



Benin

Country Reports on Human Rights Practices - [2007](#)

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The Republic of Benin is a constitutional democracy with a population of 7.9 million. In March 2006 President Boni Yayi was elected to a five-year term in multiparty elections. In March 2007 legislative elections, President Yayi's Cowry Force for an Emerging Benin (FCBE) won 35 of 83 seats in the National Assembly. Other parties joined the FCBE to form a majority of 46 seats in the National Assembly. International observers viewed both the presidential and legislative elections as generally free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens. However, there were problems in several areas. Presidential guards repeatedly shot at persons, injuring or killing them for failure to obey instructions when the president's convoy passed. Anecdotal evidence suggested police occasionally used excessive force. Vigilante violence resulted in deaths and injuries. Impunity and corruption were problems. Harsh prison conditions and arbitrary arrest and detention with prolonged pretrial detention continued. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was common. Trafficking and abuse of children, including infanticide and child labor, occurred.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, other killings occurred.

On January 14, a guard shot and killed an inmate attempting a prison escape after the inmate refused to heed a warning shot. No sanction was taken against the guard.

On May 13, presidential guards shot and killed two persons and injured at least five during an altercation with local residents over the blockage of a road after the president's car had passed. A taxi driver had parked his car in a secure zone and the presidential guards ordered him to move it. The taxi driver disregarded the order and began arguing with the guards. One of the driver's friends came to the scene and joined the argument. A presidential guard opened fire and killed both men. Local residents then rioted in response. The military authorities arrested and sanctioned the presidential guards involved in the shooting.

There were no developments in the May 2006 police killing of one person when an operation to prevent a group of illegal butchers from selling meat from uninspected animals turned into a violent confrontation.

During the year incidents of mob violence continued to occur, in part due to the perceived failure of local courts to adequately punish criminals. Such cases generally involved mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. On August 12, a mob intercepted two persons who had attacked two men and attempted to steal their motorcycle. The mob beat and set on fire the two attackers, who died in a hospital the following day from their injuries. The government made no concerted attempt to investigate or prosecute those involved, and police generally ignored vigilante attacks.

b. Disappearance

There were no reports of politically motivated disappearances; however, some trafficked children were kidnapped during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, the government did not always respect these prohibitions. Anecdotal evidence indicated beatings in custody were commonplace, but no statistics were available.

Presidential guards shot and injured persons for failing to obey instructions when President Yayi's motorcade passed. For example, on February 22, presidential guards shot at two employees of a local bank, severely injuring them. The guards, who charged that the employees had disregarded an order not to drive along the route of the presidential motorcade, were reportedly arrested. There was no further information available on their cases at year's end.

Unlike in previous years, there were no reports during the year that security forces entered private homes and beat the occupants.

The government continued to make payments to victims of torture under the former military regime.

Mob violence resulted in deaths and injuries.

Prison and Detention Center Conditions

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed risks to prisoners' health. According to a 2006 survey, the country's eight civil prisons were filled far beyond their capacity. Abomey Prison, built for 200, held more than 1,190 inmates--nearly six times capacity. The prison in Cotonou, built to house 500 prisoners, held 2,107; Porto-Novo, built for 250 prisoners, housed 416; Parakou, built for 150 prisoners, held 392; Ouidah, built for 125 prisoners, contained 300; and Kandi, built for 150 prisoners, held 278.

Prison diet was inadequate, and malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations. There were deaths in prison due to malnutrition, disease, and neglect, although statistics were not available.

Juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The government permitted prison visits by human rights monitors. Nongovernmental organizations (NGOs) and religious groups continued to visit prisons.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, at times the authorities did not respect these prohibitions.

Role of the Police and Security Apparatus

The police, under the Ministry of Interior, have primary responsibility for enforcing law and maintaining order in urban areas; the gendarmerie, under the Ministry of Defense, performs the same function in rural areas. The police were inadequately equipped, poorly trained, and ineffective, particularly in their failure to prevent or respond to mob violence. The government continued to address these problems by recruiting more officers, building more stations, and modernizing equipment; however, serious problems remained, including widespread corruption and impunity. Police continued to extort money from travelers at roadblocks. Unlike in the previous year, no police were arrested for corruption.

