

Benin

Incidence and Nature of Child Labor

Statistics on the number of working children under age 15 in Benin are unavailable.³⁹⁷ In Benin, children work on family farms, in small businesses, on construction sites, in markets, and as domestic servants.³⁹⁸ Children also work in stone quarries.³⁹⁹ There are also reports of child prostitution, mainly involving girls and particularly in urban areas.⁴⁰⁰

Benin is a source, destination and transit country for the trafficking of children. Children from Benin are trafficked into Cameroon, Côte d'Ivoire, Gabon, Ghana, and Nigeria; children from Burkina Faso, Niger, and Togo are trafficked into Benin.⁴⁰¹ Trafficked children often work as agricultural workers, domestic servants, market vendors, in rock quarries, and are involved in commercial sexual exploitation.⁴⁰² Trafficked Beninese children work on rock quarries in Nigeria, on cocoa plantations in Côte d'Ivoire, and as involuntary domestic servants in Gabon.⁴⁰³ Children are also trafficked within Benin for forced labor in construction, commercial enterprises, handicrafts, and street vending.⁴⁰⁴ Many families facing poverty will place children in the care of an "agent" believing that the wages from this labor will be sent home to the family.⁴⁰⁵

The practice of *vidomegon*, in which poor children are placed in wealthier households, continues. In exchange for housing and food, these children work for the wealthy families, with income generated from the child's activities being divided between the child's host and natural families. In some cases, however, the situation degenerates into forced labor. *Vidomegon* children may be subjected to poor working and living conditions and are vulnerable to abuse and exploitation, including being trafficked.⁴⁰⁶ In some cases, *vidomegon* children are trafficked to neighboring countries to work.⁴⁰⁷

³⁹⁷ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

³⁹⁸ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Benin*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41588.htm>.

³⁹⁹ Integrated Regional Information Networks, "BENIN: Children crushing stones into gravel to get through school", IRINnews.org, [online], June 29, 2005 [cited June 30, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=47890>.

⁴⁰⁰ U.S. Department of State, *Country Reports- 2004: Benin*, Section 5. See also ECPAT International, *Benin*, in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=19&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayCountry.

⁴⁰¹ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

⁴⁰² 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, *reporting*, August 26, 2004.

⁴⁰³ U.S. Department of State, *Trafficking in Persons Report*.

⁴⁰⁴ Ibid.

⁴⁰⁵ U.S. Department of State, *Country Reports- 2004: Benin*, Section 6d.

⁴⁰⁶ Approximately 90 to 95 percent of *vidomegons* were girls. See Ibid., Section 5.

⁴⁰⁷ Ibid.

The Constitution guarantees education to all children.⁴⁰⁸ Education in Benin is free for primary school children ages 6 to 11 years, but families are required to pay additional expenses associated with schooling, such as uniforms, transportation, and school stationery, which can be unaffordable for poorer families.⁴⁰⁹ The Government of Benin, however, offers reduced-price textbooks to improve access to and quality of education.⁴¹⁰ Education is compulsory in primary school, but there is no mechanism for enforcement.⁴¹¹ In addition, teacher strikes disrupted the 2004-2005 school year.⁴¹² Boys enroll in primary school in Benin at higher rates than girls. In 2002, the gross primary enrollment rate in Benin was 109 percent, and in 1999, the most recent year for which data are available, the net primary enrollment rate was 58 percent.⁴¹³ 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. Primary school attendance statistics are not available for Benin.⁴¹⁴ As of 2001, 68 percent of children who started primary school were likely to reach grade 5.⁴¹⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, including for apprenticeships, and prohibits forced labor.⁴¹⁶ In addition, the Labor Code requires employers to maintain a register, including the birth date, of all employees under the age of 18 years.⁴¹⁷ A labor inspector can require that young workers be examined by a doctor to determine that they are not working beyond their abilities.⁴¹⁸ Beninese law also prohibits workers under 18 years from performing certain types of work, including transporting heavy loads, operating certain types of machinery, working with hazardous substances, and working in underground mines and quarries.⁴¹⁹ Children between 12 and 14 years may perform domestic work and light work of a temporary or seasonal nature, provided that it does not interfere with their compulsory schooling.⁴²⁰ However, the U.S. Department of State reports that due to a lack of resources,

⁴⁰⁸ *Constitution de la République du Bénin*, (December 11, 1990), Articles 8, 12; available from <http://www.afrikinfo.com/lois/benin/loi/text.htm>.

⁴⁰⁹ U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004. See also *Constitution de la République du Bénin*, Article 13.

⁴¹⁰ U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴¹¹ U.S. Embassy Cotonou official, electronic communication, 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.

