

# Benin - United States Department of State

## BENIN: Tier 2

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Benin remained on Tier 2. These efforts included convicting more traffickers, identifying more potential child trafficking victims, and expanding proactive child victim identification and awareness measures at markets. The government also increased training for law enforcement officials as well as first responders and finalized its anti-trafficking agreement with Burkina Faso and Togo to facilitate law enforcement data sharing and coordination on repatriation in transnational trafficking cases. However, the government did not meet the minimum standards in several key areas. Authorities failed to sanction convicted traffickers with sentences corresponding to the designated penalties under the country's revised penal code and did not report investigating fraudulent labor recruiters. Although the government's efforts to identify adult victims of trafficking improved, they remained inadequate compared with the estimated magnitude of the issue.

## PRIORITIZED RECOMMENDATIONS:

Expand training for law enforcement, prosecutors, judges, and judicial staff on the 2018 penal code articles 499-504 to increase their ability to effectively investigate, prosecute, convict, and sentence traffickers in accordance with the law. • Increase efforts to investigate, prosecute, convict, and sentence offenders of sex and labor trafficking of adults as well as children, including fraudulent labor recruiters, to significant prison terms. • Develop and disseminate systematic procedures for proactive identification of adult victims and their subsequent referral to care. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and services to more trafficking victims, including adults. • Use the 2011 bilateral anti-trafficking agreement with the Republic of Congo and the multilateral agreement with Burkina Faso and Togo to increase law enforcement coordination and investigate, prosecute, and convict perpetrators of transnational trafficking cases, while respecting due process. • Finalize the multilateral agreement with Togo and Nigeria to increase information sharing and cooperation on transnational trafficking investigations.

## PROSECUTION

The government increased its overall law enforcement efforts to address trafficking. Existing laws criminalized sex trafficking and labor trafficking. Articles 499-504 of the Penal Code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 10 to 20 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with other grave crimes, such as rape. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (Act 2006-2004) criminalized all

forms of child sex trafficking as well as labor trafficking and prescribed penalties of 10 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

In 2019, the government reported investigating 117 cases involving 117 suspects (114 for sexual exploitation and three for forced labor), compared with investigating 188 child trafficking cases of unknown exploitation in 2018. Authorities reported prosecuting 42 suspected traffickers under a variety of statutes in 2019: 28 for child trafficking; 13 for forced begging; and one for pimping. In 2018, officials reported prosecuting 44 cases of child trafficking and one case of adult trafficking. Following the Ministry of Justice's increased efforts to collect nationwide data in 2019, authorities reported convicting 140 traffickers under a variety of laws during the reporting period, compared with convicting 11 traffickers in 2018. Courts reportedly sentenced 117 traffickers to imprisonment ranging from one month to four years, with 23 receiving suspended sentences of two to 30 months; these penalties did not correspond with the 10-20 years' imprisonment required by Benin's Penal Code for trafficking. The majority of arrests occurred along Benin's southern corridor in the cities of Abomey-Calavi, Port Novo, and Cotonou. Authorities did not take action against informal employment agents who facilitated trafficking, although some illicit recruiters continued to lure Beninese victims abroad with fraudulent employment promises during the reporting period. The government did not report investigating, prosecuting, or convicting government officials complicit in human trafficking offenses, although some civil servants may have exploited children through the traditional practice of *vidomegan*. Officials partnered with international organizations in February 2020 to train 70 police officers, prosecutors, and juvenile court judges in key trafficking cities of Parakou, Dassa, and Bohicon on combating human trafficking.

The government reported Beninese honorary consulates in Brazzaville and Pointe Noire in the Republic of the Congo assisted with the identification of eight Beninese girls whom traffickers exploited in domestic servitude in Brazzaville. Congolese law enforcement officers arrested the suspects, who were awaiting trial in the Republic of the Congo at the end of the reporting period. As of February 2020, Beninese officials were working with their Congolese counterparts to repatriate the victims and assist with the investigation. The government finalized its anti-trafficking cooperation agreement with Burkina Faso and Togo in December 2019 to facilitate law enforcement data sharing and repatriation coordination; however, it did not finalize its cooperation agreement with Togo and Nigeria to increase law enforcement coordination on transnational trafficking cases. In January 2020, 14 law enforcement and government officials from Benin and Togo held a two-day session in Grand-Popo, Benin, to increase anti-trafficking coordination between the two countries with the support of international partners. Participants developed a Joint Strategic Actions Paper to strengthen the mechanism for combating cross border human trafficking.

