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Benin

Country Reports on Human Rights Practices - [2005](#)

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The Republic of Benin is a constitutional democracy with a population of 7.2 million. In 2001 President Mathieu Kerekou was inaugurated for a second consecutive five-year term in multiparty elections that observers generally viewed as free but not entirely fair. The March 2003 parliamentary elections, which were generally free, fair, and transparent, resulted in a loss of seats by the opposition, which holds 18 of 83 seats. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems in several areas were exacerbated by poverty and official corruption. The following human rights problems were reported:

- police use of excessive force
- vigilantism and mob justice
- harsh prison conditions
- arbitrary arrest and detention
- prolonged pretrial detention
- judicial corruption
- forcible dispersion of demonstrations
- violence and societal discrimination against women
- female genital mutilation (FGM)
- trafficking and abuse of children, including infanticide
- child labor, including forced and compulsory child labor

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, police used excessive force on occasion, which resulted in deaths (see section 2.b.).

On February 25, police killed two persons and wounded several others when an operation to evict persons suspected of illegally occupying a building turned into a violent confrontation. No action was taken against the responsible police.

On September 14, prison officers killed one prisoner and injured nine others during an attempted prison break. Although no investigation was conducted, observers believed police used appropriate force.

During the year incidents of 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 March 3, for example, a mob intercepted five suspected criminals attempting to hijack a foreign embassy car and burned one of the five 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. 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 law prohibits such practices; however, there were credible reports during the year that police sometimes beat those in custody.

Police forcibly dispersed demonstrations during the year, resulting in one death and numerous injuries (see section 2.b.).

Police also entered homes without warrants and beat the occupants (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 justice ministry, 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.

Juveniles at times were held 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 continued to visit prisons.

d. Arbitrary Arrest or Detention

The law prohibits 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. During 2004 several police officers were dismissed for corruption.

Arrest and Detention

The law 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's office 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.

Police arbitrarily arrested numerous demonstrators during the year (see section 2.b.).

There were no reports of political detainees.

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 law provides 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 operated on national and provincial levels, and there were two courts of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The constitutional court determined the constitutionality of laws, disputes between the president and the National Assembly, and disputes regarding presidential and legislative elections. It also had jurisdiction in human rights cases. During the year the constitutional court declared unconstitutional certain provisions of the electoral law bill passed on July 18, noting those provisions could potentially exclude some candidates. There was also a high court of justice to try the president and ministers for crimes related to their professional responsibilities.

Trial Procedures

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

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 dealt with minor offenses by members of the military services but had no jurisdiction over civilians.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice; however, security forces entered private homes and beat the occupants during the year. The law requires police to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice, but there were exceptions.

On June 7, soldiers (possibly gendarmes) without search warrants entered homes in Fidjrosse, Cotonou, and beat the occupants, including women and children. The soldiers claimed it was retaliation for the alleged beating of their colleagues by the town's residents. No action was taken against the responsible soldiers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. During the year there were reports that the government attempted to suppress unfavorable articles.

The law 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.

Unlike in the previous year, there were no reports that the government ordered the removal of billboards it found objectionable.

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 because of their urban concentration 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. During the year ODEM charged 20 newspapers for violating its professional and ethical standards.

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.

During the year there were unconfirmed reports that members of the president's staff harassed private newspapers that expressed opposition to government policies.

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

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, security forces forcibly dispersed numerous demonstrations during the year, which resulted in one death and numerous injuries. No action was taken against security forces responsible for such actions during the year. 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.

In January police briefly detained numerous secondary students who participated in a student demonstration.

On March 8, Togolese organizers announced that they would hold a rally with or without government permission after repeatedly being denied permission to demonstrate. On March 9, approximately 100 demonstrators gathered in Cotonou. Police initially informed the group that they would not be allowed to march but subsequently announced that permission "from the top" had been granted. The police then reportedly were notified that permission had been rescinded, and they were authorized to disperse the crowd by any means necessary. Using nightsticks and tear gas, the police dispersed the crowd and arrested some participants.