⁴¹² U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴¹³ UNESCO Institute for Statistics, <http://stat.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed December 2005).

⁴¹⁴ This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section for information about sources used.

⁴¹⁵ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁴¹⁶ Government of Benin, *Code du Travail*, Loi no 98-004, (January 27, 1998), Articles 3, 66, 166; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/49604/65115/F98BEN01.htm>.

⁴¹⁷ *Ibid.*, Article 167.

⁴¹⁸ *Ibid.*, Article 169. Section 4 of Inter-Ministerial Order No. 132 of 2000 defines a young worker as a person between the ages of 14 and 18 years. See ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001)*, [online] 2004 [cited June 15, 2005]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

⁴¹⁹ CEACR, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001)*, Geneva, 2004; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

⁴²⁰ *Ibid.*

enforcement of the Labor Code by the Ministry of Labor is limited and does not include the informal sector.⁴²¹

The worst forms of child labor may be prosecuted under different statutes in Benin. The minimum age for recruitment into the military is 21 years.⁴²² It is illegal to prostitute a minor in Benin.⁴²³ As of the end of 2005, children were protected from abduction under current legislation, but specific anti-trafficking legislation did not exist.⁴²⁴ Laws against prostitution, forced or bonded labor, and the employment of children under 14 years may also be used to prosecute traffickers.⁴²⁵ Since 1999, the Government of Benin has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁴²⁶ 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.⁴²⁷ Between January and October 2005, 59 child trafficking cases were tried, resulting in 44 convictions.⁴²⁸ However, the Brigade is understaffed and lacks the necessary resources to carry out its mandate.⁴²⁹ In addition, according to U.S. Department of State, enforcement of child prostitution laws is often inadequate.⁴³⁰

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

The Government of Benin is participating in a regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.⁴³¹ 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.⁴³² With assistance from the U.S. Department of Justice, officials from the Brigade for the Protection of Minors will receive training on identifying and preventing trafficking in persons. The 2-year, USD 200,000 project also seeks to

⁴²¹ U.S. Department of State, *Country Reports- 2004: Benin*, Section 6d.

⁴²² Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=758.

⁴²³ The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is 2 to 5 years in prison and a fine of 1,000,000 to 10,000,000 CFA francs (USD 1,842.50 to USD 18,425). 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 June 27, 2005]; available from <http://www.carosta.de/frames/convert.htm>.

⁴²⁴ U.S. Department of State, *Trafficking in Persons Report*. The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. See The Government of Benin, *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, Article 345; 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*. See U.S. Embassy-Cotonou official, electronic communication to USDOL official, August 14, 2006.

⁴²⁵ U.S. Department of State, *Trafficking in Persons Report*.

⁴²⁶ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

⁴²⁷ U.S. Embassy- Cotonou, *reporting*, August 26, 2004.

⁴²⁸ U.S. Embassy- Cotonou, *reporting*, November 21, 2005.

⁴²⁹ U.S. Embassy- Cotonou, *reporting*, August 26, 2004.

⁴³⁰ U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴³¹ The regional child trafficking project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.

⁴³² The 4-year project was funded in 2003. See International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.

improve the Government of Benin's capacity to investigate and prosecute trafficking cases and to protect trafficking victims.⁴³³ In addition, the Government of Benin is participating in an ILO-IPEC project funded by France to combat child labor in Francophone Africa,⁴³⁴ as well as one funded by Denmark to combat trafficking in children for labor exploitation in Benin, Ghana, and Burkina Faso.⁴³⁵

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)		✓

In July 2005, Benin was one of 9 countries to sign a multilateral cooperative agreement to combat child trafficking in West Africa.⁴³⁶ Additionally, 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.⁴³⁷ In June 2005, Benin and Nigeria agreed to continue this cooperation. The objectives of this agreement include establishing joint security surveillance patrols and awareness raising campaigns along border areas, and rehabilitating and reintegrating trafficking victims. A joint committee has been set up to implement the agreement, and a joint plan of action against trafficking in persons has been adopted.⁴³⁸ The government also collaborates with Gabon and Togo to address cross-border trafficking and repatriate trafficking victims.⁴³⁹ Also, the government works with UNICEF and NGOs to prevent child trafficking.⁴⁴⁰

The government is implementing a National Plan of Action on behalf of women and children.⁴⁴¹ The Ministry of Family, Social Protection and Solidarity collaborates with donors and NGOs to provide child trafficking victims with reintegration support and to place them in educational and vocational programs.⁴⁴² USAID supports a variety of educational efforts in Benin, including the development of a new national primary school curriculum and the professional development of teachers and teacher trainers.⁴⁴³

The government continues to raise awareness of child labor through media campaigns, regional workshops, and by collaborating with a network of NGOs and journalists.⁴⁴⁴ The government has also provided resources, training, and logistical support to local anti-trafficking committees,⁴⁴⁵ and the ministry charged with children's affairs has set up an Observatory of Children, Women, and the Family.⁴⁴⁶ The

⁴³³ U.S. Department of State, *reporting*, March 9, 2005.