In February 2006 four high-ranking police officials were arrested for embezzlement of public funds, mismanagement of public property, and illegal awarding of contracts. In June 2006 another high-ranking police official was arrested and detained on the same charges. At year's end three of the officials remained free on bail, and the other two were still in detention.

Arrest and Detention

The constitution requires arrest warrants and prohibits detention for more than 48 hours without a hearing by a magistrate, who must authorize continued detention. Detainees must be brought before a judge within 48 hours of arrest. Detainees have the right to prompt judicial determination and access to a lawyer after they have been brought before a judge; they are also allowed to receive family visits. After examining a detainee, the judge has 24 hours to decide whether to continue to detain or release the individual. Defendants awaiting a verdict may request release on bail; however, the attorney general must agree to the request. Warrants authorizing pretrial detention were effective for six months and could be renewed every six months until the suspect was brought to trial. The government provided counsel to indigents in criminal cases only.

No action was taken against the 12 police officers from a specialized unit who in February 2006 broke into a couple's home and took the couple to the Cotonou central police station for allegedly failing to repay a personal debt to their landlord. In August 2006 the Constitutional Court ruled that the arrest and detention of the two individuals at the police station was arbitrary and violated the constitution, since failure to repay a personal debt is not an offense punishable by incarceration.

Unlike in the previous year, there were no reports that police arrested union leaders or union members.

There were credible reports that authorities exceeded the legal limit of 48 hours of detention in many cases, sometimes by as much as a week. Authorities often used the practice of holding a person indefinitely "at the disposition of" the Public Prosecutor's Office before presenting the case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision. The judiciary remained inefficient in some respects and susceptible to corruption at all levels. There were no reports that judicial employees were sanctioned or arrested on corruption charges during the reporting period.

The president appoints career magistrates as judges in civil courts, and the constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them.

Civilian courts operate on national and provincial levels, and there are two courts of appeal. The Supreme Court is the court of last resort in all administrative and judicial matters. The Constitutional Court determines the constitutionality of laws, adjudicates disputes between the president and the National Assembly, and rules on disputes regarding presidential and legislative elections. It also has jurisdiction in human rights cases. There is also a High Court of Justice to try the president and ministers for crimes related to their professional responsibilities.

Military disciplinary councils deal with minor offenses by members of the military services but have no jurisdiction over civilians.

Trial Procedures

The constitution provides for the right to a fair trial; however, judicial inefficiency and corruption impeded exercise of this right.

The legal system is based on French civil law and local customary law. A defendant is presumed innocent. Jury trials are used in criminal cases. A defendant has the right to be present at trial and to representation by an attorney, at public expense if necessary; the court provides indigent defendants with counsel upon request. A defendant has the right to confront witnesses and to have access to government-held evidence. Defendants are allowed to present witnesses and evidence on their own behalf. Defendants can appeal criminal convictions to the court of appeals and the Supreme Court, after which they may appeal to the president for a pardon. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. The government extends the above rights to all citizens without discrimination.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Any citizen may file a complaint concerning an alleged human rights violation with the constitutional court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions. The law requires police to obtain a judicial warrant before entering a private home, and they generally observed this requirement.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights. Unlike in the previous year, there were no reports that security forces arrested or detained journalists; however, the law criminalizes libel, and numerous journalists faced pending libel charges. The law prevents private citizens and the press from declaring or predicting election results. Journalists practiced self-censorship.

Individuals criticized the government without reprisal, and the government did not attempt to impede private criticism.

The constitution provides for prison sentences involving compulsory labor for certain actions related to the right of free expression; penalties are for threats to public order or calls to violence, but the law is vaguely worded and susceptible to abuse. There were no reported instances of its abuse during the year.

The independent media were active and expressed a wide variety of views without restriction. Publications criticized the government freely and frequently, but their effect on public opinion was limited due to limited circulation and widespread illiteracy. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct, such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. ODEM criticized 22 newspapers and television and radio stations for violating professional and ethical standards during the February-April electoral period.

