

UNEDITED VERSION

CONCLUDING OBSERVATIONS

CRC/C/BEN/CO/2
29 September 2006

COMMITTEE ON THE RIGHTS OF THE CHILD
Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding Observations

Benin

1. The Committee considered the second periodic report of Benin (CRC/C/BEN/2) at its 1181st and 1183rd meetings (see CRC/C/SR.1181 and 1183), held on 20 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report as well as the written replies to its list of issues (CRC/C/BEN/Q/2 and Add.1) which allowed for a clearer understanding of the situation of children in the State party. The Committee also notes with appreciation the frank and constructive dialogue with the high-level delegation of the State party, which included experts from relevant State institutions.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes several laws and regulations adopted in the reporting period aimed at protecting and promoting the rights of children, inter alia:
 - (a) Act No. 2006/04 of 5 April 2006 setting out conditions for the displacement of minors and the suppression of trafficking in children in Benin;
 - (b) Act No. 2006/31 of 5 April 2006 on Prevention, Care and Support related to HIV/AIDS;
 - (c) Act No. 2002-07 of 24 August 2004 containing the Persons and Family Code;
 - (d) Act No. 2003-04 of 3 March 2003 on suppression of female genital

mutilation;

(e) Act. No. 2003-04 of 3 March 2003 on sexual and reproductive health; and

(f) Inter-ministerial order No. 16/MEPS/METFP/CAB/DC/SGM/SA of 1 October 2003 on sanctions for perpetrators of sexual abuse in public or private, general, technical or vocational secondary schools or educational establishments.

4. In addition, the Committee notes with appreciation the establishment of new institutions aimed at protecting and promoting the rights of the child, such as the National Commission on the Rights of the Child (le Comité National des Droits de l'Enfant), as well as the national unit to monitor and coordinate child-protection activities (la cellule nationale de suivi et de coordination des activités de protection de l'enfant).
5. The Committee welcomes the publication in the Official Gazette of the Convention on the Rights of the Child on 5 September 2006 which makes it part of the written law of the land.
6. The Committee welcomes the ratification of or accession to a number of international human rights instruments, including:
 - a) The Optional Protocol on the sale of children, child prostitution and child pornography, on 25 May 2000;
 - b) The Optional Protocol on the involvement of children in armed conflict, on 25 May 2000;
 - c) Convention No. 138 concerning Minimum Age for Admission to Employment, on 11 June 2001;
 - d) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 28 May 2001;
 - e) The United Nations Convention against Transnational Organized Crime, together with its three additional protocols, on 6 November 2003; and
 - f) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 20 September 2006.

C. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation

(articles 4, 42 and 44, paragraph 6 of the Convention)

Committee's previous recommendations

7. The Committee notes with satisfaction the State party's efforts to address various concerns and recommendations (CRC/C/15/Add.106) made upon the consideration of the State party's initial periodic report (CRC/C/3/Add.52)

through legislative measures and policies. However, some of the concerns it expressed and recommendations it had made regarding, inter alia, data collection, non-discrimination, right to life, violence, abuse and neglect, alternative care, health, education, trafficking, and the juvenile justice system, have not been sufficiently addressed.

8. **The Committee urges the State party to make every effort to address the recommendations issued in the concluding observations on the initial report that have been only partly implemented or not implemented at all, and to address the list of concerns and recommendations contained in the present concluding observations on the second periodic report.**

Legislation

9. While welcoming measures taken to strengthen the legal framework on child rights and bring national legislation into conformity with the Convention, notably the Persons and Family Code and the draft Children's Code, the Committee notes that the national legislation in some areas, inter alia corporal punishment, has still not been brought into full conformity with the Convention.
10. **The Committee recommends that the State party continue to strengthen its efforts to provide better legal protection for children and ensure that relevant domestic laws are in full conformity with the principles and provisions of the Convention. It further recommends that the State party expedite the adoption of the Children's Code and the revision of the Penal Code and the Code of Penal Procedure.**

National Plan of Action

11. The Committee takes note of a number of action plans and programmes adopted by the State bodies involved in the promotion and protection of children's rights. The Committee also notes that the State party is in the process of elaborating a National Policy and Strategy on Child Protection. Nevertheless, the Committee is concerned that the State party has not yet adopted a national plan of action for children.
12. **The Committee recommends that the State party:**
 - a) **Adopt the National Policy and Strategy on Child Protection;**
 - b) **Develop and implement a national plan of action and ensure that it is clearly oriented towards the rights of the child as enshrined in the Convention, that it covers all areas of the Convention and takes into account the outcome document of the 2002 UNGA Special Session on children, "A World Fit for Children";**
 - c) **Integrate all other action plans and programmes under the national plan of action to avoid a fragmented approach to the implementation of child rights; and**
 - d) **Provide the mechanisms, regulations and budgetary and human resources necessary for the effective implementation of this national plan of action.**

