

Benin

In 2011, Benin made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government of Benin enacted the Hazardous Work List in Decree No. 2011-029, which provides a list of hazardous work activities that are prohibited to children under age 18, and signed an accord with the Republic of the Congo to stem the trafficking of children. In addition, the Government established 1,500 Local Child Protection Networks in 33 communities to protect children from trafficking. However, the Government continues to lack a specific coordinating mechanism to combat the worst forms of child labor, and funding has not been allocated to fully fund and implement the National Action Plan for Child Protection and the National Action Plan to Combat and Eradicate Child Trafficking and Labor. Furthermore, the minimum age for labor does not correspond to the age of compulsory education. Children continue to engage in the worst forms of child labor, especially in agriculture and child domestic service.



Statistics on Working Children and Education

| Children | Age | Percent |
|---------------------------|-----------|----------------|
| Working | 5-14 yrs. | 31.5 (850,785) |
| Attending School | 5-14 yrs. | 58.2 |
| Combining Work and School | 7-14 yrs. | 20.0 |
| Primary Completion Rate | | 63.4 |

Sources:

Primary completion rate: Data from 2009, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from DHS Survey 2006.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Benin are engaged in the worst forms of child labor, primarily in agriculture and in domestic service.(3-6) Children work on farms producing cotton, where they often work long hours, are underpaid and may be subject to physical abuse.(3) A limited number of sources indicate that an unknown number of children also work in cashew farming.(4) Children are reportedly engaged in forced, indentured or bonded labor in agriculture.(5, 6)

Through the system of *vidomegon*, girls are sent to work as domestic servants in exchange for housing. These girls may be as young as age 7.(6-11) Income generated from these

arrangements is shared between the children's host and natural families.(6) While such arrangements between families are generally voluntary, children frequently work long hours, receive insufficient food and are vulnerable to verbal and physical abuse, including sexual exploitation.(7, 10-13) Children, including those already working as child domestic servants, also work in markets.(11, 17, 18) Children in these circumstances may work up to 17-hour days.(7, 10) Some children are engaged in forced or bonded labor in domestic service.(6)

Children are reportedly engaged in fishing, some under forced labor conditions.(6) Children's work in fishing may expose them to risks such as drowning.(14) Some children also work in mines and quarries, crushing stone and granite into gravel.(15, 16) Children who crush stone are subject to long working hours and physical injuries from being exposed to dynamite and falling rocks.(17) Children also reportedly work in the transportation industry and as street vendors, both occupations can be dangerous given their proximity to moving vehicles.(18, 19) Some children working in the construction sector are reportedly engaged in forced labor conditions.(6, 20)

Children, including street children, are engaged in commercial sexual exploitation.(6, 11, 15, 21, 22) Children are sexually exploited by people from all strata of society, including bar owners, sailors, teachers and members of the defense forces.(11) During the reporting period, there were a number of reports

that tourists had engaged girls in prostitution, in the Pendjari National Park region.(6, 11, 23)

In return for the provision of education and food, some *talibé* boys are forced by their Koranic teachers to beg on the streets. These boys may be subject to beatings and work of up to 14 hours per day. (20) In addition, children working on the streets are vulnerable to severe weather, traffic accidents and crime.(24)

Although trafficking in Benin is primarily conducted internally, Benin is also a source, transit and destination country for trafficked children.(7, 21, 22, 25-28) Children are trafficked within Benin for the purpose of domestic servitude, commercial sexual exploitation and labor on farms, in stone quarries and in markets.(13, 20, 21, 23, 25, 29) Children are trafficked from Benin to other West African countries and the Republic of the Congo to work in quarries, fishing and agriculture, including as well as in the production of cocoa.(5, 11, 25, 26, 32-34) Children are trafficked from Benin to Nigeria, Côte d'Ivoire, and Gabon for domestic work. Children are also trafficked from Benin to other countries for commercial sexual exploitation.(5, 11, 25, 26, 32-35) Research on Beninese children trafficked abroad demonstrates that these children endure sexual and physical abuse, malnourishment, and in some cases, death.(5, 11, 25, 33, 36) Children from Togo, Côte d'Ivoire, Burkina Faso, Senegal and Niger are trafficked to Benin for commercial sexual exploitation, domestic service and agriculture.(5, 13, 25, 26, 32)

