



U.S. DEPARTMENT of STATE

Benin

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The Republic of Benin is a constitutional democracy with a population of 7.9 million. On March 19, President Boni Yayi was elected to a five year term in multiparty elections that observers generally viewed as free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and in contrast with 2005, there were no reports the government forcibly dispersed demonstrations. However, there were problems in several areas. Police occasional use of excessive force and vigilante violence resulted in deaths. Impunity was a problem. Harsh prison conditions, arbitrary arrest and detention with prolonged pretrial detention, and judicial corruption continued. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was common. There also were reports of trafficking and abuse of children, including infanticide and child labor.

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, on May 19, police killed one person and wounded several others when an operation to prevent a group of illegal butchers from selling meat from uninspected animals turned into a violent confrontation. In an attempt to keep police and veterinary inspection service agents from confiscating the meat, the butchers threw stones, and one butcher swung a cleaver at a policeman. Another policeman fatally shot the butcher wielding the cleaver. There was no investigation of the shooting, which the police claimed was self-defense.

There were no developments in the February 2005 police killing of two persons suspected of illegally occupying a building or in the September 2005 killing of an inmate by guards during an attempted prison break.

During the year incidents of traditional mob justice 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 September 4, a mob intercepted two men attempting to snatch a woman's handbag. The mob burned one of the men to death and beat the second to death. Although some of these incidents occurred in urban areas and were publicized in the press, 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 by force during the year (see section 5).

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.

On September 6, witnesses observed gendarmes in Ouidah beating two suspected thieves with clubs on the back, hands, feet, and buttocks. Such beatings in custody were commonplace, but no statistics are available.

There were no reports of the police forcibly dispersing demonstrations.

A violent confrontation in May between police and illegal butchers resulted in injuries and one death (see section 1.a.).

Security forces entered private homes and beat the occupants during the year (see section 1.f.).

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

Mob justice resulted in deaths and injuries (see section 1.a.).

Prison and Detention Center Conditions

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. According to the Ministry of Justice, the country's eight civil prisons at times were filled to more than three times their capacity. The 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; however, statistics are 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 other agencies 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 in practice.

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 justice. 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.

On February 22, following an investigation, four high-ranking police officials were arrested for embezzlement of public funds, mismanagement of public property, and illegal awarding of contracts. On June 9, a fifth high-ranking police official was arrested and detained on the same charges. By year's end the judge had released three of the officials on bail.

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. After examining a detainee, the judge has 24 hours to decide whether to continue the detention or release the individual. Defendants awaiting a verdict may request release on bail; however, the attorney general must agree to the request. Suspects have the right to an attorney, but only after being brought before a judge. 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 in criminal cases only.

On February 22, 12 police officers from a specialized police unit (Compagnie Republicaine de Securite) 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. The police detained the husband and told his spouse to get money to reimburse the debt. When the police released the man after holding him for nine hours, the couple lodged a complaint against the police for unlawful arrest and detention. On August 11, the constitutional court ruled that the arrest and detention of the two individuals at the police station was arbitrary and constituted a violation of the constitution since failure to repay a personal debt is not an offense punishable by incarceration. At year's end no action had been taken against the responsible officers.

Unlike in the previous year, there were no reports that police arrested demonstrators; however, police arrested a union leader and union members (see section 6.a.).

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.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not always respect this provision in practice. The judiciary remained inefficient in some respects and susceptible to corruption at all levels. Unlike in previous years, no action was taken against corrupt judicial employees.

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. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice.

Civilian courts operate on national and provincial levels, and there are two courts of appeals. 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.

Trial Procedures

The constitution provides for the right to a fair trial; however, judicial inefficiency and corruption impeded this right. The understaffed judicial system created delays in judicial processing that resulted in longer pre-trial detention periods.

The legal system is based on French civil law and local customary law. A defendant is presumed innocent and has the right to be present at trial and to representation by an attorney at public expense if necessary. In practice the court provided indigent defendants with court appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government held evidence. 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.

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

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 in practice. The law requires police to obtain a judicial warrant before entering a private home, and they generally observed this requirement in practice with one known exception (see section 1.d.).

There were no developments in the June 2005 case of soldiers who entered homes in Fidjrosse, Cotonou, without search warrants and beat the occupants.

