

Benin

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

The Government of Benin has been a member of ILO-IPEC since 1996, and is engaged in a country program to eliminate child trafficking and the worst forms of child labor.¹⁹⁵ The program aims to prevent children from entering the labor market, improve the conditions of working children as a first step toward the elimination of child labor, abolish child labor in hazardous activities and raise awareness about the dangers of early work for children.¹⁹⁶ To enhance regional cooperation on trafficking, the government signed a 1984 agreement with Ghana, Nigeria and Togo to facilitate the return of trafficked children and to extradite traffickers.¹⁹⁷ The government is also engaged in several international and regional efforts to end trafficking, including a 2-phase USDOL-funded ILO-IPEC regional project in nine West and Central Africa countries.¹⁹⁸ The projects entail direct action to combat trafficking, assessments of the problem in each country, coordination with non-governmental organizations for social protection and support services, awareness raising activities, and capacity building for local authorities.¹⁹⁹ In 1999, the Ministry of Social Protection and Family established a unit for Family and Childhood to combat displacement and trafficking in children.²⁰⁰ UNICEF is implementing a “Project on Children in Need of Special Protection” program that seeks to raise awareness about trafficking of children and the hazards faced by children who are trafficked.²⁰¹

¹⁹⁵ ILO-IPEC, *All About IPEC: Programme Countries*, at http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm on 12/12/01. See also ILO/IPEC, *ILO-IPEC Highlights of 1998* (Geneva: October 1998) [hereinafter *Highlights of 1998*], at <http://www.ilo.org/public/english/standards/ipecc/publ/policy/high-98/part1.htm> on 12/12/01, and ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II), Country Annex I: Benin, 2000* [hereinafter *Combating the Trafficking of Children*].

¹⁹⁶ *Highlights of 1998*.

¹⁹⁷ According to this agreement, if, for example, the Beninese police intercept a convoy of Togolese children being trafficked through Benin to Nigeria or Gabon, the Togolese police should be informed and the children returned. See *Combating the Trafficking of Children* at 3.

¹⁹⁸ The project included assessments of the trafficking problem in all countries and a subregional report synthesizing the main findings. Efforts were also made to channel identified children to nongovernmental organizations providing social protection and support services for victims of trafficking. See *Combating the Trafficking of Children* at 3, 4.

¹⁹⁹ Phase I was 10 months, beginning in October 1999. Phase II, the direct action project, is 36 months, beginning in May 2001. See *Combating the Trafficking of Children* at 3, 4. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (Phase II), Project Document, 2000* at 12, 13.

²⁰⁰ The effort is supported in part by UNICEF within the framework of the program of social development aid. The effort aims to create regional crisis centers to assist children throughout the country. See *Combating the Trafficking of Children* at 3.

²⁰¹ The project has established eight education centers for girls involved in domestic service and provided assistance to help women access loans for income-generating activities. UNICEF programs to address trafficking of children have also established local committees in rural areas to address traffick-

Since 1990, the Government of Benin has made several efforts to upgrade its educational system, most significantly by raising the percentage of its budget targeted to education, increasing the number of qualified teachers, improving teacher training, enhancing its capacity for educational planning and administration, developing new curricula and delineating educational standards. USAID, UNICEF, and other international organizations are assisting these efforts.²⁰²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 26.7 percent of children between the ages of 10 and 14 in Benin were working.²⁰³ Children work on family farms and in commercial agriculture, especially in the production of cotton for export.²⁰⁴ Children also work in the construction industry, as domestic servants and as street vendors.²⁰⁵

Benin is reportedly a source, destination and transit country for trafficked children.²⁰⁶ Children are trafficked into Nigeria, Cameroon, Cote d'Ivoire, Gabon, and Niger and sold into servitude in agriculture, as domestic servants, or the commercial sex industry.²⁰⁷ Children from

ing, have used radio and television broadcasts for awareness raising, and have supported NGOs that facilitate the reintegration of trafficking children. See UNICEF, *Child Trafficking in West Africa, Background: Protecting Children From Trafficking* [hereinafter *Protecting Children*], at http://www.unicefusa.org/ct/background_2.html on 10/30/01. See also *Combating the Trafficking of Children* at 3, 4.

²⁰² USAID, *Country Profiles: Basic Education Programs in Africa—Benin*, at <http://www.usaid.gov/regions/afr/basiced/mali.html> on 8/14/01. See also *Protecting Children*.

²⁰³ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

²⁰⁴ International Confederation of Free Trade Unions, *Internationally-Recognized Core Labour Standards in Benin: Report for the World Trade Organization General Council Review of the Trade Policies of Benin* (Geneva, September 15, 1997), 2. See also *Country Reports on Human Rights Practices for 2000—Benin* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports for 2000*], Section 6f, at <http://www.state.gov/g/drl/rls/hrrpt/2000/af/index.cfm?docid=861>. See also “Benin: The Cotton Scandal,” *Trade Union World*, November 1997, 37.