The government continued to own and operate the most influential media by controlling broadcast range and infrastructure. The majority of citizens were illiterate, lived in rural areas, and generally received their news via radio. The governmental Office of Radio and Television (ORTB) broadcast in French and local languages. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages. Radio France International and the BBC broadcast in Cotonou. Two national and several private television stations also broadcast.

The government continued to prosecute journalists for libel. For example, on February 16, the Cotonou Court of First Instance sentenced three journalists and an executive of a private media group to six-month prison sentences without parole and heavy damages and fines, for publishing a story alleging that the dismissal of a former minister was linked to his mismanagement of a public housing project. The journalists filed an appeal, which was pending at year's end. They were not jailed while their appeal was pending.

On February 9, the court released the editor and a reporter from the newspaper *l'Informateur* who had been imprisoned since December 2006 on libel charges.

The government penalized journalists who published items counter to government guidelines; however, unlike in the previous year, no journalists were fired for "insubordination to a superior authority."

The High Authority for Audio-Visual Media and Communications oversaw media operations and required broadcasters to submit weekly lists of planned programs and publishers to submit copies of all publications; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Internet access was widely available in cities, primarily in Internet cafes, but for many the cost of using the Internet was prohibitive. Due to a lack of infrastructure, Internet access was not available in most rural areas.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected these rights. The

government requires permits for use of public places for demonstrations and generally granted such permits; however, the government sometimes cited "public order" to deny legitimate requests for permits from opposition groups, civil society organizations, and labor unions.

Unlike in the previous year, there were no reports that police prevented journalists from entering the residence of a political leader to attend a press conference to which they were invited.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. The government requires associations to register and routinely granted registration.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right.

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination against members of religious groups. There was no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2007 *International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement, and the government generally respected this right; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce vehicle safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The government maintained previously implemented measures to combat such corruption at roadblocks, but they were not always effective, and extortion occurred.

The government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons.

The government's policy toward the seasonal movement of livestock allowed migratory Fulani (Peul) herdsmen from other countries to enter freely; the government did not enforce designated entry points. Disputes arose between herdsmen and local landowners over grazing rights.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government did not provide temporary protection during the year. If individuals do not qualify as refugees under the 1951 convention and its 1967 protocol, authorities direct them to the Immigration Office to apply for a residence permit.

The government did not always provide adequate security at refugee camps; however, unlike in the previous year, there were no reports that clashes between refugees and villagers resulted in injuries or property damage.

The government continued to permit Togolese refugees residing in local communities and in refugee camps to participate in most economic activities and to enroll their children in local schools. On April 3, UNHCR and the governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. As a result, from June to August, 774 Togolese refugees received a cash payment and one month of food rations to return on a voluntary basis to Togo, where a committee composed of international relief organizations assisted them.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right through periodic, free, and generally fair elections held on the basis of universal suffrage.

Elections and Political Participation

In March 2006 President Boni Yayi was elected to a five-year term in multiparty elections. In March 2007 legislative elections, President Yayi's FCBE won 35 of 83 seats in the National Assembly. Other parties joined the FCBE to form a majority of 46 seats in the National Assembly. International observers viewed both the presidential and legislative elections as generally free and fair. The law prevented private citizens and the press from declaring or predicting election results.

There were eight women in the National Assembly and six female ministers in the 26-member cabinet. Two of seven justices on the Constitutional Court were women, including the president. The president of the High Court of Justice also was a woman. Two of six appointed departmental prefects were women, as well as three of 77 indirectly elected mayors.

Minority ethnic groups were well represented in government agencies, civil service, and the armed forces. In the National Assembly, 11 members were from the Goun-Nago-Yoruba ethnic group, 24 from the Bariba, Somba, and Dendi ethnic groups, and 34 from the Fon-Goun-Adja and other smaller groups. Nine cabinet ministers were from the Bariba, Somba, and Dendi ethnic groups, 14 were from the Fon-Goun-Aja ethnic group, and three were from the Yoruba-Nago ethnic group.

Government Corruption and Transparency

President Yayi continued his 2006 anticorruption initiative; however, official corruption was widespread.

