



2008 Human Rights Report: Benin

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Benin is a constitutional democracy with a population of 7.9 million. In 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 and formed a majority with a group of 13 National Assembly members from minor political parties. This coalition proved unstable and at year's end the National Assembly was at a standstill, with the opposition majority group blocking all outstanding bills. International observers viewed both the presidential and legislative elections as generally free and fair. However, municipal and local elections held on April 20 and May 1 were marred by numerous irregularities, protests, and credible allegations of fraud. 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 some areas. A blunder by security forces resulted in one death and injuries. There were reports that police occasionally used excessive force. Vigilante violence resulted in deaths and injuries. Harsh prison conditions and arbitrary arrest and detention with prolonged pretrial detention continued. Impunity and corruption were problems. Women were victims of violence and societal discrimination, and female genital mutilation (FGM) was commonly practiced. 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, on February 13, security forces killed a man and seriously injured three other persons in Wawata-Zounto, a village in the south, while intervening in a brawl between two local groups over a land access issue. A group of people was attempting to open a road across a plot of land without the landowner's permission. A brawl broke out when the landlord, accompanied by supporters, tried to prevent the trespassers from opening the road. The gendarmes who responded to restore order then were threatened with machetes and sticks; they fired on the crowd, killing one local resident and seriously injuring three. No action was taken against the gendarmes.

The police generally ignored vigilante attacks, and 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 stealing. For example, on June 23, residents of a Cotonou suburb caught a young man stealing a can of gas. They beat him and stabbed him to death. The police came to the crime scene to file a report, but made no concerted effort to investigate or arrest those involved in the killing.

b. Disappearance

There were no reports of politically motivated disappearances.

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. Beatings in custody were reportedly commonplace.

There was no further information regarding the February 2007 incident when presidential guards shot and injured two persons for failing to obey instructions when President Yayi's motorcade passed. At the time, the guards were reportedly arrested.

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

Mob violence resulted in deaths and injuries. For example, on November 25, a motorbike-taxi driver alerted the residents of a Cotonou neighborhood that four individuals were allegedly trying to steal his motorbike. A crowd armed with clubs and machetes pursued the four individuals, caught two of them, and beat them. Both died from the injuries they sustained. No investigation was carried out by the police and there were no arrests.

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 eight civil prisons were filled far beyond their capacity.

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, although not with the most violent convicts or those convicted of crimes subject to the death penalty.

The government permitted prison visits by human rights monitors. Nongovernmental organizations (NGOs) and religious groups continued to visit prisons. Organizations that visited prisons during the year included the International Committee of the Red Cross, Amnesty International, the local chapter of Prison Brotherhood, CARITAS, and Prisoners without Borders.

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 in conducting investigations related to gender-based crimes and 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 during the year; however, serious problems remained, including widespread corruption and impunity. Police continued to extort money from

travelers at roadblocks.

Arrest and Detention

The constitution requires arrest warrants based on sufficient evidence and issued by a duly authorized official and requires a hearing before a magistrate within 48 hours; under exceptional circumstances the magistrate may authorize continued detention not to exceed eight days. Detainees have the right to prompt judicial determination and the right to prompt lawyer access after being 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 judicial decisions 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.

There were credible reports that the gendarmes and the police 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 it was commonly believed – and acknowledged by some judicial personnel - that the judicial system at all levels was susceptible to corruption. Nevertheless, there were no reports that judicial employees were sanctioned or arrested on corruption charges during the year.

The president appoints career magistrates as judges in civil courts. The president is assisted in this responsibility by the High Judicial Council that serves also as a disciplinary committee for magistrates and considers pardon cases that the president submits. 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. 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 official responsibilities.

In October 2007 the Constitutional Court ruled that the First Instance Court of Ouidah violated provisions of the African Charter on Human and People's Rights and the Beninese Constitution when it delayed the transmission of a citizen's appeal to Cotonou's Court of Appeals.

Military disciplinary councils deal with minor offenses by members of the military services; they 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. If administrative or informal remedies are unsuccessful, 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. There were reports that security forces intimidated and brutalized journalists. The government occasionally inhibited freedom of the press. The law criminalizes libel, and numerous journalists faced pending libel charges. The law prohibits private citizens and the press from declaring or predicting election results. Journalists practiced self-censorship.

On August 13 a parliamentary correspondent complained to the Beninese Union of Media's Workers (UPMB) that the head of the military detachment stationed at the National Assembly threatened him with death, allegedly because he published articles criticizing a government policy. There was no further action on this matter.