Coordination

13. The Committee notes the measures taken by the State party to improve the coordination of implementation of the Convention at both central and local levels, including the National Commission on the Rights of the Child and recently the national unit to monitor and coordinate child-protection activities. The Committee also takes note of the establishment of departmental committees and the intention to establish municipal committees on the rights of the child. Nevertheless, the Committee is concerned that there is a need to improve the multi-sectoral coordination of efforts on behalf of children and young people at all levels, including regional and local levels.
14. **The Committee recommends that the State party continue and strengthen its efforts to improve the coherency and coordination of all the activities for the implementation of the Convention so as to ensure effective coordination among central and local authorities as well as cooperation with children, young people, parents and non-governmental organizations (NGOs). In this respect, the Committee recommends that the State party allocate adequate human and financial resources for the effective functioning of the departmental committees and proceed with the establishment of the municipal committees on the rights of the child in order to implement programmes of prevention and promotion of human rights.**

Independent monitoring

15. While noting the information provided during the dialogue concerning the National Advisory Council on Human Rights (Le Conseil National Consultatif des Droits de l'Homme), the Committee regrets the absence of an independent and child-sensitive structure with a mandate that includes the power to receive and address individual complaints of alleged violations of the rights of the child.
16. **The Committee recommends that the State party establish an independent national human rights institution or a children's ombudsperson/child rights commissioner with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels in accordance with the Paris Principles for Independent National Human Rights Institutions (annexed to General Assembly resolution 48/134 of 20 December 1993). It recommends, taking into account the Committee's General Comment No. 2 (2002) on the role of independent national human rights institutions (CRC/GC/2002/2), that such an institution should have a mandate to receive, investigate and address complaints from the public, including individual children, and be provided with adequate financial, human and material resources. The Committee also recommends that the State party seek technical assistance from, *inter alia*, UNICEF and OHCHR.**

Resources for children

17. While noting a general increase in funds allocated to expenditures relating to children, including to basic social services, the Committee is concerned that the budgetary allocations are insufficient to ensure the implementation of the

Convention, including the effective functioning of the programmes and reforms undertaken by the State party. The Committee is also concerned at regional disparities, between rural and urban areas, and that a large number of children living in poverty do not have enough support. Furthermore, while welcoming the State party's efforts to combat corruption, the Committee is concerned at the need for strong and targeted measures to reduce the possible impact of corruption, particularly on areas such as health, education and justice.

18. The Committee recommends that the State party continue to increase its budgetary allocations to key areas for children and that the State party develop an adequate monitoring system to ensure that budgetary allocations effectively reach the most vulnerable groups and reduce regional disparities, in particular between rural and urban areas. The Committee also recommends that the State party:

- a) Pay particular attention to the full implementation of article 4 of the Convention by prioritising budgetary allocations to ensure implementation of economic, social and cultural rights of children, particular those belonging to economically disadvantaged groups, “to the maximum extent of available resources and, where needed, within the framework of international cooperation”;**
- b) Ensure that the commitment to poverty reduction is reflected in the social sector budget allocation and spending and that attainment of Millennium Development Goals (MDGs) and social sector interventions affecting children are made central to the next Poverty Reduction Strategy Paper and the national development strategy; and**
- c) Continue and strengthen its efforts to combat corruption, paying special attention to the areas of health, education and justice.**

Data collection

19. The Committee notes with appreciation the State party's efforts to collect, analyse and disaggregate statistical data on children and child rights, including the BenInfo database managed by the National Institute of Statistics and Economic Analysis. However, the Committee is concerned at insufficient data regarding the situation of children belonging to the most vulnerable groups, including child victims of violence and sexual abuse, children in alternative care, street children, children infected with HIV/AIDS, children with disabilities, and children living in poverty.

20. The Committee recommends that the State party continue to strengthen its mechanisms for data collection by establishing a central database on children and developing indicators consistent with the Convention in order to ensure that data are collected on all areas covered by the Convention and that they are disaggregated, for example, by age for all persons under 18 years, sex, urban and rural area, and by those groups of children who are in need of special protection, as mentioned in paragraph 18. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention and to

evaluate progress made. Furthermore, the Committee recommends that the State party continue to seek technical assistance from UNICEF.

Dissemination, training and awareness raising

21. The Committee is encouraged by the efforts of the State party to disseminate information about the Convention, for example the publication of the Convention in the Official Gazette on 5 September 2006, translation of the Convention into the Fon and Dendi languages and the preparation of an illustrated simplified version of the Convention. However, the Committee notes with concern that the principles and provisions of the Convention are not disseminated systematically at all levels of society, notably in rural areas and among children and that training on the Convention is not permanent and remains insufficient.
22. **The Committee encourages the State party to further disseminate the Convention, including through incorporating human rights education in the curricula of both primary and secondary schools, and to continue its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, such as judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel, and especially children themselves. The Committee also recommends that legislation on child rights be widely disseminated.**

