

BENIN

CRC/C/87 (1999)

132. The Committee considered the initial report of Benin (CRC/C/33/Add.52) at its 543rd to 545th meetings (see CRC/C/SR.543-545), held on 26 and 27 May 1999, and adopted* the following concluding observations:

A. Introduction

133. The Committee welcomes the submission of the State party's initial report which followed the established guidelines and included substantive statistical information on the situation of children. The Committee also takes note of the written replies to its list of issues (CRC/C/Q/BEN/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a high-ranking delegation directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children in the State party.

B. Positive aspects

134. The Committee notes the efforts undertaken by the State party to ensure that the principles and provisions of the Convention are widely known. In particular, it notes the State party's recent initiative to translate the Convention, into seven local languages and to work in cooperation with the local media to encourage the broadcasting of programmes on child rights and the Convention, in local languages, throughout various regions of the country. The Committee welcomes the State party's use of child-friendly materials, such as the children's magazine entitled "The Adventures of Sika", in the promotion of the Convention and its principles.

135. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the implementation of the new education policy which aims to promote and facilitate increased school attendance of girls; enhance the quality of basic education by improving the level of teacher training and providing a more positive learning environment; and increase the overall access to basic education. The Committee notes the introduction of popularization programmes in the State party's six subprefectures to promote and encourage respect for children's rights as part of both the formal and informal educational system in the context of the Education and Community Project support by UNICEF.

136. The Committee notes the efforts by the State party in the area of child labour and economic

* At the 557th meeting, held on 4 June 1999.

exploitation and in particular the 1994 study which led to the implementation of a programme of action aimed at preventing children from entering the labour market; improving the conditions of work of children as a first step towards the elimination of child labour; abolishing child labour in hazardous activities; and raising awareness of children, parents, employers and the public at large of the dangers of early work for children. In this regard, the Committee welcomes the State party's 1996 cooperation agreement with the International Labour Office (ILO) for the implementation of the International Programme for the Elimination of Child Labour (IPEC).

C. Factors and difficulties impeding the implementation of the Convention

137. The Committee acknowledges that the economic and social difficulties facing the State party have had a negative impact on the situation of children and have impeded the full implementation of the Convention. In particular, it notes the impact of the structural adjustment programme and the increasing level of unemployment and poverty. The Committee further notes that the limited availability of skilled human resources also adversely affects the full implementation of the Convention.

D. Subjects of concern and the Committee's recommendations

1. General measures of implementation

138. The Committee notes the recent efforts of the State party to draft a Personal and Family code that takes into account the situation of children. In this regard, the Committee further notes the State party's proposal to undertake a review of all legislation relating to children's rights with a view to drawing up a comprehensive children's code along the lines of the draft Personal and Family Code. The Committee remains concerned, however, that domestic legislation, and in particular the Dahomey Code of Customary Law, still does not fully reflect the principles and provisions of the Convention. The Committee encourages the State party to take all necessary measures to ensure the early enactment of the draft Personal and Family Code. The Committee recommends that the State party implement its proposal to undertake a review of its domestic legislation to ensure full conformity with the principles and provisions of the Convention and facilitate the enactment of a comprehensive children's code. In this regard, the Committee further recommends that the State party seek technical assistance from, *inter alia*, the Office of the High Commissioner for Human Rights and UNICEF.

139. The Committee notes the establishment of the Benin Committee for Human Rights which is open to receiving and handling complaints from children, but regrets that insufficient efforts have been made to facilitate the participation of children, traditionally discouraged from making complaints. The Committee further notes the establishment of the National Monitoring Committee on the Implementation of International Human Rights Instruments (1996), but regrets that its broad mandate does not adequately allow for the specific monitoring of children's rights. The Committee is concerned that the State party has not yet established a national institution to deal with the coordination and implementation of the Convention and that these activities continue to be dispersed between several different agencies with minimal human and financial resources. The Committee urges the State party to ensure that existing monitoring mechanisms incorporate a child-rights focus. Additionally, the Committee recommends that the State party empower an existing national

institution or establish a new one to co-ordinate and implement the Convention, including at the community level.

140. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities, girls, in particular girls who have run away from their guardians, known as “Vidomegons”, children living in remote rural areas, children living in poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children of single-parent families, children born out of wedlock, children born of incestuous relations, sexually abused children and institutionalized children. Technical cooperation in this area from, inter alia, UNICEF is encouraged.

