



“DISPLACED FOR COCONUT PALMS”

FORCED EVICTIONS FOR TOURISM AND COASTAL DEVELOPMENT IN
BENIN

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INTERNATIONAL



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Cover photo: Avlékété beach in front of the future Club Med
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CONTENTS

1. EXECUTIVE SUMMARY	6
2. CONCLUSION AND RECOMMENDATIONS	11
TO THE BENINESE AUTHORITIES	12
TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING	13
TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS	13
COMPANIES INVOLVED IN DEVELOPMENT PROJECTS THAT RESULT IN EVICTIONS	14

GLOSSARY

TERM	DESCRIPTION
ABE	Agence béninoise pour l'environnement (Benin Environment Agency)
ACHPR	African Commission on Human and Peoples' Rights
ANDF	Agence nationale du domaine et du foncier (National Domain and Land Agency)
ANTP	Agence nationale de promotion des patrimoines et de développement du tourisme (National Agency for the Promotion of Heritage and Tourism Development)
BNP	Banque Nationale de Paris (Paris National Bank)
BR	Bloc Républicain (Republican Group)
CBDH	Commission béninoise des droits de l'homme (Benin Human Rights Commission)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CES	Cadre environnemental et social (Environmental and social framework)
CFD	Code foncier et domanial du Bénin (Benin Land and Domain Code)
CNAD	Commission Nationale des Affaires Domaniales (National Commission for Domain Affairs)
ESIA	Environmental and Social Impact Assessments
FCBE	Forces cauri pour un Bénin émergent (Cauri Forces for an Emerging Benin)
FDf	Fonds de dédommagement foncier (Land Compensation Fund)
ICRC	International Convention on the Rights of the Child
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
ODHP	Organisation pour la défense des droits de l'homme et des peuples (Organization for the Defence of Human and Peoples' Rights)
PAG	Programme d'action du gouvernement (Government Action Programme)
PAR	Plan d'action de réinstallation (Resettlement Action Plan)

TERM	DESCRIPTION
PRD	Parti du Renouveau Démocratique (Democratic Renewal Party)
UP	Union progressiste (Progressive Union)
UPR	Universal Periodic Review

1. EXECUTIVE SUMMARY

“We were displaced to plant coconut palms”

Evicted person from the Fiyégnon 1 neighbourhood.



This report analyses the forced evictions of several thousand people in Benin since 2021 due to the needs of four tourism and coastal development projects. It explains the conditions under which these evictions have been carried out with regard Beninese law and international human rights law, and sets out their consequences for the economic, social and cultural rights of those evicted.

Since the election of President Patrice Talon in 2016, tourism has been a development priority for the Beninese government. The government's action programme, entitled "Benin Discovered", aims to promote seaside and memorial tourism.

From Cotonou, the economic capital, to Ouidah, an historic town famous for its role in the transatlantic slave trade, land has been expropriated and neighbourhoods and villages along the coast destroyed on either side of the *Route des pêches* (Fishing Road) forcing their inhabitants to move elsewhere. These communities will be replaced by multinational hotel chains, landscaped beaches, tourist trails, golf courses, leisure areas, and more.

In order to gather information on the conditions under which these evictions and destruction took place and their consequences for the inhabitants, an Amnesty International delegation undertook two visits to six neighbourhoods and villages: Avlékété, Ahouandji, Djéffa, Djègbadji, Fiyégnon 1 and Xwladodji. It spoke in person and by phone to more than 100 people evicted by the four development projects highlighted in this report (the development of a marina at Djègbadji and a seaside resort at Avlékété; the development of an administrative and commercial centre at Xwladodji; the planting of coconut palms at Fiyégnon 1), six local elected representatives, three representatives of Cotonou city hall, four representatives of the *Agence nationale du domaine et du foncier* (ANDF), two representatives of the *Commission béninoise des droits de l'homme* (CBDH) and five journalists.

