

A Human Rights Report on Trafficking in Persons, Especially Women and Children

Benin



Population: 8,791,832

Population Growth Rate: 2.977%

Birth Rate: 39.22 births/1,000 population

Life Expectancy: total population: 59years; male: 57.83 years; female: 60.23 years

Literacy Rate: total population: 34.7%; male: 47.9%; female: 23.3%

Net Migration Rate: 0 migrant(s)/1,000 population

Unemployment Rate: NA

Gross Domestic Product per Capita: \$1,500

Religions: Christian 42.8% (Catholic 27.1%, Celestial 5%, Methodist 3.2%, other Protestant 2.2%, other 5.3%), Muslim 24.4%, Vodoun 17.3%, other 15.5%

Languages: French (official) xx%, Fon and Yoruba (most common vernaculars in south) xx%, tribal languages (at least six major ones in north) xx%

Ethnic Groups: Fon and related 39.2%, Adja and related 15.2%, Yoruba and related 12.3%, Bariba and related 9.2%, Peulh and related 7%, Ottamari and related 6.1%, Yoa-Lokpa and related 4%, Dendi and related 2.5%, other 1.6% (includes Europeans), unspecified 2.9%

Capital: Porto-Novo¹

Trafficking Routes

Internal trafficking involves young Beninese women and children who are trafficked from rural areas to cities including Cotonou, Porto-Novo, Parakou, and Bohicon.

Children are also trafficked to Togo, Nigeria, Ghana, Gabon, Côte d'Ivoire, Cameroon, and Guinea.² Each year, more than 10,000 children who were intended to be trafficked outside of Benin are denied access to pass the border. The village of Za-Kpota, notoriously known as the child-trafficking capital of the West African region, accounts for 70 percent of all cases reported in Benin.³

Beninese women are trafficked to Belgium, France, and Germany; however, Benin is reported to be a destination country for children trafficked from Niger, Togo Burkina Faso, and Nigeria.⁴

Hundreds of young children, including babies, are trafficked from Africa to Britain; some of these children are taken via Benin, Ghana, and other West African states to transit cities in Europe.⁵ The trafficking routes, trafficking networks, and organized crime have made it almost impossible to identify exact trafficking routes within Benin.⁶

¹ CIA, THE WORLD FACTBOOK 2009, <https://www.cia.gov/library/publications/the-world-factbook/geos/bn.html>.

² *Id.* at 1.

³ *Id.* at 1.

⁴ *Id.* at 1.

⁵ *Children for Sale: Baby Offered for 2,000 Pounds, Two Boys for 5,000 Pounds, Victims Trafficked into Servitude, for Fraud or Prostitution.* THE SUNDAY TELEGRAPH, Jan. 27, 2008.

⁶ Lucy Bannerman, *I Don't Know Why I was Given to that Lady*, UK TIMES ONLINE, Mar. 23, 2007, available at: http://www.timesonline.co.uk/tol/comment/leading_article/article1554796.ece.

Factors That Contribute to the Trafficking Infrastructure

Trafficking in African women and children for forced prostitution or labor is exacerbated by war, poverty, lack of employment and educational opportunities, large family size, and problems with or lack of birth registrations. Over 33 percent of Benin's population lives below the national poverty line, and an estimated 14 percent of its population lives in extreme poverty.⁷

Benin, along with Togo, has one of the greatest problems with child trafficking of all the countries in West and Central Africa. At any time, more than 40,000 children are thought to be victims of trafficking in Benin.⁸

Twenty-six percent of children are working in Sub-Saharan Africa, which is the highest proportion in any region of the world.⁹ One-sixth of the people living in Sub-Saharan Africa will not be able to escape poverty in their lifetime based on their current economic situation, which makes Africa the only continent in the world where the proportion of those in poverty is increasing. Poverty is known to be one of the largest contributing factors to human trafficking infrastructure.

An unstable educational system perpetuates that poverty. Forty-seven million African children are not in school, and only one in three children who begin primary school will finish.¹⁰ Education Minister Christine Ouinsavi stated one girl in three is not in school.¹¹ This statistic is relevant to trafficking due to the direct correlation between trafficking of young girls and education. Without education or being educated on the issue, these girls become ideal targets for human trafficking.