141. While noting the State party’s recent introduction of a special telephone hotline for children to deal with complaints of violations of their rights and to provide remedies for such violations, the Committee is concerned that efforts have not been made to include social workers and NGOs in the project and to ensure adequate training for all officers currently assigned to field calls. The Committee recommends that efforts be made to introduce an awareness-raising campaign to facilitate the effective use of the hotline and to ensure accessibility to all children throughout the State party. The Committee further recommends that the State party take the necessary measures to provide adequate training for all personnel assigned to work with the hotline services.

142. The Committee notes the impact of economic policies and the structural adjustment programme which has had adverse effects on social investment. The Committee remains concerned that in light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favor of children “to the maximum extent of (. . .) available resources”. In light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

143. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children, parents, and the public at large, are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available in all local languages. The Committee further recommends the reinforcement of adequate and systematic training and /or sensitization of professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists, social workers, officials of central or local

administration and personnel of child-care institutions. The Committee encourages the State party to also seek measures to raise the awareness of the media and the public at large of the rights of the child. It further suggests that the State party seek to ensure that the Convention is fully integrated into the curricula at all levels of the educational system. In this regard, the Committee suggests that the State party seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights, UNICEF and the United Nations Educational, Scientific and Cultural Organization.

2. Definition of the child

144. The Committee expresses concern at the low minimum legal age for marriage of girls - 15 years under the Civil Code and 14 years under the Dahomey Code of Customary Law. The Committee is particularly concerned about the disparity between the minimum legal ages for the marriage of boys (18-20 years) and that of girls. The Committee regrets that the new draft Personal and Family Code still does not adequately address these concerns in conformity with the Convention. The Committee recommends that the State party review its legislation, especially that relating to the legal ages for marriage and criminal responsibility, in order to bring it into conformity with the provisions of the Convention.

3. General principles

145. While the Committee takes note of the draft Personal and Family Code, it remains concerned that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, as well as in its policies and programmes relevant to children. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

146. While the Committee notes that the principle of non-discrimination (art . 2) is reflected in the Constitution as well as in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities, particularly mental disabilities, girls, particularly "Vidomegons", children living in remote rural areas, children living in extreme poverty, children living and/or working on the street, refugee and asylum-seeking children, children in the juvenile justice system, children born out of wedlock, children of incestuous relations, and institutionalized children. The Committee recommends to the State party to increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

147. While the Committee notes the efforts of the State party, it remains concerned that infanticide continues to be practised, particularly in rural communities and on infants with disabilities. The Committee recommends that the State party seek to fully implement article 6 of the Convention and

take measure, including those of a legal nature, to prevent and discourage infanticide and protect infants and guarantee their right to life, survival and development. In this regard, the Committee further recommends the introduction of education and awareness-raising programmes to change societal attitudes.

148. The Committee is concerned that traditional practices and attitudes still limit the full implementation of article 12 of the Convention. The Committee recommends that the State party seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within schools, families, and the care and judicial systems.

4. Civil rights and freedoms

149. The Committee notes the enactment of domestic legislation to guarantee registration at birth and the proposed establishment of new legal provisions for the implementation of civil registries, particularly in remote rural communities. However, it remains concerned that many children are still not registered. The lack of awareness about registration procedures and the lack of adequate procedures and mechanisms in this regard are also matters of concern for the Committee. In light of articles 7 and 8 of the Convention, the Committee recommends that all necessary measures be taken to ensure that birth registration is made accessible to all parents within the State party. The Committee also recommends that efforts be made to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth.

150. While the Committee is aware that corporal punishment is prohibited by law in schools, it remains concerned that traditional societal attitudes continue to encourage the use of such punishment within the family, schools, the care and juvenile justice systems and generally within society. The Committee recommends that the State party reinforce measures to raise awareness of the negative effects of corporal punishment and ensure that discipline in families, schools and all institutions is administered in a manner consistent with the child's dignity and in conformity with the Convention.

5. Family environment and alternative care

151. The Committee is concerned about the lack of policies and programmes to provide guidance and assistance to parents in fulfilling their parental responsibilities. The Committee recommends that the State party seek to establish policies and programmes to provide guidance and assistance to parents and to enhance their parental skills.

152. With respect to the situation of children deprived of a family environment, the Committee expresses its concern at the insufficient number of alternative care facilities and the lack of support for existing ones. Concern is also expressed about the quality of living conditions in alternative care institutions; the inadequate monitoring of placements; and the limited number of qualified personnel in this field. The increasing incidence of abandonment is also a matter of concern for the Committee. The Committee recommends that the State party develop additional programmes to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care

institutions. It is also recommended that the State party increase its efforts in providing support, including training for parents, to discourage the abandonment of children.

