

Benin

<i>Selected Statistics and Indicators on Child Labor</i> ³¹³	
Working children, 5-14 years (%), 2002-2003:	13.2
Working boys, 5-14 years (%), 2002-2003:	11.5
Working girls, 5-14 years (%), 2002-2003:	15.3
Working children by sector, 5-14 years (%), 2002-2003:	
- Agriculture	68.9
- Manufacturing	5.2
- Services	22.3
- Other	3.7
Minimum age for work:	14
Compulsory education age:	11
Free public education:	Yes*
Gross primary enrollment rate (%), 2005:	96
Net primary enrollment rate (%), 2005:	78
School attendance, children 5-14 years (%), 2004:	59.2
Survival rate to grade 5 (%), 2004:	52
ILO-IPEC participating country:	Yes
* Must pay miscellaneous school expenses	

long work hours, insufficient food, and sexual exploitation. In some instances, the child is trafficked into a situation of forced labor.³¹⁸

Benin is a source, destination, and transit country for child trafficking.³¹⁹ The majority of Beninese children are trafficked internally from rural to urban areas; from northern to central and southern Benin; and for commercial sexual exploitation and forced labor. Boys are trafficked for work in agriculture, construction, and as street vendors. Girls are trafficked for domestic work and sexual exploitation.³²⁰

The majority of Beninese children trafficked outside of the country are trafficked to Nigeria, where many are boys trafficked for work in rock quarries.³²¹ Beninese children are also trafficked to Ghana, Republic of Congo, Guinea Bissau, and the Central African Republic for domestic service, farm labor, and sexual exploitation; and to Togo and Côte d'Ivoire for work on plantations. Some children from Niger, Togo, and Burkina Faso are also trafficked to Benin for forced labor and domestic work.³²²

Child Labor Laws and Enforcement

The minimum age for admission to work in Benin is 14 years, including for apprenticeships; however, children between 12 and 14 years may perform domestic work and temporary or seasonal light work, if it does not interfere with their compulsory

schooling.³²³ Children are also prohibited from performing night work, defined as work between the hours of 9 pm and 5 am.³²⁴ Beninese law 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.³²⁵ Employers are required to maintain a register including the birth date of all employees under 18, and a labor inspector can require that workers between 14 and 21 be examined by a doctor to determine that they are not working beyond their abilities. Violators of the minimum age laws are subject to fines, and in

Incidence and Nature of Child Labor

In Benin, children work on family farms and construction sites, and in stone quarries, small businesses, and markets.³¹⁴ The practice of sending boys to Koranic teachers to receive education is a tradition in various countries, including Benin.³¹⁵ Some Beninese boys who study with Koranic teachers, work in agriculture and as alms collectors, porters, and rickshaw operators in exchange for education.³¹⁶ Children are involved in forced begging and child prostitution is a problem.³¹⁷

Under the practice of *Vidomegon*, children, often girls, from poor families are sent to work as domestics in exchange for housing and food. Income generated from the children's activities is divided between the children's host and natural families. While the arrangement is initially a voluntary one between the families, the child frequently is subject to poor conditions such as

the case of repeat violators, a heavier fine is imposed.³²⁶

The law prohibits forced labor and stipulates a penalty of imprisonment for 2 months to 1 year and/or a fine.³²⁷ The minimum age for recruitment into the military is 21.³²⁸ Beninese law expressly forbids the trafficking of children.³²⁹ Child trafficking is defined as any means that alienate a child's freedom, such as the recruitment, transport, placement, receiving, or harboring of a child with the intent of exploitation. Exploitation is defined to include practices such as forced or compulsory labor, prostitution, the use of children in armed conflict, the use of children for the purpose of illicit activities, and work that may harm the safety, health, and morals of children.³³⁰ The punishment for moving or attempting to move a child within the country without proper authorization is imprisonment of 1 to 3 years and fines. The punishment for moving a child out of Benin without proper authorization is 2 to 5 years of imprisonment and fines.³³¹ Child traffickers face a punishment of 10 to 20 years in prison, with the penalty increasing to life in prison if the child is not returned; the child is found dead before a verdict is reached; if force, fraud, or violence are used; or other aggravating circumstances exist. Individuals who employ child trafficking victims in Benin face 6 months to 2 years of imprisonment and a fine, while the penalty for parents who send their children with traffickers is a prison sentence of 6 months to 5 years.³³²

Benin was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions.³³³ As part of the Multilateral Cooperation Agreement, the governments agreed to use the child trafficking monitoring system developed by the USDOL-funded ILO-IPEC LUTRENA project; to assist each other in the investigation, arrest and prosecution of trafficking offenders; and to protect, rehabilitate, and reintegrate trafficking victims.³³⁴

The Ministry of Labor is responsible for implementing the child labor provisions in the Labor Code. The Ministry employs 126 labor agents. These individuals assess the implementation of all labor laws and are not solely

dedicated to child labor. Although most child labor in Benin occurs in the informal sector, labor agents largely regulate the formal sector.³³⁵ The Brigade for the Protection of Minors maintains a child trafficking database, arrests suspected traffickers, and rescues child trafficking victims. In 2007, the Brigade arrested 24 suspected traffickers, and rescued 179 children, some of whom had been trafficked to other countries for work in mines, quarries, and farms.³³⁶