A September report published by the NGO Human Rights, Peace and Development stated that the government awarded "communication contracts" to private media for propaganda purposes, adversely influencing the exercise of freedom of the press.

In December 2007, gendarmes brutalized and arrested a private television station's technician who was on a reporting mission in the southeast of the country. The technician was later released without charge, and no charges were filed against the gendarmes. 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 reports that the law was invoked 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 restricted 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 under embargo.

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

The 2007 National Report on Press Freedom said that judges were often lax in prosecuting libel cases. At the end of 2007, 150 libel cases were still pending before the first instance court of Cotonou, and a report from the judiciary indicated that the court continued to receive libel cases against journalists during the year; however, as in 2007, judges generally refrained from prosecuting them. In February 2007, the court sentenced three journalists and an executive of a private media group to six-month prison sentences without parole and imposed heavy damages and fines for publishing a story alleging that the sacking of a former minister was linked to his mismanagement of a public housing project. The journalists and the executive filed an appeal and were not jailed pending resolution of their appeal; the appeal was reportedly settled amicably during the year.

The government penalized journalists who published items counter to government guidelines. On January 21 the general director of the official National Printing and Press Corporation (ONIP) relieved a journalist of his duties at the editorial offices of the government-owned newspaper La Nation and transferred him to ONIP's communication department because he allegedly published articles counter to the government's guidelines.

The High Authority of Audiovisual and Communication (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 HAAC claimed that the information was used for administrative purposes; however, some journalists complained that it was a form of harassment.

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 authorities sometimes cited "public order" to deny requests for permits from opposition groups, civil society organizations, and labor unions.

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 registration or 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, and no reports of anti Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce vehicle safety and customs regulations, many checkpoints served as a means for police and gendarmes 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 commonly 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 and depart freely; the government did not enforce designated entry points. Disputes sometimes 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. 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 or the 1967 protocol, authorities direct them to the Immigration Office to apply for a residence permit.

The government continued to permit Togolese refugees residing in local communities and refugee camps to participate in most economic activities and to enroll their children in local schools. In April 2007, UNHCR and the governments of Benin and Togo signed a tripartite agreement to organize the voluntary repatriation of Togolese refugees. As a result, during 2007 a total of 2,064 Togolese refugees returned to Togo, 941 of them through the UNHCR's voluntary repatriation program. During the year, approximately 350 Togolese refugees returned to Togo through the UNHCR voluntary repatriation program.

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 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. A group of 13 National Assembly deputies from minor political parties (the G-13) joined the FCBE to form a majority of 48 seats in the National Assembly. During the year, the G-13 dissolved the coalition amidst political tension and the FCBE was left with its initial 35 seats. The G-13 sided with opposition parties and formed a blocking majority, which remained the situation at year's end.

International observers viewed both the presidential and legislative elections as generally free and fair. However, fraud allegations and irregularities marred the April 20 and May 1 local and municipal elections. Voters filed hundreds of appeals with the Supreme Court, which annulled results in a number of communes and ordered new elections and recounting of votes in constituencies where results were disputed.

Individuals and parties could freely declare their candidacy and stand for election. There were no government restrictions on political opposition. No single party or group has recently dominated politics.

There were eight women in the National Assembly and 4 female ministers in the 30 member cabinet. Two of seven justices on the Constitutional Court were women. The president of the High Court of Justice also was a woman.

The country has no majority ethnic group. Diverse 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, and Yoruba ethnic groups, 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, 15 were from the Fon, Goun, and Adja ethnic groups, and three were from the Yoruba and Nago ethnic group.

Government Corruption and Transparency

Official corruption remained widespread. President Yayi continued his 2006 anticorruption initiative. He invited Tymon Ratlholo, the head of the Botswana Directorate on Corruption and Economic Crime, to conduct sensitization and experience sharing sessions on corruption for officials, businessmen and students in November and December.

No formal action was taken by year's end on the 2007 finding by the State Audit Office (IGE) that approximately

300 civil servants may have embezzled 23 billion CFA francs (approximately \$46 million). The IGE had turned its findings over to the Ministry of Justice for further investigation and possible action.

In June 2007 the NGO Front of National Anticorruption 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 they could be questioned by the IGE; however, their immunity was not lifted by year's end.

One of the three former government ministers accused in 2006 of embezzling one billion CFA francs (approximately \$2 million), Alain Adihou, remained in pretrial detention at year's end. Of the other two, Cosme Sehlin was released on bail in 2006 and Valentin Houde was exonerated.

