



**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

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

Second periodic reports of States parties due in 1997

BENIN*

[20 April 2005]

* For the initial report submitted by Benin, see CRC/C/3/Add.52; for its consideration by the Committee, see CRC/C/SR.543-545, and for the concluding observations, CRC/C/15/Add.106.

REPUBLIC OF BENIN

MINISTRY OF JUSTICE, LEGISLATION AND HUMAN RIGHTS

HUMAN RIGHTS OFFICE

**SECOND PERIODIC REPORT OF BENIN ON THE IMPLEMENTATION
OF THE CONVENTION ON THE RIGHTS OF THE CHILD (1998-2002)**

Map of the Republic of Benin



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Introduction

1. The Republic of Benin is a West African country with an area of 114,763 km², according to the latest estimate of the National Geographical Institute.
2. Pursuant to laws on decentralization passed in 1999, the country is divided into 12 departments; each of the 6 former departments has been split in two. They are:
 - Atacora and Donga;
 - Alibori and Borgou;
 - Zou and Collines;
 - Mono and Couffo;
 - Ouémé and Plateau;
 - Atlantique and Littoral.
3. According to the third national population and housing census carried out in 2001, the population of Benin is 6,769,914. There are 3,822,626 children aged between 0 and 19, or more than half the population of the country.
4. Major changes that took place during the preparation of this report are reflected here. All other information remains unchanged.
5. The report consists of two parts. Part I deals with general developments affecting children in Benin during the period 1998-2002. Part II focuses on measures of implementation under the various articles of the Convention on the Rights of the Child.

Part I

GENERAL DEVELOPMENTS AFFECTING CHILDREN IN BENIN (1998-2002)

A. Highlights

Paragraphs 1-10 of the general guidelines for periodic reports (CRC/C/58)

Presentation of the initial report of Benin

6. On 26 and 27 May 1999 a delegation headed by the Minister of Justice, Legislation and Human Rights presented the initial report of Benin (CRC/C/33/Add.52) to the Committee on the Rights of the Child.

Third national population and housing census

7. The third national population and housing census was carried out in 2002, providing an opportunity to update demographic data.

Second demographic and health survey

8. The second demographic and health survey was carried out in 2001. It is valuable for the quantifiable data that it assembles on the situation of women and children and its subsequent statistical analysis.

Trafficking in children

9. Benin has been identified as a country of destination, transit and supply of trafficked children. The most serious recorded incident was that of the vessel *Etireno*, which in 2001 was found to be transporting children to Gabon from all over the subregion. The ship was turned back by the Gabonese authorities, and the incident is still the subject of a national and international inquiry.

10. Likewise in September 2001, 26 Beninese illegal immigrants bound for Gabon were shipwrecked off the Cameroonian coast. They were rescued and offered shelter by the Ministry for Family Affairs, Social Welfare and Solidarity. Among the survivors there were seven minors.

B. General legal framework

11. The Constitution of 11 December 1990 remains the point of reference for all matters pertaining to human rights. Article 147 of the Constitution states that “properly ratified treaties or agreements shall, upon publication, have greater authority than the laws, provided that each agreement or treaty is applied by the other party”.

12. In the period 1999-2001, Benin ratified other international instruments, thus supplementing the list of instruments previously cited in the country’s initial and periodic reports.

United Nations instruments

13. Benin has ratified the two additional protocols to the Convention on the Rights of the Child, namely the Optional Protocol on the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflict.

14. Benin signed the United Nations Convention against Transnational Organized Crime of 15 November 2000, together with its two optional protocols, on 13 December 2000.

Instruments of the International Labour Organization (ILO)

15. Benin has ratified two conventions dealing with child labour, namely Convention No. 138 concerning Minimum Age for Admission to Employment, ratified on 11 June 2001, and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified on 28 May 2001 pursuant to decree No. 2001-178.

C. Follow-up to the concluding observations of the Committee on the Rights of the Child on Benin's initial report

16. During the reporting period, various measures have been taken in the social, educational, institutional and legal spheres.

1. Establishment and activities of the National Commission on the Rights of the Child

17. Following the presentation of Benin's initial report on the implementation of the Convention on the Rights of the Child in Geneva on 26 and 27 May 1999, steps were taken to publicize the Committee's concluding observations. Pursuant to these observations, a process was set in motion that culminated in the establishment, by decree No. 99-559 of 22 November 1999, of the National Commission on the Rights of the Child.

18. Presided over by the Minister of Justice, Legislation and Human Rights, the Commission's terms of reference include coordination of all national efforts to implement the Convention on the Rights of the Child. In 2001 arrangements were made to establish six departmental committees on the rights of the child, which were inaugurated on the following dates:

- Zou-Collines: 8 January 2002;
- Atacora-Donga: 15 January 2002;
- Borgou-Alibori: 30 September 2002;
- Mono-Couffo: 15 October 2002;
- Ouémé-Plateau: 22 October 2002;
- Atlantique-Littoral: 24 October 2002.

19. Support for the establishment of the National Commission on the Rights of the Child and its local offices has been forthcoming from the United Nations Children's Fund (UNICEF) and the national budget.

20. Article 10, paragraph 2, of decree No. 99-559 of 22 November 1999 establishing the National Commission on the Rights of the Child states: "The Office for the Judicial Protection of Children and Young People in the Ministry of Justice, Legislation and Human Rights shall act as the permanent secretariat of the National Commission on the Rights of the Child and the Commission's sectoral focal point in the Ministry."

21. The annual proceedings of the Commission were held at the Saint-Jean-Eudes centre in Atrokpocodji from 28 to 30 October 2002. Delegates from the departmental committees on the rights of the child attended.

22. With support from UNICEF, it has commissioned translations of the Convention on the Rights of the Child into the Fon and Dendi languages. The Commission has also drawn up a national plan of action and departmental plans of action in order to discharge the mandate entrusted to it.

23. Following the *Etireno* affair in April 2001, members of the Commission and representatives of NGOs and civil society drew up emergency measures to tackle trafficking in children. Owing to scarce resources, this plan has not been put into effect.

24. The Office for the Judicial Protection of Children and Young People, which acts as the permanent secretariat for the National Commission on the Rights of the Child, prepared and disseminated a compilation of instruments relating to children in Benin, entitled *Manuel des droits et du bien-être de l'enfant*, to each participant at the Commission's proceedings in 2002.

25. In 2002 the Commission was granted a budget allocation of 10 million CFA francs, subject to the 15 per cent overall reduction applied to the national budget over the course of the year.

26. Since 2002 the activities and operation of the Commission have been funded from the national budget via this special allocation.

2. Local committees to prevent trafficking in children

27. In parallel with initiatives by the Ministry of Justice, Legislation and Human Rights, the Ministry of Family Affairs, Social Welfare and Solidarity and the UNICEF-supported unit for children with special protection needs have set up local committees to prevent trafficking in children in a number of subprefectures.

28. One hundred and seven local committees were established at Agbangnizoun and Zakpota in Zou department in 1999, in addition to two subprefectoral committees. Thirty-eight local committees were established in Zè in Atlantique department, including one subprefectoral committee.

29. Fifty-eight committees to prevent trafficking in children, including a subprefectoral committee, were established at Dogbo in Couffo department in 2000.

30. Fifty-eight committees to prevent trafficking in children, including a subprefectoral committee, were established at Toffo in Atlantique department in 2001.

31. In 2002, 44 committees, including a subprefectoral committee, were established at Dangbo in Ouémé department; 62, including a subprefectoral committee, at Houéyogbé in Mono department; 73, including a subprefectoral committee, at Djakotomey in Couffo; and 61, including a subprefectoral committee, at Bopa in Mono department.

32. When establishing these village watchdog committees, officials from the Ministry of Family Affairs, Social Welfare and Solidarity conduct outreach campaigns to raise public awareness of the rights of the child.

