

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

The Government of Benin has been a member of ILO-IPEC since 1997.³⁹¹ The country is one of nine countries participating in a USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.³⁹² In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Benin.³⁹³ In August 2003, the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons announced the approval of a two-year program that will strengthen the capacity the Government of Benin, particularly the Brigade for the Protection of Minors, to address child trafficking.³⁹⁴ Also in 2003, USDOL funded a USD 2 million education initiative to improve access to quality, basic education to children at risk of child trafficking in Benin.³⁹⁵

In January 2002, officials from Benin attended a meeting organized by the Government of Côte d'Ivoire, in collaboration with INTERPOL, to discuss child trafficking in West and Central Africa. Issues that were covered included the prevention of trafficking and rehabilitation of trafficking victims. In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledge to carry out coordinated information campaigns on child trafficking.³⁹⁶ Also in 2002, the Governments of Benin and Gabon signed an agreement on the repatriation and reintegration of trafficked children.³⁹⁷

In December 1999, the Ministry of Family, Social Protection, and Solidarity (MFSPS) created the Division of Family, Childhood, and Adolescents, which is working with UNICEF on a variety of programs to combat child trafficking.³⁹⁸ In 1999, the government carried out a nationwide campaign to raise awareness about the rights of vidomegon children and the responsibilities of parents and adults who engaged in the practice.³⁹⁹ Vidomegon is a traditional practice of placing poor children in wealthier households; in exchange the child will typically work for

³⁹¹ ILO-IPEC, *All about IPEC: Programme Countries*, [online] August 13, 2001 [cited July 1, 2003]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm

³⁹² The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

³⁹³ The strategy is intended to encourage governments in the region to develop and implement laws that allow for the prosecution of traffickers. U.S. missions in the region will focus U.S. Government resources to support efforts by host governments to prosecute traffickers, protect and repatriate victims, and prevent new trafficking incidents. The strategy will be implemented through improved coordination among donors, funding of regional and international organizations, and direct funding for host government or local NGOs. See U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

³⁹⁴ The project, titled Project Protection – Reducing Child Trafficking in Benin, will be implemented and managed by UNICEF. The project's activities include educating the public about trafficking, child labor, and exploitation. Parents will be encouraged to keep their children at home and in school. U.S. Department of State, *unclassified telegram no. 228372*, August 6 2003. The Brigade for the Projection of Minors works with both child victims and children who have committed offenses; it was created in 1983. Frédéric Legba, Police Commissioner, Head of the Brigade for the Protection of Minors, meeting with USDOL Official, January 15, 2003.

³⁹⁵ International Child Labor Program U.S. Department of Labor, *Education First Project, Project Summary*, 2003.

³⁹⁶ UN Integrated Regional Information Networks, *Regional Efforts Against Child Trafficking*, allAfrica.com, [online] January 21, 2002 [cited November 2, 2002]; available from <http://allafrica.com/stories/200201210319.html>.

³⁹⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Benin*, Washington, D.C., March 31, 2003, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18168pf.htm>.

³⁹⁸ UNICEF activities to combat trafficking have included organizing local committees in rural areas known to supply children; radio and television based awareness raising activities; microcredit programs and awareness programs targeted at women; supporting local NGOs working to help reintegrate trafficked children into their communities, and supporting international and regional efforts to combat child trafficking. ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II) Country Annex I: Benin*, project document, RAF/01/P53/USA, Geneva, July 2001.

³⁹⁹ U.S. Department of State, *Country Reports- 2002: Benin*, Section 5.

the family. While the practice is ostensibly intended to benefit the child, the situation frequently degenerates to forced servitude. Vidomegon children may be subjected to poor working and living conditions, may be denied education, and are vulnerable to abuse and exploitation, including trafficking.⁴⁰⁰ The MFSPS and UNICEF collaborated to provide educational centers for vidomegon where the children can interact with each other and take part in various social and educational activities.⁴⁰¹ The MFSPS, along with several other organizations, has supported *Projet Oasis*, which provides protective and rehabilitative services to child victims of abuse, trafficking, and abandonment and seeks to place each child in a family.⁴⁰² Other MFSPS activities include the creation of local vigilance committees to help combat child trafficking; the provision of literacy training for child workers under the age of 14 years and apprenticeships for those over the age of 14 years; and campaigns to sensitize truck drivers and border authorities about the sexual exploitation and trafficking of children.⁴⁰³

The National Commission on Child Rights (NCCR) was created in 1999 and installed in 2000 as the result of Decree Nos. 99-559 and 2000-600.⁴⁰⁴ The NCCR has created departmental committees that report on problems affecting children, including child trafficking. A *Plan d'Urgence* was published by the NCCR in October 2002 in response to an incident in April 2001, when it was reported that a ship thought to be carrying trafficked children had departed from and returned to a port in Benin.⁴⁰⁵ The Government of Benin is working with the Global Program against Trafficking in Human Beings of the UN Office on Drugs and Crime (UNODC) to strengthen anti-trafficking efforts. UNODC is providing technical assistance in areas such as research, law enforcement training, and regional networking.⁴⁰⁶ The Government of Benin has also worked with Care International and the Network of Journalists for the Prevention of Child Trafficking and Child Abuse to sensitize the public to child labor problems.⁴⁰⁷

