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The Human Rights Support Mechanism

The HRSM is a global, multi-year, USAID-funded program implemented by the PROGRESS consortium composed of Freedom House, ABA ROLI, Pact, Search for Common Ground, and Internews. To learn more about HRSM visit: <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/human-rights-support-mechanism-program>

Objectives of the Study

The Study is in line with the [HRSM Learning Plan](#) and was conducted by the ABA ROLI in collaboration with Freedom House with the aim of filling the evidence gaps in the growing academic literature on the role of National Human Rights Institutions in pursuing justice.

Scope and Method

The study in Benin was completed using literature review, 14 key informant interviews, and 12,739 online survey responses to address the research questions below:

1. How does interaction with an NHRI or CSO change the way individuals move through their justice pathway?
2. Are there different points in an individual's justice journey that show where trust in state is increased or decreased?
3. What actionable strategies can NHRIs or CSOs take to strengthen the ability of NHRIs to seek justice for individuals who experience rights violations?

National Human Rights Institutions (NHRI) and their Interactions with Civil Society Organizations (CSOs)

Summary of Findings: Benin



Human Rights Conditions

Stakeholders report an increase in cases of arbitrary arrests of political activists and journalists, and repression of peaceful demonstration following the 2019 and 2023 elections. In line with the 2019 elections, freedom of expression cases have also increased as a result of new digital code and laws.

Violations of child rights, forced marriages, female genital mutilation, arbitrary detentions, extra-judicial executions, excessive use of force, inheritance disputes (that most commonly impact women and their rights), and violations related to access to basic needs such as food, education and housing cases have also permeated the CBDH and CSO caseloads in the recent years.

The Commission Béninoise des Droits de l'Homme (CBDH)

The CBDH was established in 2013, and as of 2021 was in the process of affiliation to the African Commission on Human and Peoples' Rights. The CBDH has an overarching broad mandate of promotion and protection of human rights in Benin. This has been interpreted to involve everything from land to domestic disputes to extremist violence in the north. It is by law an independent institution.

The CBDH has just recently opened six regional Human Rights Resource Centers in Atlantique, Atacora, Borgou, Mono, Ouémé and Zou, which has extended the reach of the institution to a far greater number of Beninese citizens. The GANHRI accreditation report on Benin in March 22 suggested that the CBDH intended to open 21 regional branches, which would further expand its accessibility.

Core Functions of the CBDH

- Advise state bodies on all matters related to human rights
- Receive individual or collective complaints on allegation of human rights violations
- Investigate human rights violations
- Hear and facilitate conciliation proceedings
- File complaints to competent bodies
- Guide complainants and victims and provide legal assistance to those requesting it
- Visit detention facilities
- Raise public awareness on human rights
- Monitor/ report human rights conditions
- Monitor and contribute to national compliance of international human rights instruments that the State has signed onto
- Participate in discussions on and recommend human rights policies and ratification of international human rights instruments
- Contribute to human rights education and research

The Role of CBDH in Addressing Justice Needs

The CBDH has the power to receive individual and collective complaints and can initiate its own investigations. It can make visits to detention centers, and within its mandate can advise claimants and assist them before legal tribunals, assisting victims in legal pleadings. The CBDH receives both written complaints or verbal reports. Filing can be done in person, through the CBDH website, by phone or email. Because the CBDH does not yet have written operating procedures for handling individual complaints, there is not a clear anticipated path for an individual claimant.

The most common cases received by the CBDH include alleged unfair treatment in justice institutions, employment related disputes such as abusive dismissal, and issues related to gender inequalities such as abandonment of women, discrimination against women in communities or the workplace, and crimes of kidnapping and gender-based violence.

The CBDH does not hesitate to intervene with authorities to ensure that they take measures to restore individuals' rights. The CBDH implements a victims protection mechanism and is relied upon in practice to investigate and document complaints, and accompany victims to court.