⁴³⁴ The countries participating in this project include Benin, Burkina Faso, Madagascar, Mali, Morocco, Niger, Senegal, and Togo. See ILO-IPEC official, email communication to USDOL official, November 8, 2005.

⁴³⁵ ILO-IPEC official, IPEC projects from all donors except USDOL, email communication to USDOL official, November 8, 2005.

⁴³⁶ *Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa*, July 27, 2005. See also U.S. Embassy- Cotonou, *reporting*, November 21, 2005.

⁴³⁷ U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴³⁸ Max Amuchie, "Nigeria, Benin United Against Child Trafficking," *This Day* (Lagos), June 19, 2005; available from <http://allafrica.com/stories/printable/200506201353.html>. See also UNICEF, *Benin and Nigeria pledge to fight child trafficking*, press release, Cotonou/Abuja, June 9, 2005; available from http://www.unicef.org/media/media_27309.html.

⁴³⁹ U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴⁴⁰ Integrated Regional Information Networks, "WEST AFRICA: Impoverished families trade their children", IRINnews.org, [online], June 16, 2005 [cited June 30, 2005]; available from <http://www.irinnews.org/print.asp?ReportID=47680>.

⁴⁴¹ Catholic Relief Services, *Education First technical progress report - March 2004*, 2. See also ECPAT International, *Benin*.

⁴⁴² U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴⁴³ USAID-Benin, *Improving the Quality of Education*, in USAID-Benin, [online] n.d. [cited June 27, 2005]; available from <http://www.usaid.gov/bj/education/p-qualityeduc.html>.

⁴⁴⁴ U.S. Department of State, *Country Reports- 2004: Benin*, Sections 5 and 6d.

⁴⁴⁵ U.S. Department of State, *Trafficking in Persons Report*.

⁴⁴⁶ ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA)*, technical progress report, Geneva, March 1, 2005, 2.

Brigade for the Protection of Minors operates a free hotline for children to report abuse or other problems.⁴⁴⁷ The Brigade also acquired a new building that can accommodate up to 160 victims of child trafficking and other abuses, though it remains unused.⁴⁴⁸ Both the Brigade and the Judicial Police have been trained on how to identify and protect trafficking victims.⁴⁴⁹ A government-established national child protection committee oversees the fight against child trafficking.⁴⁵⁰ The Ministry of Family operates centers in urban areas that offer education and vocational training opportunities to victims of *vidomegon*.⁴⁵¹

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.⁴⁵² The education component of Benin's poverty reduction strategy (PRSP) for 2003-2005 focuses on equal opportunity for all students, improving quality, strengthening institutional framework, and controlling education costs, and includes special provisions to promote girls' education.⁴⁵³ The PRSP also calls for strengthening local capacity to combat child trafficking.⁴⁵⁴ The World Bank is supporting the implementation of Benin's PRSP through a project that addresses basic education.⁴⁵⁵ The Ministry of Primary and Secondary Education, together with partners, developed a new strategy for increasing girls' education in Benin and an outline of roles and responsibilities of key actors in ensuring the availability of resources to implement the strategy.⁴⁵⁶

⁴⁴⁷ ECPAT International, *Benin*.

⁴⁴⁸ U.S. Department of State, *Trafficking in Persons Report*. See U.S. Embassy – Cotonou official, electronic communication to USDOL official, August 14, 2006.

⁴⁴⁹ *Ibid.*

⁴⁵⁰ The committee is comprised of representatives of the government, child welfare organizations, and the police. See U.S. Department of State, *Country Reports- 2004: Benin*, Section 5.

⁴⁵¹ *Ibid.*

⁴⁵² UNICEF, *At a glance: Benin*, in UNICEF, [online] n.d. [cited June 20, 2005]; available from <http://www.unicef.org/infobycountry/benin.html>.

⁴⁵³ 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; available from http://poverty.worldbank.org/files/13970_Benin_PRSP.pdf [hard copy on file].

⁴⁵⁴ *Ibid.*, 70.

⁴⁵⁵ World Bank, *Poverty Reduction Strategy Credit - 1st PRSC*, in World Bank, [online] n.d. [cited June 27, 2005]; available from <http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=322639&menuPK=322671&Projectid=P072003>.

⁴⁵⁶ Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, technical progress report, Baltimore, March 22, 2005, 5.