Cooperation with civil society

23. The Committee takes note of the relationship between the Government and civil society and their mutual cooperation. The Committee also notes the active role played by civil society in the provision of services, particularly social services.
24. **The Committee emphasizes the important role that civil society plays as a partner in implementing the provisions of the Convention and encourages further cooperation with NGOs. In this respect, the Committee recommends that the State party, by being guided by the recommendations adopted on the Committee's Day of General Discussion on the Private Sector as Service Provider and its Role in Implementing Child Rights (CRC/C/121):**
 - a) **Continue and strengthen its cooperation with NGOs and involve them systematically at all stages of the implementation of the Convention as well as in policy formulation; and**
 - b) **Ensure that NGOs involved in the provision of services for children, both for profit as well as non-profit, comply with the principles and provisions of the Convention on the Rights of the Child, for example, by providing guidelines and standards for service provision.**

2. General principles (articles 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. While noting that the Constitution and other domestic laws guarantee the principle of non-discrimination, the Committee notes with concern that this principle is not fully implemented for girls, including *vidomégons* (the practice of placing children with a third part as an act of mutual assistance or family or community solidarity), children in need of alternative care, children with disabilities, street children, children infected by HIV/AIDS, children living in rural areas, and children living in poverty, in particular with regard to their access to adequate health and educational facilities.

26. The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy the rights enshrined in the Convention without discrimination, in accordance with article 2 of the Convention, by effectively implementing the existing laws which guarantee the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate *de facto* discrimination on any grounds and against all children, paying particular attention to children belonging to vulnerable groups, and prioritize social and health services and equal opportunities to education and recreational activities for these children. The Committee also encourages the State party to create a supportive and gender sensitive environment which promotes the equal rights of girls to participate in the family, at school, within other institutions, in local communities and in society in general.

27. Furthermore, the Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also taking into account the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education; CRC/GC/2001/1).

Best interests of the child

28. While the Committee notes efforts undertaken by the State party, it is concerned that according to paragraph 218 of the State party report, the general principle of the best interests of the child has not yet been clearly incorporated in the domestic legislation and is not adequately respected and implemented in practice in all domains of policy affecting children.

29. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions as well as in judicial and administrative decisions, and in projects, programmes and services that have direct and indirect impact on children. The Committee also recommends that the future Children's Code specifically provides that "the best interests of the child" is a primary consideration in all activities in conformity with article 3, paragraph 1 of the Convention and that new legislation makes clear reference to that Code. Furthermore, the Committee recommends that the

State party carry out training seminars and workshops for professionals working on children's rights as well as sensitization campaigns with various stakeholders, including traditional leaders, to promote full respect for the principle of the best interests of the child.

Right to life, survival and development

30. The Committee reiterates its concern that infanticide of so-called "sorcerer's children" motivated by traditional beliefs continues to be practiced in certain communities and on infants with disabilities or for instance children presented at birth in the breech position or children teething with the upper teeth.

31. The Committee recommends that the State party take measures, including those of a legal nature, to prevent and stop infanticide and protect infants and guarantee their right to life, survival and development. In this respect, the Committee recommends community education on child rights, including work with literacy classes and primary schools, promotion of skilled delivery in health centres with properly trained midwives as well as follow-up of newborns in the community and provision of adequate support to the NGOs and religious groups working in the field. The Committee also recommends bringing those who commit infanticide to justice.

Respect for the views of the child

32. The Committee welcomes the efforts to promote the respect of the views of the child, including the preparation of a draft law on the Children's Parliament which should institutionalize its existence and define its goals. However, the Committee remains concerned that traditional societal attitudes limit children in freely expressing their views in schools, the courts, or within the family and the community.

33. The Committee recommends that the State party:

- a) Promote and facilitate, within the family and the school as well as in judicial and administrative procedures, that children are heard and their opinions given due weight, so that children can participate in all matters affecting them, in accordance with article 12 of the Convention;
- b) Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, children themselves and society at large, on children's right to participate and to have their views taken into account; and
- c) Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.

34. Furthermore, the Committee draws the attention of the State party to the recommendations adopted on the Committee's day of general discussion on the right of the child to be heard in September 2006.

3. Civil rights and freedoms
(articles 7, 8, 13-17, 19 and 37(a) of the Convention)

Birth registration

35. While noting the measures undertaken to implement the Committee's previous recommendation, including the establishment of Registry Offices at District (Arrondissement) level and conduct of awareness raising campaigns, many children are still not registered at birth, in particular children living in remote rural communities and children from disadvantaged families.

36. The Committee recommends that the State party take all necessary measures to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that the State party provide support to the local authorities to promote a higher level of birth registration, eventually with auxiliary registry officers at village level, and launch a national campaign of mobile court hearings making complementary decisions on late birth declarations, which should be free of charge.

Access to appropriate information

37. While noting the existence of the High Authority for the Audiovisual and the Community (la Haute Autorité de l'Audiovisuel et de la Communauté) and the Cinematographic Censorship Committee, the Committee is concerned at the insufficient budgetary allocations to these mechanisms. The Committee also expresses its concern at the insufficient quality control of information intended for children and that children are exposed to harmful information, such as violence and pornography, in uncontrolled video clubs and through access to the Internet.

