
BENIN – Tier 2

Benin is a country of origin, transit, and destination for women, children, and possibly men subjected to forced labor and sex trafficking. The majority of identified victims are girls subjected to domestic servitude or sex trafficking in Cotonou, the administrative capital. The practice of *vidomegon*, which traditionally provided educational or vocational opportunities to children by placing them in the homes of wealthier families, is now used to exploit children in domestic servitude. Children are forced to labor on farms, in commercial agriculture— particularly in the cotton sector—in artisanal mines, at construction sites, or as street or market vendors to produce or hawk items. Children from Burkina Faso, Nigeria, Togo, and Niger are also in forced labor in these sectors; Togolese girls are exploited in prostitution in Benin. Cases of child sex tourism, involving both boys and girls, were reported in the Department of Mono and on the shores of the Bight of Benin. In northern Benin, children in Koranic schools, known as *talibe*, are exploited in forced begging by Koranic teachers known as *marabout*. The majority of child trafficking victims are from the northern regions of Benin, and many are recruited and transported to Republic of the Congo, Nigeria, Gabon, and, to a lesser extent, Niger, Cote d’Ivoire, Ghana, and Guinea-Bissau, where they are forced to labor in homes, mines, quarries, restaurants, street vending, and on cocoa farms. The majority of child victims intercepted in Benin, either from Benin or other West African countries, are *en route* to exploitation in Nigeria. Beninese adult and child trafficking victims have also been identified in Lebanon and the United Kingdom. Ghanaian and Nigerian women are trafficked into domestic servitude and forced prostitution in Benin.

The Government of Benin does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, it finalized draft anti-trafficking legislation that prohibits and prescribes penalties for the trafficking of adults, which awaits parliamentary approval. It continued its efforts to prosecute and convict child labor traffickers and to protect their victims, though authorities focused on intercepting trafficking transit situations rather than rescuing persons from exploitation.

During the reporting period, the government identified 170 potential child trafficking victims and convicted 20 individuals for unlawfully transporting them. Although the government also initiated prosecution of six offenders for their involvement in the trafficking of adults, it failed to systematically investigate such

cases or provide protective services to adult victims identified in or repatriated to Benin in 2012. It also did not investigate or prosecute any sex trafficking or forced labor offenses or cases that did not involve the movement of victims within Benin or across borders. Anti-trafficking progress was stymied by the government's failure to adequately fund and capacitate the Office for the Protection of Minors (OCPM), the Ministry of Family, and the Ministry of Labor.

Recommendations for Benin: Finalize and enact draft legislation to criminalize all forms of trafficking consistent with the 2000 UN TIP Protocol; increase efforts to convict and punish trafficking offenders, including use of existing statutes to prosecute sex trafficking and forced labor crimes, as well as the trafficking of adults; ensure adequate sentencing of convicted trafficking offenders, including the increased imposition of prison sentences rather than fines; develop systematic procedures for the proactive identification of victims—including those found to be in situations of forced labor—and their subsequent referral to care; train law enforcement officials on relevant legislation and identification and referral procedures; greatly increase funding to the OCPM, the Ministry of Labor, and the Ministry of Family to ensure they can adequately carry out their responsibilities for inspecting worksites for trafficking crimes and providing support to victims; improve efforts to collect law enforcement data on trafficking offenses and make these data available to other government agencies and the public; and launch a nationwide anti-trafficking awareness campaign.

Prosecution

During the reporting period, the government maintained its anti-trafficking law enforcement efforts with regard to child labor trafficking and initiated its first prosecution of an adult labor trafficking suspect; however, it took no discernible prosecutorial action against sex trafficking or forced labor not involving movement of victims. Existing laws do not prohibit all forms of trafficking. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking criminalizes all forms of child trafficking and prescribes penalties of 10 to 20 years' imprisonment. These penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, the Act focuses on prohibiting and punishing the movement of children rather than their ultimate exploitation and prescribes much lower penalties—six months to two years' imprisonment or fines—for actual trafficking crimes involving labor exploitation which are not sufficiently stringent. The country's penal code outlaws procuring or offering of someone for prostitution and the facilitation of prostitution and prescribes punishments of six months to two years' imprisonment, while the labor

code prohibits forced labor and prescribes punishments of two months to one years' imprisonment or a fine. These punishments are neither sufficiently stringent nor commensurate with punishments prescribed for other serious crimes, such as rape. In September 2012, the government, in partnership with UNODC, completed drafting comprehensive anti-trafficking legislation which includes prohibitions and penalties for the trafficking of adults; the finalized draft awaits parliamentary approval.

During the year, the Ministry of the Interior's OCPM investigated 63 cases and referred 19 suspects to the Court of Cotonou for prosecution. In its first prosecution involving the trafficking of adults, in May 2012, OCPM apprehended and referred six suspects to the Court of Cotonou who are alleged to have coordinated employment for Beninese women in Lebanon and procured their travel documents. Outside the capital, the government convicted 20 individuals for the illegal movement of children under Act 2006-04, compared to 25 offenders convicted in 2011; sentences ranged from a six-month suspended prison term to two years' imprisonment and fines equivalent to approximately \$20 to \$600. These penalties were lower than those applied in the previous reporting period and were inadequate to deter the commission of trafficking crimes. Due to a backlog in the courts, ten similar prosecutions remained pending at the close of the reporting period. The government failed to investigate or prosecute any sex trafficking offenses, forced labor on worksites, or cases in which victims were not moved within Benin or across borders, as all offenders prosecuted were Beninese and discovered transporting children for intended labor exploitation.