The Role of CSOs in Addressing Justice Needs

CSOs provide legal assistance and support to victims of rights violations. CSOs support in their specific mandate and thematic focus, such as on the rights of women, vulnerable people or the rights of people deprived of their liberty, among others.

Aside from legal assistance, these organizations provide counselling and referral of victims to other service providers, drafting of legal documents to follow up on judicial proceedings, and assistance during court hearings.

CBDH and CSO Interactions

Most of the time, Civil Society Organizations (CSOs) interact with the CBDH through the Chamber of Consultation, organized by the CBDH. CSOs also interact with the CBDH through referral in complex cases and cases requiring expertise or resources beyond CSO capacities, such as when cases require visits to far flung prisons, when victim or the victim's family requires protection, among others.

While mechanisms for interaction are in place for specific cases or conditions, some CSOs recognize that these interactions are weak or nonexistent in some places and case types. CSOs mostly operate independent of the CBDH and there is no imperative for the CBDH to work closely with the CSOs in general.

Individual Responses to Human Rights Violations

Of respondents in an online survey fielded by the study team, 23% of people reported that they or someone in their household experienced a human rights violation in the last two years (1,338 individuals). According to survey responses, the most violated rights are freedom of speech, right to protest, right to equal pay, right to vote, and religious freedoms.

Alleged perpetrators of human rights abuse are spread, with a slightly higher number of respondents identifying police (18%) and government entities (18%) as perpetrators. 15% of respondents indicated their employer and 14% of respondents say other non-state persons were alleged perpetrators of the human rights violation they experienced.

Among people who reported that they or someone from their household experienced human rights violations, individuals responded to these violations by reaching out to many different sources indicating that there is no typical response.



Individuals reported reaching out to friends and family (9%), traditional media (7%), police (7%), and discussing the matter with a lawyer (7%).

When individuals take action after experiencing a human rights violation, fewer than one-third indicate that their situation has improved as a result. Of those who acted on the human rights violation they experienced, 30% indicated that their situation has improved, 28% indicated that their situation has stayed the same, and 11% indicated that their situation has worsened. 31% reported not knowing the status or results. One in four respondents chose their response because it was the only safe option, while 15% chose their response because they thought it would work. Another 15% reported that their choice was mainly because it had previously been effective for them or someone they know.

Respondents are highly conscious of safety when considering what to do after experiencing a human rights violation. A fourth of the respondents indicated that their choice of action or inaction was largely based on what they felt was safe for them. Of those in the online survey who have experienced human rights violations and did not act on their case, close to one fourth of respondents felt that it was not worth fighting for their rights, while one third cited "other reasons." 16% indicated they did not act because they feared retaliation.

Scenarios were also provided through the online survey to identify corresponding actions individuals may take in specific human rights conditions and the possible factors they would consider in making those choices. Most respondents indicated that individuals should seek help from the CBDH (17%), free legal assistance providers (12%), courts (11%), NGOs or CSOs (9%), and private lawyers (9%).

Respondents indicated that their choices were based on the following primary reasons: they can actually help (19%), they can provide safety (15%), high likelihood of fair outcome (11%), and they will listen (11%). While female survey respondents were more likely to claim when they or someone in their family experienced human rights violations, respondents felt the scenarios where the hypothetical victims were men were more likely to happen compared to the scenarios where the victim was a woman, indicating the potential for a gender perception gap in human rights violations. In scenarios where the victim was a male, respondents were more likely to go to lawyers for help, and in scenarios where the victim was a female, respondents were more likely to go to the police for help.

Trust in the CBDH

Most individuals surveyed trust the CBDH, regardless of whether they have experienced a human rights violation or not, but trust in the CBDH is lower among individuals who experienced a human rights violation. 76% of respondents to the online survey that indicated that they or someone in their household have experienced human rights violations within the last two years think that the CBDH is trustworthy. More individuals who have not experienced human rights violation trust the CBDH at 92% of respondents, showing a difference of 15%.