38. In light of article 17 of the Convention, the Committee recommends that the State party take all necessary legal and other measures to improve the quality control of information intended for children, including through allocating adequate resources to the mechanisms mentioned in paragraph 37. The Committee also recommends that the State party carry out advisory campaigns directed to parents, guardians and teachers and cooperate with, inter alia, Internet service providers in order to protect children from being exposed to harmful material such as violence and pornography in video clubs and through the Internet.

Corporal punishment

39. The Committee notes with particular concern that corporal punishment is lawful in the home and institutions. Although measures are being taken to address this issue in the context of disciplinary measures in schools, the Committee is concerned that corporal punishment in schools is not prohibited by law and that corporal punishment is widespread throughout society as a method of discipline, due to the generally tolerant attitude towards this practice.

40. The Committee recommends that the State party:

- a) Explicitly prohibits corporal punishment by law in the family, schools and institutions and implement existing prohibitions;
- b) Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment as well as an evaluation of the impact of measures undertaken so far by the State party to reduce and eliminate corporal punishment;
- c) Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of childrearing and education;
- d) Ensure that an educational program be undertaken against corporal punishment, insisting both on the child rights and psychological aspects; and
- e) Ensure recovery and social reintegration of victims of corporal punishment.

41. The Committee draws the attention of the State party to the Committee's General Comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).

4. Family Environment and Alternative Care (articles 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4); and 39 of the Convention)

Alternative care for children

42. The Committee reiterates its concern at the high number of children in need of alternative care, the insufficient capacity of alternative care facilities and the lack of support for the existing ones. The Committee also regrets the limited information and data on children placed in alternative care, particularly regarding an evaluation of the quality of care and the review of placement.

43. The Committee recommends that the State party, taking into account the recommendations adopted at the Committee's day of general discussion on children without parental care (CRC/C/153, paragraphs 636-689):

- a) Take measures to prevent the separation of children from their families;
- b) Allocate appropriate human and financial resources to ensure the provision of adequate care and protection to children deprived of a family;
- c) Provide additional training for social and welfare workers;
- d) Establish independent complaint mechanisms in respect of alternative care institutions and conduct periodic reviews for the placement of children;
- e) Establish effective evaluation mechanisms for alternative care institutions and ensure that such evaluation involves direct consultation with children; and

- f) Develop, standardize and control the quality of alternative care and related programmes and services.**

Adoption

44. While noting the efforts undertaken by the State party with regard to the revision of its adoption procedures, the Committee is concerned at the lack of information and data on intercountry, national and the so-called “informal adoptions”.

45. **The Committee recommends that the State party take all necessary measures to ensure that the best interests of the child be paramount in all stages of adoption proceedings and that the State party:**

- a) Regulate domestic adoption e.g. within the extended family and community, in accordance with the Convention with a view to strengthening the protection of the rights of adopted children;**
- b) Ensure that the relevant provisions of the Persons and Family Code are widely disseminated;**
- c) Ratify the Hague Convention on Protection of Children and Cooperation of Inter-country Adoption of 1993; and**
- d) Seek technical assistance from, *inter alia*, UNICEF.**

Violence, abuse and neglect

46. While welcoming efforts undertaken to combat all forms of abuse and violence against children, the Committee remains concerned at the acute problem of violence against children and abuse within families. The Committee is also concerned at the limited measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, the lack of adequate financial and human resources, the insufficient number of adequately trained personnel to prevent and combat abuse, as well as the lack of awareness and information, including statistical data on these practices.

47. **In light of article 19, the Committee urges the State party to:**

- a) Conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, develop indicators and design policies and programmes to address it;**
- b) Improve the reporting of cases of violence against children and child abuse, for example by establishing mandatory reporting for professionals working with and for children and to train professionals, such as teachers, law enforcement officials, health professionals, social workers and judges, in identifying, reporting and managing child abuse and ill-treatment cases;**
- c) Establish effective procedures and child-sensitive mechanisms to receive, monitor and investigate complaints, including intervention where necessary, and to prosecute cases of abuse and ill-treatment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected;**

- d) Strengthen the systems of service delivery related to child protection, particularly the Brigade for the Protection of Minors (La Brigade pour la Protection des Mineurs) through allocation of human and financial resources;
- e) Introduce awareness-raising and education campaigns, with the active involvement of children themselves, in order to prevent and combat all forms of child abuse, including sexual abuse, with a view to changing public attitudes and prevailing cultural practices in this respect;
- f) Increase its support to and collaboration with the toll-free national helpline in order to ensure that the helpline reaches more children *inter alia* by extending it to a 24-hour daily service with a 3-digit toll-free number, raising awareness amongst children, and by allocating resources, including financial, to ensure that the helpline can reach children in remote areas and assist children in emergency situations;
- g) Continue to provide adequate care, full physical and psychological recovery and social reintegration for child victims of violence; and
- h) Seek technical assistance from, *inter alia*, UNICEF.