On March 23, at the University of Abomey-Calavi, police forcibly dispersed a demonstration of students and professors who were protesting the government-appointed rector.

On May 2, police used tear gas to disperse an unauthorized protest organized by the Nigerian community. When the demonstrators began to loot and destroy property, police shot and killed one of the participants. Numerous persons were injured, and approximately 20 persons were briefly detained.

No action was taken against security forces who violently dispersed demonstrations in 2004; one person was killed, and numerous persons were injured.

Freedom of Association

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

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides 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 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, and granted refugee status or asylum. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol. The government cooperated with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian

organizations in assisting refugees. After the April elections in Togo, approximately 25 thousand Togolese fled their country. As of August 8, 24,731 Togolese had registered as refugees in the country. Approximately 42 percent of these refugees were living in refugee camps, while the remainder resided in host communities. Despite severe economic pressures that limited its ability to provide education for children, the government allowed Togolese refugees to enroll their children in local schools and permitted their participation in most economic activities.

In 2004 the UNHCR determined that the more than 200 Ogoni refugees from Nigeria could safely return home and were no longer entitled to refugee status. No Ogoni were forcibly returned to Nigeria; however, the UNHCR ran incentive programs to encourage their repatriation and reduced food and housing subsidies to the Ogoni.

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

The law provides 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

Observers viewed the March 2003 national assembly elections as generally free and fair; however, opposition parties charged that there were some irregularities. The March 2003 national assembly elections resulted in a loss of seats by the opposition, notably the Rebirth of Benin (RB), the primary opposition party led by former president Nicephore Soglo. A second opposition party, led by former prime minister Adrien Houngbedji, joined the government coalition, leaving only Soglo's party and the minor Star Alliance (AE) party in the opposition. The RB held 15 of the National Assembly's 83 seats; AE held 3 seats.

Observers viewed the 2001 reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of campaign expenditures made by the president's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. No members of the opposition were in the president's cabinet or in the National Assembly's Executive Committee.

On July 18, the National Assembly passed an election law bill that provides specific rules for the 2006 presidential elections, including a controversial six-month residency requirement for presidential candidates. The law generated widespread opposition by observers, who charged that the residency requirement was politically motivated to exclude certain candidates. On July 26, the constitutional court rejected the residency requirement and returned the bill to the National Assembly for revision. As of year's end, the National Assembly had not revised the bill.

There were 5 women in the 21-member cabinet and 6 women in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The president of the constitutional court was a woman as was the president of the high court of justice.

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.

Government Corruption and Transparency

Official corruption was widespread; however, unlike in the previous year, no government officials were prosecuted for corruption. During the year President Kerekou reiterated senior officials of his cabinet were involved in corruption and related offenses, a charge he also made publicly in 2003.

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

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

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Domestic violence against women, including wife beating, was common. The law prohibits domestic violence, and the penalty ranged from 6 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 a 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 Borou (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 in prison and \$10,000 (6 million CFA francs); however, the government generally was unsuccessful in preventing the practice. 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 awareness of the dangers of the practice, and the government cooperated with its 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. Sentences for prostitution included imprisonment of 6 months to 2 years and a fine of \$800 (400,000 CFA francs) to \$8,000 (4 million CFA francs).

The law does not prohibit sexual harassment, and it occurred.

Although the law 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 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 polygyny. Regulations to implement the code fully had not been promulgated by year's end.

Children

The government has stated publicly its commitment to children's rights and welfare, but it lacked the resources to fulfill 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. Unlike in the previous year, when strikes by teachers seriously disrupted the school year, schools have remained open since the January 14 resolution of the teachers' strike (see section 6.b.).

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

The law prohibits child 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 are 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, limited access to the courts, or fear of police involvement in the problem.

The law prohibits child prostitution; however, enforcement was frequently lax, and the commercial sexual exploitation of children was a problem (see section 5, Trafficking).

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. Some street children became prostitutes to support themselves.