Access to quality education is a critical component in preventing the economic exploitation of children.(30) However, limited evidence suggests that school children are subjected to verbal, physical, psychological and sexual abuse at school. Abuses range from beatings with sticks, whips or belts, to sexual abuse by teachers who may demand sex for grades.(15, 33) School-based violence may discourage families from accessing education for their children.(31) Access to education is also impeded by a lack of birth registration.(18, 32) Forty percent of Beninese children under age 5 remain unregistered. Unable to prove citizenship, some children may be denied services such as education.(18, 32)

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 domestic work and temporary or seasonal light work if it does not interfere with their schooling.(33-35) The law prohibits workers under age 16 from performing certain types of work, including transporting heavy loads, working in slaughterhouses and operating certain types of machinery.(34) The law also sets some limitations

on work performed by youth ages 16 to 18.(36) During the year, the Government took the important step of enacting the Hazardous Work List in Decree No. 2011-029, which provides a list of hazardous work activities that are prohibited for children under age 18.(35, 37) The List includes 22 trades—including mining and quarrying, domestic service and agriculture—and defines 74 hazardous activities.(18, 35, 37)

| | | |
|---|---|-----|
|  | 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 |

Primary school is free and compulsory in Benin.(8, 15, 38) However, some parents have to pay tuition and the cost of books and uniforms if their schools have insufficient funds.(18, 39) Beninese children are only required to attend school through primary school (until approximately age 11), while the minimum age for children to work is 14.(33, 40) This standard makes children ages 12 to 14 vulnerable to the worst forms of child labor, as they are not required to be in school but are below the minimum age to work.

Child slavery, debt bondage and forced labor are prohibited in Benin.(41) The law also expressly forbids the trafficking of children and provides penalties for those who are involved in the trafficking of children.(41) The law also forbids the movement of children within Benin by prohibiting the separation of children from their parents without consent from local authorities.(41) Benin also has three enabling decrees to regulate the travel of minors within and across Benin's borders.(42) According to USDOS, the penalties for violating these laws are sufficiently strict to serve as a deterrent.(35)

The use of children for illicit activities is expressly prohibited.(41) The Penal Code prohibits involvement with

or facilitation of child prostitution. Although the use of a child in pornography is prohibited, child pornography itself is not prohibited in Benin.(18, 35, 41, 42) The use of children in armed conflicts is banned.(36, 42, 43)

In 2009, 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, which contains a bill on child protection and amendments pertaining to offenses committed regarding minors, has been pending adoption by the National Assembly since 2009.(44)

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of Benin has established a coordinating mechanism to combat the worst forms of child labor.(35) 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.(35, 42) 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 5 technical committees and 40 members, including a committee for trafficking and exploitation.(42, 49, 51-53) The CNSCPE meets on a quarterly basis and comprises members from sector-based ministries, NGO networks, international technical and financial partners, and bilateral partners. Each committee has an action plan and proposes activities to CNSCPE.(35, 42, 45)

The Ministry of Labor and Civil Service is responsible for enforcing labor laws.(35, 42) The Government budgeted \$204,500 for the Ministry of Labor and Civil Services to conduct child labor inspections in its 2011 budget, which is the same amount budgeted in 2010.(35, 42) The Government of Benin employs 126 labor agents in 12 departments to ensure the application of labor laws, including those on child labor. Inspectors can impose sanctions and order payment for labor violations.(35, 46)

The Government reports that it performed random inspections during the year in hairdressing, dressmaking and mechanical workshop establishments, as well as in mines and quarries.(47) However, information regarding the number of child labor inspections conducted during the reporting period is unavailable. In addition, the Government does not publish all data related to inspections, investigations, complaints and prosecutions on the worst forms of child labor.(35)