## PROTECTION

The government increased overall efforts to protect child trafficking victims and improved its efforts to identify adult victims, which historically have been a deficiency for Benin. In 2019, officials reported proactively identifying 309 trafficking victims between the ages of four and 35 (248 females and 61 males), compared with identifying 565 child victims of forced labor in 2018. Officials from

the Central Office for the Protection of Minors (OCPM) continued to patrol borders, bus stations, and large markets to proactively detect child trafficking victims, identifying and referring 1,387 potential child trafficking victims to temporary shelter and services in 2019, compared with identifying and referring 1,214 potential child victims to care in 2018. The Ministry of Health's standard operating procedures for providing health services to individuals in commercial sex included a presumption that any minor involved in commercial sex was a victim of sex trafficking. The government has not developed a corresponding directive or procedure for the identification of adult trafficking victims.

The Ministry of Social Affairs and Microfinance, OCPM, Ministry of Justice, Ministry of Foreign Affairs, and various international donors and NGOs coordinated during the reporting period to identify, assist, repatriate, and reintegrate victims of child trafficking. The process involved OCPM taking initial custody of victims in Benin and providing them temporary shelter in its Cotonou facility with a capacity of 160 (80 boys and 80 girls). After an OCPM interview and assessment, officials referred victims to a network of NGO shelters. OCPM officers then referred cases to court when there was sufficient evidence following investigations. Ministry of Social Affairs and Microfinance representatives coordinated with NGOs and civil society to reunite children with their families. Observers described the government's referral process as adequate; however, they noted limited shelter capacity hindered the country's service provision for some victims. The OCPM shelter offered child victims legal, medical, and psychological assistance and served as a transit facility for potential child trafficking victims while officials worked to place the children in long-term NGO shelters.

The Ministry of Social Affairs and Microfinance's network of Social Promotion Centers (*Centres de promotion sociale*) continued to provide basic services for adult and child trafficking victims in all of Benin's 77 communes. Each commune had a service center staffed with a local representative and a social protection committee who could refer child trafficking victims to NGO housing or foster families with the approval of a juvenile court judge.

The Ministry of Social Affairs and Microfinance continued to assist foreign trafficking victims, predominantly minors, before repatriating them to their home countries. The government repatriated 50 Beninese child trafficking victims (44 girls and six boys) from Gabon, Niger, and Nigeria in partnership with an international organization and with the assistance of embassies or consulates of victims' countries of origin. Separately, OCPM reported assisting in the return of 20 Beninese victims from: Mali (two girls and one boy), the Republic of the Congo (two girls and one boy), Algeria (one boy), Lebanon (one woman), Saudi Arabia (one woman), and Kuwait (11 women). The government did not report the number of victims it repatriated to their home countries in 2019.

The government coordinated with partners in 2019 to provide anti-trafficking training for 487 judges, social workers, police, and labor inspectors (compared with 486 officials in 2018) focused on increasing their knowledge of child trafficking, in addition to broader child protection issues. Officials reported increasing funding for OCPM for the second consecutive year, from 52 million to 70 million West African CFA franc (\$89,350 to \$120,270). Beninese law did not provide legal alternatives to the removal of trafficking victims to countries in which victims would face retribution or hardship, although cases involving foreign child trafficking victims were considered for immigration relief on an ad hoc basis. While there were no reports the government penalized any trafficking victims for unlawful acts

traffickers compelled them to commit, some adult victims may have remained unidentified in the law enforcement system due to authorities' limited but increasing awareness and understanding of adult trafficking.

## PREVENTION

The government increased efforts to prevent trafficking in persons and periodically convened its inter-ministerial committee (IMC) during the reporting period. The IMC—chaired by the Chief of Staff of the Minister of Planning and Development—was composed of directors of offices from across the government, as well as partners from key NGOs and international organizations. Observers reported the government partially implemented and funded its 2020-2024 anti-trafficking national action plan.