3. Education centres

33. On the initiative of the “Children in difficult situations” unit, education centres have been inaugurated to offer leisure activities and vocational training. The first centre of this kind was established at Suru Léré in 1996. There are now seven facilities of this type at welfare centres in Cotonou, Porto-Novo, Bopa and Houéyogbé.

34. In 2002, education centres were inaugurated for children in detention in Benin, not just for the children themselves, but also for their parents and guardians. These centres also arrange home visits to maintain family contacts, bring children together and organize group and sociocultural activities such as singing and dancing classes, games, sewing, moral teaching, basic literacy and cooking.

35. These sociocultural activities are supplemented by:

- Health and sex education for 12-14-year-olds and literacy training at Fifadji (Cotonou);
- Production of macramé bags at Agbokou (Porto-Novo);
- Hygiene and health lessons at Déguè-Gare (Porto-Novo);
- Follow-up and return of abused children placed with families and identification of the families of origin of such children, at Bopo (Mono);
- Knitting and weaving of bags at Houéyogbé (Mono).

36. Activities aimed at guardians focus on raising families’ awareness of the rights of the child, with special emphasis on preventing the exploitation of children.

37. The Bopa education centre keeps a record of families that supply children, in order to improve the network for preventing trafficking in children for exploitative purposes.

38. Among the problems referred to by the organizers of these activities are the irregular attendance and educational backwardness of the children, lack of money, lack of transport, shortage of teaching materials, insufficient toys and games, reluctance on the part of parents and guardians, and staff turnover.

4. Mobilization to implement the Convention

39. Action has been taken to raise awareness and educate the public, specifically the rural population, by the ministries responsible for family affairs and justice, and also by non-governmental bodies and external partners.

(a) Government bodies

Legislation and judicial aspects

40. The Ministry of Justice, Legislation and Human Rights is taking various steps to protect the rights of the child.

41. Protection of children and young people is assured by disseminating the Convention and all international and regional instruments on the survival of children and the promotion of children's rights throughout society, including among professionals working to secure a full and happy life for children.

42. Protection under the law also takes the form of efforts to combat crimes against children or offences that endanger children physically or morally, focusing on the following areas:

- Violence against children and child abuse;
- Placement (*vidomegon*) and trafficking of children inside Benin and to other countries;
- Child labour;
- Sexual abuse of children (rape and sexual assault);
- Ritual infanticide;
- Kidnapping, abduction or illicit transfer of minors.

43. A bill has been prepared on the placement and transfer of children inside and outside Benin. The Government transmitted this bill to the Supreme Court with a letter No. 269-C/PR/CAB/SP of 29 July 1999 seeking a reasoned opinion, but to date the Court has not reacted. Another bill is in preparation to harmonize national law on trafficking in children with the provisions of conventions ratified by Benin.

44. Notwithstanding Benin's international and regional commitments, much remains to be done to implement the conventions and other duly ratified instruments. Legislation is needed to bring national instruments into line with the provisions of international and regional instruments, for example ILO instruments dealing with slavery, Convention No. 105 concerning the Abolition of Forced Labour and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the United Nations Slavery Convention and the Convention on the Rights of the Child, and conventions of the Organization of African Unity (OAU), specifically the African Charter on the Rights and Welfare of the Child.

Social aspects

45. The proceedings of training seminars for officers of the national legal service, designed to ensure better law enforcement, have been widely disseminated by the Ministry of Family Affairs, Social Welfare and Solidarity by various means such as conferences and publication of the proceedings in booklet form.

Institutions

46. There are a number of structures in Benin that look after children in difficult situations. A survey of child protection structures in Benin, conducted jointly by the World Bank and the Ministry of Family Affairs, Social Welfare and Solidarity, identified 160 such entities (governmental and non-governmental, national and international).

Health

47. The demographic and health survey conducted in 2001 includes mother and child health indicators for children under 3 years of age, for example antenatal care, childbirth assistance and childhood diseases.

48. Since 1999 the Ministry of Health has inaugurated programmes under the Integrated Management of Childhood Illness (IMCI) initiative with technical and financial support from the World Health Organization (WHO).

49. These programmes were preceded by an IMCI guidance and adoption seminar held at Bohicon from 22 to 24 March 1999, with the financial support of WHO, UNICEF and the United States Agency for International Development (USAID).

Nutrition

50. Nothing new to report.

Community organizations

51. About 100 NGOs and governmental, national or international bodies operate alone or in partnership with the State or other similar structures to improve the lot of children, thereby bolstering efforts by the authorities.

(b) Government institutions

The Agency for Funding Grass-roots Initiatives

52. In 2002, this agency piloted the Child Protection Fund, financed by a donation from Japan. A dozen NGOs bid to take part in this programme, including: Programme d'insertion des enfants déshérités (PIED), Association béninoise d'assistance à l'enfant et à la famille (ABAEF), Centre d'action éducative du Bénin (CAEB), Enfants solidaires d'Afrique et du monde (ESAM), Association Survie, Association Équilibre Bénin and Association pour la promotion de l'enfance malheureuse (APEM).

The National Commission on the Rights of the Child and departmental committees on the rights of the child

See above.

Local committees to prevent trafficking in children

See above.

(c) External partners

53. Under guidelines drawn up jointly with the Government, international institutions provide significant technical and financial assistance to Benin. They are involved in implementing cooperation programmes devised in consultation with the Government and the National Plan of Action on the Rights of the Child, specifically in the areas of education, health, nutrition and the environment.

UNICEF

54. In the context of expanded and ongoing efforts to help children, UNICEF Benin has inaugurated a number of cooperation projects in partnership with the Beninese authorities. The 1998-2002 cooperation programme was devised to help the national leadership honour the promises it had made to children to ensure their well-being and meet their basic needs more effectively. The programme put special emphasis on “target groups” such as young children, girls and women and thus broadened the campaign to combat trafficking and the placement of children. Under this programme, UNICEF also supports a number of NGOs working to promote the rights of the child.

United Nations Population Fund (UNFPA)

55. In 2002, with assistance from UNFPA, which agreed to help the Beninese Government draft a national policy for the advancement of women, Benin drew up an invaluable instrument that will underpin future policy in this area.

Other external partners

56. Other external partners such as the World Bank, USAID, the foreign development agencies of France and Switzerland, the embassies of Germany and Denmark, and the foreign development agencies of Japan and the Netherlands, are supporting efforts to promote the well-being of children.

(d) International NGOs

57. It is not possible to list these organizations in full or to describe their activities, but among those that have made outstanding efforts to promote the rights of the child are:

Defence for Children International (DCI)

58. The Beninese section of DCI, established in 1990, has confirmed its training expertise in relation to the rights of the child.

59. In May 1998 DCI Benin organized a subregional seminar in Cotonou on regional strategies to combat child labour in Africa, which drew up a set of strategies for tackling this problem. A declaration on the subject (the Cotonou Declaration) was drawn up and adopted by the participants.

60. Between October 1999 and February 2000, DCI Benin conducted a national field study of trafficking in children on behalf of ILO under its programme to eliminate child labour and combat trafficking in children in Africa (IPEC/LUTRENA). ILO also requested DCI Benin to organize a feedback workshop. The objective of the workshop, which brought together representatives of NGOs, trade unionists, employers' organizations and official bodies, was to draw up a national plan of action to combat trafficking in children.

61. This workshop enabled participants to pinpoint the economic and social causes of trafficking in children and mapped out strategies underpinning a national plan of action to fight this evil. The strategies incorporate legislative, judicial, political, administrative, educational, social and economic aspects. They deal with three categories: children intercepted at the national, regional or international level, repatriated children and internally trafficked children.

International Federation Terre des Hommes (IFTDH)

62. IFTDH has had a presence in Benin since 1974. The focus of its activities is on providing direct assistance to abused children, regardless of political, racial or religious considerations. Its principal objective is to tackle the problem of street children and child detainees in police and gendarmerie stations.