During the year the minister of finance released an overview of the results of audits and announced that approximately 300 individuals were responsible for embezzling \$46 million (23 billion CFA francs). By year's end the names of the individuals had not been released.

On June 20, the Front of National Anti-Corruption Organizations accused two deputies of the National Assembly, who formerly had been executive directors of the Benin Electric Energy Corporation, of mismanagement and embezzlement of public funds. President Yayi asked the National Assembly to lift the immunity of the two deputies so that they could be questioned by the State Audit Office (IGE); however, their immunity was not lifted by year's end.

On July 6, the president appointed nine state auditors to the IGE to strengthen the fight against corruption.

On August 13, the president discharged four senior customs officials from their duties, including one of his strong political supporters, after an investigation conducted by the IGE revealed their involvement in customs fraud.

Thomas Guedegbe, former director of administration at the Foreign Ministry, who was charged in the 2005 unauthorized sale of land adjacent to the UN permanent representative's residence in New York in 2005, remained in prison awaiting trial at year's end.

Of the three former government ministers--Alain Adihou, Cosme Sehlin, and Valentin Houde--accused in 2006 of embezzling two million dollars (one billion CFA francs), Adihou was still in detention, Sehlin was released on bail in October 2006, and Houde was exonerated.

Sefou Fagbohoun, a businessman and political leader arrested for alleged mismanagement and embezzlement from the parastatal SONACOP, remained in prison at year's end.

The Watchdog to Combat Corruption, a governmental anticorruption agency, launched a nationwide effort to publicize the National Strategic Plan to Combat Corruption and conducted a survey to gauge the magnitude of petty corruption and bribery in the public administration.

There were no laws that provided for public access to government information, and it was unclear whether requests for such access were granted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Local human rights NGOs include the League for the Protection of Human Rights in Benin, the National Christian Youth Association for Awareness and Development, Association for the Support of Development and Peace, Solidarity for Behavioral Change, Benin Prison Fellowship, Children's Rights Social Organizations' Network, and others. Local NGOs are independent. Some local NGOs have formed networks for more efficient implementation of their programs and to pool resources.

The government cooperated with international governmental organizations. In November the government presented its work report to the Committee Against Torture in Geneva. During the year representatives of the UN Committee Against Torture and the UN Committee on the Elimination of Discrimination Against Women visited the country.

Following the Committee Against Torture's visit and its consideration of the country's work report, it made wide-ranging recommendations. These included the inclusion of the definition of torture, as cited in Article 1 of the Convention Against Torture, in the country's draft penal code and the inclusion of an absolute prohibition of torture in the new code. The committee recommended that the government fulfill its obligations to systematically investigate torture-related cases and take legal action against perpetrators; put in place a system of systematic surveillance of detention centers and detention conditions; provide training to law enforcement agents on the prohibition against torture; make the National Commission for Human Rights operational; and combat violence inflicted by law enforcement agents, torture and cruel treatment of children, gender-based violence, and mob justice.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race and gender; however, societal discrimination against women continued. Persons with disabilities were disadvantaged.

Women

The law prohibits rape, but enforcement was weak due to police ineffectiveness and corruption. Sentences for rape ranged from one to five years' imprisonment.

Domestic violence against women was common. The penal code prohibits domestic violence, and penalties ranged from six to 36 months' imprisonment. However, NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development-Benin, offered social, legal, medical, and psychological assistance to victims of domestic violence.

FGM was practiced on girls and women ranging from infancy through 30 years of age and generally took the form of excision. Approximately 17 percent of women have undergone FGM, although the figure was higher in some regions, including Atacora (45 percent) and Borgou (57 percent), and among certain ethnic groups. For example, more than 70 percent of Bariba, Yoa-Lokpa, and Peul (Fulani) women have undergone FGM. Younger women were less likely to be excised than their older counterparts. The law prohibits FGM and provides for penalties for performing the procedure, including jail sentences of up to 10 years and fines of up to \$12,000 (six million CFA francs); however, the government generally was unsuccessful in preventing the practice. Individuals who were aware of an incident of FGM but did not report it faced fines ranging from \$100 to \$200 (50,000 to 100,000 CFA francs). Those who performed the procedure, usually older women, profited from it.