²⁰⁵ In 1998, UNICEF reported that 72 percent of the child domestic servants it surveyed were between ages 10 and 14, while about 20 percent were below age 10. See Wendy Shapiro, “The Problems of the Videmegons in Benin,” *SC&D News* (Washington, D.C.) (winter 1998), vol. 10, no. 2 [hereinafter Shapiro, “Problems of the Videmegons”], 1. See also UNICEF, “The Issue of Child Domestic Labor and Trafficking in West and Central Africa,” July 1998, as cited in *The Global March Against Child Labour, Worst Forms of Child Labor Data—Benin* (New Delhi, October 2000).

²⁰⁶ U.S. Department of State, *Trafficking in Persons Report*, July 2001, Tier 2, Benin [hereinafter *Trafficking in Persons Report*]. According to statistics from the police, 802 child victims of trafficking from Benin and other countries were intercepted at the border in 1997, 1,058 in 1998, and 670 in 1999. See *Combating the Trafficking of Children* at 2.

²⁰⁷ *Combating the Trafficking of Children*. See also *Country Reports 2000* and “Benin Sourcing Children for Labour Says Report,” *Africa News Service*, July 15, 2000 [hereinafter “Benin Sourcing Children”], at <http://www.allAfrica.com/stories/200007170044.html>.

Burkina Faso, Niger and Togo have been trafficked into Benin where they are often placed in indentured or domestic servitude.²⁰⁸ Internal trafficking of children involves poor rural families placing children (typically daughters) in the homes of wealthier families entrusted with their education, a practice known as *videmegon*.²⁰⁹ The practice often degenerates into exploitation as children end up working at early ages with little or no benefit to themselves.²¹⁰

Education in Benin is neither free nor mandatory.²¹¹ In 1996, the gross primary enrollment rate was 72.5 percent, and the net primary enrollment rate was 59.3 percent.²¹² A far greater percentage of boys is enrolled in school than girls: in 1996, the gross primary enrollment rate for boys was 88.4 percent as opposed to 55.7 percent for girls; the net primary enrollment rates were 71.6 percent for boys and 46.2 percent for girls.²¹³ Primary school attendance rates are unavailable for Benin. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.²¹⁴ Because of a rapid increase in the enrollment rate, the student/teacher ratio rose from 36:1 in 1990 to 53:1 in 1997.²¹⁵

Child Labor Laws and Enforcement

Benin's Labor Code sets the minimum age for employment or apprenticeship at 14 years.²¹⁶ The Labor Code also prohibits forced labor.²¹⁷ The prostitution of children is not specifically prohibited by law, but offenses can be prosecuted under February 7, 1905, and August 23, 1912, decrees that prohibit using deceit, coercion, or violence to entice a minor to satisfy another, or under the Law of April 13, 1946, that prohibits hiring or training prostitutes, sharing in the

²⁰⁸ *Trafficking in Persons Report*.

²⁰⁹ Shapiro, "Problems of the Videmegons." See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child, Benin*, CRC/C/15/Add.106, September 8, 1999, 2.

²¹⁰ According to the ILO and UNICEF, many parents have come to rely on their children to contribute to the household's work or income from a very early age, as a result of economic hardship attributable to the Structural Adjustment Program and the deterioration of family structures. *Combating the Trafficking of Children at 2 and Trafficking in Persons Report*.

²¹¹ *Country Reports 2000* at Section 5.

²¹² UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

²¹³ *Ibid*.

²¹⁴ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

²¹⁵ UNESCO, Statistical Database, at <http://unesco.org/uis/en/stats/stats0.htm> on 8/20/01.

²¹⁶ Ordinance No. 33-PR/MFPTT (Labour Code), Articles 107 and 108, as cited in "Protection," ECPAT Database: Benin [hereinafter ECPAT Database], at http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/ on 2/15/02. See also *Country Reports 2000* at Section 6d.

²¹⁷ *Ibid*.

proceeds, acting as an intermediary for prostitution, or establishing a brothel.²¹⁸ Trafficking of children is not specifically prohibited either, although a December 12, 1905, decree criminalizes smuggling any person into Benin with the intention of subverting their freedom, and Decree No. 95-191 (1995) establishes several regulations for adults wishing to exit the country with a child under 18 years of age.²¹⁹

Due to a lack of labor inspectors, enforcement is limited in the formal sector and nonexistent in the informal sector.²²⁰ Benin ratified ILO Convention 138 on June 11, 2001 and ratified ILO Convention 182 on November 6, 2001.²²¹

²¹⁸ The punishment of violations of the 1905 or 1912 decrees is extradition. The punishment for violating the Law of 1946 is imprisonment for 6 months to 2 years and a fine of 400,000 to 4 million francs (USD 541 to 5,406). See *The Protection Project: Commercial Sexual Exploitation of Women and Children: A Human Rights Report, Benin*, January 2001 [hard copy on file]. See also ECPAT Database. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 2/15/02.

²¹⁹ Ibid.

²²⁰ *Country Reports 2000* at Section 6d.

²²¹ ILOLEX database: Benin, at <http://ilolex.ch:1567/english/newratframeE.htm> on 2/15/02.

NOTE: Hard copies of all Web citations are on file.