63. IFTDH projects also involve other activities such as transferring children abroad for medical treatment, setting up health clinics and implementing a national adoption programme. In addition, IFTDH administers a facility for children in difficult situations. During the reporting period, the Foundation redoubled its efforts to help children by incorporating an anti-trafficking drive into its plan of action, as well as a community-based mother and child health project in Zou department.

Care International

64. Care International's activities form part of comprehensive child protection efforts, including action to combat trafficking and child labour and promote school enrolment. It invites local NGOs to participate in the implementation of its projects to help children.

Plan International Benin

65. Plan International Benin is a part of Plan International, Inc. This NGO is active in Couffo department and encourages families to enrol their children in school.

Bornefonden

66. Bornefonden is a Danish NGO that works in the field of education and promotes the rights of the child.

SOS Children's Villages

67. This association takes in orphans and abandoned children. It offers comprehensive care and attends to their essential needs in a children's home.

(e) Beninese NGOs

Association béninoise d'assistance à l'enfant et à la famille (ABAEF)

68. Every year, ABAEF provides disadvantaged children with school supplies and subsidizes the cost of their school fees. The association has been elected to membership of the National Commission on the Rights of the Child and the National Advisory Council on Human Rights.

Cotonou archdiocese Carrefour d'écoute et d'orientation (CEO)

69. CEO is a diocesan structure that promotes development initiatives and charitable works. Among other things, it provides temporary refuge to children in difficult situations, including victims of trafficking. CEO campaigns to raise awareness of trafficking in children and reintegrates rescued and repatriated victims into society. To this end it administers two reception facilities, one for boys in Cotonou and another for girls in Abomey-Calavi.

Programme d'insertion des enfants déshérités (PIED)

70. PIED offers assistance to children in difficult situations and reintegrates them into their families after educating their parents. It is a member of the National Commission on the Rights of the Child. Its reception facility, which has a capacity of 20 children, has provided shelter to 149 (65 girls and 84 boys); in 1999 alone, 79 youngsters (27 girls and 52 boys) were referred to the programme by the police and an international organization. The children were about to depart for destinations in Benin or to Nigeria, the Niger and Ghana. The children taken in by PIED range in age between 7 and 14 for the boys and 7 and 12 for the girls.

Enfants solidaires d'Afrique et du monde (ESAM)

71. ESAM organizes awareness-raising campaigns on the rights of the child and offers microcredits to disadvantaged parents through an independent savings and loan fund.

Association des enfants et jeunes travailleurs du Bénin (AEJT)

72. This is an association of working children who meet in centres around Cotonou where they share their problems and carry out joint projects. The association is overseen by a young worker and operates under the auspices of the service for development initiatives and charitable works of Cotonou archdiocese.

(f) Other organizations

73. The list of NGOs is not exhaustive. The following are worth mentioning:

- Amnesty International, whose aim is to promote respect for the Universal Declaration of Human Rights, established a Beninese section in 1991;

- Association des femmes juristes du Bénin (AFJB), established on 20 January 1990, aims to protect human rights, specifically those of women and children.

74. Significant efforts have been made at all levels to pursue activities focused on promoting the rights of the child.

D. Bilateral and multilateral cooperation

75. Bilateral and multilateral agreements were adopted by the heads of State of the Economic Community of West African States (ECOWAS) at Dakar on 20 and 21 December 2001.

76. An agreement has been signed between the Gabonese and Beninese authorities to repatriate trafficked children to Benin.

77. Benin is committed to regional and international campaigns against trafficking, for example:

- After hosting a regional workshop in July 1998 on the trafficking of children for domestic service in West and Central Africa, Benin took part in a subregional conference organized by the UNICEF Regional Office for West and Central Africa, in collaboration with the ILO Regional Office for Africa, on “Developing strategies on the trafficking of children for purposes of labour exploitation in West and Central Africa”. This workshop, held at Libreville, Gabon, from 22 to 24 February 2000, resulted in a “Common Platform for Action” against trafficking;
- Benin took part in a subregional seminar against trafficking in children for exploitative purposes in West and Central Africa, organized by the ILO Regional Office for Africa in Cotonou in June 2000;
- Benin took part in an international meeting to harmonize instruments on trafficking in children;
- Benin took part in the West African Conference on War-Affected Children, held at the International Conference Centre in Accra, Ghana, from 26 to 28 April 2000.

78. Within the OAU, Benin has been involved in regional decision-making processes such as the Consensus of Dakar (November 1992) and the formulation of the African Common Position and Plan of Action on Child Labour in Africa (Pretoria, April 1998).

79. Benin has taken steps to place the issue of trafficking in children on the agenda of the forthcoming summits of ECOWAS and OAU.

80. Benin also joined other States in the subregion in launching the Lomé Appeal in 1999 and the Abidjan Appeal in January 2000 and endorsing the Libreville Declaration and Appeal against trafficking in children in February 2000 (see annex).

81. It took part in the Arab-African Forum against Sexual Exploitation of Children, held at Rabat, Morocco, on 26 October 2001, and the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, from 17 to 20 December 2001.

82. Benin also took part in the ECOWAS Peer Review on the Situation of Children in the Subregion in 2002.

83. The Beninese Government is clearly committed to following through on its international and regional commitments.

84. However, much remains to be done to implement the conventions and other duly ratified instruments, for example passing the necessary legislation to harmonize national statutes with the provisions of international and regional instruments such as ILO Convention No. 29 concerning Forced or Compulsory Labour and the Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the United Nations Slavery Convention and the Convention on the Rights of the Child, and conventions of the Organization of African Unity (OAU) such as the African Charter on the Rights and Welfare of the Child.

E. Studies and surveys

85. Studies have been conducted on various children's problems, such as:

- A study on “The modern concept of kinship in the current socio-economic context”, carried out in 1998 by Association béninoise d'assistance à l'enfant et à la famille and the Coalition nationale des droits de l'enfant (CONADEB), with assistance from the Radda Barnen office in Guinea-Bissau;
- A survey of child workers in the cities of Cotonou, Porto-Novo and Parakou, carried out by UNICEF in October 1999;
- A field study on trafficking in children in Benin carried out by DCI between November 1999 and March 2000 on behalf of ILO in the context of the International Programme on the Elimination of Child Labour (IPEC). A feedback workshop was held on 18 May 2000 at the Institute for Social, Economic and Civic Training in Cotonou.

86. In 2001 the World Bank carried out studies on:

- Students at Koranic schools in northern Benin;
- The capacity of the Beninese legal system and institutions to protect the rights of the child;
- Migrant children;
- Child protection structures in Benin.

87. UNICEF has conducted general and specific studies and surveys:

- Studies of a general nature include reviews such as an evaluation of the mid-term objectives of the World Summit for Children and the World Conference on Women, an assessment of the consistency of the objectives of the Benin/UNICEF Cooperation Programme for 1999-2003, and a study on women and children as the future of Benin;

- Specific studies relate to other areas of UNICEF involvement, for example water and sanitation, health, education, community development, the rights of women and children, children in difficult situations or requiring special measures of protection, funding of welfare services and microcredits.