The government conducted 746 inspections and identified approximately 1,040 vulnerable children in 2019 through its victim identification program at the primary markets in Dantokpa (Cotonou), Ouando (Porto-Novo), and Arzeke (Parakou) under its 2019-2023 Action Plan to Eradicate Child Exploitation in Markets. In 2019, officials expanded the scope of their inspections to include workshops, bars, restaurants, and other businesses with a higher prevalence of child exploitation. The government complemented the inspections with direct outreach to approximately 1,272 artisans on child exploitation issues. To reduce the demand for commercial sex, the Republican Police, in conjunction with the General Directorate of Labor, held awareness sessions on the risks of the practice with owners of bars, hotels, and restaurants in 2019 in the communes of Malanville, Parakou, Bohicon, and Cotonou. The Ministry of Labor failed to conduct inspections in sectors known to employ forced child labor, notably the quarry and agricultural sectors.

The government continued its Administrative Census for the Identification of the Population during the reporting period, resulting in officials retroactively registering the births of more than one million children in 2019. A lack of identity documentation contributed to increased vulnerability to trafficking in Benin. The Ministry of Foreign Affairs used a code of conduct for diplomats that prohibited Beninese nationals deployed abroad from engaging in or facilitating trafficking in persons; however, it did not report providing training on the subject to officials. The OCPM maintained its database—“*Enfants du Benin*”—to organize information related to child trafficking cases.

The Ministry of Planning and Development chairs the government's IMC. In 2019, the IMC drafted a plan for the collection of comprehensive statistics to research and assess the human trafficking problem in Benin, with the National Institute of Statistics and Economic Analysis and the Ministry of Justice compiling nationwide prosecution statistics. The Family and Child Monitoring Office at the Ministry of Social Affairs and Microfinance also maintained a database on child trafficking statistics (Child Pro). Apart from the OCPM, many police stations lacked the computers and reliable electricity supply necessary to maintain electronic databases on human trafficking; judicial personnel and most courts continue to record cases on paper, creating challenges in compiling and sharing law enforcement statistics. While the OCPM managed a hotline number for individuals to identify potential trafficking cases, it was not operational during the reporting period. Officials, with foreign donor support, continued to provide anti-trafficking training to approximately 500 Beninese troops prior to their deployment on international peacekeeping missions.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal and involves Beninese children from low-income families. Vulnerable populations most at risk of trafficking frequently lack formal education or basic identity documents, including birth certificates and national identification. Some community members and relatives use the promise of education or employment to recruit Beninese children from northern rural areas to the more urban southern corridor and exploit them in forced labor in domestic servitude, markets, farming, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks.

The government reported traffickers exploit children living in the lakeside areas of Benin—including the commune of So Ava in southeast Benin—in debt bondage. Criminal elements operate in urban areas under the guise of informal employment agents and recruit children for domestic work in private residences, where house managers and families exploit the minors in domestic servitude. Some parents follow a traditional practice known as *vidomegan*, which involves sending children to wealthier families for educational or vocational opportunities; some of these more affluent families then subject the children to forced labor in various sectors, including in domestic service and open-air markets. The government reported criminals exploit girls in sex trafficking in Cotonou and Malanville. Officials reported traffickers exploit boys, girls, and women from Djougou and Bassila in the northwest of the country; Parakou in the northeast; Zakpota, Djida, and Agbaizoun in the central region; Adja and Lobogo in the southwest; and Pobe and Sakete in the southeast. Traffickers exploit these groups in labor and sex trafficking.

Cross-border criminal groups subject Beninese children to domestic servitude and other forms of forced labor in Nigeria, Gabon, the Republic of the Congo, and other West and Central African countries. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with the department of Oueme in southeast Benin historically an area traffickers used to recruit child victims. Child, early, and forced marriage remains a nationwide problem, with some families forcing some girls into marriages as a result of generational poverty; husbands and their families may then subject these girls to sexual slavery or domestic servitude.

Reports indicate criminal groups fraudulently recruit young Beninese women for domestic work in Kuwait, Saudi Arabia, Lebanon, and Algeria and subsequently exploit them in forced labor or sex trafficking. Traffickers and their accomplices continue to send child victims to their destinations alone and then meet the victims upon arrival, increasing the challenges for law enforcement to investigate these crimes. International organizations report some adult labor migrants use airports in Togo, Burkina Faso, and Nigeria to circumnavigate anti-trafficking screening procedures put in place by the government at Cotonou's international airport, increasing the migrants' vulnerability to human trafficking. Experts highlighted the commune of Djougou in northwestern Benin as an area of origin for women whom traffickers subject to forced labor and potentially sexual exploitation in Persian Gulf countries, Lebanon, and the Maghreb.