In preparation for its first visit, the delegation also sent requests for meetings to the Ministries of Justice and Legislation, Foreign Affairs and Cooperation, and the President of the National Assembly, to present the conclusions of Amnesty International's report, published in July 2022 in view of Benin's Universal Periodic Review (UPR) in January 2023, and to discuss the organization's research into forced evictions in the country. These requests went unanswered. The Ministry of the Economy and Finance, the ANDF and Club Med did respond to Amnesty International's requests for information and to the offer of a right to reply.

The *Agence Béninoise pour l'Environnement* (ABE) did not provide Amnesty International with Resettlement Action Plans (PARs) for any of the four projects that resulted in evictions in this report, despite two requests to do so. The ANDF told Amnesty International that there had been no PARs for Fiyégnon 1 and Xwladodji but that PARs had been produced for Avlékété and Djègbadji, although they had not been sent to the organization. The lack of a PAR runs counter to the obligation to implement resettlement plans as set out in Decree 2017-332 of 6 July 2017 on the organization of environmental and social impact assessment procedures. While PARs have indeed been implemented in some cases, the lack of information on their availability or on the reasons of their unavailability constitutes a breach of the ABE's obligation to "inform the petitioner that the public body does not hold the document or information requested or that access to it cannot be given in whole or in part", as required by Law 2015-07 of 20 March 2015 on the Information and Communication Code.

In the absence of a retrievable PAR, the available information on the exact number of people evicted, and the procedure and measures envisaged by the Beninese authorities to comply with national and international law before, during and after the evictions, is fragmentary and/or cannot be confirmed. The information and testimonies gathered by Amnesty International do, however, highlight the Beninese authorities' breaches of national law and of the obligations and principles of international human rights law committed before, during and after the evictions. These include breaches of Benin's Constitution; the Benin Land and Domain Code; General Comments 4 and 7 of the UN Committee on Economic, Social and Cultural Rights; the African Charter on Human and Peoples' Rights; and the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement.

In the Djègbadji district of Ouidah, the authorities are building a marina in the immediate vicinity of the *Porte du non-retour* ("Door of No Return"), the monument commemorating the deportation of slaves across the Atlantic. Completion is scheduled for 2024. According to the Environmental and Social Impact Assessment for this project, 234 people had to be evicted from the Djègbadji neighbourhood as part of a public-interest expropriation of land. These evictions took place in the first four months of 2021. According to testimonies gathered by Amnesty International, those evicted were not given sufficient or reasonable notice of their eviction, nor were they given sufficient information about their proposed displacement. According to a former resident of Djègbadji: "We were told they were going to come and demolish everything but they didn't tell us

when.” Another former resident said: “I didn’t see any official documentation concerning the eviction. The local authorities simply came and told the residents they had to leave. We were not given any information. Machines arrived on site three days before the demolition.” Several of the people evicted from Djègbadji were furthermore not paid compensation prior to the evictions, and several others believe that the compensation paid was neither sufficient nor fair. Finally, some people stated that they had never received compensation because the administrative process was so complex and costly that they had given up.

At Avlékété, a village in a district of the same name in Ouidah commune, nestled between the ocean and the lagoon, work has begun on a project to develop a coastal resort. Fishermen were evicted in October 2021, and expropriation proceedings are underway with landowners as part of a public-interest expropriation. Censuses and consultations took place prior to the evictions but the census of fishermen (373 recorded) and their property was said, in some cases, to have been inadequate or biased. Moreover, some of the compensation payments were made only a few days prior to or even after the evictions, in contravention of Beninese and international law. According to the testimonies gathered, several women from polygamous households were unable to obtain compensation. The landowners, for their part, believe that the sums proposed by the authorities by way of compensation were underestimated. One member of a landowners’ collective said: “My father owned around three hectares. A long time ago, one square metre was valued at 5,000 FCFA (around €7.62). And yet they’re offering us 1,000 FCFA per square metre (around €1.50). This is not reasonable.” In Cotonou, the authorities have commenced a project to establish a coconut plantation along the coast. For this, the Fiyégnon 1 neighbourhood – which was located right on the seafront – was demolished on 13 September 2021. According to the “neighbourhood collective of elders of Fiyégnon 1”, 1,623 households, home to more than 3,000 residents, were evicted. Since the authorities considered this neighbourhood to be inhabited illegally, the former residents that Amnesty International met had received no compensation and were unable to assert any of the rights guaranteed under Beninese and international law in such a situation.