F. Conferences, workshops and seminars

88. The following events have been organized:

- Workshop to ratify the subprefectoral action plans for 2002 under the Benin/UNICEF Cooperation Programme for 1999-2003;
- Training seminar for members of the national legal service on the effective implementation of instruments to combat trafficking in children, held in 2002;
- Media information day to launch the “Handicap and community” bulletin;
- Seminar to plan activities to combat trafficking in children for purposes of labour exploitation;
- National workshop to coordinate efforts to combat trafficking in children in Benin;
- Annual conferences of the National Commission for the Allocation of Relief;
- Seminar on the theme of “Peace education for all in a world of violence”;
- Campaign to raise public awareness in Natitingou of the Convention on the Rights of the Child, from 11 to 18 July 2002;
- Seminar to update instruments on protecting girls at school;
- Training workshop to disseminate the Plan of Action of the National Policy for the Advancement of Women;
- Numerous meetings of the National Advisory Council on Human Rights;
- Training seminar for members of the national legal service and lawyers on basic employment principles and rights;
- Meetings to develop statistical indicators to measure human rights implementation;
- Annual reviews of the Benin/UNICEF Cooperation Programme;
- Annual reviews of subprefectoral action plans;
- Lessons-learned workshops to review project activities: the UNICEF programme for children requiring special measures of protection, preparation of annual plans of action, etc.

Part II

CONTENTS OF THE PERIODIC REPORT (1998-2002)

I. GENERAL MEASURES OF IMPLEMENTATION

Paragraph 11

89. Benin ratified the Convention on the Rights of the Child on 3 August 1990 without reservation (para. 11).

Paragraph 12

90. The harmonization of domestic law with the Convention is taking place gradually (para. 12).

91. At the end of 2002, the sphere of civil law continued to be based on two different legal standards, despite pressure from civil society, NGOs and the competent ministries.

92. Two kinds of texts are still in use in this area - modern positive law and customary law.

93. The draft Personal and Family Code, produced in 1992 and under examination since 1994, has not yet been adopted. It covers some aspects of protection of children's civil rights, particularly in relation to adoption, filiation, inheritance, engagement and marriage, etc.

94. The draft code sets the age for marriage at 18 for men and 16 for women, except when an age waiver is granted for serious reasons.

95. A draft Criminal Code has been prepared and submitted to the National Assembly.

96. A draft on the placement and transfer of minors within and outside the country was submitted to the Supreme Court in 1999 for a reasoned opinion.

97. On 22 November 1999, to ensure proper implementation of the Convention, Benin adopted decree No. 99-559 establishing the National Commission on the Rights of the Child. This decree provides for the establishment of departmental committees on the rights of the child. The National Commission was set up in 2000, with support from UNICEF. It is planned to set up the departmental committees in 2002.

98. Mention should also be made of:

- The ratification on 25 May 2000 of the two additional protocols to the Convention on the Rights of the Child adopted by the United Nations, namely:
 - The Optional Protocol on the sale of children, child prostitution and child pornography; and
 - The Optional Protocol on the involvement of children in armed conflicts.

- The ratification on 11 June 2001 of ILO Convention No. 138 concerning Minimum Age for Admission to Employment, adopted in Geneva on 26 June 1973;
- The ratification on 28 May 2001 of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted in Geneva on 17 June 1999 at the 87th session of the International Labour Conference.

99. On 13 December 2000, in Palermo, Italy, Benin signed the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The two other protocols to the Convention against the smuggling of migrants by land, air and sea and against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, were signed in New York, on 17 May 2002.

100. Benin ratified the Convention against Transnational Organized Crime and the three additional protocols thereto by decree No. 2003/453, dated 6 November 2003.

Paragraph 13

101. The Constitution of 11 December 1990 is still in force. Article 47 reaffirms that international treaties or agreements take precedence over domestic law.

102. All the provisions of the Convention on the Rights of the Child are therefore binding in Benin. They override national legislation and can consequently be invoked before any national authority, whether it be administrative, legislative or judicial.

Paragraph 14

103. Domestic legislation contains no provisions more favourable to the exercise of children's rights than those already in the Convention. Though the Convention is not currently being invoked before Beninese courts, several recent decisions have taken into account the best interests of the child as specified in article 3, paragraph 1, of the Convention.

104. When one of the rights set forth in the Convention is violated, the following remedies exist:

- Appeal to the Constitutional Court;
- Judicial remedy before the courts of first instance, the courts of appeal and the Supreme Court;
- Administrative remedy;
- Appeal to various national or international governmental or non-governmental institutions.

Paragraph 15

105. At the moment there are no data available on the issue. Specific studies could, however, be conducted to compile a list of court decisions which explicitly mention the principles and provisions of the Convention.

106. Efforts are being made to collect and keep statistics of cases concerning children.

Paragraph 16

107. The remedies listed above are also available to children whose rights have been violated in any way.

Paragraph 17

108. In the period under consideration, a variety of steps have been taken at all levels - social, educational, institutional and legal.

109. The National Commission on the Rights of the Child, created by decree in November 1999, was set up in 2000.

110. In 2002, 6 departmental committees on the rights of the child were set up in the 6 regional capitals of Benin's 12 departments.

111. UNICEF provided financial support for the creation of the National Commission; the creation of the departmental offices was financed out of the national budget.

112. Once established, the Commission drew up an action plan. This includes the creation of a children's rights protection policy, the strengthening of national capacity to uphold children's rights, action to combat child trafficking and the translation of the Convention into the national languages.

113. Among other things, the Government Programme of Action II (2001-2006) calls for the formulation of a children's code. Work on this has not yet started.

Paragraphs 18 and 19

114. The National Commission on the Rights of the Child and its departmental offices are there to implement, coordinate and monitor the application of the Convention on the Rights of the Child. In coming years, communal and local committees on children's rights will also be set up.

115. The three ministries heavily involved in the implementation of this Convention have representatives on the Commission. These are:

(At the Ministry of Justice, Legislation and Human Rights)

- The Office for the Judicial Protection of Children and Young People, which acts as the permanent secretariat of the National Commission on the Rights of the Child.

(At the Ministry of Family Affairs, Social Welfare and Solidarity)

- The Office of Family and Children’s Affairs, which coordinates the activities of the “Children in difficult situations” unit, headed by the Minister. This unit brings together most of the NGOs and United Nations specialized agencies involved in child welfare and some parts of the ministries concerned.

(At the Ministry of the Interior, Security and Territorial Administration)

- The Brigade for the Protection of Minors, which is responsible for judicial investigations in cases involving children.

(At the Ministry of Defence)

- Local gendarmeries, which handle cases relating to minors in rural or semi-rural areas.

116. The Ministry of Justice, Legislation and Human Rights is the ministry which coordinates follow-up to the Convention in Benin. It heads the National Commission on the Rights of the Child, for which the Office for the Judicial Protection of Children and Young People acts as permanent secretariat.

117. In pursuance of article 2 of the decree that founded it, the Commission coordinates and monitors the implementation of the Convention. Its mission is to:

- Promote children’s rights and safeguard their interests, particularly through the implementation of the Convention;
- Prepare and oversee national policy on the judicial protection of children and young people;
- Monitor the implementation of the Convention;
- Coordinate and harmonize the activities of all national and international bodies within its field of competence.

118. The Government, with the help of UNICEF, has created a computer program called “BenInfo” to collect socio-economic data and compile a database on children. The aim is to develop tools for the identification and collection of indicators, statistics, research results and other relevant information in order to devise a children’s rights policy.

119. Benin does not have a mechanism whereby the Government submits periodic reports on progress made in implementing the Convention to the National Assembly (Parliament).

120. The National Assembly, however, does have the following means of monitoring and securing information on government activities:

- Parliamentary questions;

- Written questions;
- Oral questions, with or without debate, and not followed by a vote;
- Parliamentary commissions of inquiry, in accordance with article 113 of the Constitution of 11 December 1990.

121. In the “Etireno” affair, the Government provided information to the National Assembly in response to parliamentary questions.

122. The appointment of a technical adviser in charge of judicial statistics at the Ministry of Justice, Legislation and Human Rights enabled some data to be collected on children.

Paragraph 20

123. The Ministry of Family Affairs is putting together a comprehensive social policy for the country. The “Children in difficult situations” unit - renamed the “Children requiring special measures of protection” unit - supported by UNICEF, plans to create a child protection policy.

