

# Benin

## Incidence and Nature of Child Labor

The ILO estimated that 26.1 percent of children ages 10 to 14 were working in Benin in 2002.<sup>441</sup> In Benin, children as young as 7 years old work on family farms, in small businesses, on construction sites, in markets, and as domestic servants.<sup>442</sup> Many families facing extreme poverty will place children in the care of an “agent” believing that the child will work and learn a trade and that the wages from this labor will be sent home to the family.<sup>443</sup>

Benin is a source, destination and transit country for the trafficking of children.<sup>444</sup> Children from Benin are trafficked into Cameroon, Republic of the Congo, Côte d’Ivoire, Equatorial Guinea, Gabon, Ghana, Nigeria, Togo, the Gulf States, and Lebanon;<sup>445</sup> children from Burkina Faso, Niger, and Togo are sold into servitude in Benin.<sup>446</sup> Trafficked children often work as agricultural workers, domestic servants, market vendors, commercial sex workers, and in rock quarries.<sup>447</sup> Nigerian police reported in 2003 that between 6,000 and 15,000 trafficked Beninese children worked in Nigeria, many on cocoa farms.<sup>448</sup> Children are also trafficked within Benin for forced labor in construction, commercial enterprises, handicrafts, and street vending.<sup>449</sup>

The practice of *vidomegon* continues, in which poor children are placed in wealthier households; in exchange the child works for the family. However, the situation frequently degenerates into forced servitude. *Vidomegon* children may be subjected to poor working and living conditions, may be denied education, and are vulnerable to abuse and exploitation, including trafficking.<sup>450</sup> In some cases the children were transported to neighboring countries to work.<sup>451</sup>

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<sup>441</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004.

<sup>442</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Benin*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27712.htm>.

<sup>443</sup> *Ibid.*

<sup>444</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*, Washington D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm>.

<sup>445</sup> ECPAT International, *Benin*, in ECPAT International, [database online] n.d. [cited May 7, 2004]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/countries.asp?arrCountryID=19&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination\\_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National\\_plans\\_of\\_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=19&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pronography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry). See also U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f.

<sup>446</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

<sup>447</sup> *Ibid.* See also ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II) Country Annex I: Benin*, RAF/01/P53/USA, Geneva, July 2001. See also U.S. Embassy- Cotonou, *unclassified telegram no. 972*, August 2004.

<sup>448</sup> Integrated Regional Information Networks, "WEST AFRICA: Traffickers hold thousands of children, women in bondage", IRINnews.org, [online], November 12, 2003 [cited February 12, 2004]; available from <http://www.irinnews.org/report.asp?ReportID=37815>.

<sup>449</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

<sup>450</sup> Approximately 90 to 95 percent of *vidomegons* were girls. See U.S. Department of State, *Country Reports- 2003: Benin*, Section 5.

<sup>451</sup> *Ibid.*

The Constitution guarantees education to all children.<sup>452</sup> Education in Benin is free for primary school children ages 6 to 11 years. However, families are required to pay additional expenses associated with schooling, such as uniforms, transportation, and school stationery, which can be prohibitive for poorer families. Education is compulsory in primary school, but there is no mechanism for enforcement.<sup>453</sup> Gender inequality in school enrollment in Benin is apparent. In 2001, the gross primary enrollment rate in Benin was 104.1 percent (122.2 percent for boys, 86.0 percent for girls), and in 1999, the net primary enrollment rate was 71.3 percent (84.4 percent for boys, 58.1 percent for girls).<sup>454</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Attendance rates also reflect the gender disparity in access to education. In 2001, the gross primary school attendance rate was 81.0 percent (93.6 percent for boys and 67.4 percent for girls), while the net primary school attendance rate was 53.5 percent (59.9 percent for boys and 46.5 percent for girls).<sup>455</sup> In an effort to redress the gender imbalance, girls in rural areas are exempted from paying tuition fees, and receive a 50 percent exemption in all secondary education establishments.<sup>456</sup> As of 1999, 84.0 percent of children who started primary school were likely to reach grade 5.<sup>457</sup>

### **Child Labor Laws and Enforcement**

The Labor Code sets the minimum age for employment at 14 years<sup>458</sup> and prohibits forced labor.<sup>459</sup> In addition, the Labor Code requires employers to maintain a register, including the birth date, of all employees under the age of 18 years.<sup>460</sup> However, the U.S. Department of State reports that due to a lack of resources, enforcement of the Labor Code by the Ministry of Labor is limited,<sup>461</sup> and minimum age laws are not enforced in the informal sector.<sup>462</sup>

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<sup>452</sup> *Constitution de la République du Bénin*, (December 11, 1990), Articles 8, 12; available from <http://www.afrikinfo.com/lois/benin/loi/text.htm>.

<sup>453</sup> U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004. See also U.S. Embassy- Cotonou official, electronic communication to USDOL official, October 22, 2003. See also *Constitution de la République du Bénin*, Article 13. Although children are required to attend school only until age 11, children under 14 years are not legally permitted to work. See Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, technical progress report, Baltimore, March 26, 2004, 2.

