals. This document should be disseminated as widely as possible, and will include guidelines, checklists, relevant legal arguments, the differences between customary law and the Family Code, and other resources related to women's legal rights

Expected results. Training for judges and legal professionals regarding the provisions of the new Family Code will ensure proper enforcement of legislation that protects women's legal rights (IR 2), as well as improve the ability of civil society organizations to provide legal services to women (IR3). The preparation of a bench book/practice manual for magistrates, judges and other legal professionals will build the capacity of the judicial sector to enforce the national laws that protect women's rights, and conform to international standards (IR2).

B. Development of Country Action Plan

After comment and review of the assessment and analysis report by EGAT/WID, the Africa Regional Bureau, and USAID/Benin, WLR will develop an action plan based on the activities selected for implementation. The action plan will set out specific activities, the methods for completing those activities, who will do what, and a time frame for completion. These activities will reinforce USAID/Benin's relevant strategic objectives and coordinate with other mission activities.

C. Next Steps

Following the initial visits to Benin, the collaborative design of an action plan, and USAID/Benin and EGAT/WID approval, the WLR team will begin to implement the project, guided by USAID/Benin and EGAT/WID strategic objectives. WLR anticipates starting to develop an action plan with Lyn Beth Neylon's visit to Benin in May 2004. The WLR team and local Benin staff will collaborate and coordinate activities with USAID programs and partners. The local staff will be supported by the WLR Legal Specialist and short-term experts, and act under the supervision of the WLR Project Director while implementing the action plan. WLR's core home office team members will travel to Benin regularly to provide supervision and technical assistance as required. In addition, the local staff and home office will communicate regularly by email, internet, P2P telephony*, phone, and fax. The core team may identify local or expat technical experts on a specific topic to provide short-term field assistance and/or training for Benin staff or partners.

[*P2P (peer-to-peer) technology connects users over the internet, like a phone call. It is based on music file-sharing technology at sites like Napster or KaZaa, but some software allows people who have internet service anywhere in the world to have conversations without making a long-distance phone call. This makes international communication much cheaper! See www.skype.com for more information.]

ANNEX A: LIST OF MEETINGS HELD FEB. 17-29, 2004

Note: All meetings below were attended by **David Vaughn, Lyn Beth Neylon, and Bernice Noudegbessi (USAID/Benin)**, usually accompanied by our interpreter, **Sevi Gbetowomon**.

- 2/17/04** Introductory meeting with **Barbara Dickerson, Program Officer, USAID/Benin** bdickerson@usaid.com.gov and **Bernice Noudegbessi, Project Development Specialist and WID Officer**, benoudegbessi@usaid.gov, USAID/Bénin, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/17/04** Meeting with **Union des Femmes Methodistes du Bénin (UFM)**, a Methodist Church women's organization, at l'Eglise Méthodiste du Benin in Cotonou; contact Madame Félicienne Ayayi, vice-president; tel: (229) 32 03 49
- 2/17/04** Security briefing by **Tracey F. Lunsford, Regional Security Officer, US Embassy Benin, US DOS Diplomatic Security Service**, Rue Caporal Bernard Anani 01 P.O. Box 2012 Cotonou; tel: (229) 30 05 13, cell: (229) 91 35 13, fax: (229) 30 19 74
- 2/17/04** Meeting with **Mme Clotilde Medegan Nougbo**, **President of the High Court of Justice, Magistrat et Membre de la Cour Constitutionnelle (Justice of the Constitutional Court)**, at her office at the Constitutional Court; tel: (229) 31 16 10/ 31 72 36/30 79 73
- 2/17/04** Meeting with **M. Léonard Laleye, Vice Director of the Department for Gender Issues and Women's Promotion, Ministry of Family, Solidarity and Social Protection**; at his office at the Ministry; tel: (229) 31 67 07/ 92 56 33
- 2/18/04** Meeting with **Mme Agnès ALI BOCO, Secrétaire Permanente, Réseau National pour la Promotion de la Scolarisation des Filles (Executive Secretary of the National Network for Promoting Girls' Education)** at her office; 09 B.P. 121 Cotonou; tel/fax: (229) 30 03 40, tel: (229) 39 27 00
- 2/18/04** Meeting with **Mme Gisèle Adissoda, Director and publisher of L'Amazone magazine**, at L' Amazone headquarters, 06 B.P. 105 Cotonou, Siège social: C/1058-Sikêcodji; tél/fax: (229) 32 41 19, cell: (229) 94 47 82
- 2/18/04** Audience with Judicial Delegation, including: **Edwige Boussari, Présidente de la Chambre Judiciaire ;Grégoire ALAYE, Président de la Chambre Administrative; Firmin Djimenou, Président de la Chambre des Comptes; Nestor Dako, Procureur Général près la Cour Suprême; Françoise Tchibozo Quenum, Greffier en Chef ; Victor Adossou, Secrétaire Général de l'Association Ouest Africaine des Hautes Juridictions Francophones; Alexis Noukoumiantakin, Directeur de Cabinet de la Cour Suprême; Désiré Sacca, Directeur de Cabinet Adjoint; Khalil Bello, Assistant au Directeur de Cabinet;**