86% of respondents that live in urban areas and 91% of those that live in rural areas indicated that they find the CBDH trustworthy. 78% of those that have experienced human rights violations and live in urban areas think that the CBDH is trustworthy, compared to 69% of those that experienced a human rights violation and live in rural areas - a difference of 9%. A little less than one third of those that experienced a human rights violation and live in rural areas do not think the CBDH is trustworthy.



Trust in CSOs

Similar to trust levels for the CBDH, a majority of survey respondents trust CSOs/NGOs, but individuals who experienced a human rights violation themselves or whose household members had such experience, are less likely to trust CSOs/NGOs. 76% of those that indicate they or someone from their household experienced human rights violations think that NGOs are trustworthy. In comparison, 87% of those that did not experience human rights violations find NGOs trustworthy, indicating a difference of 11%.

Respondents from urban and rural areas were equally likely to trust NGOs, but respondents among individuals that experienced human rights abuses, those who lived in rural areas were less likely to trust NGOs compared with those who lived in urban areas. Of all respondents that live in urban areas, 83% find NGOs trustworthy, compared to 76% in rural areas - a difference of 7%. For those that experienced a human rights violation and live in urban areas 79% think that NGOs are trustworthy, compared to 65% of those that experienced a human rights violation and live in rural areas - a difference of 14%. One third of those that experienced human rights violations and live in rural areas find NGOs are not trustworthy.

Individual Experiences in interacting with CBDH and CSOs

Based on interviews with individuals who received assistance from the CBDH or CSOs, their trust towards the CBDH and CSOs is not affected by their trust towards the state. However, interviews also showed that individuals do not often turn to the CBDH and/or CSOs in order to protect their rights that have been violated by state/local authorities. Individuals interviewed mentioned filing cases mostly when the perpetrators are government officials or police, or when they encounter difficulties in being heard or where trust is low in the courts. Some respondents felt that they could trust the CBDH more than CSOs because the Commission is able to elevate human rights cases to regional mechanisms when needed.

While the survey indicated that few people turn to CBDH or CSOs for help with their cases, individual experience seems to have had a positive effect. Among individuals interviewed who were supported by the CBDH and CSOs in the human rights violation they experienced, respondents who started with their case with less trust reported higher trust largely because of the positive outcomes in their cases or the cases of people they know.





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Recommendations Based on Findings

1

Build on efforts of the CBDH for exploring greater CSO participation in human rights protection and promotion through the Consultation Chamber set up by the Commission

CSOs have indicated a lot of interest in building on this platform for collaboration with the CBDH. The Commission's interest is also evidenced by recent efforts not only to organize the Chamber but also to fund the efforts of the CSOs through international programs they coordinate. Pursuing mutual lines of interest may bring about broader efforts and scalable solutions in specific focal areas.

2

Strengthen CBDH and CSO frameworks for interaction to support access to justice

While the CBDH and CSOs offer roughly the same services to victims of violations, stakeholders agree that on their own, their reach is limited. The services they provide need to be expanded and a collaborative approach to service provision may enhance the quality and accessibility of support for human rights victims and claimants.

3

Development of standard and clear operating procedures and furthering awareness raising efforts on the role and services of the CBDH may increase citizen's ability to pursue justice in human rights violations they experience

Stakeholders indicated practices that may be operable on a case-to-case basis. While these may lead to justice, having clear procedures increases the ability of the CBDH to train and provide the services in a standard manner through more staff members and prepares the Commission for eventual growth in far flung areas.

4

Raise public awareness of CBDH and CSO services

To ensure that the public can address their justice needs if and when they experience a human rights violation. The development of a communication strategy that focuses on far flung areas may help in bridging access issues.

5

Build on the study to identify what hinders individuals from pursuing justice more broadly to identify citizen needs based on their perspective

This study focused on data from online respondents, and has limitations in describing concerns and conditions of individuals in remote areas with no access to online services. Furthermore, Benin is observed to have deep and permeating issues on access to justice that go beyond the CBDH and CSO interactions which were observed as a focal area in this study.

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