The Ministry of Interior's Central Office for the Protection of Minors (OCPM)—formerly known as the Brigade of Protection of Minors—under the Criminal Police Department, is the lead agency responsible for the protection of minors, including child trafficking, child labor and the commercial sexual exploitation of children.(35, 42, 48) The OCPM collaborates with the Ministries of Family, Social Protection and Solidarity, Foreign Affairs and Labor.(21, 35) Reports indicate that the Government maintains a system that refers victims to services, including temporary shelters run by NGOs. The OCPM also maintains a transit facility for trafficking victims that can hold up to 160 children for short-term stays.(35, 45, 49) However, a lack of resources—including a lack of personnel, office and transportation facilities—limits the OCPM's effective enforcement of child protection laws.(35, 42, 45) During the reporting period, the OCPM investigated 47 child trafficking cases and provided temporary shelter to 167 trafficking victims.(45) An unknown number of cases were referred to court; sentences ranged from 3 months to 1 year. USDOS indicates that the sentences were not sufficiently stringent to be commensurate with the law or to serve as a deterrent.(35, 50) During the reporting period, 210 concerned parties—including judicial personnel, security forces, social workers, local authorities and journalists who cover the judicial protection of minors—received training, with a special emphasis on the fight against child trafficking.(49)

Government Policies on the Worst Forms of Child Labor

The Government of Benin has a National Policy and Action Plan for Child Protection (2008-2012), which it implemented during the reporting year with support from UNICEF.(35, 42, 49) It also has a National Action Plan to Combat Child Trafficking and Labor. However, neither action plan has been fully funded.(9, 35, 42) During the reporting period, the Government continued to collect child labor data at the central and provincial levels on 14 areas pertaining to child welfare.(23, 44) The data collected provided an assessment of children's living situation and a critical analysis of the capacity of agencies in charge of child protection.(49) Based on this analysis, 10,000 cases of various child abuses or vulnerabilities have been identified including victims of forced labor and trafficking, sexual abuses, female genital mutilation, orphans and vulnerable children, children in conflict with law, and children subject to ritual infanticide, rape and forced marriage. The Government used these data to issue a scorecard on children's vulnerability in Benin and to provide information on child protection through a website and quarterly newsletters.(23, 45)

The National Growth and Poverty Reduction Strategy Paper (2011-2015) includes goals that would impact child labor such as free universal primary education, better education quality and higher retention at the secondary level, vocational training and microfinance for youth and women to help them transition into the labor market, and provision of social services.(35, 51) The Paper includes an implementation plan, and the Government has initiated many of the plan's steps.(34) The Government has a 10-year Education Sector Action Plan that started in 2006. The Plan includes components to combat poverty and to improve access to primary education, especially for girls.(52) The Government reports that it has taken steps to implement the Plan, including increasing attendance rates, building schools and recruiting additional teachers to prevent overcrowding in classrooms.(47) Nevertheless, the ILO Committee of Experts continues to express concern at low school attendance and dropout rates at the primary and secondary levels. Higher participation in education would reduce the likelihood that children under age 14 are engaged in exploitative work.(25, 34, 47)

The Government has a National Policy and Strategy for Social Protection (2004-2013). The Strategy includes measures for child labor protections, including activities pertaining to child labor protections such as increasing support for children's education, implementing an outreach campaign on the worst forms of child labor, mainstreaming issues pertaining to the worst forms of child labor in training programs, and capacity building programs for anti-child labor activists.(35, 49) The Government of Benin also has a National Strategic Framework for combating HIV/AIDS (2007-2011) that aims to provide assistance to vulnerable children, including education and livelihoods assistance.(10) The impact of the PRSP, education, social protection and HIV/AIDS policies on child labor has yet to be addressed.(35)

The Government of Benin also has a number of ongoing bi-national policies and agreements. In September 2011, the Governments of Benin and of the Republic of the Congo signed an accord that aims to stem the trafficking of children from Benin to the Republic of the Congo for labor in domestic service, vending and fishing.(18, 53) Under the coordination of the joint Benin and Nigeria Committee to Combat Child Trafficking, the Governments of Nigeria and of Benin continue to implement their joint action plan to reinforce border security measures and to repatriate the victims of trafficking.(45, 46) Child victims are not repatriated unless a safe reinsertion program—such as schooling, vocational training or an apprenticeship—has been arranged in advance.(23, 35) The Government of Benin reports that

during the year and as a result of the Plan, it set up additional border surveillance units along the border with Nigeria(10).