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

During 2007, the Government included child trafficking provisions in the National Poverty Reduction Strategy Paper (PRSP II), which covers years 2007 to 2009.³³⁷

In September 2007, the Ministry of Family and Children with support from ILO-IPEC approved the 5-year National Action Plan to Combat Child Trafficking for Labor Exploitation. The goal of the plan is to progressively reduce child trafficking for the purpose of labor exploitation.³³⁸ The plan also aims to strengthen regulations against trafficking, and reinforce border surveillance of traffickers.³³⁹ The Nigerian Agency to Prohibit Trafficking in Persons, the Beninese Brigade for the Protection of Minors, and the Federation of Beninese Citizens in Abeokuta established agreements during the year to repatriate trafficked children who work in mines back to their homes in Benin.³⁴⁰ As a result of the agreements and efforts of the two governments, child trafficking victims were repatriated from Nigeria back to Benin during the year.³⁴¹ In addition, the Consulate of Benin and the Government of the Republic of Congo are coordinating the repatriation of child trafficking victims back to Benin.³⁴² In 2007, the Government continued to collaborate with NGOs to provide child trafficking victims with basic services, such as food and shelter, and to place them in educational and vocational programs.³⁴³ In addition, the Brigade for the Protection of Minors built a new transit shelter for child trafficking victims with the capacity to house up to 160 children at one time. The shelter provides legal, medical, and psychological support to children that have been trafficked. In April 2007, with support from UNODC, the Ministry of Family and Children conducted a training session on trafficking in

persons (including children), for over 75 police officers, members of the court, and case workers.³⁴⁴

In 2007, the Government continued to raise awareness of child labor and trafficking through media campaigns and regional workshops and by collaborating with a network of NGOs and journalists, including with Togolese and Nigerian counterparts.³⁴⁵

The Government of Benin participated in the Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA) regional project, funded by USDOL at USD 9.28 million and implemented by ILO-IPEC, to combat the trafficking of children for exploitive labor. During Phase II, from July 2001 to December 2007 (when the project ended) the project withdrew 4,240 children and prevented 7,213 children from trafficking in the region.³⁴⁶ The Government also participated in a 4-year, USDOL-funded, USD 2 million project implemented by Catholic Relief Services (CRS) to combat child trafficking by improving access to basic education.³⁴⁷ The project ended in August 2007, and withdrew 1,303 children from trafficking and prevented an additional 5,844 children from falling victim to trafficking. In 2007, USDOS also funded a project implemented by CRS to support 6 Caritas rehabilitation centers that provided additional services to trafficking victims.³⁴⁸

France is funding two regional projects to combat child labor in francophone Africa that are implemented by ILO-IPEC, and complement each other. Phase II is funded at USD 488 million and ends December 2009; and Phase I was funded at USD 3.6 million and ended in March 2007. Denmark also funded a regional USD 325,378 project implemented by ILO-IPEC to combat trafficking in children for labor exploitation, which ended in December 2007.³⁴⁹

³¹³ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Benin, *Code du Travail*, Loi no 98-004, (January 27, 1998), article 166; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/4960>

4/65115/F98BEN01.htm. See also UNESCO, *EFA Global Monitoring Report 2008: Education for All by 2015 Will We Make it?*, France, 2007, 280; available from http://portal.unesco.org/education/en/ev.php-URL_ID=49591&URL_DO=DO_TOPIC&URL_SECTION=201.html. See also Government of Benin, *Constitution de la République du Bénin*, (December 11, 1990), articles 12, 13; available from <http://www.afrikinfo.com/lois/index.htm>. See also U.S. Department of State, "Benin," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/c25283.htm>.

³¹⁴ U.S. Department of State, "Country Reports- 2007: Benin," section 5, 6d. See also UN Office for the Coordination of Humanitarian Affairs, *Benin: Children crushing stones into gravel to get through school*, [previously online] 2006 [cited October 12, 2006]; available from <http://www.irinnews.org/print.asp?ReportID=47890> [hard copy on file].

³¹⁵ Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1, 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also Peter Easton et al., *Research Studies Series no. 8*, International Working Group on Nonformal Education of the Association for the Development of Education in Africa, May 1997; available from <http://www.adeanet.org/wgnfe/publications/abel/abel2.html>.

³¹⁶ United Nations, *Committee on the Rights of the Child: Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Second Periodic Reports of States Parties Due in 1997: Benin*, CRC/C/BEN/2, November 24, 2005, para 697-698.

³¹⁷ *Ibid.*, para 690. See also U.S. Department of State, "Country Reports- 2007: Benin," section 5.

³¹⁸ U.S. Department of State, "Country Reports- 2007: Benin," sections 5, 6d.

³¹⁹ U.S. Department of State, "Benin (Tier 2)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82805.htm>.

