

determined by the present Constitution and by an organic law.

The Constitutional Court shall see to the regularity of the referendum and shall proclaim its results.

ARTICLE 5

Political parties shall cooperate in the expression of suffrage. They shall be formed and shall freely exercise their activities under conditions determined by the Charter of Political Parties. They must respect the principles of national sovereignty, of democracy, of territorial integrity and of the secularity of the State.

ARTICLE 6

Suffrage shall be universal, equal and secret. The electors shall be, under the conditions determined by law, all Béninese nationals of both sexes over the age of eighteen and in full possession of their civil and political rights.

TITLE II: RIGHTS AND DUTIES OF THE INDIVIDUAL

ARTICLE 7

The rights and duties proclaimed and guaranteed by the African Charter on Human and Peoples' Rights adopted in 1981 by the Organization of African Unity and ratified by Bénin on January 20, 1986 shall be an integral part of the present Constitution and of Béninese law.

ARTICLE 8

The human person is sacred and inviolable.

The State has the absolute obligation to respect it and protect it. It shall guarantee him a full blossoming out. To that end, it shall assure to its citizens equal access to health, education, culture, information, vocational training, and employment.

ARTICLE 9

Every human being has a right to the development and full expansion of his person in his material, temporal and intellectual dimensions, provided that he does not violate the rights of others nor infringe upon constitutional order and good manners.

ARTICLE 10

Every person has a right to culture. The State has the duty to safeguard and promote the national values of civilizations, as much material as spiritual, as well as the cultural traditions.

• Right to form political parties

• Secret ballot
• Restrictions on voting
• Claim of universal suffrage

• International human rights treaties

• Right to culture
• Right to health care
• Inalienable rights

• Right to development of personality

• Right to culture

ARTICLE 11

All communities comprising the Béninese nation shall enjoy the freedom to use their spoken and written languages and to develop their own culture while respecting those of others.

The State must promote the development of national languages of intercommunication.

ARTICLE 12

The State and public authorities shall guarantee the education of children and shall create conditions favorable to this end.

ARTICLE 13

The State shall provide for the education of the youth by public schools. Primary education shall be obligatory. The State shall assure progressively free public education.

ARTICLE 14

Religious institutions and communities shall be able to cooperate equally in the education of the youth. Private schools, secular or parochial, may be opened with the authorization and control of the State. The private schools may benefit from state subsidies under conditions determined by law.

ARTICLE 15

Each individual has the right to life, liberty, security and the integrity of his person.

ARTICLE 16

No one shall be arrested or accused except by virtue of a law promulgated prior to the charges against him.

No citizen shall be forced into exile.

ARTICLE 17

Any person accused of an unlawful act shall be presumed innocent until his culpability has been legally established in the course of a public lawsuit during which all guarantees necessary to his free defense shall have been assured to him.

No one shall be condemned for actions or omissions which, at the moment when they were committed, did not constitute an infraction according to the national law. Likewise, he may not have a more severe penalty inflicted than that which was applicable at the time when the offense was committed.

ARTICLE 18

No one shall be submitted to torture, nor to maltreatment, nor to cruel, inhumane or degrading treatment.

No one shall have the right to prevent a detainee or an accused person from being examined by a doctor of his choice.

- Protection of language use

- Compulsory education
- Free education

- Right to life

- Presumption of innocence in trials
- Right to public trial

- Protection from ex post facto laws
- Principle of no punishment without law

- Prohibition of cruel treatment
- Prohibition of torture

- Principle of no punishment without law

No one may be detained in a penal institution if he does not fall under the provisions of a penal law in force.

- Protection from unjustified restraint

No one may be detained for a duration greater than forty-eight hours except by a decision of the magistrate before whom he must have been presented. This delay may be prolonged only in circumstances exceptionally provided for by law and may not exceed a period greater than eight days.

ARTICLE 19

Any individual or any agent of the State who shall be found responsible for an act of torture or of maltreatment or of cruel, inhumane or degrading treatment in the exercise of, or at the time of the exercise of his duties, whether of his own initiative or whether under instruction, shall be punished in accordance with the law.

Any individual or any agent of the State shall be absolved of the duty of obedience when the order received shall constitute a serious and manifest infringement with respect to human rights and public liberties.

- Regulation of evidence collection
- Inalienable rights
- Right to privacy

ARTICLE 20

The domicile shall be inviolable. House visits or searches may be carried out only according to the forms and conditions provided by law.

- Right to privacy

ARTICLE 21

The secrecy of correspondence and of communications shall be guaranteed by law.

- Protection from expropriation
- Right to own property

ARTICLE 22

Every person has the right to his property. No one shall be deprived of his property except for state-approved usefulness and in exchange for a just and prerequisite compensation.