- Norbert Kassa, Conseiller à la Chambre des Comptes; Etienne Fifatin, Directeur de la Documentation et des Etudes; Horace Adjolohoun, Association Ouest Africaine des Hautes Juridictions Francophones; and Afia S. Zakiya, Ph.D., Investing in Women in Development Fellow (IWID) Gender Advisor, USAID Africa Bureau; at the Supreme Court, Cotonou; tel: (229) 31 71 86/ 93 30 84**
- 2/19/04** Meeting with **Association des Femmes Juristes du Bénin (AFJB)**, including **Marie-Elise GBEDO, Présidente de l'Association des Femmes Juristes du Bénin (AFJB), and Mme. Mireille AGOSSOU, Directrice du Centre de Lokossa, paralegals** trained by AFJB, and individual **beneficiaries**, at AFJB Legal Aid Center in Lokossa. Contact info for Mme. Gbedo: Carré 621 Gbégamey 08 B.P. 7047 Aéroport, Cotonou; tel.: (229) 30-77-90, fax: (229) 30-78-47, cell: (229) 95-10-22 cabmeg@intnet.bj; contact info for AFJB headquarters: 04 B.P. 0331, Cotonou; tel (229) 32-83-53, fax (229) 32-82-81, afjb.benin@intnet.bj
- 2/20/04** Meeting with **Mme. Blandine YAYA SINTONDI, Directrice du Centre de Porto-Novo** at the AFJB Legal Aid Center in Porto Novo; tel: (229) 21 21 36/ 01 32 07
- 2/20/04** Meeting with **Razaki AMOUDA ISSIFOU, Président de la Commission des Lois, de l'Administration et des Droits de l'Homme, République du Bénin Assemblée Nationale, 4ème Législature, (President of the Law Commission, National Assembly, 4th Congress)** and **two assistants** at the National Assembly Building in Porto Novo; tel: (229) 21 22 19/21 22 70/21 51 61/ 21 43 46; then visited newly-built Supreme Court Building (structure complete, but not yet occupied)
- 2/20/04** Meeting with **Mme. Grâce Lawani, President of AFACEB (Association des Femmes d'Affaires et Chefs d'Entreprises du Bénin/Association of Women Business Owners of Benin)**, at Hotel GL in Cotonou; tel: (229) 85 24 48
- 2/21/04** Meeting with **17 representatives of women's associations** in **Ganvié**; with no more than 3 participants from each, including (names are translations) "Hand in Hand," "Remember God," "God is On His Way," "Dix heures et seis," "Everything Comes From God," a local parents' association, and a local paralegal trained by AFJB, in Ganvié; Reine Adidi or Joseph Zannou; tel: (229) 07 80 61/ 49 70 50/49 06 68
- 2/23/04** Sat in on **USAID-Benin Democracy and Governance Team presentation**, attended by D&G team and senior staff, including the Program Officer, USAID/Benin mission, USAID/Bénin, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/23/04** Meeting with **USAID/Benin Mission Basic Education Team**, including **Georgette POKOU, Economist, Program Specialist, Basic Education Team Leader, Bahereh Smith, Education Adviser, and Eric James SOSSOUHOUNTO,**