Forty-four percent of African children are under the age of 15, and it is expected that there will be 50 million orphans in 2010 due primarily to the fact that two-thirds of people infected with HIV/AIDS live in Africa.¹² Almost 50 percent of Benin's population of over 6 million is under the age of 15.¹³ Child prostitution is most prevalent in urban areas of Benin, and mainly involves young females. These children are often forced into domestic, commercial, and agricultural labor after agreeing to promises of employment.¹⁴

Certain cultural norms have also been identified as contributing factors. *Vidomegon* is a practice in which impoverished families send their children to wealthier families to work as domestic help or market assistants in exchange for the children's housing and food.¹⁵ It begins as a voluntary arrangement in which parents intend to improve the children's prospects, but instead the children are often subjected to poor conditions including long hours, insufficient food, and sexual abuse. Families also give their children to labor agents, whom the parents may believe will place them in a farm labor or domestic servant position and send wages home.¹⁶ Most agents

⁷ INTERNATIONAL LABOUR OFFICE GENEVA, THE END OF CHILD LABOUR: WITHIN REACH; GLOBAL REPORT UNDER THE FOLLOW-UP TO THE ILO DECLARATION ON FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK (2006).

⁸ INTERNATIONAL ORGANIZATION FOR MIGRATION, BENIN: FACTS AND FIGURES, <http://www.iom.int/jahia/Jahia/benin>.

⁹ FRANCIS T. MIKO, CONGRESSIONAL RESEARCH SERVICE REPORT FOR CONGRESS, TRAFFICKING IN PERSONS: THE U.S. AND INTERNATIONAL RESPONSE(2006), available at: <http://italy.usembassy.gov/pdf/other/RL30545.pdf>.

¹⁰ ILO *supra* note 7.

¹¹ CIA *supra* note 1.

¹² ILO *supra* note 7.

¹³ CIA *supra* note 1.

¹⁴ *Id.*

¹⁵ CRS *supra* note 9.

¹⁶ *Id.*

will take the children to other countries to work without the parents' awareness or consent, and never send them earned wages.¹⁷

Child fosterage, an accepted practice in West Africa, involves children's parents sending them to live and further bond with other family members or family friends while receiving education or job training.¹⁸ The historic prevalence of this practice somewhat normalizes trafficking. If a family is in extreme poverty circumstances in which the parents are unable to provide food to their children, they are less hesitant to give their children to traffickers that promise to provide them access to opportunities. The traffickers simply substitute for an extended family in this regard. Voodoo used to intimidate girls into keeping secret their traffickers' identities also helps to continue the cycle of trafficking.¹⁹ [E: the voodoo reference seems to need more explanation?]

In addition, there is no sense of gender equality in Benin. Despite a 2004-promulgated new family code that improves women's inheritance, property, and marriage rights, women's rights within the family are often ignored.²⁰ This leads to the dehumanization of females, often allowing men to treat them more as material goods than as people.

Forms of Trafficking

Child labor and sexual exploitation are the predominant forms of trafficking. Children are trafficked within Benin to work in handicrafts, in construction, as market vendors, or as beggars. Children are trafficked to Togo to work on plantations, as well as to Nigeria to work in rock quarries.²¹ Children from Niger, Togo, and Burkina Faso are sometimes trafficked for debt payment that their family may owe to an agent. Children are trafficked for farm labor to Nigeria, Gabon, Côte d'Ivoire, and Ghana.²²

Children are also trafficked to Ghana as female slaves or *trokosi*. [E: addition ok? think we need to tie Benin to Ghana here] A tradition involving the use of *trokosi*, meaning "slaves of the gods" or "wives of the gods," is still practiced today in the southern Volta Region and Greater Accra Region of Ghana.²³ This tradition dictates that young female virgins be brought to a shrine to compensate for a crime or transgression committed by their families, perhaps even generations earlier.²⁴ The girls live as slaves to the shrine's priest. If a girl dies, the family sends a new girl to replace her. The *trokosi* work in the household, clean the shrine, and are used as sex slaves.²⁵

¹⁷ *Id.*

¹⁸ ELŻBIETA M. GOŹDZIAK, ANTHROPOLOGICAL QUARTERLY, ON CHALLENGES, DILEMMAS, AND OPPORTUNITIES IN STUDYING TRAFFICKED CHILDREN (2008), available at: http://muse.jhu.edu/journals/anthropological_quarterly/v081/81.4.go-dziak.html.