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 in practice. Security forces arrested, detained, and harassed journalists during the year. The law criminalizes libel, and members of the press were imprisoned for libel during the year. The law prevents private citizens and the press from declaring or predicting election results.

The constitution provides for prison sentences involving compulsory labor for certain activities related to the exercise of the right of free expression; this law is directed against threats to public order or calls to violence but is vaguely worded and susceptible to abuse.

The independent media were active and expressed a wide variety of views without restriction. These publications criticized the government freely and frequently, but the effect on public opinion was limited due to the urban concentration of publications 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 17 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 broadcast. Although none of the television stations broadcast partisan programs, the vast majority of news programming centered on government officials' activities, government sponsored conferences, and international stories provided by French television or other foreign sources.

On December 1, an editor and a reporter were sentenced to six months' imprisonment for libel for an article alleging that a bailiff had

defrauded a widow and then raped her to shame her into silence. Two media associations publicly appealed the sentence, calling it excessive.

On September 15, police arrested and detained a copy editor and a journalist of a private newspaper on libel charges for publishing an article about the alleged mental instability of one of the president's children; the public prosecutor questioned the two individuals and ordered their release on September 17.

On September 18, police arrested and detained the editor of a private newspaper for alleged libel against the police, although no charges were filed. The following day the public prosecutor ordered his release.

The government penalized journalists who published items counter to government guidelines. On March 6, Communications Minister Frederic Dohou fired the ORTB director general and secretary general for "insubordination to a superior authority" after ORTB declined to broadcast a videotape from President Kerekou's media office, purporting to show electoral fraud involving the registration of foreigners, primarily Togolese refugees, as voters. ORTB reportedly had consulted the High Authority for Audiovisual Communication (HAAC), which had advised against broadcasting the tape because its authenticity had not been verified. On April 26, the new minister of communications reinstated the ORTB officials.

Police also prevented journalists from attending an election-related press conference in a private home (see section 2.b.).

The HAAC 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 chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic 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 in practice. In contrast with 2005, there were no reports that the government forcibly dispersed demonstrations. The government requires permits for use of public places for demonstrations and generally granted such permits, but the government sometimes used "public order" to deny legitimate requests for permits from opposition groups, civil society organizations, and labor unions.

No action was taken against the security forces that violently dispersed demonstrations in 2005, resulting in the death of one person and injuries to numerous others.

On March 7, after the first round of the presidential election, police prevented journalists from entering the residence of a political leader to attend a press conference to which they were invited. After the incident, authorities claimed they acted out of a concern for "state security."

Freedom of Association

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

c. Freedom of Religion

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

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 is no known Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution and law provide for these rights, and the government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive 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 (see section 5).

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

The law prohibits the forced exile of citizens, 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 they feared persecution. The government granted refugee status or asylum. The government cooperated with the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government did not always provide adequate security at refugee camps. On the night of February 15, a violent clash occurred between Togolese refugees resident at the Agame refugee camp and local Beninese villagers. Two refugees were severely wounded by gunfire and one villager was seriously injured. The violence and a fire also caused severe damage to the camp's infrastructure, cutting off electricity and impairing the sanitation system. More than 9,000 refugees were forced to abandon the camp and take temporary shelter in a nearby elementary school and a police office.

Despite the violence, 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. At year's end approximately 6,500 Togolese refugees remained in Benin; over 3,000 returned voluntarily to Togo.

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 in practice through periodic, free, and generally fair elections held on the basis of universal suffrage.

Elections and Political Participation

International observers viewed the March presidential election as generally free and fair. On March 29, after two rounds of voting, the constitutional court declared independent Thomas Boni Yayi president. The voting on March 5 and 19 was orderly and well organized despite organizational difficulties created by the government's last minute announcement of the date of the second round and financial difficulties faced by the National Independent Electoral Commission during election preparations. On March 5, the mayor of Abomey was arrested and questioned over allegations of possible tampering with ballot materials; however, the charges were dropped on March 14. The law prevented private citizens and the press from declaring or predicting election results (see section 2.a.).

In June the National Assembly passed a bill to extend members' terms from four to five years; however, the constitutional court ruled the amendment unconstitutional on July 9.