48. In the context of the Secretary-General's in-depth study on the question of violence against children and the related questionnaire to Governments, the Committee acknowledges with appreciation the written replies of the State party and its participation in the Regional Consultation for West and Central Africa held in Mali from 23 to 25 May 2005. The Committee recommends that the State party use the outcome of this regional consultation in order to take action, in partnership with civil society, to ensure the protection of every child from all forms of physical or mental violence, and to generate momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse. In addition, the Committee would like to draw the State's party's attention to the report of the independent expert for the United Nations study on violence against children (A/61/299) and to encourage the State party to take all appropriate measures to implement overarching recommendations as well as setting-specific recommendations contained in this report.

5. Basic health and welfare (articles 6, 18 (para. 3), 23, 24, 26, 27 (paras 1-3) of the Convention)

Children with disabilities

49. While noting measures undertaken by the State party, in particular the implementation of the programme of action for 2001-2006, the Committee reiterates its concern at the persisting *de facto* discrimination, lack of statistical data on the number of children with disabilities and insufficient educational opportunities for these children.

50. The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69):

- a) Complete the survey on persons with disabilities;
- b) Consider developing and adopting a national policy or strategy on persons with disabilities, paying particular attention to children with disabilities;
- c) Consider creating an inter-institutional plan with the support of local government and civil society and thereby strengthen cooperation between teachers, school management, parents, children and the society at large;
- d) Provide all children with disabilities with access to adequate social and health services, including community based support and services, the physical environment, information and communication, and continue its efforts to standardize the service provision;
- e) Allocate the necessary resources for programmes, medicines, trained staff and facilities for all children with disabilities, especially the ones living in the rural areas;
- f) Provide the necessary financial resources for the development of education for children with special needs and further encourage their inclusion into the general educational system and into society;
- g) Collect adequate statistical data on children with disabilities and use disaggregated data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children with disabilities living in rural areas; and
- h) Promote awareness and tolerance concerning children with disabilities throughout communities and disseminate information that would assist in eliminating the traditional practice of infanticide.

Health and health services

51. The Committee notes with appreciation the various health programmes and projects undertaken by the State party, including the Bamako Initiative, the results of the successful immunization programme and the integrated approach to child survival, the high level of ante natal care and the reasonably high level of assisted births. However, the Committee is concerned that infant, neo-natal and maternal death rates remain very high. It is also concerned at the high incidence of malnutrition in the State party.

52. The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children, including children living in the most remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children, including through:

- a) Continuing to ensure the provision of necessary medical assistance and health care access to all children with emphasis on the development of primary health care;

- b) **Strengthening its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination uptakes, improved nutrition and sanitary conditions, greater access to clean drinking water, and the management of communicable diseases and malaria;**
- c) **Increasing efforts to further reduce maternal mortality throughout the country, including generalisation of specific actions to prevent post partum bleeding and other major causes of maternal death;**
- d) **Allocating appropriate resources to the implementation of the Integrated Management of Childhood Illness (IMCI) programme;**
- e) **Pursuing immunization efforts, including through improved outreach activities and immunization of “drop-out” children, and efficient implementation of the full package of integrated interventions in all health districts;**
- f) **Improving the provision of effective basic essential obstetrical care (BEOC) and emergency obstetrical care (EmOC) in hospitals, including a sufficient number of trained personnel and equipment, supplies and emergency medicines, increasing the number of district hospitals and re-evaluating and extending the relatively low number of certified baby-friendly hospitals;**
- g) **Ensuring that all segments of the society are informed, have access to education on and are supported in the use of basic knowledge of child health and nutrition, including the advantages of exclusive breast-feeding for children up to 6 months;**
- h) **Setting up community based mutual benefit health care organizations (“mutuelles”); and**
- i) **Seek technical cooperation from UNICEF and WHO.**

Harmful traditional practices

53. The Committee notes with appreciation the efforts undertaken by the State party to prevent the practice of female genital mutilation (FGM), including the Law on the Suppression of Female Genital Mutilation from 2003, and that some practitioners have abandoned this practice. However, the Committee reiterates its concern at the de facto persistence of practices harmful to the girl child, including FGM. The Committee emphasizes that FGM is incompatible with the principles and provisions of the Convention.

54. The Committee recommends that the State party strengthen and accelerate its ongoing efforts to prevent FGM and conduct awareness-raising campaigns to combat and eradicate this and other traditional practices harmful to the health, survival and development of children, especially girls. The Committee recommends that the State party introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes, and to prohibit harmful practices, engaging with the extended family and the traditional and religious leaders. The Committee also recommends that the State party establish follow-up procedures for the practitioners of FGM who have abandoned their profession and, in this respect, strengthen the links with local authorities in the neighbouring countries, as mentioned during the dialogue with the State party.

Adolescent health

55. The Committee is concerned that insufficient attention has been paid to adolescent health issues, including developmental, mental and reproductive health concerns. The Committee is specifically concerned at the situation of girls due to the high percentage of unwanted pregnancies and complications due to unsafe abortions, as these have a negative impact on their health and development, and notes the limited availability of programmes and services in the area of adolescent health at school. While noting information provided by the delegation on the existence of a drug abuse centre, the Committee is concerned at the lack of information and data on the level of drug abuse and alcohol consumption in the State party and that these practices are not prohibited.