⁴⁰⁰ The Protection Project, *A Human Rights Report on Trafficking of Persons, Especially Women and Children*, Washington, D.C., 2002, 63; available from <http://209.190.246.239/ver2/ct/Benin.pdf>. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 5. And, ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*,. In 1994, the Ministry of Labor and Social Affairs and UNICEF completed an investigation on runaway and abandoned children. The results of this study indicate that 65 percent of the households surveyed in Cotonou and Porto-Novo, in 1994, had “fostered” a child from a rural area through the *vidomegon* practice. The sample used for the study was composed of “155 households in Cotonou and Porto-Novo; 40 parents in rural areas in 12 subprefectures in Zou; and 441 children in Cotonou, Porto-Novo and Djougou.” UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1992: Benin*, CRC/C/3/Add.52, prepared by Government of Benin, pursuant to Article 44 of the Convention on the Rights of the Child, July 1997, paragraphs 216-19; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/32b03e4fdb25a21c802565150059a89c](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/32b03e4fdb25a21c802565150059a89c).

⁴⁰¹ Alassane Biga, Geneviève Ogoussan, and Sylvie Adanhodé, Ministry of Family Social Protection and Solidarity Officials, Meeting with USDOL official, January 13 2003. See also, Zachari Adam and Mary Chabi, UNICEF, Meeting with USDOL official, January 15, 2003. and UNICEF, *Les Espaces Éducatifs Pour Vidomegons*.

⁴⁰² *Projet Oasis* assists non-handicapped children ages 13 years and under, and of both sexes. In its twelve years of operation, 8,818 children have received help. Children are referred to the program by the police and the Minors’ Brigade. Terre des hommes, *Livret d’Indentification 2002, Project Oasis Cotonou - Bénin. Accueil, Protection et Réinsertion des Enfants Victimes d’Exploitation au Travail et D’Autres Types de Mauvais Traitements*, 2002, 3, 4, 6.

⁴⁰³ Biga, Ogoussan, and Adanhodé, Meeting with USDOL Official, January 13, 2003.

⁴⁰⁴ Decree 99-559 created the Commission and Decree 2000-600 defined the organization and the functions of the Commission. *Portant création d’une commission nationale des droits de l’Enfant*, Decret No 99-559, (November 22, 1999). See also *Portant attributions, organisation et fonctionnement du Ministère de la Justice, de la Législation et des Droits de l’Homme.*, Decret No 2000-600, (November 29, 2000).

⁴⁰⁵ Benin Ministry of Justice, *Commission Nationale des Droits de L’Enfant - Plan D’Urgence*, Cotonou, October, 2002. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴⁰⁶ UN Office on Drugs and Crime, *Pilot Projects*, [online] [cited July 1 2003]; available from http://www.odccp.org/odccp/trafficking_projects.html.

⁴⁰⁷ U.S. Embassy- Cotonou, *unclassified telegram no. 1079*, September 12 2003.

Since 1994, UNICEF and its partners have been implementing programs that allow the community to become directly involved in aspects of school administration and in promoting girls' education.⁴⁰⁸

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 26.3 percent of children ages 10 to 14 in Benin were working.⁴⁰⁹ Benin is a source, destination and transit country for the cross border trafficking of children.⁴¹⁰ Children from Benin are trafficked into Ghana, Gabon, Nigeria, Cote d'Ivoire, and Cameroon;⁴¹¹ children from Burkina Faso, Niger, and Togo are sold into servitude in Benin.⁴¹² Trafficked children often work as agricultural workers, domestic servants, and commercial sex workers.⁴¹³ The results of a 1999 study on child labor carried out by the Government and the World Bank revealed that 49,000 children between the ages of 6 and 16 years from rural Benin were victims of child trafficking.⁴¹⁴

In Benin, children as young as 7 years old have been observed working on family farms, in small businesses, on construction sites in urban areas, in public markets, and in domestic servitude.⁴¹⁵ Families facing extreme poverty placed children in the care of "an agent" believing that the child would work as a farm hand or a domestic worker and that the wages from this labor would be sent back to the family.⁴¹⁶ In some cases the children were transported to neighboring countries to work.⁴¹⁷ There are also reports of children in Benin working in the sex industry as prostitutes, with children from poor families and street children being particularly vulnerable to commercial sexual exploitation.⁴¹⁸

Education in Benin is free for primary school children ages 6 to 11. However, additional mandatory expenses associated with schooling, including uniforms, transportation, and school stationery, tend to be prohibitive for poor families. Education is reportedly compulsory for all children in primary school, but there is no mechanism for enforcement.⁴¹⁹ Gender inequality in school enrollment in Benin is apparent. In the 2001-2002 school year, the gross primary enrollment rate in Benin was 94.3 percent (110.5 percent for boys and 78.1 percent for girls).⁴²⁰

⁴⁰⁸ In one of the project locations the number of children attending school more than tripled between 1993-2000, and comparable gains have been observed in other project areas. UNICEF has plans to work with the government and its partners to expand this model and improve educational support for girls' education in Benin. UNICEF, *Girls' Education in Benin*, [previously online] [cited July 3, 2003]; available from <http://www.unicef.org/programme/girlseducation/action/cases/benin.htm> [hard copy on file].