124. Between 1998 and 2002, the State made efforts to ensure that ministries whose responsibilities cover the rights of children had sufficient resources to function. The breakdown by department is as follows.

(a) Health budget

125. The health budget comprises aid coming from partners and government funding. The figures for this budget during the last five years (1998-2002) are presented in the following table.

Table 1
Health funding, 1998, 1999, 2000, 2001 and 2002
(millions of CFA francs)

Year	Partners	State	National budget (as a percentage of partners' budget)
1998	5 783.242	1 060.26	18.33
1999	10 162.79	1 943.9	19.12
2000	11 384.9	2 319.73	20.37
2001	10 355	6 270	60.55
2002	6 432	38 328	575.8
Total	37 685.93	4 992.189	13.24

Sources: Health Statistics Yearbook, 1998, 1999, 2000, 2001 and 2002.

126. Compared with the funds provided by partners, the funds allocated by the State to the health sector have increased in recent years. That shows Benin has made real efforts to improve people's living conditions in this field.

127. The share of the State's budget allocated to health in the years from 1998 to 2002 was 16.15 per cent, 11.13 per cent, 9.98 per cent, 9.78 per cent and 8.03 per cent respectively.

128. The fact that this ratio dropped does not mean the funds allocated to the Ministry of Health have fallen: the health budget is following the general budget's upward trend year on year.

(b) Primary and secondary education budget

129. Benin devoted about CFAF 11.665 billion to nursery, primary and secondary schools between 2000 and 2003, that is, during the 2000/01, 2001/02 and 2002/03 academic years, according to a publication entitled "Les enseignements primaire et secondaire en marche" ("*Primary and Secondary Education On the Move*"), Ministry of Primary and Secondary Education (MEPS), Porto-Novo, 2003.

130. The share of the budget dedicated to social welfare expenditure for children, including health, social security and education - at the national, regional and local levels, and in some cases at the federal and provincial levels - is increasing.

(c) Budget of the Ministry of Family Affairs, Social Welfare and Solidarity

131. The following table shows how the State budget is allocated in this area.

Table 2

Growth of the Ministry of Family Affairs, Social Welfare and Solidarity budget from 1998 to 2002

Year	Amount (in thousands of francs)
1998	(Not available)
1999	312 646
2000	620 256
2001	1 792 267
2002	2 207 202

Source: Ministry of Family Affairs, Social Welfare and Solidarity, budget and accounts department.

132. Even though the budget is steadily growing, it continues to fall well short of what is needed to address the problems facing the Ministry. This accounts for the strong reliance on partners, who also have limited resources.

133. Only in 2002 was a budget line created for efforts to combat child trafficking, in the amount of CFAF 50 million.

134. The quantitative data available are overall data covering the budgets of international institutions, other development partners and the ministries in charge of child welfare.

135. No steps have been taken to collect the information needed for an analysis of the budget specifically dedicated to children in Benin.

136. Nevertheless, available data indicate that the State's contribution to this budget has risen, demonstrating a growing interest in children's issues.

137. For some special events such as Benin's participation in international gatherings, the Council of Ministers will often allocate additional national budget funds to government bodies, making it even harder to properly estimate how much the State has spent in the field.

138. Thanks to the decentralization process started in 1999, the fundamental needs of children will be better attended to, so as to erase regional imbalances. The development of municipalities should improve the management of social, educational and health issues concerning children.

139. There was no budget reduction in the period under examination.

Paragraph 21

140. Many partners support Benin's campaign for child welfare and children's rights, each in its own field: UNICEF, Embassy of Denmark, United States Embassy, USAID, European Union, Terre des Hommes, Red Cross, Catholic Relief Services, etc. They are active in several areas.

141. UNICEF has a cooperation programme with Benin that is renewed every four years. The last programme but one dates from 1999.

142. Realization of the economic, social and cultural rights of children is a matter for both State and non-governmental bodies.

143. There are a variety of programmes on education, the environment, health, the building of basic social, health and education infrastructure, and children's right to leisure and recreation.

144. In the field of education, organizations such as Action Aid, Bornefonden and the Beninese Association for Child and Family Welfare sponsor some children's schooling.

145. Projects to protect children at work and oppose exploitation, such as IPEC, are being run by a number of institutions.

146. Chapters VI, VII and VIII of this report, on health and health services, leisure, recreation and cultural activities, and special protection measures for children, describe international aid efforts to promote and protect the economic, social and cultural rights of children. They also address the issues of multilateral and bilateral international aid for programmes to help children and promote their rights, and assistance from regional and international financial institutions.

147. The share of the State budget devoted to international cooperation and the share of international assistance allocated to health, education, social and other sectors vary annually and with the scale of children's problems.

148. To consolidate the advances reached through Benin's participation in the World Summit for Social Development (Copenhagen, 1995), a Social Development Office has been set up within the Ministry of Family Affairs, Social Welfare and Solidarity.

149. Several measures have been adopted, such as the provision of individual loans to strengthen the population's financial capacity and fight poverty. They were inspired by the Summit's action plan.

150. A paper on national social welfare policy and strategies is under preparation.

Paragraph 22

151. All available media are used to publicize the Convention widely among children and adults.

152. Examples are training seminars, awareness-raising sessions, radio or television spot announcements, sketches, folk songs, conferences, informal debates in both French and national languages, media coverage of events concerning children, and celebration of the Day of the African Child and of Benin Children's Day.

153. Statistics of radio broadcasts on the subject of children's rights are not available. Since 1999, however, as part of efforts to raise awareness of the Convention, the Ministry of Family Affairs, Social Welfare and Solidarity has established partnerships with seven radio stations, with help from UNICEF - the rural local radio stations in Lalo et Tanguiéta, FM Ahémé, Radio Immaculée Conception, Radio Carrefour, Radio-Cotonou (national radio) and its regional station in Parakou. UNICEF supplied equipment for these stations so as to facilitate its work.

154. As for effective and appropriate ways and means of improving knowledge of the Convention, it is also worth noting that, with financial help from UNICEF, the Office for the Judicial Protection of Children and Young People, which acts as permanent secretariat for the National Commission on the Rights of the Child, has started work on translating the Convention on the Rights of the Child into simple French. This work is to be reviewed and endorsed by persons working in the field of children's rights.

155. The first, illustrated edition of the Convention translated into simplified language was printed in 1,000 copies under the title "Des enfants heureux, d'après la Convention relative aux droits de l'enfant" (*Happy Children, as defined by the Convention on the Rights of the Child*). It encourages adults to familiarize themselves with and respect the rights of the child, and children to learn about their rights and exercise them. Further editions are planned to make the Convention better known.

156. Translation of the Convention into several national languages is planned, but is still pending for lack of resources.

157. However, a seminar was organized in 2002 on translation of the Convention into the Fon and Dendi languages. The documents are available in both these languages.

158. Translation of the Convention appears in the action plans of both the Office for the Judicial Protection of Children and Young People and the National Commission on the Rights of the Child (at the national and departmental levels).

159. The departmental committees on the rights of the child have already identified a number of languages in their areas into which the simplified version of the Convention should be translated to allow the public to acquaint themselves with the provisions of the Convention, understand them and comply with them.

160. Translated into simple language, the Convention is an effective tool for publicizing the rights of the child that all stakeholders involved in the protection and promotion of the rights of the child can use, whether in government bodies, NGOs or other private organizations.

161. It is worth noting that NGOs and civil-society organizations contributed to preparing the report, even though no progress has been made in publishing, translating or distributing it, no seminars have been held, and no radio or television programmes made to explain it.

162. Awareness campaigns are broadcast to the general public on the various television channels and radio stations.

163. The local and regional Committees of Child Democrats also use the Convention as a working tool.

164. Nothing has been done, however, to make sure the Convention is disseminated in the languages spoken by the country's largest groups of refugees and immigrants.