Individuals and parties could freely declare their candidacy and stand for election. There were no government restrictions on political opponents. No single party or group has dominated politics. In the wake of the landslide victory of Boni Yayi, new political parties formed to support the new president and his program.

There were six women in the 83 seat National Assembly and five female ministers in the 23 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 two of 77 indirectly elected mayors.

Minority ethnic groups were well represented in government agencies, civil service, and the armed forces. In the National Assembly, 19 members were from the Goun Nago Yoruba ethnic group, 15 from the Bariba, and 10 from the Somba Dendi and other smaller groups. Seven cabinet ministers are from the Bariba-Somba and Dendi ethnic groups and 16 are from the Fon, Goun-Nago-Yoruba, and smaller

ethnic groups.

Government Corruption and Transparency

Official corruption was widespread. President Boni Yayi committed himself to combating corruption in the country and advancing good governance in the management of public affairs. He initiated financial audits in government ministries and state owned enterprises to identify perpetrators and assess the scope of public embezzlement. On December 7, the minister of finance released an overview of the results of the audits and announced that approximately 300 individuals were responsible for embezzling \$46 million. At year's end the names of the individuals had not been released.

Police and government officials investigated allegations that Rogatien Biaou, former minister of foreign affairs, and Thomas Guedegbe, former director of administration at the foreign ministry, were involved in the unauthorized sale of land adjacent to the UN permanent representative's residence in New York in 2005. The public prosecutor of the court of Cotonou claimed he could not prosecute a case against ex-Minister Biaou, but that only the high court of justice could do so, and Biaou was released on February 22 after spending 48 hours in police custody. At year's end Guedegbe remained in pre-trial detention with criminal charges against him pending.

On April 18, a parliamentary investigative committee issued a report concluding involvement of three former government ministers in the embezzlement of two million dollars (one billion francs) budgeted for the design and creation of a national computerized voter registry. On July 18, the National Assembly voted to bring Alain Adihou, minister of institutional relations in the former government, before the High Court of Justice. In addition, Adihou was accused of not returning an official four wheel drive vehicle purchased for his use while in office. Adihou was arrested on October 25 and was in pre-trial detention at year's end. On December 21, a committee of the National Assembly recommended that Cosme Sehlin, former finance minister, and Valentin Houde, Adihou's predecessor as minister of institutional relations, also be brought before the court. The full assembly had not voted on this recommendation at year's end.

On June 4, Sefou Fagbohoun, a wealthy businessman and president of the political party African Movement for Democracy and Progress was arrested for his alleged involvement in the mismanagement of, and embezzlement of funds from, former fuel distribution parastatal SONACOP. At year's end Fagbohoun remained in pre-trial detention.

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 Non-governmental 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.

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

Domestic violence against women was common. The penal code prohibits domestic violence, and the penalty 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 an internal family matter. 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.

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

FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Approximately 17 percent of women in the country have undergone FGM, although the figure was higher in certain regions, like Atacora (45 percent) and Borgou (57 percent), and among certain ethnic groups. For example, more than 70 percent of the women in the Bariba, Yoa Lokpa, and Peul ethnic groups 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 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 (50,000 francs) to \$200 (100,000 francs). Those who performed the procedure, usually older women, profited from it. NGOs and others 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 banners. NGOs also addressed this issue in local languages on local radio stations.

Prostitution, especially child prostitution, was a problem even though the law prohibits it. Penalties for prostitution included imprisonment of six months to two years and fines of \$800 (400,000 francs) to \$8,000 (4 million francs).

Sexual harassment was very common. Until recently, sexual harassment was not explicitly prohibited; however, on July 17, the National Assembly passed a law prohibiting sexual harassment and offering protection for victims of sexual harassment. Under the law, which was promulgated on September 5, persons convicted of sexual harassment faced sentences of one to two years in prison and fines ranging from \$200 (100,000 francs) to \$2,000 (one million francs). The law also provides for penalties for persons who are aware of sexual harassment offenses and do not report them.

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 NGO community 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 polygamy. In practice women experienced discrimination in accessing employment, credit, and equal pay.