<sup>454</sup> World Bank, *World Development Indicators 2004*.

<sup>455</sup> USAID, *Global Education Online Database*, [database online] n.d. [cited March 11, 2004]; available from [http://esdb.cdie.org/cgi-bin2/broker.exe?\\_program=gedprogs.cntry\\_2.sas&\\_service=default&ccode=6BEN](http://esdb.cdie.org/cgi-bin2/broker.exe?_program=gedprogs.cntry_2.sas&_service=default&ccode=6BEN).

<sup>456</sup> ECPAT International, *Benin*.

<sup>457</sup> World Bank, *World Development Indicators 2004*.

<sup>458</sup> *Code du Travail*, Loi no 98-004, (January 27, 1998), Article 166; available from <http://natlex.ilo.org/txt/F98BEN01.htm>.

<sup>459</sup> *Ibid.*, Article 3.

<sup>460</sup> *Ibid.*, Article 167.

<sup>461</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d.

<sup>462</sup> U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

It is illegal to prostitute a minor in Benin.<sup>463</sup> Children are protected from abduction and displacement under current legislation, but specific anti-trafficking legislation does not exist.<sup>464</sup> Laws against prostitution, forced or bonded labor, and the employment of children under 14 years may also be used to prosecute traffickers.<sup>465</sup> The government's Brigade for the Protection of Minors has jurisdiction over all law enforcement matters related to children, including child labor and child trafficking. However, the Brigade is understaffed and lacks the necessary resources to carry out its mandate.<sup>466</sup>

The government has signed bilateral agreements with Gabon, Nigeria, and Togo to address cross-border trafficking and to repatriate trafficking victims.<sup>467</sup> There are reports that traffickers have been prosecuted and imprisoned.<sup>468</sup>

## Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Benin is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.<sup>469</sup> The government also participates in a USD 2 million education initiative funded by USDOL to improve access to quality, basic education for victims of child trafficking and children at risk of being trafficked.<sup>470</sup> With support from the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons, a

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	6/11/2001	✓
Ratified Convention 182	11/6/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (Trafficking)		✓

<sup>463</sup> The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is two to five years in prison and a fine of 1,000,000 to 10,000,000 CFA francs (USD 1,841.28 to USD 18,412.80). See Criminal Code, Section IV - Indecent Behavior, Articles 334, 334b, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. Currency conversion performed using FX Converter, [online] n.d. [cited May 7, 2004]; available from <http://www.carosta.de/frames/convert.htm>.

<sup>464</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*. The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. See *Crimes and offenses tending to hinder or destroy proof of the civil status of a child, or to endanger its existence; abduction of minors; violations of burial laws*, Criminal Code, Section VI; available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. In addition, decree No. 95-191 (1995) states that adults wishing to exit the country with a child under 18 years of age must register with the proper local authority and pay a fee held in escrow until the child has been returned to the village. See ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex I: Benin*.

<sup>465</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

<sup>466</sup> U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

<sup>467</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f.

<sup>468</sup> *Ibid.* According to the Brigade for the Protection of Minors, 22 traffickers were imprisoned between January and July 2004. See U.S. Embassy- Cotonou, *unclassified telegram no. 972*.

<sup>469</sup> The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1, as amended. See also ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 1, 2004, 1.

<sup>470</sup> The 4-year project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.

2-year program is underway to strengthen the capacity of the Government of Benin, particularly the Brigade for the Protection of Minors, to address child trafficking.<sup>471</sup> As a result of a Memorandum of Understanding between Benin and Nigeria to cooperate to protect and repatriate trafficking victims, and to identify, investigate, and prosecute agents and traffickers, joint border patrols have been established to curb smuggling and banditry.<sup>472</sup> In October 2003, police chiefs from Benin, Ghana, Nigeria, and Togo met to discuss cross-border crimes and agreed to reduce the number of immigration protocols that hinder rapid response in certain criminal cases.<sup>473</sup>

The Ministry of Family, Social Protection and Solidarity (MFSPS) collaborates with donors and NGOs to provide child trafficking victims with reintegration support and to place them in educational and vocational programs.<sup>474</sup> Other MFSPS activities include the creation of local vigilance committees to help combat child trafficking; the provision of literacy training for child workers under the age of 14 years and apprenticeships for those over the age of 14 years; and campaigns to sensitize truck drivers and border authorities about the sexual exploitation and trafficking of children.<sup>475</sup> USAID supports a variety of educational efforts in Benin, including the development of a new primary school curriculum and the professional development of teachers and teacher trainers.<sup>476</sup>

The government continues to raise awareness of child labor problems through media campaigns, regional workshops, and public statements, and by working with the Network of Journalists for the Prevention of Child Trafficking and Child Abuse.<sup>477</sup> The Brigade for the Protection of Minors operates a free hotline for children to report abuse or other problems.<sup>478</sup> The Ministry of Labor, in collaboration with the Ministry of Family and the Ministry of Justice, is implementing a pilot program to combat child labor in urban centers.<sup>479</sup>

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<sup>471</sup> The project, titled Project Protection – Reducing Child Trafficking in Benin, will be implemented and managed by UNICEF. The project's activities include educating the public about trafficking, child labor, and exploitation. Parents will be encouraged to keep their children at home and in school. See U.S. Department of State, *unclassified telegram no. 228372*, August 6, 2003.

