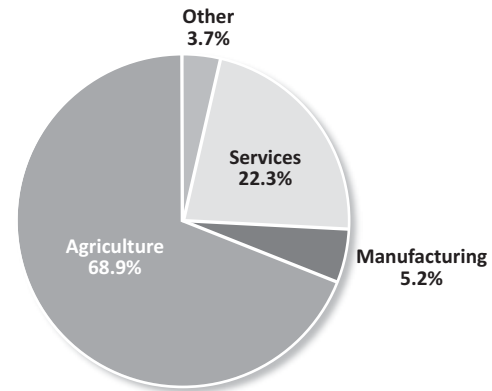


Benin

Benin issued the first volume of its new Child Code, compiling a wide range of existing laws that address abuses associated with child labor and that guarantee the protection of children. Child domestic labor and trafficking of children remain problems. A lack of restrictions on domestic work for children 12 and 13, a legal school leaving age that is less than the minimum age for work, and a general lack of enforcement capability are gaps in efforts toward the elimination of the worst forms of child labor.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	13.2%
Attending School	5-14 yrs.	59.2%
Combining Work and School	7-14 yrs.	1.4%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Benin are exploited in the worst forms of child labor, many of them in domestic labor.⁴⁵¹ Under the practice of “vidomegon,” girls, primarily from poor families, are sent to work as domestics in exchange for housing and food. Any income generated from these arrangements is shared between the children’s host and natural families. While such arrangements are voluntary between the families, the child is frequently subjected to long working hours, insufficient food, and sexual exploitation.⁴⁵²

Children are trafficked within Benin for domestic work, farm labor, labor in stone quarries and prostitution.⁴⁵³ The UN Committee on the Rights of the Child has expressed concerns about the risk of sexual exploitation faced by street children in Benin.⁴⁵⁴ Also, children are trafficked from Niger, Togo and Burkina Faso to Benin for domestic labor.⁴⁵⁵

Laws and Regulations on the Worst Forms of Child Labor

The minimum age for work in Benin is 14. Children between ages 12 and 14 may perform any domestic work and temporary or seasonal light work if it does not interfere with their schooling.⁴⁵⁶ However, children in Benin are required to attend school only until age 11. This standard makes children age 12 to 14 vulnerable to the worst forms of child labor as they are not required to be in school but are not legally permitted to work either. The law prohibits workers under age 18 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.⁴⁵⁷ An expanded list of hazardous work prohibited for children is under review for approval by the National Labor Council; the council includes the government, employers’ associations and workers’ organizations.⁴⁵⁸

The law expressly forbids the trafficking of children.⁴⁵⁹ In October 2009, Benin promulgated three enabling decrees to regulate travel of minors within and across Benin's borders.⁴⁶⁰ Other decrees ban the use of children in armed conflicts.⁴⁶¹

During the reporting period, the Government adopted the first volume of the Child Code, a compilation of existing legislation related to children's rights, education, protection, labor, and health. The Code's second volume, containing a bill on child protection and amendments pertaining to offences committed regarding minors, is pending adoption by the National Assembly.⁴⁶²

Institutional Mechanisms for Coordination and Enforcement






Research found no specific evidence that the Government of Benin has established coordinating mechanisms to combat the worst forms of child labor. The Ministry of Family and National Solidarity (MFNS) implements the government's overall policy to improve children's welfare and leads government efforts to ensure children's rights.⁴⁶³ The MFNS chairs the National Monitoring and Coordination Working Group for Child Protection (CNSCPE), a technical agency that serves as a task force and comprises five (5) technical committees.⁴⁶⁴ Each Committee has an action plan and proposes activities to CNSCPE. The CNSCPE then collaborates with sector-based Ministries, NGO networks, international technical and financial partners and bilateral partners in implementing the activities.⁴⁶⁵

Research has not identified the number of inspectors responsible for enforcing child labor laws in Benin, nor the number of inspections conducted during the reporting period. The Government budgeted \$88,500 to fight child labor in its 2009 budget.⁴⁶⁶ This funding level is not sufficient to effectively enforce the child labor laws.⁴⁶⁷

Government Policies on the Worst Forms of Child Labor

Benin has a National Action Plan to Combat and Eradicate Child Trafficking and Labor Exploitation.⁴⁶⁸