⁴⁰⁹ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

⁴¹⁰ U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*, Washington D.C., June 2003, 30; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. 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 ILO-IPEC, *Combating the Trafficking of Children (Phase II) project document, Country Annex 1*.

⁴¹¹ U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*, ILO-IPEC, *Combating the Trafficking of Children (Phase II) project document, Country Annex 1, Benin*.

⁴¹² U.S. Department of State, *Trafficking in Persons Report- 2003: Benin*. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f..

⁴¹³ ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*.

⁴¹⁴ U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴¹⁵ *Ibid.*, Section 6d.

⁴¹⁶ *Ibid.*, Section 6c.

⁴¹⁷ *Ibid.*

⁴¹⁸ *Ibid.*, Section 6f. See also, UN Committee on the Rights of the Child, *Initial Reports of State Parties: Benin*, para. 223.

⁴¹⁹ U.S. Embassy Cotonou official, electronic communication to USDOL official, February 21, 2003. See also U.S. Embassy- Cotonou official, electronic communication to USDOL official, October 22, 2003. See also U.S. Embassy Cotonou official, electronic communication to USDOL official, February 19, 2004.

⁴²⁰ U.S. Embassy- Cotonou official, electronic communication, October 22, 2003.

Attendance rates also reflect the gender disparity in access to education. In 2001, the gross primary school attendance rate was 81.0 percent (93.6 percent for boys and 67.4 percent for girls) while the net primary school attendance rate was 53.5 percent (59.9 percent for boys and 46.5 percent for girls).⁴²¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years⁴²² and prohibits forced labor.⁴²³ In addition, the Labor Code requires employers to maintain a register of all employees under the age of 18 years; the register must record the birth date of each of these employees.⁴²⁴ It is illegal to prostitute a minor in Benin.⁴²⁵ Children are protected from abduction and displacement under current legislation, but specific anti-trafficking legislation does not exist.⁴²⁶

Between 1995 and 1999, the Brigade for the Protection of Minors intercepted 2,458 children who were being trafficked.⁴²⁷ There are reports of the capture of traffickers but no reports of subsequent legal measures being taken to enforce legal penalties.⁴²⁸

The Government of Benin ratified ILO Convention 138 on June 11, 2001 and ratified ILO Convention 182 on November 6, 2001.⁴²⁹

⁴²¹ USAID, *Demographic and Health Surveys (USAID-DHS)*, [database online] [cited July 3, 2003]; available from <http://www.measuredhs.com>.

⁴²² See Article 166 of the Labor Code. *Code du Travail*, Loi no 98-004, (January 27, 1998); available from <http://natlex.ilo.org/txt/F98BEN01.htm>. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6d.

⁴²³ See Article 3, *Code du Travail*. See also, U.S. Department of State, *Country Reports- 2002: Benin*, Section 6d.

⁴²⁴ See Article 167, *Code du Travail*.

⁴²⁵ The penalty for prostituting a minor, or in any way assisting or protecting the prostitution of a minor is two to five years in prison and a fine of 1,000,000 to 10,000,000 francs (USD 1,657.12 to USD 16,571). Criminal Code, Section IV - Indecent Behavior, Article 334b, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. The prostitution of female children can be prosecuted under 1905, and 1912, decrees that prohibit using deceit, coercion, or violence to entice a minor girl to satisfy another, or under the Law of April 13, 1946, that prohibits hiring or training prostitutes, sharing in the proceeds, acting as an intermediary for prostitution, or establishing a brothel. Government of Benin, *Decrees of August 23, 1912 and February 7, 1905*, (1922); available from <http://209.190.246.239/protectionproject/statutesPDF/Beninf.pdf>. Note currency conversion performed using FX Converter, [online] [cited August 27, 2003]; available from <http://www.carosta.de/frames/convert.htm>. The exchange rate applied is 1 USD = 603.46 XOF.

⁴²⁶ The Criminal Code provides that a person who has abducted, concealed, or suppressed a child will be punished by imprisonment. *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; 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. ILO-IPEC, *Combating the Trafficking of Children (Phase II) Country Annex: Benin, project document*,.

⁴²⁷ Protection Project, "Benin," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., 2001; available from <http://209.190.246.239/protectionproject/HrrPDF/Benin.pdf>. La Brigade de Protection des Mineurs intercepted 117 children in 1994, 413 in 1995, 669 in 1996, 802 in 1997, 1059 in 1998, 678 in 1999. UNICEF, *Rapport National sur le Suivi de Sommet Mondial pour les Enfants: Annexe Statistique Benin*, December 2000; available from http://www.unicef.org/french/specialsession/how_country/.

⁴²⁸ U.S. Department of State, *Country Reports- 2002: Benin*, Section 6f.

⁴²⁹ ILO, *Ratifications by Country*, [database online] 2002 [cited July 2, 2003]; available from <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-byCtry.cfm?ctychoice=1040>.