<sup>472</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f. See also Catholic Relief Services, *Education First technical progress report*, 2. Between September and October 2003, at least 236 children were rescued by police from Nigerian worksites and repatriated to Benin. Six Beninese nationals and three Nigerians were arrested on charges of child trafficking. See Integrated Regional Information Networks, "BENIN-NIGERIA: 120 child workers repatriated to Benin", IRINnews.org, [online], October 15, 2003 [cited February 12, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=37235>.

<sup>473</sup> Integrated Regional Information Networks, "Traffickers hold thousands of children".

<sup>474</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6f. See also Catholic Relief Services, *Education First technical progress report*, 2.

<sup>475</sup> Alassane Biga, Geneviève Ogooussan, and Sylvie Adanhodé, Ministry of Family Social Protection and Solidarity Officials, Meeting with USDOL official, January 13, 2003.

<sup>476</sup> USAID-Benin, *Improving the Quality of Education*, in USAID-Benin, [online] n.d. [cited March 25, 2004]; available from <http://www.usaid.gov/bj/education/p-qualityeduc.html>.

<sup>477</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d. See also U.S. Embassy- Cotonou, *unclassified telegram no. 972*. See also U.S. Embassy- Cotonou, *unclassified telegram no. 1079*, September 12, 2003.

<sup>478</sup> ECPAT International, *Benin*.

<sup>479</sup> U.S. Department of State, *Country Reports- 2003: Benin*, Section 6d.

UNICEF is implementing programs that support training for teachers and PTAs, and allow the community to become directly involved in school administration and girls' education.<sup>480</sup> The education component of Benin's poverty reduction strategy (PRSP) for 2003-2005 focuses on equal student opportunity for all, improving quality, strengthening institutional framework, and controlling education costs, and makes special provisions to promote girls' education.<sup>481</sup> The PRSP also calls for strengthening local capacity to combat child trafficking.<sup>482</sup> In March 2004, the World Bank approved a project to support the implementation of Benin's PRSP. One of the core sectors of the project is basic education.<sup>483</sup> Also in March 2004, the government created an anti-child trafficking committee comprised of representatives of the government, child welfare organizations, and the police.<sup>484</sup> In June 2004, Benin participated in a meeting in Nairobi that focused on ways to enhance girls' education.<sup>485</sup> Benin is among the first group of countries deemed eligible to apply for aid under the U.S. Millennium Challenge Account.<sup>486</sup>

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<sup>480</sup> UNICEF, *At a glance: Benin*, in UNICEF, [online] n.d. [cited March 25, 2004]; available from <http://www.unicef.org/infobycountry/benin.html>.

<sup>481</sup> Behind basic education, second priority is given to technical education and vocational training. See Republic of Benin National Committee for Development and Fight Against Poverty, *Benin Poverty Reduction Strategy Paper 2003-2005*, December 2002, 41, 42; available from [http://poverty.worldbank.org/files/13970\\_Benin\\_PRSP.pdf](http://poverty.worldbank.org/files/13970_Benin_PRSP.pdf).

<sup>482</sup> *Ibid.*, 70.

<sup>483</sup> World Bank, *Poverty Reduction Strategy Credit - 1st PRSC*, in World Bank, [online] n.d. [cited April 1, 2004]; available from <http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=322639&menuPK=322671&ProjectID=P072003>.

<sup>484</sup> The 15-member committee plans to publish a directory of child protection organizations in Benin and assess the effectiveness of each in combating child trafficking. See Integrated Regional Information Networks, "BENIN: Government creates anti-child trafficking committee", IRINnews.org, [online], March 2, 2004 [cited March 3, 2004]; available from <http://www.irinnews.org/print.asp?ReportID=39796>. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Benin*.

<sup>485</sup> UNICEF, *Ministers of Education and technical experts meet in Nairobi to discuss scaling up what works for girls' education in sub-Saharan Africa*, press release, June 24, 2004; available from [http://www.unicef.org/media/media\\_21926.html](http://www.unicef.org/media/media_21926.html).

<sup>486</sup> Eligibility for the Millennium Challenge Account is based on satisfying requirements for good governance, rule of law, and economic reform. Countries selected may now submit funding proposals indicating priorities for economic growth. See Elise Labott, "U.S. picks 16 nations eligible for new aid fund", CNN.com, [online], May 10, 2004 [cited May 11, 2004]; available from <http://www.cnn.com/2004/US/05/10/us.millennium.challenge/index.html>.