- Freedom of expression
- Freedom of religion
- Official religion
- Freedom of opinion/thought/conscience

ARTICLE 23

Every person has the right to freedom of thought, of conscience, of religion, of creed, of opinion and of expression with respect for the public order established by law and regulations. The exercise of a creed and the expression of beliefs shall take place with respect for the secularity of the State.

The institutions and the religious or philosophical communities shall have the right to develop without hindrances. They shall not be subject to the guardianship of the State. They shall regulate and administer their affairs in an autonomous manner.

- Freedom of press

ARTICLE 24

Freedom of the press shall be recognized and guaranteed by the State. It shall be protected by the High Authority of Audio-Visuals and Communications under the conditions fixed by an organic law.

- Freedom of assembly

ARTICLE 25

The State shall recognize and guarantee, under conditions fixed by law, the freedom to go and come, the freedom of association, of assembly, of procession and of demonstration.

ARTICLE 26

The State shall assure to everyone equality before the law without distinction of origin, of race, of sex, of religion, of political opinion or of social position.

Men and women are equal under the law. The State shall protect the family and particularly the mother and child. It shall take care of handicapped and aged persons.

ARTICLE 27

Every person has the right to a healthy, satisfying and lasting environment and has the duty to defend it. The State shall watch over the protection of the environment.

ARTICLE 28

The storage, handling, and removal of toxic wastes or pollutants originating from factories and other industrial or cottage industry units installed in the national territory shall be regulated by law.

ARTICLE 29

The transportation, importation, storage, burying and the discharging on the national territory of toxic wastes or foreign pollutants and any agreement relating to it shall constitute a crime against the Nation. The applicable sanctions shall be defined by law.

ARTICLE 30

The State shall recognize for all citizens the right to work and shall strive to create conditions which shall make the enjoyment of this right effective and shall guarantee to the worker just compensation for his services or for his production.

ARTICLE 31

The State shall recognize and guarantee the right to strike. Each worker may defend, under the conditions provided by law, his rights and interests whether individually, whether collectively, or by trade union action. The right to strike shall be exercised under conditions defined by law.

ARTICLE 32

The defense of the Nation and of the integrity of the territory of the Republic is a sacred duty for every Béninese citizen.

Military service shall be obligatory. The conditions for the accomplishment of this duty shall be determined by law.

ARTICLE 33

All citizens of the Republic of Bénin have the duty to work for the common good, to fulfill all of their civic and professional obligations, and to pay their fiscal contributions.

- General guarantee of equality
- Equality regardless of gender
- Equality regardless of social status
- Equality regardless of political party
- Equality regardless of origin
- Equality regardless of race
- Equality regardless of religion
- State support for the elderly
- State support for the disabled
- State support for children

- Protection of environment

- Right to work
- Right to equal pay for work

- Right to join trade unions
- Right to strike

- Duty to serve in the military

- Duty to pay taxes
- Duty to work

- Duty to obey the constitution

ARTICLE 34

Each Béninese citizen, civilian or military, has the sacred duty to respect, in all circumstances, the Constitution and the established constitutional order as well as the laws and regulations of the Republic.

ARTICLE 35

Citizens responsible for a public office or elected to a political office have the duty to fulfil it with conscience, competence, probity, devotion, and loyalty in the interest of the common good.

ARTICLE 36

Each Béninese has the duty to respect and to consider his own kin without any discrimination; and to keep relations with others that shall permit the safeguarding, the reinforcement and promotion of respect, dialog and reciprocal tolerance with a view to peace and to national cohesion.

ARTICLE 37

Public property shall be sacred and inviolate. Each Béninese citizen must respect it scrupulously and protect it. Any act of sabotage, vandalism, corruption, diversion, dilapidation or illegal enrichment shall be suppressed under conditions provided by law.

ARTICLE 38

The State shall protect the rights and legitimate interests of Béninese citizens in a foreign country.

ARTICLE 39

Foreigners in the territory of the Republic of Bénin shall have the benefit of the same rights and liberties as the Béninese citizens, and this under the conditions determined by law. They must conform to the Constitution and to the laws and regulations of the Republic.

ARTICLE 40

The State has the duty to assure the diffusion and the teaching of the Constitution, of the Universal Declaration of Human Rights of 1948, of the African Charter on Human and Peoples' Rights of 1981 as well as all of the international instruments duly ratified and relative to Human Rights.

The State must integrate the rights of the individual into the programs of literacy and of teaching in the various scholastic and university academic cycles and into all the educational programs of the Armed Forces, of the Public Security Forces and of comparable categories.

The State must equally assure the diffusion and teaching of these same rights in the national languages by all the means of mass communication, and particularly by radio and television.

- International law
- International human rights treaties

- Radio
- Television