NGOs continued to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising public awareness of the dangers of the practice, and the government cooperated with these efforts. The Ministry of Family continued an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and displaying banners. NGOs also addressed this issue in local languages on local radio stations.

Prostitution, especially child prostitution, was a problem. Reports indicated that sexual tourism was developing, mostly in the northern region. Under the penal code there are no penalties imposed on prostitutes; however, those who facilitate prostitution and individuals who profit financially from prostitution, including traffickers and brothel owners, face penalties including imprisonment of six months to two years and fines of \$800 to \$8,000 (400,000 to four million CFA francs)

depending on the severity of the offense. Individuals involved in child prostitution, including those who facilitate or solicit it, face imprisonment of two to five years and fines of \$2,000 to \$20,000 (one million to ten million CFA francs). Although there are no penalties in the penal code for prostitutes, the belief that prostitution was illegal was widespread, and police often raided brothels to arrest prostitutes to deter the practice.

Sexual harassment was very common. In July 2006 the National Assembly passed a law prohibiting sexual harassment and offering protection for victims of sexual harassment. Under the law persons convicted of sexual harassment faced sentences of one to two years in prison and fines ranging from \$200 to \$2,000 (100,000 to one million CFA francs). The law also provides for penalties for persons who are aware of sexual harassment and do not report it. Enforcement of these laws was lax due to law enforcement agents' and prosecutors' lack of legal knowledge and necessary skills to pursue such cases, and victims' fear of social stigma.

Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas women dominated the trading sector in the open-air markets. During the year the government and NGOs continued to educate the public on the 2004 family code, which provides women with inheritance and property rights and significantly increases their rights in marriage, including prohibitions on forced marriage, child marriage, and polygyny. In practice women experienced discrimination in accessing employment, credit, and equal pay.

Children

Particularly in rural areas, parents often failed to declare the birth of their children because they could not afford the fees for birth certificates, or out of ignorance. A 2001 survey indicated that one-fourth of children under 18 were not registered at birth. This resulted in denial of public services such as education and health care. Several donors have taken action to increase the number of registered children. Over the last two years, the NGO PLAN International supported the free registration of children who had not taken the primary school leaving exam. Without a birth certificate children cannot take the exam. The UN Children's Fund (UNICEF) and the NGO CRS/World Education have supported the government's campaign to register every birth.

The government has stated publicly its commitment to children's rights and welfare, but it lacked the resources to demonstrate that commitment. The Ministry of Family is responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family have oversight roles in the promotion of human rights issues with regard to child welfare.

Primary education was compulsory for all children between four and a half years and nine years of age. It became tuition-free for all children starting with the 2007-08 school year; however, in some parts of the country, girls received no formal education. Parents often paid tuition for children because many schools had insufficient funds. The government offered books at reduced prices to enhance the quality and relevance of schooling received. According to UNICEF, primary school enrollment was approximately 90 percent of boys and 60 percent of girls; only 26 percent of boys and 12 percent of girls were enrolled in secondary school.

FGM was commonly performed on girls (see section 5, Women).

The family code prohibits marriage under 14 years of age; however, the practice continued in rural areas. Underage (14 to 17 years of age) marriage was permitted with parental consent. There also was a tradition in which a groom abducts and rapes his prospective child bride. The practice was widespread in rural areas, despite government and NGO efforts to end it through information sessions on the rights of women and children.

Despite widespread NGO campaigns, the traditional practice of killing deformed babies, breech babies, babies whose mothers died in childbirth, and one of two newborn twins (all of whom were considered sorcerers) continued in some rural areas, and perpetrators acted with impunity.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children, but many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement.

Some street children became prostitutes to support themselves.

Trafficking in children remained a problem. Some trafficking occurred in connection with the forced servitude practice called "vidomegon," in which children worked under an arrangement between two families.

Child labor, although illegal, remained a problem.

There were many street children, most of whom did not attend school and lacked access to basic education and health

services.