³²⁰ *Ibid.* See also UNODC, *Measures to Combat Trafficking in Human beings in Benin, Nigeria and Togo*, Geneva, September, 2006, 52; available from http://www.unodc.org/pdf/human_trafficking/ht_research_report_nigeria.pdf. See also ILO-IPEC, *La Traite des Enfants a des Fins d'Exploitation de leur Travail au Benin, Enfants Victimes: Caracteristiques Socio-Demographiques*, Geneva, 2006, 30.

³²¹ Terres des Hommes, *Little Hands of the Stone Quarries, Investigation of Child Trafficking Between Benin and Nigeria*,

Le Mont-sur-Lausanne, December 2005, 5. See also United Nations, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council": Summary of Cases Transmitted to Governments and Replies Received* A/HRC/4/23/Add.1, May 30, 2007, para 38. See also United Nations, *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council": Communications to and from Governments*, A/HRC/4/23/Add.1, March 15, 2007, para 22. See also ILO-IPEC, *La Traite des Enfants*, 32.

³²² U.S. Department of State, "Country Reports- 2007: Benin," section 5.

³²³ Government of Benin, *Code du Travail*, articles 66, 166. See also ILO Committee of Experts, *Direct Request, Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001)*, [online] 2004 [cited December 2, 2007], article 2, paras 1, 4, article 7, paras 1, 4; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/index.cfm?lang=EN>.

³²⁴ Government of Benin, *Code du Travail*, articles 153, 154.

³²⁵ Inter-Ministerial Order No. 132 of 2000 as noted in ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 3, para 2.

³²⁶ Government of Benin, *Code du Travail*, articles 167, 169, 301.

³²⁷ *Ibid.*, articles 3, 303.

³²⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, London, November 17, 2004; available from <http://www.child-soldiers.org/home>.

³²⁹ Government of Benin, *Loi portant conditions de déplacement des mineurs et répression de la traite d'enfants en République du Bénin*, Loi no 2006-04, (2006), article 6; available from <http://www.ilo.org/dyn/natlex/docs/SERIAL/73266/74783/F1933999553/BEN73266.pdf>.

³³⁰ *Ibid.*, articles 3-4.

³³¹ *Ibid.*, articles 17, 18.

³³² *Ibid.*, articles 16, 21-24.

³³³ Catholic Relief Services official, E-mail communication to USDOL official, October 2, 2006. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Geneva, September 1, 2006, 2.

³³⁴ ECOWAS and ECCAS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, 5-7. See also ILO-IPEC, *LUTRENA, Technical Progress Report*, 10-11.

³³⁵ U.S. Department of State, "Country Reports- 2007:

Benin," section 6d. See also U.S. Embassy- Cotonou, *reporting*, November 30, 2007, para 8.

³³⁶ U.S. Department of State, "Country Reports- 2007: Benin," section 5. See also U.S. Embassy- Cotonou, *reporting*, February 29, 2008, para 6e.

³³⁷ Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, Technical Progress Report, Baltimore, September 1, 2007, 20-21. See also Government of Benin, *Strategie de Croissance pour la Reduction de la Pauvrete (SCRIP) 2007-2009*, April 2007, section 6.4.

³³⁸ Ministry of Family and Children, *Plan d'Action National de Lutte Contre la Traite des Enfants a des Fins d'exploitation de Leur Travail*, Cotonou, December 2007, 47, 55.

³³⁹ *Ibid.*

³⁴⁰ Catholic Relief Services, *Education First, Technical Progress Report*, 13.

³⁴¹ U.S. Embassy- Cotonou, *reporting*, February 29, 2008, para 6h.

³⁴² ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Congo (ratification: 2002)*, [online] 2007 [cited January 22, 2008], article 7, para 2; available from <http://www.ilo.org/ilolex/gbe/ceacr2005.htm>.

³⁴³ U.S. Department of State, "Country Reports- 2007: Benin," section 5.

³⁴⁴ U.S. Embassy- Cotonou, *reporting*, February 29, 2008, paras 6g, 9b.

³⁴⁵ U.S. Embassy- Cotonou, *reporting*, November 30, 2007, para 10. See also U.S. Department of State, "Country Reports- 2007: Benin," section 5, 6d.

³⁴⁶ ILO-IPEC, *Amendment to Project Document "Combating the Trafficking of Children for Labour Exploitation in West and Central Africa"*, Project Document Amendment Geneva, September 3, 2004, 1, 8. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, Technical Progress Report, Geneva, September 1, 2007, 1-3. See also ILO-IPEC Geneva official, LUTRENA Project Table III.C. Final Report March 2008 E-mail communication to USDOL official, March 24, 2008.

³⁴⁷ Catholic Relief Services, *Education First: Combating Child Trafficking through Education in Benin*, Revised Project Document, Baltimore, May, 2005, i, 2.

³⁴⁸ Catholic Relief Services, *Education First, Technical Progress Report*, 5, 16.

³⁴⁹ ILO-IPEC Geneva official, E-mail communication to USDOL official, December 12, 2007.