165. Another study has been carried out on documents relating to the exploitation of children and women.

166. Measures have also been taken to promote widespread awareness and dissemination of the Convention and its principles and provisions among the population. Among these are seminars and awareness and dissemination campaigns organized by governmental and non-governmental specialists in child welfare and children's rights.

167. Radio announcements, sketches and radio and television spots complement this effort to educate, train and mobilize everyone around the Convention on the Rights of the Child.

168. An exhaustive list of the activities different bodies have undertaken is not available.

169. However, various bodies have carried out activities to promote greater awareness of the Convention. Activities between 1998 and 2002 included:

At the Ministry of the Family:

- Training courses for judges, police and gendarmerie officers, social workers and NGOs on the Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the implementation of rules and regulations on child trafficking.

At the Ministry of Justice:

- Sessions of the National Commission on the Rights of the Child and the departmental committees, as well as other activities.

170. These activities have allowed members of the Commission to learn about the rights of the child in general and about specific issues such as the right to education, child trafficking and other phenomena harmful to children.

171. At the inauguration ceremonies of the Commission and its local offices, political, administrative, local and religious authorities, traditional chiefs and others present were given a copy of the Convention on the Rights of the Child to further its dissemination.

172. Members of the National Assembly received training on the rights of the child, thanks to financial support from UNICEF.

173. On the occasion of the 50th anniversary of the Universal Declaration of Human Rights and the celebration of International Day for Tolerance, the Beninese National Commission for UNESCO provided children and young people with information on their own rights and human rights in general.

174. Many NGOs are involved in the protection of children's rights, organizing training and publicity activities relating to the Convention.

175. Radio or television programmes are often organized on subjects pertaining to the rights of children. Use is often made of rural local radio stations for these broadcasts.

176. No record has been kept of publications issued between 1998 and 2002.

177. Several graduate dissertations have discussed the rights of children in general as well as specific subjects such as child trafficking, the right to education, child health, conditions in which children are held in prisons, child servants, etc.

178. UNICEF published a list of the studies it conducted or supported between 1995 and 1999 and between 1999 and 2002 (UNICEF, "Revue des études et évaluations, suivi et évaluation Programme Bénin-UNICEF de 1999 à 2003", vol. 3, November 1999, and vol. 4, June 2001).

179. Children are participating in the activities organized to raise awareness and knowledge of the Convention on the Rights of the Child.

180. During Benin's Children's Rights Fortnight sponsored by Radda Barnen in 1998, CNED, in collaboration with ABAEF, organized a training session for children on their rights and obligations. This rich experience enabled some 50 children of different ages to learn about their rights and corresponding obligations.

181. Several children's gatherings were organized with the help of UNICEF, including a workshop that took place on 25 November 1999 on the image of children in the year 2000, which allowed children to better understand their rights as set out in the Convention on the

Rights of the Child and to set their priorities in terms of children's rights. This effort was based on the results of several studies including an analysis carried out by UNICEF in 1997-1998, a day of discussion with children and teenagers aged 12 to 18, a three-day workshop for professionals, researchers and field workers, some 30 interviews in working-class areas, and a survey conducted among 831 children aged 13 to 18.

182. Ahead of the World Summit for Children (Marrakech, 2001), children took part in radio and television broadcasts in which they were invited to speak up for their rights and discuss their duties.

183. UNICEF has also encouraged the establishment of local and regional Committees of Child Democrats, which should lead to the creation of a Children's Parliament.

184. The Association des Enfants et Jeunes Travailleurs, part of a large movement based in Dakar called Environmental Development in the Third World (ENDA - Tiers Monde), has contributed to publicizing the Convention, in particular the 12 rights of child workers and young workers defined for the African continent by children within the movement.

185. During the yearly CNED session, a workshop focused on the way in which children could participate in the work of this commission and its local offices.

186. Beninese schools have been teaching human rights and children's rights since the introduction of the new syllabuses, which are already widely used at the primary level. Children are learning about their rights and duties in social and civic education classes, and their examinations include questions on the subject.

Paragraph 23

187. This report was drawn up in the same way as previous reports.

188. The initial report was widely disseminated in all regional capitals. The Convention is distributed to all the participants in meetings for the purpose. Press reports of these activities bring the information to large numbers of people.

189. The same steps will be taken to publicize this report and, if need be, they will be improved.

190. A workshop to discuss the comments made by the Committee on the Rights of the Child on Benin's initial report on the implementation of the Convention was held in Djrègbé on 27 and 28 January 2000. This meeting brought together heads of government bodies and representatives of NGOs and of the national press and television. The media covered the event extensively, in both French and several national languages, in order to reach all social strata.

II. DEFINITION OF THE CHILD (art. 1)

Paragraph 24

191. The definition of the child has not changed since the ratification of the Convention at the end of 2002.

192. A doctor can conduct an emergency examination of a child without parental consent if the child's life or health are in danger.

193. Cases of reluctance due to religious beliefs persist. Both government bodies and NGOs are working on raising awareness among religious groups in this respect.

194. Under the Civil Code, the minimum legal age for marriage is 18 for boys and 15 for girls (art. 140).

195. Cases involving offences committed by minors are heard by specialized courts. Minors enjoy all the judicial safeguards associated with their under-age status.

196. Only the jurisdictions of Cotonou, Porto-Novo and Ouidah have juvenile court judges.

197. Other jurisdictions entrust cases involving minors to an examining judge.

198. In criminal cases, pretrial detention is only exceptionally applied to minors. Supervisory measures and remand homes are preferred (ordinance No. 69-23 PR/MJL of 10 July 1969). Capital punishment exists, but does not apply to children.

199. Although no provision is made for the enforcement of penalties to be waived, it is tacitly understood that children cannot incur maximum sentences, but only half those prescribed for adults.

200. Voluntary enlistment into the army and military service are allowed only above the age of 21. Forced conscription into the armed forces does not exist in Benin.

201. As for children's criminal responsibility, the 1969 ordinance mentioned above deals with proceedings against minors in conflict with the law. The legislation distinguishes between minors under 13 years of age, who may not be detained, and minors aged above 13, who can be placed in pretrial detention.

202. There is no provision of the law which specifically sets a minimum age for sexual relations.

203. Since the ages at which boys and girls may marry are defined by the legislation, these can be considered the ages of consent to sexual relations.

204. Currently, under civil law, the age of majority is set at 21. Children are therefore under their parents' responsibility until they reach the age of 21, even though under article 1 of the Convention, a child means every human being under 18.

205. No age limit has been set in connection with the right to testify before a court. A child may be heard only as a witness, and always in the presence of a parent or social worker.

206. The same holds for a child's participation in administrative or judicial proceedings.

207. Civil majority, which is effective from age 21, is also a prerequisite for the establishment or modification of family ties. However, a child cannot change a full adoption decision as this form of adoption terminates any link with the child's biological parents.

208. Children can participate in any judicial proceedings that interest them, depending on how mature they are. Children who are in conflict with the law are granted legal aid. During the proceedings, they also receive assistance from a childcare or social worker, and, whenever possible, their parents.

209. Children can access any kind of information. Their opinion is taken into account, depending on how mature they are, during adoption, guardianship or other procedures.

210. Children's right of association is recognized. However, given the civil liabilities or criminal responsibilities that can arise during the functioning of such entities and in the course of their activities, children exercise this right under the patronage or supervision of adults. Similarly, children cannot undertake real estate transactions on their own.

211. Only adults have the legal capacity to inherit, undertake property transactions, and set up or join associations.

212. Children can choose their religion and receive religious instruction at school.

213. Alcoholism is an offence punishable under the criminal law. Article 8 of the decree of 10 June 1942 regulating the production, import, advertisement, sale and consumption of alcoholic beverages in French West Africa, prohibits the sale or free supply of alcoholic beverages to minors under 20. Article 13 stipulates fines ranging from CFAF 200,000 to CFAF 1 million for such offences, doubled in the case of repeat offences.