Trafficking in Persons

The law prohibits trafficking in children. There are also laws that prohibit human smuggling that the government has used to prosecute traffickers. However, there is no law prohibiting trafficking in adults. Persons were trafficked to, from, and within the country.

The country was a source, transit point, and destination for trafficked persons, primarily children trafficked for forced labor and sexual exploitation. The majority of trafficking occurred internally within the extended family or community; however, organized criminal networks were also active. According to a 2000 UNICEF study, four distinct forms of child trafficking occurred in the country: "trafic-don," the transfer of a child to a migrant family member or stranger, who turned the child over to another stranger for vocational training or education; "trafic-gage," indentured servitude in which a child was forced to work off an adult's debt; "trafic-ouvrier," child labor, the most common form of trafficking, involving children working as artisans, construction laborers, or agricultural or domestic workers; and "trafic-vente," the outright sale of children.

Through the traditional practice of vidomegon, poor--often rural--families placed a child in the home of a more wealthy family. The child received living accommodations, while the child's parents and the urban family that raised the child split the income generated from the child's activities; however, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Vidomegon was traditionally intended to enable children of poor families to receive educational opportunities and a higher standard of living; however, this practice has become corrupted to facilitate the trafficking of children for forced labor. Approximately 90 to 95 percent of the children in vidomegon were young girls.

Children were trafficked to Ghana, Nigeria, Gabon, Cote d'Ivoire, Republic of Congo, Guinea Bissau, and the Central African Republic for indentured or domestic servitude, farm labor, labor in stone quarries, and prostitution. In addition children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso were trafficked to the country for indentured or domestic servitude. Trafficked children generally came from poor rural areas and were deceitfully promised educational opportunities or other incentives.

The penal code prohibits child prostitution; however, enforcement was frequently lax, and the commercial sexual exploitation of children was a problem.

Child prostitution often involved girls whose poor families urged them to become prostitutes to provide income. Other children were lured to exchange sex for money by older men, often traffickers, who acted as their "protectors." Some children were abused sexually by teachers who sought sex in exchange for better grades. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

The penal code also prohibits kidnapping. Penalties for traffickers involved in "labor exploitation" ranged from fines to prison terms, forced labor, or the death penalty, depending on the severity of the crime and the length of time over which the exploitation occurred; however, enforcement was lax.

The 2006 law against child trafficking provides for increased penalties for the trafficking of minors, including imprisonment from six months to life, depending on the severity of the crime, and fines from \$100 to \$10,000 (50,000 to five million CFA francs). The law states that individuals who are aware of child trafficking offenses and do not report them shall face fines of \$20 to \$100 (10,000 to 50,000 CFA francs).

During the year the government augmented its efforts to arrest and to prosecute traffickers. From October 2005 to August 2006, the government investigated and prosecuted 35 child trafficking cases. In 2006 the Minors Protection Brigade, under the jurisdiction of the Ministry of Interior, intercepted and rescued 88 trafficked children. In 2007 the brigade arrested 24 traffickers and intercepted and rescued 179 children. These statistics do not include arrests or interceptions by local police.

In July 2006, along with 23 other West and Central African countries, the government signed an agreement to adopt an action plan to combat trafficking. Regional efforts also continued between heads of state of concerned countries to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims.

The Ministry of Family, in conjunction with its Togolese and Nigerian counterparts, initiated synchronized public child trafficking awareness campaigns along the Benin-Togo and the Benin-Nigeria borders.

In February security forces arrested two police officers for human smuggling and another police officer for exploiting a trafficking victim.

Since 1999 UNICEF and other donors have supported the Ministry of Family to establish, equip, and train more than 1,300 local committees to combat child trafficking through community surveillance and monitoring. The Brigade for the Protection of Minors sought to prevent crimes against children. The brigade investigated cases of child trafficking and other crimes

committed against children. It arrested traffickers, rescued victims, and worked towards their social reinsertion. The government worked with NGOs to combat child trafficking, using media campaigns and greater border surveillance; however, police complained that they lacked equipment to adequately monitor trafficking. Due to resource constraints, prevailing cultural attitudes, and a lack of interagency coordination, the government failed to meet minimum standards for the elimination of trafficking, although they made significant efforts to do so.