¹⁹ UNITED NATIONS OFFICE OF DRUGS AND CRIME (UNODC), MEASURES TO COMBAT TRAFFICKING IN HUMAN BEINGS IN BENIN, NIGERIA, AND TOGO (2006), available at: http://www.unodc.org/documents/human-trafficking/ht_research_report_nigeria.pdf.

²⁰ FREEDOM HOUSE, FREEDOM IN THE WORLD, 2007: BENIN (2007). available at: http://www.freedomhouse.org/uploads/press_release/benin_FIW_07.pdf.

²¹ ILO *supra* note 8.

²² *Id.*

²³ THE GLOBAL CAMPAIGN TO STOP KILLING AND STONING WOMEN, "TROKOSI" – RITUAL SERVITUDE AND SEXUAL ABUSE, (2009), available at: <http://www.stop-stoning.org/node/133>.

²⁴ *Id.*

²⁵ *Ghana; Aflao Trokosi 'Liberation' Halter*, AFRICA NEWS, Nov. 23, 2005.

Government Responses

In 1961, Benin was one of the first African countries to pass a comprehensive anti-human trafficking law. This was called the 5 July 1961 Act and prohibited the displacement of children, women, and men without their consent.²⁶

Currently, the main legal frameworks are the national laws, such as the penal code and the constitution. In articles 354-355-C, the penal code discusses the issue of human trafficking in great depth.²⁷ This penal code has been supplemented a number of times, including by the aforementioned 1961 act.

Smuggling or attempting to smuggle a person into the country with the intention of “alienating” the freedom of that person is prohibited.²⁸ This offense is punishable by a fine and imprisonment for two to five years. Persuading a woman by deceit, coercion, or violence to satisfy the passion of another is also forbidden.²⁹ The law prohibits helping a person create or maintain a lifestyle of prostitution and debauchery by hiring or training the person, sharing in the proceeds, or acting as an intermediary in the process.³⁰ The law bans maintaining a brothel.³¹ The law further prohibits the “abduction, concealment, or suppression of a child.”³²

Under the labor code, the minimum legal age for employment of children in Benin is 14.³³ Although the age of consent for marriage is 15 years for females and 18 years for males,³⁴ the legislation does not specifically prohibit early or forced marriages, which are allowed under customary laws.³⁵ Transferring minors below the age of 18 outside the territory of Benin is prohibited, unless the minor carries a special permit issued by the subprefect in his or her place of residence.³⁶

The problem is that Benin has not backed up its antitrafficking ambitions with financing.³⁷ This new law addresses the issue of trafficking in Benin in a more contemporary fashion than the 1961 law, responding to the stipulations laid out in the Palermo Protocol.³⁸ In the new law, “exploitation” is expanded to refer to all forms of slavery, child soldiers, child prostitution, or “any other activity prejudicial to his/her health, security, or morality.”³⁹ The law also is expanded to protect minors from vulnerable situations by providing for their return to their hometown or placement in foster care if it is in their best interest.⁴⁰ The new law specifically punishes parents who traffic, or facilitate the trafficking of, their own child and

²⁶ Rino Kamidi, *A Legal Response to Child Trafficking In Africa: A Case Study of South Africa and Benin* (2007), Unpublished Doctoral Dissertation, WESTERN CAPE TOWN UNIVERSITY, South Africa, p. 30-38.

²⁷ *Id.*

²⁸ Decree of 12 December 1905, article 1.

²⁹ Decrees of 7 February and 23 August 1912.

³⁰ Law of 13 April 1946, article 334.

³¹ Article 335 of Bouvenet Criminal Code.

³² Article 345 of Criminal Code, Section VI.

³³ Labor Code, Ordinance No.33-PR/MFPTT of 1967, articles 107 and 108.

³⁴ Article 144 of Civil Code, Benin.

³⁵ CHILD RIGHTS INFORMATION NETWORK, GLOBAL MONITORING REPORT ON THE STATUS OF ACTION AGAINST COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (2007), available at: <http://www.crin.org/violence/search/closeup.asp?infoID=11970>

³⁶ Law No.61-20 of 5 July 1961.

³⁷ *Supra* note 20.

³⁸ *Supra* note 26.

³⁹ Art 4. 2006 Act of Palermo Protocol.