214. The minimum age for employment is 14, under the Labour Code. For dangerous work, it is set at 18, in accordance with the provisions of inter-ministerial order No. 132/MFPTRA/MSP/DC/SGM/DT/SST of 7 November 2000, which specified the categories of work and workplaces forbidden to pregnant women and children, and the corresponding age restrictions.

215. None of these provisions run counter to the principle of non-discrimination set out in article 2 of the Convention on the Rights of the Child and in article 2 of the Convention on the Elimination of All Forms of Discrimination against Women - a principle which applies to the whole of Beninese society.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

Paragraph 25

216. There have been no changes in the law in this respect.

B. Best interests of the child (art. 3, para. 1)

Paragraphs 26 to 32

217. No new developments.

Paragraph 33

218. Benin's legislation has not yet incorporated the principle of the best interests of the child.

Paragraph 34

219. Notwithstanding the above, the courts attach great importance to this principle during trials involving or concerning the life of children. Several judgements, in particular No. 7 of 21 January 2001, No. 77 of 4 June 2001 and No. 102 of 4 October 2001, are firmly based on this principle.

220. Likewise, social welfare agencies, both private and public, pay special attention to the principle of the best interests of the child in all their actions or activities for the benefit of children.

Paragraph 35

221. A large share of the national budget is devoted to the right to education and to social issues. The same is true for basic health services and development issues in general. During the academic years 2000 to 2003, a total of CFAF 11,665 billion was allocated to nursery, primary and secondary schools under the national budget. Information on the health budget has been set out above.

Paragraph 36

222. Specific bills are under preparation in the areas of child trafficking, female genital mutilation and reproductive health. A Criminal Code is being drafted to encompass all the legal issues raised.

223. The Ministry of Family Affairs, Social Welfare and Solidarity, through the Social Development Office and the offices responsible for the Welfare Support Fund and the National Solidarity Support Fund, is developing support programmes for families and vulnerable groups in order to boost their earning capacity and ensure better treatment of children's problems. The Office of Family and Children's Affairs is engaged in activities to promote children's rights education through the local committees to prevent trafficking in children as well as education centres it has set up and supervised in communities and social promotion centres.

224. There are 12 such educational centres, in Suruléré, Akpakpa, Placondji, Saint-Michel, Gbégamey, Sainte-Cécile, Ouando, Dèguè-Gare, Agbokou, Bopa, Houéyogbé and Abomey.

225. Various programmes have been set up to combat malaria, diarrhoeal diseases, acute respiratory infections, etc.

Paragraph 37

226. No legislative measures have been taken in this regard.

227. The table below indicates the number of private institutions for children in difficult situations.

Table 3
Private institutions for children in difficult situations
established in Benin between 1998 and 2002

Department	Number of new institutions (by year)					Total
	1998	1999	2000	2001	2002	
Atlantique-Littoral	1	1	1	-	-	3
Borgou-Alibori	-	-	-	-	-	0
Atacora-Donga	1	4	1	-	-	6
Mono-Couffo	1	-	-	-	-	1
Ouémé-Plateau	-	-	-	-	-	0
Zou-Collines	-	1	-	-	-	1
Total	3	6	2	0	0	11

Source: Répertoire des structures de protection de l'enfant au Bénin, 2001, Ministry of Family Affairs, Social Welfare and Solidarity and UNICEF.

228. The institutions in the table above are denominational in character or were established by individuals or NGOs. Most have relatively few staff, generally not educated beyond primary-school level; staff with a university education are very rare indeed.

229. For some years, the Ministry for Children has arranged on-site training for staff at these institutions on the rights of the child and hygiene, health and nutrition, thereby enabling them to operate more effectively pending the introduction of relevant norms and standards.

230. Additionally, certain NGOs specialize in caring for abandoned, abused, runaway and rescued children, for example Carrefour d'écoute et d'orientation run by Cotonou archdiocese, Centre Oasis de Cotonou run by Terre des Hommes, Fondation Regard d'amour, and Centre Notre-Dame-du-Refuge in Parakou.

231. There is also a public body, the National Centre for the Protection of Children and Adolescents, which has regional centres at Parakou and Aplahoué.

232. These institutions are subject to periodic inspections.

Paragraph 38

233. No problem has been specifically flagged regarding application of the principle of the best interests of the child.

Paragraph 39

234. The principle of the best interests of the child is not discernible in the training of professionals dealing with children's rights, or in seminars and workshops on the rights of the child, to the extent that participants can understand all aspects of it.

C. The right to life, survival and development (art. 6)

Paragraph 40

235. No new developments.

Paragraph 41

236. Benin's level of development, characterized by a tendency not to refer sick children to health facilities automatically and inconsistent reporting of deaths prior to burial, means that there are still no reliable statistics on deaths generally and those of children in particular.

237. Traditionally, suicide is extremely rare in Benin. Thus, no special arrangements have been made to prevent child suicides or to monitor their frequency.

D. Respect for the views of the child (art. 12)

Paragraphs 42 to 48

238. No new developments.

IV. CIVIL RIGHTS AND FREEDOMS

Paragraph 49

239. No new developments.

A. Name and nationality (art. 7)

Paragraph 50

240. The draft Personal and Family Code now being formulated includes measures to encourage the registration of children at birth. To ease this formality, provision has been made for birth registers and sub-offices for civil registration.

Paragraph 51

241. A seminar on civil status matters in Benin was organized by Fondation Regard d'amour, assisted by the Embassy of the United States of America, to raise awareness and mobilize public opinion regarding the need to register births, and also to provide proper training to civil status registrars. UNICEF has also conducted outreach and education programmes. Likewise, NGOs have incorporated this campaign into their various projects.

242. In 2002, in the context of the Child Protection Fund piloted by the Agency for Funding Grass-roots Initiatives, NGOs helped populations in trafficking-affected areas to apply for court declarations as substitutes for birth certificates.

243. The following NGOs took part in this project: ABAEF, Programme d'insertion des enfants déshérités (PIED), Conseil des activités éducatives du Bénin (CAEB) and Équilibre Bénin.

244. These organizations have proved invaluable in sensitizing rural populations to the need to register children at birth.

Paragraphs 52-54

B. Preservation of identity (art. 8)

Paragraph 55

245. No new developments.

C. Freedom of expression (art. 13)

Paragraph 56

246. No new developments.

D. Freedom of thought, conscience and religion (art. 14)

Paragraphs 57 and 58

247. No new developments.

E. Freedom of association and peaceful assembly (art. 15)

Paragraph 59

248. No new developments.

F. Protection of privacy (art. 16)

Paragraph 60

249. Children's privacy is respected, in keeping with their level of maturity, as indicated in the initial report.

250. The law safeguards the confidentiality of correspondence and communications.

G. Access to appropriate information (art. 17)

Paragraph 61

251. Children have the right to information. No new developments.

H. The right not to be subjected to torture (art. 37)

Paragraph 62

252. No new developments.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

Paragraphs 63-65

253. No new developments.

B. Parental responsibilities (art. 18)

Paragraph 66

254. Considering the number of children requiring special measures of protection (roughly 900,000, including disabled children, orphans and children who do not live with their biological parents), the authorities have understood the importance of addressing parental shortcomings and to this end have launched the “Children requiring special measures of protection” programme in partnership with UNICEF.

Paragraph 67

255. No specific measures have been adopted to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

256. Nevertheless, destitute parents may receive ad hoc assistance from the State upon submitting their case to the national commission established for that purpose, which is chaired by the Minister for Social Welfare. This enables them to meet their subsistence, education and/or health needs.

257. Secondary schools have infirmaries. But no special measures have been adopted for children from single-parent families or children from the most disadvantaged groups.