Children

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 was 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 had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Primary education was compulsory for all and tuition free for girls; however, in some parts of the country, girls received no formal education, and parents paid tuition for both boys and girls because many schools had insufficient funds. The government offered books at reduced prices to promote children's access to primary schools and to enhance the quality and relevance of schooling received. According to the UN Children's Fund (UNICEF), primary school enrollment was approximately 90 percent of boys and approximately 60 percent of girls nationwide; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent, compared with 50 percent for men. However, recent elementary school pass rates for girls have increased.

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

The 2004 family code prohibits marriage under 14 years of age; however, the practice continued in rural areas, and underage (under 18 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 practitioners operated 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 in the problem.

The penal code prohibits child prostitution; however, enforcement was frequently lax, and the commercial sexual exploitation of children was a problem (see section 5, Trafficking). Some street children became prostitutes to support themselves.

Trafficking in children also remained a problem. Some trafficking of children occurred in connection with the forced servitude practice called *vidomegon*, in which children worked in a voluntary arrangement between two families (see section 5, Trafficking).

Child labor, although illegal, remained a problem (see section 6.d.).

There were numerous street children, most of whom did not attend school and had limited access to government resources.

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 adult persons. There were widespread reports that persons were trafficked to, from, and within the country.

The country was a source, transit point, and destination for trafficked persons, primarily children 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 them over to another stranger for vocational training or education; *trafic-gage*, indentured servitude in which a child was forced to work off a 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, 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 promised educational opportunities or other incentives.

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 for better grades. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

The penal code prohibits kidnapping and prostitution. 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.

On January 30, the National Assembly passed a law against child trafficking; President Boni Yayi promulgated the law on April 5. The new law 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 (50,000 francs) to \$10,000 (five million francs). The law states that individuals who are aware of child trafficking offenses and do not report them shall face fines of \$20 (10,000 francs) to \$100 (50,000 francs).

On July 9, along with 23 other West and Central African countries, the government signed an agreement and adopted an action plan to combat trafficking. Regional efforts also continued between heads of state of concerned countries to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims.

During the year the government augmented its efforts to arrest and prosecute traffickers. From January 2005 to October 2005, the government prosecuted 83 trafficking cases, 20 of which resulted in convictions and prison terms of three months to one year.

UNICEF and other donors have supported the Ministry of Family to establish, equip and train more than 1,100 local committees since 1999 to combat child trafficking through community surveillance and monitoring. The Brigade for the Protection of Minors, under the jurisdiction of the Ministry of the Interior, fought crimes against children. The government worked with NGOs to combat child trafficking, using media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately. 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 farms. Efforts included the provision of food, shelter, medical treatment, and subsequent placement in educational and vocational programs. 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. Government efforts to reunite trafficked children with their families continued during the year; 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.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the freedom to form and join unions, and the government generally respected these rights in practice. 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, with only a small percentage of the population engaged in the formal (wage) sector. Although

approximately 75 percent of government workers belonged to labor unions, a much smaller percentage of workers in the private sector were union members.

Police arrested the secretary general of a stevedores' union on September 15 and three union members posting strike notices on walls on September 16 for disturbing the peace. After holding the individuals in police custody for two days, the public prosecutor questioned them and ordered their release. No charges were filed.

The labor code prohibits antiunion discrimination. Employers may not take union membership or activity into account regarding 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 in practice. The labor code provides for collective bargaining, and workers freely exercised these rights. The government sets wages in the public sector by law and regulation.

Workers must provide three days advance notice before striking; however, authorities can declare strikes illegal for a variety of causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. Workers exercised their right to strike during the year. 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 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.

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, there were reports that such practices occurred, and trafficking was a problem (see sections 5 and 6.d.). The law provides for imprisonment involving compulsory labor, and judges sentenced convicts to compulsory labor for various crimes during the year.

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 rural 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 (see section 5). A majority of children working as apprentices were under the legal age of 14 for apprenticeship.

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 (see section 5). In some cases these agents took the children to neighboring countries for labor (see section 5). 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 the abuse of child domestic servants occurred.

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 and to prevent compulsory labor by children, including 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 administratively set minimum wage scales for a number of occupations. The minimum wage was approximately \$60 (30,000 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, although many domestics and other laborers in the informal sector earned less.

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 enforce this.