A June 6 Supreme Court ruling ordered the provisional release without bail of Sefou Fagbohoun, a businessman and political leader arrested for alleged mismanagement and embezzlement from the parastatal SONACOP in 2006. He was released on July 3, and joined the National Assembly as a deputy on July 7.

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. During the year, the Watchdog provided awareness and training sessions for ministry officials on issues of transparency in public contracts and impunity in the public administration. The Watchdog also trained judicial personnel on the UN Convention Against Corruption and the African Union Convention on Preventing and Combating corruption.

There are no laws providing 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. The government met with domestic NGO monitors through the Advisory National Human Rights Council.

Local human rights NGOs included 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 were independent. Some local NGOs have formed networks for more efficient implementation of their programs and to pool resources.

The government cooperated with international organizations. During the year, representatives of the CPT and of the UN Committee on the Elimination of Discrimination Against Women visited the country. Following its visit, the CPT made wide-ranging recommendations. On November 19, the World Committee Against Torture and the International Federation of Action by Christians for the Abolition of Torture, in conjunction with the Ministry of Justice, Legislation and Human Rights and local NGOs, held a follow-up seminar to consider the recommendations made by the CPT and to map out strategies for the implementation of these recommendations by the government.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law prohibits rape, but enforcement was weak due to police ineffectiveness, victims' unwillingness to refer cases to the police for fear of social stigma, and corruption. The penal code does not make a distinction between rape in general and spousal rape. Sentences for rape convictions ranged from one to five years' imprisonment. No reliable data was available to estimate the extent of the problem.

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 were reluctant to intervene in domestic disputes; society generally considered such cases to be internal family matters. The local chapter of a regional NGO, Women in Law and Development Benin and the Female Jurists Association of Benin, offered social, legal, medical, and psychological assistance to victims of domestic violence. The Office of Women's Promotion under the jurisdiction of the Ministry of Family and Solidarity is responsible for protecting and advancing women's rights and welfare.

Female genital mutilation (FGM) was practiced on girls and women from infancy up to 30 years of age, and generally took the form of excision. Approximately 17 percent of women have undergone FGM; the figure was higher in some regions, including Atacora (45 percent) and Borgou (57 percent), and among certain ethnic groups; 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. Those who performed the procedure, usually older women, profited from it. The law prohibits FGM and provides for penalties for performing the procedure, including prison sentences of up to 10 years and fines of up to six million CFA francs (approximately \$12,000); however, the government generally was unsuccessful in preventing the practice. Individuals who were aware of an incident of FGM but did not report it potentially faced fines ranging from 50,000 to 100,000 CFA francs (\$100 to \$200). Enforcement was rare, however, due to the code of silence associated with this crime.

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. There were credible reports that tourists visiting the Pendjari National Park in the far northwest of the country used the services of prostitutes, many of them minors. It was not clear whether these tourists operated through a local or an international network, or whether they came to the region primarily for sex tourism.

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 400,000 to four million CFA francs (\$800 to \$8,000) 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 one million to ten million CFA francs (\$2,000 to \$20,000). Although there are no penalties in the penal code for prostitutes, the belief that prostitution is illegal is widespread, and police often raid brothels to arrest prostitutes to deter the practice; the prostitutes are then released without being charged with any offense.

Sexual harassment was common, especially of female students by their male teachers. In 2006 the National Assembly passed a law prohibiting sexual harassment and offering protection for victims. Under the law, persons convicted of sexual harassment face sentences of one to two years in prison and fines ranging from 100,000 to one million CFA francs (\$200 to \$2,000). The law also provides 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 this specific law was not enforced, judges used other provisions in the penal code to deal with sexual abuses involving minors.

Although the constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive discrimination, especially in rural areas where they traditionally occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas women dominated the informal 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 polygamy. In practice women experienced discrimination in obtaining employment, credit, and equal pay, and in owning or managing businesses. During the year, the government granted micro credits to the poor, especially to women in rural areas to help them develop income-generating activities. An estimated 450,000 people benefited from this micro credits project.

Children

The government has stated publicly its commitment to children's rights and welfare, but it lacked the resources to carry out 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.

Particularly in rural areas, parents often did not declare the birth of their children, either out of ignorance or because they could not afford the fees for birth certificates. A 2001 survey indicated that a quarter of children under 18 were not registered at birth. This could result 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 has supported the free registration of children who need to take the primary school leaving exam. (Without a birth certificate children may attend primary school but cannot take the exam.) UNICEF and the NGO CRS/World Education have supported the government's campaign to register every birth.