⁴⁰ *Supra* note 20.

demands a punishment of six months to five years.⁴¹

The Ministry of Justice collects trafficking crime statistics through a new national unit, the Police Minors' Protection Brigade. Police and ministry officials collaborate with nongovernmental organizations and international organizations to increase awareness about trafficking.⁴² The government has established an informational system known as the BenInfo to gather information on human trafficking in Benin.⁴³

Nongovernmental and International Organizations Responses

Education First, funded by the U.S. Department of Labor and implemented by Catholic Relief Services (CRS) Benin, World Education, and Terre des Hommes International Federation, re-enrolls trafficked and at-risk children in school. It also created an alternative school in northern Benin that has afternoon class hours to accommodate day-working children.⁴⁴ This helps to educate children of the risks of trafficking.

UNICEF Goodwill Ambassador Angelique Kidjo toured her home country of Benin in 2007 for a week to raise awareness about the rights of children, including education and the protection against trafficking.⁴⁵ Kidjo recorded her own version of Jimi Hendrix's "Voodoo Child"⁴⁶ for a musical campaign intended to connect the plight of African victims to Western countries through use of a Western song.

UNICEF, the Beninese National Radio and Television (ORTB), and others co-produced the film, *Les Inseperables*. The four-part film, written and created in Benin, tells the story of a brother and sister sold to a female trafficker by their father, without their mother's knowledge. ORTB broadcast all four episodes.⁴⁷ This idea of a TV series raising awareness, advocating for rights, and educating potential victims has been used worldwide and is considered generally to be very effective.

CRS is also working to combat human trafficking in Benin with the support of a U.S. Department of Labor grant.⁴⁸

Multilateral Initiatives

In 2005, Benin signed the Agreement Between the Republic of Benin and the Federal Republic of Nigeria on the Prevention, Repression, and Abolition of Human Trafficking,

⁴¹ Art 16, 2006 Act of Palermo Protocol.

⁴² UNITED STATES AGENCY OF INTERNATIONAL DEVELOPMENT, USAID ANTI-TRAFFICKING IN PERSONS PROGRAMS IN AFRICA: A REVIEW (2007), available at: http://www.usaid.gov/mz/doc/misc/anti_trafficking_persons.pdf.

⁴³ COMMITTEE ON THE RIGHTS OF THE CHILD FOCUSING ON PARTICIPATION, PROTECTION, AND VIOLENCE AGAINST CHILDREN AND YOUTH, BENIN: 43RD SESSION CONCLUDING OBSERVATIONS, (2006).

⁴⁴ Catholic Relief Services Benin, *Combating Child Trafficking in Benin*, www.crs.org/benin.

⁴⁵ UNICEF envoy Angelique Kidjo spotlights rights of children in Benin, UN NEWS SERVICE, Sep. 11, 2007, available at: <http://allafrica.com/stories/200709110895.html>.

⁴⁶ *Benin Diva Kidjo Lulls Girls into School with Song*, REUTERS, Sep. 13, 2007, available at: <http://www.reuters.com/article/idUSL13789467>.

⁴⁷ 'Les inséparables' Films Help Combat Child Trafficking in Benin and Worldwide, UNICEF BENIN, Jul. 10, 2007, available at: http://origin-www.unicef.org/infobycountry/benin_40276.html.

⁴⁸ THE ROLE OF FAITH-BASED ORGANIZATIONS IN UNITED STATES PROGRAMMING IN AFRICA, FDCH CONGRESSIONAL TESTIMONY, Sep. 28, 2006, available at: http://www.globalsecurity.org/military/library/congress/2006_hr/060928-transcript.pdf.

Especially Women and Children.⁴⁹ This agreement, composed of 23 articles, affirms the nations' commitment to the Economic Community of Western African States (ECOWAS) plan of action, the Palermo Protocol, and the necessity of international cooperation. Benin, an active member of ECOWAS, has worked diligently with the surrounding nations to combat trafficking. In addition, Benin signed the ECOWAS Declaration, a straightforward document condemning human trafficking, as well as the Multilateral Agreement to Combat Trafficking in West Africa.⁵⁰

The Benin government also signed a memorandum of understanding with Nigeria's National Agency for Prohibition of Traffic in Persons and Other Related Matters in 2006.⁵¹

⁴⁹ *Supra* note 26.

⁵⁰ *Supra* note 26.

⁵¹ OSITA AGBU, UNGIFT, REVISITING CORRUPTION AND HUMAN TRAFFICKING IN NIGERIA: ANY PROGRESS? (2008), available at: http://www.ungift.org/docs/ungift/pdf/vf/backgroundpapers/OsitaAgbu_1.pdf.