



2016 Trafficking in Persons Report - Benin

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BENIN: Tier 2 Watch List

Benin is a source, transit, and destination country for women, children, and men subjected to forced labor and sex trafficking. Most identified victims are Beninese girls subjected to domestic servitude or sex trafficking in Cotonou. The practice of *vidomegon*, which traditionally provided educational or vocational opportunities to children by placing them in the homes of wealthier families, is sometimes used to exploit children in domestic servitude. Children from Benin and neighboring countries 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. A 2013 study cited more than 7,800 children subjected to labor exploitation in the markets of Cotonou, Porto-Novo, and Parakou. Togolese girls are exploited in prostitution in Benin. Cases of child sex tourism involving both boys and girls in Mono and on the shores of the Bight of Benin have been reported in previous years. In northern Benin and Nigeria, *marabouts*, Koranic teachers, exploit Beninese children in forced begging in Koranic schools. Most Beninese child trafficking victims are from the northern regions, and many are recruited and transported to neighboring countries where they are forced to labor in homes, mines, quarries, restaurants, markets, and on cocoa farms. The department of Oueme in southeast Benin was reportedly a primary area of recruitment for child trafficking victims. Most child victims intercepted in Benin, either from Benin or other West African countries, are exploited or intended for exploitation within the country. Benin is the largest source country for trafficking victims in the Republic of the Congo; Beninese victims are also subjected to trafficking in Nigeria, Gabon, and Lebanon. West African women are exploited in domestic servitude and forced prostitution in Benin. At least one Moldovan trafficking victim was identified in Benin during the reporting period.

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Benin is placed on Tier 2 Watch List. The government decreased prosecution, protection, and prevention efforts. During the reporting period, the government identified 131 potential child trafficking victims and convicted four traffickers for the illegal movement of these children. However, authorities continued to focus on intercepting traffickers and victims in transit rather than rescuing victims from exploitation in the country. The government did not systematically investigate instances of trafficking of adults or provide protective services to adult victims. Anti-trafficking legislation – including prohibitions and

penalties for the trafficking of adults – remained pending review by the Ministry of Justice (MOJ) for the fourth consecutive year. Inadequate funding and staffing for the Office for the Protection of Minors (OCPM), the Ministry of Family (MOF), and the Ministry of Labor (MOL) continued to hinder anti-trafficking progress. The government did not make efforts to investigate alleged government complicity.

RECOMMENDATIONS FOR BENIN:

Finalize and enact legislation to criminalize all forms of trafficking consistent with the 2000 UN TIP Protocol; increase efforts to investigate, prosecute, convict, and adequately sentence offenders of sex and labor trafficking of adults and children, including complicit officials, via existing statutes; develop systematic procedures for proactive victim identification – 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; increase funding to OCPM, MOL, and MOF to ensure they can adequately inspect worksites for trafficking crimes and provide support to victims; improve efforts to collect law enforcement data on trafficking offenses and make it available to other government agencies and the public; and launch a nationwide anti-trafficking awareness campaign.

PROSECUTION

During the reporting period, the government decreased its anti-trafficking law enforcement efforts. Existing laws do not prohibit all forms of trafficking. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (act 2006-04) criminalizes all forms of child trafficking, prescribing penalties of 10 to 20 years' imprisonment. 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 of imprisonment or fines – for actual trafficking crimes involving labor exploitation; these penalties are not sufficiently stringent. The penal code outlaws procuring or offering someone for prostitution and the facilitation of prostitution and prescribes punishments of six months to two years of imprisonment. The labor code prohibits forced labor and prescribes punishments of two months to one year of imprisonment or a fine. These punishments are neither sufficiently stringent nor commensurate with punishments prescribed for other serious crimes, such as rape. Comprehensive anti-trafficking legislation that includes prohibitions and penalties for the trafficking of adults has remained pending MOJ review since the draft was completed in September 2012.

During the year, the Ministry of the Interior's OCPM – a specialized unit responsible for all criminal cases involving children – investigated 49 cases of child trafficking and 12 cases of exploitative child labor, compared with 102 cases of child trafficking and four cases of exploitative child labor in the previous reporting period. The government did not systematically investigate the trafficking of adults. OCPM referred 12 suspects to the courts for prosecution, compared with 19 suspects in the previous reporting period. MOJ reported convicting four offenders for child trafficking and the illegal movement of children, which may have included trafficking crimes, under act 2006-04, a decrease compared with 10 convicted in 2014, but did not report sentencing details for these convictions. However, courts routinely release convicted traffickers held in pre-trial detention before handing down suspended sentences. In one case, the government detained an alleged trafficker who forced two girls into domestic servitude in Nigeria and confessed he acted in collusion with a child trafficking network, which officials began to investigate during the reporting period.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Allegations of complicity involving Beninese diplomatic personnel resurfaced in the previous reporting period. Instead of assisting in the

placement of child trafficking victims among care providers, consular staff allegedly colluded with complicit officials in a destination country to return victims to a trafficking network. Immigration officials in Cotonou also allegedly supplied falsified travel documents to facilitate the illegal movement of children as adults.

PROTECTION

The government decreased efforts to protect child trafficking victims during the year and made no efforts to identify adult victims or provide them protection. OCPM identified 131 potential trafficking victims in 2015, compared with 220 in 2014. OCPM provided the children temporary shelter and legal, medical, and psychological services, before transferring victims to long-term NGO shelters; however, the government failed to provide financial or in-kind support to NGOs providing such care. Officials with the Ministries of Family, Justice, and Interior worked in partnership with an international organization 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 under the MOF offered basic social services, food, and temporary shelter to trafficking victims throughout the country, particularly in rural areas where such services were scarce, and reintegration of victims into their home communities. Officials and NGO stakeholders in destination countries noted re-trafficking was an issue once victims returned to Benin, with the parents often sending the children or their siblings back to the trafficker to uphold their initial agreement to send children. In August 2013, Beninese and Gabonese officials met to finalize an agreement for cooperation on child trafficking, although this remained incomplete at the end of the reporting period for the second consecutive year. The government did not make systematic efforts to identify adult trafficking victims or employ any mechanism to screen individuals in prostitution for trafficking, which may have left victims unidentified in the law enforcement system.

PREVENTION

The government made decreased efforts to prevent trafficking in persons. The anti-trafficking coordinating body – the Trafficking and Exploitation Technical Working Group of the National Monitoring and Coordination Working Group for Child Protection – did not meet during the year, nor did its six affiliated working groups. The government engaged local authorities and traditional leaders in child trafficking prevention. The government has local child protection committees in 33 communities throughout the country to raise awareness, detect trafficking networks, and reintegrate victims, but it did not report any committee activities during the year. With support from a foreign donor, the government trained police officers, social assistants, local civil society organizations, and journalists to identify and re-integrate children as part of a project on migrant children in West Africa. During two five-day trainings MOL, in partnership with an international organization, trained 60 print and radio journalists on child sex and labor trafficking and subsequently disseminated information in local languages throughout villages and communities in the northern and southern Benin. In November 2015, MOL hired an additional 25 labor controllers, 31 labor inspectors, and five labor administrators. Labor inspectors generally imposed administrative penalties, resulting in fines, even for serious labor violations, some of which likely included trafficking crimes. The government took no systematic steps to reduce the demand for commercial sex acts or forced labor both within the country and abroad during the reporting period. It provided its troops with anti-trafficking training prior to their deployment abroad on international peacekeeping missions, conducted by a foreign donor. The government did not provide anti-trafficking training for its diplomatic personnel.

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