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 voluntarily paid tuition for their children because many schools had insufficient funds. The government offered books to pupils at reduced prices. According to the UN Children's Fund (UNICEF), primary school enrollment was approximately 90 percent for boys and 60 percent for girls; 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 male literacy—estimated to be approximately 50 percent—was at least twice as great as female literacy.

FGM was commonly practiced on girls; see section 5, Women, above.

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. Local NGOs reported that the ongoing practice was concealed by the community.

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

Through the traditional practice of "vidomegon," poor, generally rural, families placed a child in the home of a wealthier family. The child received living accommodations, while the child's parents and the urban family that raised the child split the income generated by the child's activities; however, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Vidomegon was traditionally intended to provide better educational opportunities and a higher standard of living for children of poor families; however, this practice has made children more vulnerable to labor exploitation and to trafficking. Up to 95 percent of the children in vidomegon were young girls.

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 or of access to the courts or fear of police involvement.

Child prostitution was a problem. Some children, including street children, engaged in prostitution to support themselves.

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, but no law prohibits trafficking in adults. However, the government has used laws that prohibit human smuggling and the labor code to prosecute traffickers.

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. 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. There were no reports of trafficking of adults.

The penal code prohibits child prostitution; however, enforcement was limited, 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.

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. No statistics were available on the number of cases.

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 50,000 to five million CFA francs (\$100 to \$10,000). Individuals who are aware of child trafficking offenses and do not report them can be fined 10,000 to 50,000 CFA francs (approximately \$20 to \$100).

During the year the government continued its efforts to arrest and prosecute traffickers. In January and February, the Minor Protection Brigade (BPM), under the Ministry of Interior and Public Security, arrested six child traffickers. On August 7, in the commune of Materi, security forces arrested a trafficker who attempted to cross the Benin-Burkina Faso border with three children destined for labor exploitation in Burkina Faso.

During the year, in cooperation with the concerned countries, the brigade rescued 222 trafficking victims en route to and from the following countries: Nigeria, Gabon, Côte d'Ivoire, Cameroon, Mali, and the Republic of Congo. It brought a total of 58 individuals involved in child trafficking to the Court of Cotonou. Victims spent a few days at the BPM's shelter before they were sent, in conjunction with the Ministry of Family and Solidarity, to other shelters for further social investigation towards their reintegration.

In 2006, together 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. On November 18, the government of Cameroon in conjunction with the government of Benin arranged the return of 21 Beninese who were rescued from a shipwreck off the Cameroonian coast. Among those were nine trafficked children whom the BPM sent to shelters for reintegration.

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. During the year, activity focused on child trafficking in northern Benin. The BPM sought to prevent crimes against children and investigated cases of child trafficking and other crimes committed against children. It arrested traffickers, rescued victims, and worked towards their social reintegration. 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. Resource constraints, prevailing cultural attitudes, and a lack of interagency coordination prevented the government from meeting minimum standards for the elimination of trafficking.

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.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

Discrimination against persons with physical and mental disabilities is not prohibited by law; 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 limited effectiveness during the year. The Office of Labor under the Ministry of Labor and Civil Service is responsible for protecting the rights of persons with disabilities.

Other Societal Abuses and Discrimination

There were no reports of overt societal discrimination or violence based on a person's sexual orientation.

There were no reports of overt discrimination or violence based on HIV/AIDS status. Since 2006 it has been 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 independent unions of their choice without previous authorization or excessive requirements, and the government generally respected these rights. Workers have the right to strike, and they exercised it during the year. 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.

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. 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 Merchant Marine Code grants seafarers the right to organize, but not the right to strike.

b. The Right to Organize and Bargain Collectively

The labor code 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.

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.

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 in the agricultural, fishing, commercial, and construction sectors, and trafficking in persons was a problem.

The law provides for imprisonment with compulsory labor, and during the year judges sentenced convicts to forced 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 was under the legal age for apprenticeship of 14. For example, in Tchatchegou, a small village in the north, children worked with adults in a granite quarry located within view of the main north-south highway.

Forced child labor and prostitution by street children were problems. Children under 14 work in either the formal or informal sectors in the following activities: agriculture, hunting and fishing, industry, construction and public works, trade/vending and food/beverage, transportation, and communication and other services, including employment as household staff.

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 labor office under the Ministry of Labor and Civil Service enforced the labor code ineffectively 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 30,000 CFA francs (approximately \$60) 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 enforced the minimum wage; however, its efforts were impeded by the small number of labor inspectors. Significant parts of the work force and foreign workers were not covered by minimum wage scales.

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 and prohibits excessive compulsory 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.