The CNSCPE works with the Nigerian government to combat cross-border trafficking, particularly the trafficking of children from Benin to Nigeria for work in stone quarries. Under the coordination of the joint Benin and Nigeria Committee to Combat Child Trafficking, the two governments developed a 2009-2010 Action Plan to reinforce border security measures and repatriate the victims of trafficking.⁴⁶⁹ Child victims are not repatriated unless a safe reinsertion program, such as schooling, vocational training, or an apprenticeship, has been arranged in advance. Victims may not be incarcerated or fined for unlawful acts committed as a direct result of being trafficked.⁴⁷⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

The Growth Strategy for Poverty Reduction, launched in 2007 to meet the Millennium Development Goals, includes goals that would impact child labor, such as: free, universal primary education; better education quality and higher retention at the secondary level; and integration of children outside the school system; also vocational training and microfinance for youth and women to help them transition into the labor market. In addition, it calls for activities to protect children from abuse and to link them with appropriate social services.⁴⁷¹ The government outlined specific actions to be taken to achieve these goals and has initiated many of them. Nevertheless, the ILO Committee

of Experts continues to express concern at the low school attendance rate at the primary and secondary levels. Higher participation in education would reduce the likelihood that children under 14 are engaged in exploitive work.⁴⁷²

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government has implemented the second anti-child trafficking project (2007-2011) that aims to improve children's living conditions and respect for children's rights.⁴⁷³ Benin participated in a 4-year USDOL-funded \$2 million project to increase participation of at-risk and trafficked children, especially girls, in appropriate education programs. The project withdrew 1,303 children and prevented 5,844 children from trafficking.⁴⁷⁴ Benin also created 1,529 grassroots committees in 33 local governments to monitor for child trafficking networks and provide community reintegration assistance for victims.⁴⁷⁵

The Ministry of Labor continues to conduct outreach programs to inform minors who are apprentices in handicraft workshops of their rights, and it operates several counseling centers.⁴⁷⁶ In addition the Government collects child labor data through the database ChildPro at the Central and Provincial levels with branches at the Communities' Social Promotion Centers to record data related to 14 areas pertaining to child welfare.⁴⁷⁷ There is no evidence that this data has yet been analyzed to better target social programs to reach those engaged in or at risk of child labor. Existing programs do not target some of the most common worst forms of child labor in Benin, particularly children engaged in domestic service, child sexual exploitation, quarrying, and agriculture.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Benin:

IN THE AREA OF LAWS AND REGULATIONS:

- Complete the review of the new list of hazardous work prohibited to children, and pass the list into law.
- Restrict domestic service for children ages 12 and 13 to light work, or ban it completely.
- Raise the age of compulsory education to 14.
- Adopt the second volume of the Child Code to bring into force additional protections for children.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a specific coordinating mechanism to combat the worst forms of child labor
- Collect, analyze, and publish statistics on child labor inspections to better target enforcement efforts.
- Reconsider budgetary priorities with a view toward providing more resources to inspectorates.

IN THE AREA OF POLICIES:

- Use the Growth Strategy for Poverty Reduction as a vehicle for efforts to increase children's participation in primary and secondary education.

IN THE AREA OF PROGRAMS:

- Develop social programs with targets to reach children engaged in domestic service, commercial sexual exploitation, stone quarries, and agriculture; data from the ChildPro database may be helpful in this regard.

⁴⁵¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided is from 2003. 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. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁴⁵² U.S. Department of State "Country Reports- 2009: Benin," section 6. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 23 & 46. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 19, para 67 available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>.

⁴⁵³ U.S. Department of State "Country Reports- 2009: Benin," section 6.

⁴⁵⁴ United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 22, para 73. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, page 7, para 41, available from <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>. See also (For free public education), Government of Benin *Constitution de la République du Bénin*, (December 11, 1990), article 12, 13; available from <http://www.afrikinfo.com/lois/index.htm>.

⁴⁵⁵ U.S. Department of State "Country Reports- 2009: Benin," section 6.

⁴⁵⁶ Government of Benin, *Code du Travail*, articles 66, 166. See also ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 2, paras 1, 4 and article 7, paras 1, 4. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010. See also U.S. Embassy- Cotonou, *reporting*, March 16, 2009. See also United Nations Convention on the Rights of the Child, October 20, 2006, 43rd session, consideration of reports submitted by states parties under Article 44 of the Convention, concluding observations: Benin, page 2, para 6 (d).