56. The Committee recommends that the State party, taking into account the Committee's General Comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child:

- a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems and, with the participation of adolescents, use it as a basis to formulate adolescent health policies and programmes with a particular focus on the prevention of early pregnancies and sexually transmitted infections (STIs), especially through reproductive health education;**
- b) Strengthen adolescent-sensitive mental and reproductive health counselling services and make them known and accessible to adolescents;**
- c) Strengthen measures to address the problem of alcohol consumption and drug abuse among children and ensure that the drug abuse centre receives adequate human and financial resources for its proper functioning; and**
- d) Seek technical assistance from UNICEF, WHO and UNFPA.**

HIV/AIDS

57. The Committee notes with appreciation various measures undertaken by the State party, including the "Unite for Children, Unite Against AIDS" campaign, the 2006-2010 National Framework to Fight HIV/AIDS, the Law on Prevention, Care and Support related to HIV/AIDS and the establishment of the National Committee to Fight AIDS (CNLS). However, the Committee remains deeply concerned at the high prevalence of HIV/AIDS and that children and women of childbearing age remain highly vulnerable to contracting HIV/AIDS. It is further concerned at the fact that only a limited number of HIV/AIDS-infected children have access to antiretroviral medication.

58. The Committee recommends that the State party, taking into account its General Comment No. 3 on HIV/AIDS and the rights of the child (CRC/GC/2003/3) and also the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37), continue to:

- a) Strengthen the CNLS and service delivery systems providing prevention, care and treatment to children and women;
- b) Strengthen its efforts in combating the spread and effects of HIV/AIDS, including by providing all pregnant women with adequate health and social services free of charge, and by ensuring the provision of antiretroviral drugs and pediatric care;
- c) Ensure improved coordination between components and scaling up to achieve national coverage of activities in the area of preventing mother-to-child transmission of HIV/AIDS (PMTCT);
- d) Expand its protective and preventive assistance to orphaned and vulnerable children, especially adolescents;
- e) Facilitate that this be linked to improved care for all orphans and assistance to the national network of Associations of People Living with HIV/AIDS (PLWHA);
- f) Provide for a system of voluntary testing for HIV/AIDS with full respect for the right to privacy and confidentiality;
- g) Combat stigmatization of and discrimination against people, including children, infected with HIV/AIDS;
- h) Carry out comprehensive information campaigns about HIV/AIDS, its transmission channels, treatment and prevention measures as well as sex education, including condom promotion, and provide training to teachers and other education personnel in this respect; and
- i) Involve children, in the development and implementation of HIV/AIDS policies and strategies.

Standard of living

59. The Committee expresses its concern at the widespread poverty in the State party and regrets the lack of information on the actual extent of children living in poverty. Concern is also expressed at the regional disparities in the standard of living and the direct correlation between poverty, health status and health care, and access to education. While noting the improvements in water supply, the Committee is concerned at the limited access to clean and safe drinking water and adequate sanitation in the country.

60. The Committee recommends that, in accordance with article 27 of the Convention, the State party reinforce its efforts to provide support and material assistance, with a particular focus on the most marginalized and disadvantaged families, and to guarantee the right of children to an adequate standard of living. In this connection, the Committee recommends that the State party:

- a) Pay particular attention to the rights and needs of children when implementing national development plans and programmes and elaborating the second Poverty Reduction Strategy Paper (PRSP II);
- b) Introduce specific measures in health services to ensure that children and mothers living in poverty are not excluded from curative, and especially preventive and promotional health care;
- c) Increase its effort to provide adequate water sanitation and access to clean drinking water throughout the country, including by improving the capacity of technical services to use all funds made available and of

community management of water points in order to make water supply sustainable at reduced user cost; and
d) Undertake a large scale, long term action, in cooperation with relevant stakeholders, to improve sanitation and household hygiene, especially in rural areas.

6. Education, leisure and cultural activities (articles 28, 29 and 31)

Education, including vocational training and guidance

61. The Committee notes with appreciation the various efforts undertaken by the State party, including the adoption of the national plan of action entitled “Education for All” and the Ten Year Development Plan for the Education Sector which will be revised according to the delegation. The Committee welcomes the plan to allocate grants to cover the costs of education for all children in the country and recent reforms focusing on improved financial management of education resources. Furthermore, the Committee has a number of specific concerns in relation to the high illiteracy rate, the large number of dropouts, overcrowding in classrooms, the low transition rate to secondary school, unqualified “community teachers”, the insufficient number of trained teachers and available school facilities, the insufficiency of budget allocations for pre-primary, primary and secondary schools, the poor quality of education and sexual violence and harassment in schools. The Committee is also concerned that the curricula of the Koranic schools are not in conformity with article 29 of the Convention (aims of education).