153. The Committee notes that the State party has enacted legislation to regulate domestic adoptions. While it is noted that the State party has discontinued intercountry adoptions, the Committee remains concerned at the absence of legislation, policies and institutions to regulate intercountry adoptions. The lack of monitoring with respect to both domestic and intercountry adoptions and the widespread practice of informal adoptions are also matters of concern. In light of article 21 of the Convention, the Committee recommends that the State party introduce proper monitoring procedures with respect to both domestic and intercountry adoptions, in order to prevent the abuse of the practice of informal adoption and guarantee the protection of the rights of children in this regard. Additionally, it is recommended that the State party take all necessary measures, including legal and administrative ones, to regulate intercountry adoptions. The Committee further encourages the State party to consider the possibility of acceding to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.

154. The lack of appropriate measures and mechanisms to prevent and combat ill-treatment, neglect and abuse of children, including sexual abuse; the lack of appropriate resources (both financial and human); the lack of adequately trained personnel to prevent and combat abuse; as well as the lack of awareness and information, including statistical data on these phenomena, are also matters of concern. In light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and abuse, including sexual abuse, in order to understand the scope and nature of these practices, and that it adopt adequate measures and policies to contribute to changing attitudes. It also recommends that cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, be properly investigated within a child-friendly judicial procedure and that sanctions applied to perpetrators, with due regard given to protecting the right to privacy of the child. Measures should also be taken to ensure the provision of support services to children in legal proceedings, the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and the prevention of criminalization and stigmatization of victims. The Committee recommends that the State party seek technical assistance from, *inter alia*, UNICEF

6. Basic health and welfare

155. While noting the State party's recent initiative to increase its budgetary allocation for the expansion of its vaccination programme, the Committee remains concerned that the overall allocation to health has systematically decreased within recent years. The Committee notes with concern the health situation of children within the State party and in particular the limited access to basic health care for children, high maternal, child and infant mortality rates, relatively short period of breastfeeding, poor weaning practices, high rate of malnutrition, poor sanitation and limited access to safe drinking water, especially in rural communities. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children; facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; improve breastfeeding practices; prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children, and

increase access to safe drinking water and sanitation. Additionally, the Committee encourages the State party to consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement from, inter alia, UNICEF and the World Health Organization.

156. The Committee expresses its concern regarding the limited availability of programmes and services and the lack of adequate data in the area of adolescent health, including accidents, suicide, violence and abortion. The Committee is particularly concerned with the high and increasing incidence of teenage pregnancy and HIV/AIDS and sexually transmitted diseases (STDs). The Committee notes with concern that the 1920 law continues to prohibit the use of contraceptives, including for health purposes, and to impede the full implementation of family planning programmes, including the safe motherhood initiative. The Committee recommends that the State party increase its efforts in promoting adolescent health policies, particularly with respect to accidents, suicide and violence, and in strengthening reproductive health education and counseling services. In this regard, the Committee also recommends the inclusion of men in all training programmes on reproductive health. The Committee further suggests that a comprehensive and multi-disciplinary study be undertaken to understand the scope of adolescent health problems, including the negative impact of early pregnancy as well as the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly counseling, care and rehabilitation facilities for adolescents that would be assessable, without parental consent, where in the best interests of the child. The Committee recommends that the State party repeal the 1920 law concerning family planning and the use of contraceptives.

157. The Committee notes with concern the limited efforts of the State party to introduce adequate measures to eradicate the practice of female genital mutilation (FGM) and other harmful traditional practices affecting the health of girls, including early and forced marriages. The Committee recommends that the State party strengthen its efforts to combat and eradicate the persistent practice of FGM and other traditional practices harmful to the health of girls. In this regard, the Committee further urges the State party to carry out sensitization programmes for practitioners and the general public to change traditional attitudes and discourage harmful practices.

158. The Committee expresses its concern at the absence of legal protection and the lack of adequate programmes, facilities and services for children with disabilities, particularly mental disabilities. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's recommendations adopted at its day of general discussion on "The rights of children with disabilities" (CRC/C/69), it is recommended that the State party develop early identification programmes to prevent disabilities, increase its efforts to implement alternatives to the institutionalization of children with disabilities, establish special education programmes for children with disabilities and further encourage their inclusion in society. The Committee further recommends that the State party seek technical cooperation for the training of professional staff working with and for children with disabilities. International cooperation from, inter alia, UNICEF and WHO can be sought to this effect.