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

The Government of Benin participates in projects that explicitly focus on combating child labor, as well as social protection programs that likely have a positive impact on reducing child labor. During the reporting period, the Government of Benin continued to participate in two USDOL-funded regional projects: a 4-year, \$7.95 million project and a 3-year, \$5 million project. Both of these projects assisted member countries of ECOWAS to combat the worst forms of child labor by strengthening and enforcing child labor laws and national action plans, and by developing child labor monitoring systems.(54-56) The latter project, the ECOWAS II project, targets 1,500 children in Benin for withdrawal or prevention from the worst forms of child labor in mining and quarrying, including children being trafficked to Nigeria. The ECOWAS II project also targets 3,000 families for the provision of livelihood services.(54-57) The project assists the Governments of Benin and of Nigeria to implement the 2005 MOU on trafficking; it worked with the joint Benin/Nigeria Committee to Implement the Annual Action Plan called for under the MOU.(54, 55, 57) During the year, the Government worked with ILO-IPEC to distribute school kits to children removed from child labor in the quarries.(35)

The Government participated in two additional projects implemented by ILO-IPEC. One is a Francophone Africa project that provided education and safe apprenticeships as an alternative to the worst forms of child labor for children and youth.(58, 59) The other is a global project that supported the global action plan to end child labor by 2016.(59)

During the year, the Government established 1,500 Local Child Protection Networks in 33 communities to protect children from trafficking.(35) The Office for Protection of Minors also continued to run a transit facility for trafficking victims that has the capacity to house 160 children at one time.(35, 42) The Government of Benin continued to undertake periodic trafficking awareness campaigns and a nationwide child labor awareness campaign.(18, 35)

Existing government programs do not target some of the most common worst forms of child labor in Benin, particularly children engaged in domestic service, commercial, sexual exploitation and agriculture.

During the reporting period, the Government of Benin continued to participate in two USAID-funded projects to

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improve the education system, including a 4-year, \$5.75 million project to improve girls' access to education, and the Ambassador's Scholarship Program, which provided 895 Beninese students with school scholarship funds.(49, 60-64) The Government also participated in a school-feeding

project funded by the World Food Program with over 1,000 participating schools. The Government provided state support for the program.(35) The question of whether these education programs have an impact on child labor does not appear to have been addressed.

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

| Area | Suggested Actions | Year(s) Action Recommended |
|------------------------------|--|----------------------------|
| Laws and Regulations | Raise the age of compulsory education so it is consistent with the minimum age for employment. | 2009, 2010, 2011 |
| | As guaranteed by law, ensure all children have access to free primary education. | 2010, 2011 |
| | Adopt the second volume of the Child Code to bring into force additional protections for children. | 2009, 2010, 2011 |
| | Create and adopt laws to prohibit child pornography. | 2010, 2011 |
| Coordination and Enforcement | Establish a specific coordinating mechanism to combat the worst forms of child labor. | 2009, 2010, 2011 |
| | Collect, analyze and publish statistics on inspections, investigations, complaints and prosecutions of the worst forms of child labor to better target enforcement efforts. | 2009, 2010, 2011 |
| | Reconsider budgetary priorities with a view toward providing more resources to enforcement investigation, appropriate facilities and transportation assets. | 2009, 2010, 2011 |
| | Ensure offenders of trafficking laws receive appropriate penalties for their crimes in accordance with the law. | 2010, 2011 |
| Policies | Fully fund and implement the National Action Plan for Child Protection and the National Action Plan to Combat and Eradicate Child Trafficking and Labor. | 2010, 2011 |
| | Take measures to ensure children have access to quality education and ensure children's safety in schools. | 2010, 2011 |
| | Assess the impact that existing PRSP, education, social protection and HIV/AIDS policies may have on addressing the worst forms of child labor in Benin. | 2010, 2011 |
| Social Programs | Institute programs to address the worst forms of child labor in domestic service, commercial sexual exploitation, stone quarries and agriculture, and to monitor the progress of the programs. | 2010, 2011 |
| | Implement birth registration campaigns to increase children's access to education. | 2010, 2011 |
| | Assess the impact that education programs may have on addressing the worst forms of child labor in Benin. | 2011 |

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