62. In light of articles 28 and 29 of the Convention and taking into account the Committee General Comment No. 1 on the aims of education (CRC/GC/2001/1), the Committee recommends that the State party continue to allocate adequate financial, human and technical resources in order to:

- a) Revise the Ten Year Development Plan for the Education Sector and ensure that resources are allocated accordingly to ensure its effective implementation;
- b) Take all appropriate measures to ensure that primary education is free, both in terms of direct and indirect costs, and take measures to prevent children from dropping out of primary education;
- c) Take actions to prevent corporal punishment, sexual violence and harassment in schools;
- d) Pay specific attention to gender, socio-economic and regional disparities in access to and full enjoyment of the right to education, including by introducing specific measures to ensure that children from economically disadvantaged households are not excluded and have equal opportunities;
- e) Reinforce the implementation of the Essential Learning Package to accelerate girls education and take effective measures to reduce the growing gender disparity in literacy levels, including measures aimed at altering cultural conceptions that literacy is aimed primarily at boys;

- f) Continue to take measures to increase enrolment rates in secondary education and technical and vocational training;
- g) Increase the number of trained teachers, especially female, provide further school facilities, especially in rural areas and strengthen efforts to improve the quality of education through providing appropriate and continuous training to teachers, including “community teachers”;
- h) Design and implement a program of activities providing alternative educational opportunities for non-enrolled children and drop-outs, include gender issues, life skills and knowledge/awareness on HIV/AIDS in teacher training with improved supervision and on-the-job counselling of teachers by school inspectors;
- i) Continue to include human rights training, in particular the rights of children, into the school curricula;
- j) Take measures to ensure that the curricula of the Koranic schools are in conformity with article 29 of the Convention and incorporate these schools in the general educational system; and
- k) Improve statistical gathering and analysis.

Leisure, recreation and cultural activities

63. The Committee notes with concern that according to the State party inadequate consideration is given to the rights of children to rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts. The Committee is also concerned that the right to rest is not systematically recognized to children in informal education or to working children.

64. The Committee recommends that the State party pay adequate attention to planning leisure and cultural activities for children, in particular vulnerable groups of children, taking into consideration the physical and psychological development of the child. The Committee also recommends that the State party further develop after school activities for all children and allocate adequate budget funds for their effective functioning. Furthermore, the Committee recommends that steps be taken with Local Authorities and the Ministry of Transport, Public Works and Town Planning to ensure that land is reserved for leisure and sports activities in all subdivisions and that the Ministry of Culture, Sports and Leisure provide more support to youth organizations.

7. Special protection measures

(articles 22, 30, 38, 39, 40, 37(b)-(d), and 32-36 of the Convention)

Asylum-seeking and refugee children

65. The Committee notes with appreciation the State party’s respect for the rights of asylum-seekers and facilitation of refugee children’s access to basic services, including health care, education and leisure. However, the Committee is concerned at reports of abuse and violence against these children.

66. The Committee recommends that the State party:

- a) Continue its efforts in favour of the refugee children, in particular the provision of basic social services;
- b) Consider adopting a national policy of assistance to and coverage of children in emergency situations; and
- c) Pursue and take further action required against perpetrators of crimes against refugee children as prescribed within the provisions of the penal code of Benin.

Economic exploitation, including child labour

67. The Committee is deeply concerned at the prevalence of child labour among young children under the age of 14, at the traditional practice of domestic servants or *vidomégons*, and at the increased number of children working in the informal sector.

68. The Committee urges the State party to:

- a) Undertake surveys throughout the territory with a view to establishing, inter alia, the number of working children, their age, occupations, the number of working hours and the remuneration received;
- b) Strictly enforce provisions of the Labour Code pertaining to children, combined with information on legislation regarding child labour and the creation of appropriate educational opportunities for children;
- c) Strengthen community based mechanisms to prevent and monitor internal child trafficking and economic exploitation, in particular in the informal sector, and, at the same time, undertake preventive actions to improve living conditions and economic opportunities for families, in the rural areas as well as high-risk zones paying particular attention to less privileged families; and
- d) Continue to cooperate with the ILO/IPEC.

Sexual exploitation and sexual abuse

69. The Committee welcomes the inter-ministerial order penalising sexual violence in schools, but it expresses its concern at reports of sexual abuse and exploitation of children and regrets the lack of information in the State party report on the scope of the problem and measures taken to combat these practices. While welcoming the adoption of the Code on Persons and the Family which sets the legal age for marriage for boys and girls at 18, the Committee regrets the lack of clarity on the legal minimum age of sexual consent as there is no provision to this effect in the State party's domestic legislation.