Several residents of Fiyégnon 1 told Amnesty International that they had not been warned that the eviction was going to take place nor of when it was going to happen. The testimonies gathered show that most of the residents had not even begun to move out and were at home when the site machinery arrived. The demolition of the dwellings at Fiyégnon 1 took place in the rain, partly at night and at the start of a new school year, undermining people’s dignity and safety, and destroying their belongings. One evicted person described the demolition as follows: “People were running here, there and everywhere trying to collect their belongings. When it started to rain, we thought they would leave us alone to try and sort our things out. But they just went to get raincoats and came back. That day we wondered if we were Beninese citizens. Everything was destroyed. I was not even able to save my roof tiles. If you got in the way of the bulldozers, you would simply be crushed.”

Also in Cotonou, the authorities have been implementing a project to develop an administrative and commercial centre in Xwlacodji, one of the city’s oldest neighbourhoods on the seafront, close to the port. As in the case of Fiyégnon 1, the residents of Xwlacodji were denied their rights under Beninese and international law on the grounds that they were occupying public land without title. The neighbourhood was demolished on 18 October 2021. The authorities said they had identified “368 households for compensation”, likely representing at least a thousand people. Residents were given two months’ notice of the demolition but members of a neighbourhood collective regretted that they had not been more involved in the operation: “We heard the government spokesperson on social media and we read their radio and television statement. But the population was never involved in the clearance operations. Normally, the authorities would have called the people together and explained what was going to happen. But nothing like that took place.”

Unlike the residents of Fiyégnon 1, the authorities did provide “compensation” – in the form of money and plots of land in Djèffa – for those evicted from Xwlacodji. However, some people received this just three days before their eviction, others months later, and yet others told Amnesty International that they had received nothing for the loss of their home and their displacement. One of them who was “compensated” late, said: “We left Xwlacodji and scattered. People rented where they could, and some slept under the stars until plots were allocated to us.” The amount received was furthermore disputed by evictees interviewed by Amnesty International.

In all four projects considered in this report, Amnesty International found breaches of national and international law, particularly in relation to the provision of sufficient and reasonable notice and the sharing of information on the planned evictions; fair and prior compensation; and the way in which the evictions were carried out by the security forces. Despite the willingness of some evictees to challenge these

shortcomings, they have not called upon the remedies provided for under Beninese law either because they are unaware of them, they lack the necessary money or are too discouraged to do so.

Moreover, contrary to international law, which states that “an eviction should not result in a person being rendered homeless or subjected to further human rights violations”, the impact of these forced evictions on economic, social and cultural rights has been severe and long-lasting. For both those relocated to sites provided by the authorities and those who have had to find housing themselves, living and working conditions have deteriorated sharply, social bonds have been weakened and cultural references have been lost.

Because the coastal neighbourhoods and villages destroyed were largely inhabited by fishing communities, these evictions have caused lasting disruption to small-scale fishing in the areas, depriving these communities of what had been their main source of income for several generations.

Children and students have been taken out of school or forced to interrupt their studies for varying lengths of time due to homelessness following the evictions, the lack of money the eviction has caused the family, or because of the long distances they need to travel from the resettlement sites.

Finally, the people resettled on sites designated by the authorities are now often living in precarious conditions because the land and financial compensation received was insufficient for them to be able to rebuild a home in line with decent housing criteria and/or to accommodate all the family members who had previously lived under the same roof.