Trafficking in Persons

Although no law specifically prohibits trafficking in persons, the government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children. The criminal code prohibits kidnapping and prostitution. The country was a source, transit, and destination for trafficked persons, primarily children.

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. Penalties for the trafficking of minors for prostitution ranged from 2 to 5 years' imprisonment with a fine of \$2 thousand (1 million CFA francs) to \$20 thousand (10 million CFA francs).

On June 9, the government signed an agreement with Nigeria to prevent, suppress, and punish trafficking in persons. On July 20, the government signed a regional accord with nine other West and Central African countries 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 sharply increased its efforts to arrest and prosecute traffickers. From January to October, there were 137 trafficking related arrests and 44 convictions. Police also intercepted traffickers and recovered children at the border. For example, on January 21, police intercepted and recovered 15 child victims of trafficking.

The traditional practice of *vidomegon*, in which poor, often rural, families placed a child in the home of a more wealthy family to avoid the burden the child represented to the parental family, increasingly involved abuse. While originally a voluntary arrangement between two families, the child often faced forced labor, long hours, inadequate food, and sexual exploitation. Approximately 90 to 95 percent of the children in *vidomegon* were young girls. Children were sent from poorer families to Cotonou and then sometimes on to Gabon, Cote d'Ivoire, and the Central African Republic to help in markets and around the home. 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.

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, 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 have been trafficked to country for indentured or domestic servitude. Trafficked children generally came from poor rural areas and were promised educational opportunities or other incentives.

According to a 2000 UNICEF study, four distinct forms of trafficking occurred in the country. "Trafic-don" was when children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. "Trafic-gage" was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. "Trafic-ouvrier" involved children of ages 6 years to 12 years, who worked as artisans, construction laborers, or agricultural or domestic workers. This was the most common variant, estimated to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. Finally, "trafic-vente" was the outright sale of children.

Child prostitution mainly involved girls whose poor families urged them to become prostitutes to provide income. Some children were abused sexually by teachers who sought sex for better grades and lured to exchange sex for money by older men who acted as their "protectors." Unlike in previous years, there were no reports of sexual tourism or reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. NGOs and international organizations organized assistance to child prostitution victims and worked on prevention programs.

During the year the government provided the 15-member national child protection committee with training and logistical support, including flashlights, bicycles, and other equipment. Committee members were drawn from the government, police, and child welfare organizations.

The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, 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.

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 ran 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 state 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 organize, join unions, and meet, and the government generally respected these rights in practice. The labor force of approximately two 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.

The labor code prohibits employers from taking 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 individuals were dismissed 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. There are no export processing zones.

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.

On January 20, after the government agreed to a 7 percent pay increase, teachers returned to work, ending a nationwide strike that began in August 2004. Although some students lost nearly a year of instruction, the 2004-05 school year was not invalidated.

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 for certain acts or activities related to the exercise of the right of free expression (see section 2.a.); no such sentences were imposed 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. The Ministry of Labor enforced the labor code in a limited manner and only in the formal sector due to the lack of inspectors. To help support their families, children of both sexes--including those as young as seven years old--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 financially desperate 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. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see section 5). Also, 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 abused child domestic servants.

The government took steps to educate parents and to prevent compulsory labor by children. The government undertook media campaigns, regional workshops, and public pronouncements on child labor problems. The government worked with a network of NGOs and journalists to educate the population about child labor and child trafficking.

The Ministry of Family, in conjunction with the labor ministry and the Justice Ministry, continued a 2003 program to fight child labor in major cities.

e. Acceptable Conditions of Work

The government administratively set minimum wage scales for a number of occupations. The minimum wage was approximately \$50 (25 thousand CFA francs) per month; however, the minimum wage did not provide a decent standard of living for a worker and family. Many workers had to supplement their wages by subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage, although many domestics and other laborers in the informal sector earned less.

The law establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least a 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week. The authorities generally enforced legal limits on workweeks in the formal sector.

The code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform 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.

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