During the year the Ministry of Family, international NGOs, and the donor community assisted numerous children who had been trafficked to other countries to work in mines, quarries, and on farms. Efforts included the provision of food, shelter, and medical treatment. The Ministry of Family also cooperated with partners to operate centers in urban areas to provide education and vocational training to victims of child trafficking. During the year government efforts to reunite trafficked children with their families continued; however, no statistics were available.

Persons with Disabilities

There is no law that prohibits discrimination against persons with physical and mental disabilities; however, the law provides that the government should care for persons with disabilities. There were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities. The government operated few institutions to assist persons with disabilities, and many such individuals were forced to beg to support themselves.

The labor code includes provisions to protect the rights of workers with disabilities, which were enforced with modest effectiveness during the year.

Other Societal Abuses and Discrimination

There were no reports of overt discrimination or violence based on a person's sexual orientation or HIV/AIDS status. In April 2006 the government enacted a law making it illegal to discriminate against a person, at any stage of hiring or employment, based on his or her HIV status.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions of their choice without previous authorization or excessive requirements, and the government generally respected these rights. However, unions must register with the Ministry of Interior, a three-month process, or risk a fine. The labor force of approximately 3.2 million was engaged primarily in subsistence agriculture, with only a small percentage working in the formal wage sector. Although an estimated 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

Unlike in the previous year, no union leaders or members were arrested.

The labor code prohibits antiunion discrimination. Employers may not take union membership or activity into account in hiring, work distribution, professional or vocational training, or dismissal; however, the government did not always enforce these provisions, and there were reports that employers threatened individuals with dismissal for union activity.

b. The Right to Organize and Bargain Collectively

The labor code generally allows unions to conduct their activities without interference, and the government generally protected this right. The labor code provides for collective bargaining, and workers freely exercised this right. The government sets wages in the public sector by law and regulation.

Workers must provide three days notice before striking; however, authorities can declare strikes illegal for reasons such as threatening social peace and order, and can requisition striking workers to maintain minimum services. During the year workers exercised their right to strike. The government may not prohibit any strike on the grounds that it threatens the economy or the national interest. Laws prohibit employer retaliation against strikers, except that a company may withhold part of a worker's pay following a strike. The government enforced these laws effectively.

The law does not grant seafarers the right to organize or to strike; however, under the Merchant Marine Code, they have the right to organize.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The labor code prohibits forced or compulsory labor, including by children; however, such practices occurred, and trafficking in persons was a problem. The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to compulsory labor for various crimes.

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem due in part to limited government enforcement of the law. To help support their families, children of both sexes--including those as young as seven--continued to work on family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon*. A majority of children working as apprentices were under the legal age for apprenticeship of 14.

Some parents indentured their children to agents recruiting farm hands or domestic workers, often on the understanding that the children's wages would be sent to the parents. In some cases these agents took the children to neighboring countries for labor. Many rural parents sent their children to cities to live with relatives or family friends to perform domestic chores in return for receiving an education. Host families did not always honor their part of the bargain, and abuse of child domestic servants was a problem.

The Ministry of Labor enforced the labor code in a limited manner and only in the formal sector due to the lack of inspectors. The government took steps to educate parents on the labor code and to prevent compulsory labor by children, including through media campaigns, regional workshops, and public pronouncements on child labor problems. The government also worked with a network of NGOs and journalists to educate the population about child labor and child trafficking.

e. Acceptable Conditions of Work

The government set minimum wage scales for a number of occupations. The minimum wage was approximately \$60 (30,000 CFA francs) per month; however, the minimum wage did not provide a decent standard of living for a worker and family. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage; many domestics and other laborers in the informal sector earned less. The Office of Labor under the Ministry of Civil Service and Administrative Reforms enforced the minimum wage; however, its efforts were impeded by the small number of labor inspectors.

The labor code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week, above the maximum provided for under the labor code of 12 hours per day or 60 hours per week. The labor code also mandates premium pay for overtime. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Labor and Public Service did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The ministry has the authority to require employers to remedy dangerous work conditions but did not effectively do so.