70. The Committee urges the State party to:

- a) Conduct a comprehensive study to assess the causes, nature and extent of sexual exploitation and abuse of children;
- b) Adopt a plan of action to prevent and combat sexual exploitation and sexual abuse;

- c) **Ensure that children's testimonies are recorded in an appropriate way and that the persons carrying out the hearing have the necessary specialists qualifications;**
- d) **Make the prevention of sexual abuse and exploitation a compulsory subject in all relevant training programmes;**
- e) **Take measures to ensure that teachers and children be made fully aware of the gravity of sexual abuse and violence and that the inter-ministerial order penalising sexual violence is rigorously applied as well as the due process of law;**
- f) **Ensure that perpetrators of sexual abuse and exploitation are brought to justice;**
- g) **Provide sustained information and education on the Persons and Family Code together with actions to improve knowledge and operational capacity of actors in the judicial system and review and amend as appropriate the existing legislation to establish a minimum age for sexual consent; and**
- h) **Strengthen its efforts, including adequate human and financial resources, to provide care, full physical and psychological recovery and social reintegration for child victims of sexual exploitation and sexual abuse and consider establishing a centre for recovery and social reintegration of the child victims.**

Sale, trafficking and abduction

71. While welcoming the on-going efforts by the State party to combat child trafficking, including the new Law on the Suppression of Trafficking in Children, the National Policy and Strategy on Child Protection, and the National Study on Child Trafficking, the Committee is concerned at the information that a high number of children under 18, especially adolescent girls, are still being trafficked for the purpose of sexual exploitation and domestic labour in other countries.

72. The Committee recommends that the State party further strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by allocating sufficient resources to these efforts. Furthermore, the Committee recommends that the State party:

- a) **Improve knowledge, data collection mechanisms and the causal analysis of problems related to child protection, including trafficking, at the central, departmental and local authority levels;**
- b) **Develop and implement a programme for prevention of and protection against trafficking within the framework of the National Policy and Strategy on Child Protection;**
- c) **Strictly enforce all legislation related to trafficking and publish information on the phenomenon, including statistics;**
- d) **Strengthen community based mechanisms to prevent and monitor child trafficking and exploitation, including the local committees, and, at the same time, undertake preventive actions to improve living conditions and economic opportunities, in the zones of departure as well as high-risk**

- zones paying particular attention to economically disadvantaged families;
- e) Continue to pursue efforts for transnational collaboration on combating child trafficking and the establishment and implementation of agreements between neighboring countries;
 - f) Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials and border guards;
 - g) Launch awareness-raising campaigns for children, parents and other caregivers, in order to prevent trafficking, sexual exploitation and pornography involving children, and sensitize officials working with and for victims of trafficking;
 - h) Establish a proper monitoring system of children when returned to their families; and
 - i) Provide, in partnership with stakeholders, adequate programmes of assistance, psycho-social rehabilitation and social reintegration for sexually exploited and/or trafficked children, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First and Second World Congresses against Commercial Sexual Exploitation of Children.

Street children

73. The Committee expresses its concern at the increasing number of children living, working and begging in the streets (the *Talibés*), especially in urban areas, who are also victims of economic and sexual exploitation and at risk of HIV/AIDS infections. The Committee is also concerned at the lack of programmes to address the needs of these children and to protect them.

74. The Committee recommends that the State party:

- a) Undertake a systematic assessment of the situation of street children in order to obtain an accurate picture of its root causes and magnitude;
- b) Develop and implement with the active involvement of street children themselves a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence;
- c) In coordination with NGOs, provide street children with the necessary protection, accommodation, adequate health-care services, education and other social services, according to their needs; and
- d) Support family reunification when it is in the best interests of the child.

Administration of juvenile justice

75. The Committee notes efforts made by the State party, including the development of a strategy to set up a juvenile justice system in accordance with the Convention on the Rights of the Child which envisages alternative measures for juveniles in conflict with the law in order to rehabilitate children, foster reintegration into the community and prevent relapse. Nevertheless, the Committee is concerned at reports of inhumane conditions in the juvenile quarters, that children

can be detained for a long period of time in police stations and detention centres before trial and that children in detention centres are not always separated from adults. The Committee is also concerned at the insufficient number of juvenile judges in the country and the lack of alternative measures to deprivation of liberty. Furthermore, the Committee regrets the lack of a minimum age for criminal responsibility.

76. The Committee recommends that the State party continue to strengthen its efforts to bring the administration of juvenile justice fully into line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System, and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends in particular that the State party:

- a) Strictly enforce existing legislation and legal procedures with more intense and systematic training for judges, counsels for persons under 18, penitentiary staff and social workers on children's rights and special needs;**
- b) Urgently establish an age for criminal responsibility at an internationally acceptable level;**
- c) Ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system, when appropriate;**
- d) Implement alternative measures to deprivation of liberty, such as probation, community service or suspended sentences, in order to ensure that persons below 18 are deprived of liberty only as a last resort and for the shortest appropriate period of time;**
- e) Consider establishing family courts with specialized juvenile judges; and**
- f) Facilitate the reintegration of children in their families and communities and follow-up by social services.**

8. Optional Protocols

77. The Committee encourages the State party to submit its initial reports under the Optional Protocols to the Convention on the Rights of the Child in a timely manner and recommends that the State party publish the two Optional Protocols in the Official Gazette in order to make them part of the written law.

9. Follow-up and dissemination

Follow-up

78. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the Council of Ministers and to departmental and communal authorities, for appropriate consideration and further action.

Dissemination

79. The Committee further recommends that the second periodic report and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

80. The Committee invites the State party to submit a consolidated third, fourth and fifth report by 1 March 2011 (that is 18 months before the due date of the fifth periodic report). This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.