- Program Assistant**, at USAID/Benin mission, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/23/04** Interviewed five individuals for the WLRI Coordinator position at USAID/Benin mission, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/24/04** Meeting with **Ministry of Health, Gender Unit**, including **P. Nestor, Dr. Ali**, and **Marguerite Zolipal**, held at Ministry of Health, Cotonou; tel: (229) 33 04 64/33 14 68/33 12 99
- 2/24/04** Meeting with **Kpenou Richard ,Vice Minister of Justice and Human Rights Committee, Rufine Félicité AGBO, Administrateur civil**, and **Horace S. ADJOLOHOUN, Assistant Administratif, InteRights / Le Juge et la Protection des Droits Humains en Afrique de l’Ouest, Association Ouest-Africaine des Hautes Juridictions Francophones**, held at the 8th session of the Conseil National Consultatif des Droits de L’Homme (CNC DH), Maison d’Accueil Sainte Anouarite (Abomey-Calavi), human rights training session sponsored by the University February 23-25, 2004; tel: 31 48 17/31 51 45
- 2/24/04** Meeting with **Ministry of Agriculture, Gender Unit**, including **Marie Odele H. COMLANVI , Politeque sectorelle, Luc KPOFFON, Communication et statistique (Communications and Statistics), Aicha ALIDOU DEEN, Coopération technique et projets (Technical Cooperation and Projects)** at the Ministry of Agriculture, Cotonou; tel: (229) 02 96 12
- 2/25/04** Meeting with **Pascal A. ZINZINDOHOUE, Socio-Anthropologist, Family Health Team Leader**, USAID/Benin mission, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/25/04** Gave PowerPoint presentation and debrief to **USAID/Benin** mission, attended by **general and senior staff**, including Program Officer, in the mission’s conference hall, USAID/Bénin, 01 B.P. 2012, Cotonou; tel: (229) 30 05 00
- 2/25/04** Meeting with (former first lady) **Ms. Rosine Soglo, President of VIDOLE**, a literacy NGO, at their headquarters; tel: (229) 02 96 12
- 2/26/04** Meeting with **National Council of Negro Women (Conseil National des Femmes Noires)**, including **Osseni Juliette Djemilath, NCNW Program Manager, Basic Education, Empowerment and Technology Access Program (BEETAP)**, and **Agla Houénoussouat, Technical Officer**, NCNW office, 03 B.P. 0492, Cotonou; tel (229) 31 02 60, fax (229) 31 02 67; ncnwbeni@intnet.bj, josseniyahoo@yahoo.fr, josseniyahoo@hotmail.com
- 2/26/04** Meeting with **Mme Genevieve NADJO**, juge au tribunal de Cotonou and **Coordinatrice of WiLDAF (Women in Law and Development in Africa), Benin Section**, at her office; tel: (229) 30-69-92; 30-23-71; cell (229) 96-41-55; wildaf.b@intnet.bj

- 2/26/04** Participated in **Donors Coordination meeting** with approximately 20 attendees (not counting our delegation) including representatives from WHO, the World Bank, UNFPA, UNHCR, USAID, UNICEF, UNDP, PAM, FAO, OMS, FMI, the Swiss, French, Danish, Belgian, Canadian and German Cooperations, Catholic Relief Services, and National Ministries of Planning, Education, Health/Family Planning, and Agriculture, held at FNUAP/UNFPA office; tel: (229) 31 53 66/31 44 13
- 2/27/04** Meeting with **Dr. Ariane DJOSSOU-SEGLA, Chargée de Programme, Genre et Développement, Ambassade Royale de Danemark (Program Officer, Gender and Development, Danish Embassy)**, held at the Danish Embassy, Lot 7, Les Cocotiers, B.P. 04-1223 Cotonou; tel: (229) 30 38 62/30 38 63
- 2/27/04** Visit to **VITAL-FINANCE (Bénin)**, a microfinance organization that used to be a project of USAID but is now sustainably independent, met with **Mr. Wakil ADJIBI, Directeur**, and with micro-finance first-time and repeat **beneficiaries**, 02 B.P. 1253 Cotonou; tel: (229) 31 26 23 /31 53 32, fax: (229) 31 53 22; vitadir@leland.bj
- 2/27/04** Met with **Mme. Eliane ODOUNLAMI, Director of the Cotonou AFJB Legal Aid Center, Marie-Elise GBEDO, President of AFJB**, and **Center staff**, at 04 B.P. 0331, Cotonou; tel: (229) 32-83-53, fax (229) 32-82-81; afjb.benin@intnet.bj
- 2/27/04** Meeting with **ALAGBE Sabi Kio, Directeur de la Promotion et de la Législation Rurales (Director of Promotion of Legislation)**, at the Ministry of Agriculture, B.P. 502, Cotonou; tel: (229) 33 01 47/33 19 87

ANNEX B: BIBLIOGRAPHY

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