OCPM, a specialized unit responsible for all criminal cases involving children, remained understaffed, underfunded, and without adequate office supplies, transportation, and fuel to conduct investigations and provide immediate victim assistance. The National Police Academy provided 1,000 senior and entry-level police officers with training on counteracting child trafficking, as part of its broader training on child rights and protection. During the year, the Ministry of Justice began drafting specific trafficking training modules for the police, *gendarmes*, social workers, and judges. The government did not report efforts to investigate, prosecute, convict, or sentence government officials allegedly complicit in human trafficking crimes, including individuals in the Benin diplomatic corps who reportedly protected traffickers or sought to hinder the repatriation of child trafficking victims to Benin.

Protection

The government sustained efforts to protect potential forced child labor victims during the year, though it did not provide protective services to adult victims or identify victims of commercial sexual exploitation or forced labor. The OCPM identified 170 potential child labor trafficking victims by interviewing the children it took into custody, compared to 249 identified in 2011; the majority of these children identified in 2012 were Beninese, though trafficked children from Burkina Faso, Gabon, Ghana, Niger, Nigeria, and Togo were also identified. OCPM provided them temporary shelter, as well as legal, medical, and psychological services in a transit center staffed by government and NGO personnel, but located on police premises in Cotonou, before referring them to long-term NGO shelters. For example, in January 2013, security forces intercepted and the OCPM subsequently identified 12 Togolese and Ghanaian children who were allegedly destined for domestic servitude in Nigeria; the children were assisted at OCPM's transit center before government officials traveled with them to Togo for placement in an NGO-run shelter. OCPM worked with the Ministry of Family to return Beninese children to their families, typically after schooling or vocational training provided by the Ministry of Family had been secured. Officials with the Ministries of Family, Justice, and Interior worked in partnership with UNICEF and NGOs to coordinate placement of child trafficking victims with host families who provided additional care to children prior to reinsertion into their home communities. Government social workers provided counseling for such children, while an NGO provided financial support to cover their basic needs. Through their broad services in support of victims of crime and vulnerable groups, 85 centers for social promotion (CSP) under the Ministry of Family, offered basic social services, food, and temporary shelter to trafficking victims throughout the country, particularly in rural areas where such services were scarce and in the reintegration of victims into their home communities. The OCPM did not encourage child victims to take part in investigations or court proceedings unless a judge required it, preferring not to expose them to potential additional trauma. Although the Beninese government partnered with the Congolese government on the repatriation of at least eight Beninese trafficking victims under a bilateral agreement, it failed in 2012 to carry out joint investigations or extraditions of charged defendants—a key component of this agreement. During the year, the government identified one and assisted in the repatriation of two adult labor trafficking victims. The Ministry of Foreign Affairs reported the efforts of its consulate in Beirut to assist Beninese women who encountered forced labor or prostitution in Lebanon. Although the OCPM maintained jurisdiction to assist adult trafficking victims, it and other official entities failed to shelter or provide protective services to such victims identified in or repatriated to Benin. There were no reports that victims were

detained, fined, or jailed for unlawful acts committed as a direct result of being trafficked. However, the government neither made systematic efforts to identify adult trafficking victims nor employed any mechanism for screening individuals in prostitution, which may have left victims unidentified in the law enforcement system.

Prevention

The government made minimal efforts to prevent trafficking in persons during the year. Although government ministries worked in partnership with international organizations to carry out awareness campaigns, the labor inspectorate failed to combat child labor trafficking and the anti-trafficking coordinating body—the Trafficking and Exploitation Technical Working Group of the National Monitoring and Coordination Working Group for Child Protection—similarly failed to undertake efforts during the year. In July 2012, the government adopted the National Plan for the Elimination of the Worst Forms of Child Labor (2012-2015); however, the government has not yet allocated funding to implement the plan. The Ministries of Justice and Family held sessions to raise awareness of child trafficking and the related provisions under Beninese law, specifically in source communities. For example, during October 2012 in Kandi, officials raised awareness of the commercial sexual exploitation of children. In June 2012, as part of the World Day of Action Against Child Labor, the government, in cooperation with the ILO, UNICEF, and UNHCR, raised awareness on the worst forms of child labor, including child trafficking. The Joint Nigeria-Benin Committee to Combat Child Trafficking continued its coordinating efforts aimed at reducing child labor trafficking from Zakpota, Benin to quarries in Abeokuta, Nigeria and facilitated the repatriation of ten child trafficking victims from Nigeria during the year. In September 2012, during an ILO-funded training, Ministry of Labor officials provided instruction on techniques to combat child labor to officials, including judges in the children’s courts, *gendarmes*, police, local authorities, mining operators, and CSP staff. Inspectors with the Ministry of Labor and the Civil Service’s Office of Labor imposed administrative penalties, resulting in fines, even for serious labor violations, some of which likely included trafficking crimes. In addition, there was no mechanism to coordinate efforts and casework between these offices and the OCPM. Effectiveness of the labor inspectorate remained limited by an inadequate number of inspectors and insufficient resources to conduct inspections. The government took no systematic steps to reduce the demand for commercial sex acts or forced labor both within the country and transnationally during the reporting period. It provided Beninese troops with anti-

trafficking training prior to their deployment abroad on international peacekeeping missions, though such training was conducted by a foreign donor.