7. Education, leisure and cultural activities

159. The Committee notes the recent initiatives of the State party to improve the situation of education and in particular to increase school attendance of girls by eliminating the payment of fees for them. However, the Committee remains concerned that girls are still denied access to education and that some school administrators continue to resist the new educational policy, asserting that the nonpayment of school fees for girls impacts negatively on school budgets. In this connection, the Committee is also concerned that some children, including those living in poverty and in remote rural communities, still do not have access to education. With respect to the general situation of education, the Committee notes with concern the extent of overcrowding; high dropout, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; and the limited number of trained teachers. The State party is encouraged to continue its efforts to promote the school attendance of girls and to introduce measures to limit the impact of its policy concerning the nonpayment of fees for girls on school budgets. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this connection, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education.

8. Special protection measures

160. While recognizing the State party's openness to hosting refugees from neighboring States, the Committee remains concerned at the lack of adequate legal provisions, policies and programmes to guarantee and protect the rights of refugee, asylum-seeking and unaccompanied children. The Committee recommends that the State party develop a legislative framework for the protection of refugee, asylum-seeking and unaccompanied children and implement policies and programmes to guarantee their adequate access to health, education and social services.

161. While the Committee notes the initiatives by the State party in the area of child labour and economic exploitation and in particular the recent study and follow-up activities undertaken in this regard, it remains concerned at the situation of "Vidomegons", children employed in the agricultural sector, and children engaged as apprentices in the informal sector. The Committee encourages the State party to improve its monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation, especially those engaged as domestic workers, agricultural laborers and apprentices. The Committee also suggests that the State party consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

162. The Committee is particularly concerned at the high and increasing incidence of drug and substance abuse among the youth; the lack of legal provisions in relation to narcotic drugs and psychotropic substances; and the limited psycho-social and medical programmes and services available in this regard. In light of article 33 of the Convention, the Committee recommends that the State party take all appropriate measures, including legislative, administrative, psycho-social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. In this context, it is further recommended that programmes be introduced within the school environment to educate children about the harmful effects of narcotic drugs and psychotropic substances. The Committee also encourages the State party to support rehabilitation programmes

dealing with child victims of drug and substances abuse. In this regard, the Committee encourages the State party to consider seeking technical assistance from, inter alia, UNICEF, WHO and the United Nations International Narcotics Control Board.

163. The absence of adequate information, including disaggregated statistical data, on the situation of sexual exploitation of children is a matter of concern for the committee. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to designing and implementing appropriate policies and measures, including care and rehabilitation, to prevent and combat the sexual exploitation of children. It also recommends that the State party reinforce its legislative framework to fully protect children from all forms of sexual abuse or exploitation, including within the family. It is also recommended that the State party consider the ratification of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949.

164. While the Committee notes the efforts of the State party, it remains concerned at the increasing incidence of sale and trafficking of children, particularly girls, and the lack of adequate legal and other measures to prevent and combat this phenomenon. In the light of article 35 and other related articles of the Convention, the Committee recommends that the State party review its legal framework and strengthen law enforcement, and intensify its efforts to raise awareness in communities, in particular in rural areas. Cooperation with neighboring countries through bilateral agreements to prevent cross-border trafficking is strongly encouraged.

165. While the Committee notes that a juvenile justice system has been established within the State party and that reforms are envisaged in this regard, it remains concerned about:

- (a) The general situation of the administration of juvenile justice and in particular its compatibility with the Convention and other recognized international standards;
- (b) The absence of juvenile courts in some regions;
- (c) The situation of overcrowding in detention facilities; the holding of minors in adult detention facilities;
- (d) The lack of reliable statistical data on the number of children in the juvenile justice system;
- (e) The inadequacy of regulations to ensure that children remain in contact with their families while in the juvenile justice system;
- (f) The insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of juveniles.

The Committee recommends that the State party:

- (a) Take additional steps to reform the system of juvenile justice in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, such as 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) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protect the rights of children deprived of their liberty, and ensure that children remain in contact with their families while in the juvenile justice system;

(c) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

(d) Pursue its proposal to request technical assistance in the area of juvenile justice and police training from, inter alia, the Office of the High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice in Juvenile Justice.

166. Finally, the Committee recommends that , in light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.