Faced with these multiple failings before, during and after the forced evictions, Amnesty International recommends in particular that the Beninese authorities:

- Suspend expropriation proceedings against landowners in Avlékété until agreement has been reached on fair and prior compensation;
- Take urgent steps to propose compensation and resettlement measures, in genuine consultation with the residents of Fiyégnon 1 and in accordance with international law;
- Establish an independent Commission of Inquiry to examine whether compensation for evictions related to the four projects presented in this report (Ouidah marina; Avlékété beach resort; Xwlacodji administrative and commercial centre; Fiyégnon 1 neighbourhood) was fair and prior, and whether all those needing to be compensated were taken into account in accordance with international standards. Depending on the findings of the inquiry, compensate those affected fairly and equitably;
- Ensure that the accommodation for people resettled in Djeffa and Ahouandji meets the criteria for adequate housing under international law. In particular, guarantee these people access to drinking water, sanitation and electricity without delay; provide documents, in accordance with Beninese law, that provide indisputable proof of their right to their new land and housing;
- Put a plan in place, agreed with the coastal fishermen, to enable them to continue their activity under appropriate conditions that respect their economic, social and cultural rights;
- Ensure that Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plans (PARs) are conducted for every project that is to result in evictions, and that they are accessible to those affected and to the general public;
- Amend the Benin Land and Domain Code (CFD) to bring it into line with international law on forced evictions. In particular: enshrine the right of all evicted persons, whether they hold title to a property or not, to fair and prior compensation for the loss, recovery and transportation of their belongings, in particular their original dwelling and the land lost or damaged during the operation; also enshrine the requirements for protecting their economic, social and cultural rights after their eviction;
- Present a bill before Parliament that explicitly prohibits forced evictions and sets out the safeguards that must be strictly followed before, during and after any eviction, in accordance with international human rights standards;
- Ensure that eviction and demolition operations are declared in advance and with reasonable notice of when they are due to be carried out; inform the people concerned and consult them on how these operations are to be conducted; help the people concerned recover their belongings before

the operations begin; ensure that evictions and demolitions are not carried out in bad weather, at night or during school periods; and that they are supervised by security officers without resorting to unnecessary or excessive use of force;

- Guarantee equal rights for men and women in the registration and compensation procedures; men and women must be co-beneficiaries of compensation measures;
- Put clear and comprehensible procedures in place to enable those evictees who wish to do so to lodge an appeal, providing them with legal and judicial assistance if necessary; provide administrative assistance to facilitate the steps taken by people eligible for compensation so that their rights are not compromised;
- Guarantee fair compensation, in line with market prices, for the loss and/or destruction of the property of those evicted;
- Ensure that resettlement sites offered to evicted persons guarantee access to drinking water, sanitation, electricity, education and work; provide technical and financial support to those evicted to help them build their new homes; support resettled people by providing them with transport and other facilities so that they can continue to earn a living from the activities they were engaged in prior to the eviction; guarantee resettled people legal security of tenure by providing them with official documents attesting to their rights;

2. CONCLUSION AND RECOMMENDATIONS

The authorities' desire to carry out ambitious tourism and development projects, particularly along the coast, has resulted in the forced eviction of thousands of people since 2021. Several neighbourhoods of Cotonou and a number of villages along the *Route des pêches* linking the economic capital to Ouidah, among others, have been demolished.

The situation of those evicted varies greatly depending on the neighbourhoods and villages studied in this report. Some have been compensated and resettled, albeit under compensation and resettlement conditions that have often only partially met the obligations and principles of Beninese and international law. Others have not received any form of compensation or assistance whatsoever. The authorities have communicated publicly about forthcoming demolitions and evictions, notably through press releases and decrees. This information has not, however, always been disseminated effectively or accurately, and nor with sufficient and reasonable notice. Demolitions have been carried out while residents were still living on site, or before they have had a chance to recover their belongings. Some evictions have been carried out under appalling conditions, often resulting in the loss or destruction of belongings and building materials. Censuses of people and property were carried out in various cases but a number of these are still being contested. Interviews with those evicted generally revealed a lack of understanding of how the entire eviction process was conducted.