⁴⁵⁷ Inter-Ministerial Order No. 132 of 2000 as noted in ILO Committee of Experts, *Direct Request: Benin, Convention 138*, article 3, para 2. See also U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁵⁸ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁵⁹ Gouvernement of Benin, *Loi portent 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>. See also Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Worst Forms of Child Labor Convention, 1999 (No. 182) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...>

⁴⁶⁰ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁶¹ Embassy of the Republic of Benin to the U.S., 2124 Kalorama Road, NW, Washington DC, www.beninembassy.us, letter to DOL from Ambassador Cyrille S. Oguin, in French (unofficial translation from U.S. Embassy- Cotonou, March 25, 2010.) See also Report of the Committee of Experts on the Application of Conventions and Recommendations, General Report and Observations concerning particular countries, Report III (Part 1A), ILO Conference, 99th Session, 2010, Geneva.

⁴⁶² U.S. Embassy- Cotonou, *reporting*, April 22, 2009, (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora). U.S. Embassy has not obtained a copy of this draft legislation.

⁴⁶³ *Ibid.*

⁴⁶⁴ U.S. Embassy- Cotonou, official e-mail, August 9, 2010. See also U.S. Embassy- Cotonou, *reporting*, April 22, 2009. The five committees are: Trafficking and Exploitation; Juvenile Justice; Violence against Children; Orphans and Vulnerable Children; and Early Childhood.

⁴⁶⁵ U.S. Embassy- Cotonou, *reporting*, February 1, 2010.

⁴⁶⁶ "In addition, labor inspectors are expected to visit building sites, quarries, and apprenticeship workshops, among other sites, to verify that children, under the required labor law, are not exploited." U.S. Embassy- Cotonou, Official e-mail. September 30, 2010.

⁴⁶⁷ CEACR: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...>

⁴⁶⁸ U.S. Embassy- Cotonou, *reporting*, April 22, 2009. See also United Nations Convention on the Rights of the

Child, October 20, 2006, 43rd session, Consideration of reports submitted by states parties under Article 44 of the Convention, Concluding observations: Benin, page 4, para 12, sec. b-d.

⁴⁶⁹ ILO Reports on Child Trafficking in West and Central Africa press release, June 2009, available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/1...; See also U.S. Embassy-Cotonou, *reporting*, February 1, 2010. See also United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, Fortieth session, Summary Record of the 10th Meeting, at Palais Wilson, Geneva, May 5, 2008, para 47. <http://www.unhchr.ch/tbs/doc.nsf/Documentsfrset?OpenFrameSet>

⁴⁷⁰ U.S. Department of State, *reporting*, Benin (Tier 2), *Trafficking in Persons Report, June 12, 2009*.

⁴⁷¹ International Monetary Fund and the World Bank (2007). Benin: Progress Report on Growth Strategy for Poverty Reduction. IMF Country Report. Washington, DC.

⁴⁷² Committee of Experts on the Application of Conventions and Recommendations: Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Benin (ratification: 2001) Submitted: 2009; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=2...> See also UNICEF,

“Conventions on the Rights of the Child.” (2008) available at http://www.unicef.org/crc/index_30160.html; See also United National Office on Drugs and Crime. “Signatories to the United Nations Convention against Transnational Crime and its Protocols.” (2010) available from <http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html>; See also Brown, Karin, *Child Trafficking in Benin, West Africa*, Joan B. Kroc Institute for International Peace Studies, University of Notre Dame, March 2010.

⁴⁷³ U.S. Embassy- Cotonou, *reporting*, April 22, 2009 (Unofficial translation of Diplomatic Note: N:232/MAEIAFB/SGM/DAJDH/SDH, from the Ministry of Foreign Affairs, African Integration, Francophone and the Beninese Diaspora), Government of Benin’s efforts.

⁴⁷⁴ USDOL/ILAB Technical Cooperation Project Summary, EFP, 2003-2007, grantees were Catholic Relief Services/ Benin World Education; Terre des Hommes; Caritas Benin; and local Non-government organizations.

⁴⁷⁵ U.S. Embassy- Cotonou, *reporting*, April 22, 2009. Official translation of the Government of Benin report on its efforts to combat worst forms of child labor.

⁴⁷⁶ U.S. Embassy- Cotonou, *reporting*, March 16, 2009.

⁴⁷⁷ Ibid. See Also U.S. Embassy- Cotonou, *reporting*, April 22, 2009.