In the vast majority of cases documented by Amnesty International, the compensation could not be considered "fair and prior" within the meaning of Beninese law and the obligations and principles of international law. Many people received compensation only after their eviction, or just a few days before. This situation often prevented them from being resettled immediately following their eviction in conditions that would meet the criteria for adequate housing under international law. In addition, those who received sums of money and/or land as part of their eviction often felt that these measures did not amount to fair, equitable or appropriate compensation within the meaning of Beninese and international law.

The authorities have denied the residents of Fiyégnon 1 and Xwladodji the right to "fair and prior" compensation as provided for in Benin's Constitution, in violation of international law. As they did not consider these to be cases of expropriation but rather of "vacating the public domain" and "illegal" occupation, the residents of Xwladodji received only an "allowance" and "support measures", and those of Fiyégnon 1 received nothing, even though they had lived on the site for several decades and had been given documents attesting to the legality of their settlement by previous authorities.

In Avlékété, the authorities offered some landowners compensation that these latter felt was below the market price.

The absence of a Resettlement Action Plan in the cases of Fiyégnon 1 and Xwladodji, and the failure of the authorities to communicate this legally required document in the cases of Avlékété and Djègbadji, only amplifies the lack of clarity surrounding the authorities' compliance with their national and international obligations before, during and after the evictions. The people resettled on sites set aside for this purpose by the authorities, as in Djèffa for the residents of Xwladodji, have not received sufficient funds to rebuild their homes to a standard that meets the criteria for decent housing. At the time of the Amnesty International

delegation's visit to these sites, residents who had already been rehoused had no access to sanitation, running water or electricity, and were often living in unfinished homes.

In addition, many of the people affected by the evictions described in this report have lost their jobs or seen their working conditions deteriorate significantly and permanently, with consequences for their economic, social and cultural rights. Children have been taken out of school and students have been forced to stop their studies. The schools catering for the families resettled on the sites designated for this purpose by the authorities are suffering from overcrowding. The geographical dispersal of residents and the impoverishment caused by the evictions has led to a breakdown in social bonds within families and between former residents. The practice of certain rites and beliefs has been disrupted or disturbed by the destruction or abandonment of fetishes or spaces considered sacred on demolished or recovered sites.

Amnesty International therefore makes the following recommendations:

TO THE BENINESE AUTHORITIES

Regarding evictions related to the projects presented in this report

- Suspend expropriation proceedings against landowners in Avlékété until agreement has been reached on fair and prior compensation;
- Take urgent steps to propose compensation and resettlement measures, in genuine consultation with the residents of Fiyégnon 1 and in accordance with international law;
- Establish an independent Commission of Inquiry to examine whether compensation for evictions related to the four projects presented in this report (Ouidah marina; Avlékété beach resort; Xwladodji administrative and commercial centre; Fiyégnon 1 neighbourhood) was fair and prior, and whether all those needing to be compensated were taken into account in accordance with international standards. Depending on the findings of the inquiry, compensate those affected fairly and equitably;
- Ensure that the accommodation for people resettled in Djeffa and Ahouandji meets the criteria for adequate housing under international law. In particular, guarantee these people access to drinking water, sanitation and electricity without delay; provide documents, in accordance with Beninese law, that provide indisputable proof of their right to their new land and housing;
- Put a plan in place, agreed with the coastal fishermen, to enable them to continue their activity under appropriate conditions that respect their economic, social and cultural rights.

Regarding forced evictions generally

- Immediately halt all plans to evict displaced persons that lack adequate rehousing solutions and measures to protect the human rights of those displaced;
- Ensure that Environmental and Social Impact Assessments (ESIAs) and Resettlement Action Plans (PARs) are conducted for every project that is to result in evictions, and that they are accessible to those affected and to the general public;
- Amend the Benin Land and Domain Code (CFD) to bring it into line with international law on forced evictions. In particular: enshrine the right of all evicted persons, whether they hold title to a property or not, to fair and prior compensation for the loss, recovery and transportation of their belongings, in particular their original dwelling and the land lost or damaged during the operation; also enshrine the requirements for protecting their economic, social and cultural rights after their eviction;
- Present a bill before Parliament that explicitly prohibits forced evictions and sets out the safeguards that must be strictly followed before, during and after any eviction, in accordance with international human rights standards;
- Ensure that eviction and demolition operations are declared in advance and with reasonable notice of when they are due to be carried out; inform the people concerned and consult them on how

these operations are to be conducted; help the people concerned recover their belongings before the operations begin; ensure that evictions and demolitions are not carried out in bad weather, at night or during school periods; and that they are supervised by security officers without resorting to unnecessary or excessive use of force;

- Guarantee equal rights for men and women in the registration and compensation procedures; men and women must be co-beneficiaries of compensation measures;
- Put clear and comprehensible procedures in place to enable those evictees who wish to do so to lodge an appeal, providing them with legal and judicial assistance if necessary; provide administrative assistance to facilitate the steps taken by people eligible for compensation so that their rights are not compromised;
- Guarantee fair compensation, in line with market prices, for the loss and/or destruction of the property of those evicted;
- Ensure that resettlement sites offered to evicted persons guarantee access to drinking water, sanitation, electricity, education and work; provide technical and financial support to those evicted to help them build their new homes; support resettled people by providing them with transport and other facilities so that they can continue to earn a living from the activities they were engaged in prior to the eviction; guarantee resettled people legal security of tenure by providing them with official documents attesting to their rights;
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights allowing victims to submit individual complaints denouncing violations of economic, social and cultural rights in Benin;
- Make the declaration under Article 34.6 of the Additional Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights allowing individuals and NGOs to bring cases directly before the Court.

TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING

- In accordance with your mandate, seek an invitation from the Beninese authorities to carry out a fact-finding mission on forced evictions in the country.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Examine the issue of forced evictions during the review of States' periodic reports, in particular that of Benin;
- Consider developing principles for the prevention of and protection from forced evictions in Africa, in accordance with the rights guaranteed by the African Charter on Human and Peoples' Rights, the Commission's doctrine, and the standards developed by United Nations human rights bodies and experts;
- Call on the government of Benin to immediately cease forced evictions and to ensure that any evictions comply with international and regional human rights laws and standards, including the guidelines and principles of the African Commission on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights;
- Urge the Beninese government to ensure that all victims of forced evictions have access to an effective remedy;
- Consider undertaking a fact-finding mission to Benin to investigate and report on human rights violations that occurred in the context of development of tourism projects along the coast between Cotonou and Ouidah.

COMPANIES INVOLVED IN DEVELOPMENT PROJECTS THAT RESULT IN EVICTIONS

- Continuously and proactively implement a human rights due diligence process to identify, prevent and mitigate violations related to evictions.

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FORCED EVICTIONS FOR TOURISM AND COASTAL DEVELOPMENT IN BENIN

Since the election of President Patrice Talon in 2016, tourism has been a development priority for the Beninese government.

From Cotonou to Ouidah, several thousand people have been subjected to forced eviction since 2021. Neighbourhoods and villages along the coast on either side of the *Route des pêches* have been destroyed, and their inhabitants forced to move elsewhere. These communities will be replaced by multinational hotel chains, landscaped beaches, tourist trails, golf courses, leisure areas, and more.

Amnesty International has documented breaches of national law and of obligations and principles of international human rights law by the Beninese authorities before, during and after the evictions.

Information has not always been disseminated effectively or accurately, nor with sufficient notice. Some demolitions were carried out while residents were still living in the community or had not yet recovered their belongings. Others were carried out in disgraceful conditions, with belongings and building materials often lost or destroyed. Many people received compensation only after their eviction, or just a few days prior. Others received no compensation or assistance at all.

Following the evictions, many people lost their jobs or saw their working conditions deteriorate significantly and permanently, with consequences for their economic, social and cultural rights.