258. Following selection by a joint committee comprising the Beninese Government and the World Food Programme (WFP), canteens have been installed in some schools in rural areas.

259. In 1998 a joint study on parenting in the Beninese socio-economic context was carried out by DCI Benin, ABAEF and CONADEB, with assistance from the Rädde Barnen regional office in Guinea-Bissau.

260. This symposium brought together members of the national legal service, representatives of various ministries and the Federation of Parents of Schoolchildren, sociologists, administrators of children’s care facilities and members of NGOs.

261. Feedback on this study was provided at a national symposium held at the International Conference Centre from 21 to 23 December 1998 on the theme “Biological parents and responsible parents: Bridging the gap”.

Paragraph 68

262. No data is available on children from single-parent families and the most disadvantaged groups, including those living in extreme poverty, who have benefited from any of these measures.

C. Separation from parents (art. 9)

Paragraph 69

263. The family is the basic social unit, recognized and protected by the Constitution (art. 26). In this sense, the law does not allow a child to be separated from its parents. Accordingly, in 1999 the Ministry of Justice, Legislation and Human Rights drafted a bill to tackle the illicit transfer of children inside or outside the country and the sourcing of children for placement or trafficking.

Paragraphs 70-73

264. No new developments.

D. Family reunification (art. 10)

Paragraph 74

265. The Office of the High Commissioner for Refugees (UNHCR) handles issues relating to refugees and asylum-seekers in partnership with the Beninese Government. It has a track record of success in family reunification benefiting children.

Paragraphs 75-77

266. No new developments.

Paragraph 78

267. For a while now, trafficking in children has assumed alarming proportions in Benin, to the extent that subregional services of Interpol are cooperating with each other to ensure the repatriation of rescued child victims.

E. Illicit transfer and non-return (art. 11)

Paragraph 79

268. Benin has taken steps to tackle the problem of illicit transfers and non-return of children abroad, for example through legislation, administrative and judicial arrangements and monitoring mechanisms (see below, section relating to paragraph 94).

269. Benin has recently ratified the following instruments:

- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

Benin signed both protocols in 2001.

270. Besides the measures already adopted and listed in the initial and the present report, no other action has been taken in this area.

271. Some progress has been made to date in tackling illicit transfer and non-return, but much remains to be done.

272. The numbers of children intercepted at the Beninese frontier between 1998 and 2002 are as follows (source: mid-term review of the Benin/UNICEF Cooperation Programme for 1999-2003):

- 1998: 1,059;
- 1999: 678;
- 2000: 224;
- 2001: no data available;
- 2002: 102.

These figures clearly show that the number of children intercepted at the border declined from a high point of 1,059 in 1998 to just 102 four years later.

273. A study carried out in 2002 by the Ministry of Family Affairs, Social Welfare and Solidarity in the subprefectures of Zogbodomey, Ouinhi and Djidja indicated that 4,215 children (2,419 girls and 1,795 boys) migrated in the period 1997-2002. In the same period, child departures occurred in 62 per cent of households in Zou province.

274. Efforts to combat trafficking in children are hampered by economic, social, institutional, political and legislative factors.

275. At the economic and social level, the phenomenon persists owing to the generalized poverty that blights the lives of parents and children alike. Some measures have been taken to reduce this poverty, for example establishing microfinance facilities. The most recent example is the National Solidarity Support Fund, created by the Government in 2002 and overseen by the Ministry of Solidarity.

276. Politically and institutionally, follow-up of certain measures is a problem. However, various initiatives have been undertaken through the National Commission on the Rights of the

Child, the departmental committees on the rights of the child and local committees to prevent trafficking in children, for example, training to deal with trafficking. It should be noted that these committees are relatively inactive for want of funds.

277. For the time being, basic welfare services are not available to the whole population owing to the economic problems besetting the country.

278. As far as legislation is concerned, the problem lies with statutes that are hard to enforce. The bill on trafficking in children, which seeks to rationalize the prevention and punishment of trafficking, has not yet been adopted.

F. Recovery of maintenance for the child (art. 27, para. 4)

Paragraph 80

279. The obligation to pay maintenance is recognized under national legislation. It is based on the general principles of the Convention, namely non-discrimination, the best interests of the child, respect for the views of the child and the right to life, survival and development.

280. In the event of separation or divorce of the parents, the parent with custody of the children is entitled to child maintenance.

281. In the event of failure to comply with this obligation, the judge overseeing the case may order the attachment of the non-paying parent's salary.

282. The recovery of maintenance from the child's parents or other persons with financial responsibility towards a child becomes problematic, however, when the parents are not in salaried work that enables their income to be verified and permits attachment of their earnings.

283. If a parent or other person with financial responsibility towards a child avoids paying maintenance, the child remains the dependant of the parent with custody. This parent may however seek welfare assistance.

284. Failure to register a child's birth is inadmissible as grounds for non-payment of maintenance.

285. Where paternity is contested, men are reluctant to pay maintenance.

286. Some fathers do not understand that they must pay maintenance for their children when the mother is no longer in the marriage. They avoid paying maintenance as a way of punishing their ex-wives for leaving them.

G. Children deprived of a family environment (art. 20)

Paragraph 81

287. Much remains to be done by the authorities to attend to the needs of children in this category. Traditionally in Benin, such children are supported in the community. Nowadays, the gradual loss of a sense of community and the development of individualism mean that children deprived of a family environment are increasingly left to their own devices.

288. However, in order to fill the gap left by public institutions, other civil-society organizations and NGOs try as best they can to assist children in difficult situations.

Paragraph 82

289. In the cases mentioned, all decisions are based on respect for the underlying principles of the Convention, the desirability of continuity in a child's upbringing and the child's ethnic, religious, cultural and linguistic background.

Paragraph 83

290. Generally speaking, the Beninese Government envisages a progressive strengthening of the earning capacity of families, and especially of women, thereby enabling them to care for their children in a proper manner.

H. Adoption (art. 21)

Paragraph 84

291. The concept of adoption is recognized in Beninese positive law. Although Beninese law allows it, adoption is nevertheless subject to strict regulation that gives priority to respect for the best interests of the child.

292. Beninese law allows two forms of adoption, namely full adoption, which is irrevocable, and simple adoption.

293. The best interests of the child override all other concerns. Adoption remains an option of last resort, however.

294. Adoptions are authorized by the judicial authorities.

295. Benin has signed but not yet ratified the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

296. Decisions relating to adoption are based on the provisions of the French Civil Code (1958 version).

297. The consent of parents, relatives or legal representatives is required, but the prime consideration is the best interests of the child. This is why, in certain cases, children are consulted, making allowances for their level of maturity, and their consent is essential.

298. Safeguards exist for the protection of the child. Legal and procedural safeguards are in place to monitor the situation of adopted children. International adoptions are handled by the authorities in the child's adoptive country (the courts and social workers).

299. The effects of adoption differ depending on whether full or simple adoption arrangements apply.

Paragraph 85

300. International adoption is subject to special controls. Inquiries are made by letters rogatory in the adopting parents' country of origin to prevent all forms of trafficking in children or other forms of child abuse.

301. National adoption is preferred to international adoption.

Paragraph 86

302. Childcare facilities such as IFTDH try to prepare adoption dossiers in order to transmit as much information as possible to the courts.

303. In international adoptions, the Beninese Government relies on international cooperation and international mutual legal assistance to protect children.

I. Periodic review of placement (art. 25)

Paragraph 87

304. Only a juvenile judge has the power to place a child in an institution (the National Centre for the Protection of Children and Adolescents).

305. Children in institutions are comprehensively looked after and their basic needs attended to. They receive appropriate education with a view to modifying their behaviour and teaching them practical skills.

Paragraph 88

306. The judge who decided upon placement monitors the child's progress. The institution informs him or her of any problems so that the necessary steps can be taken.

307. The judge must respect the best interests of the child and avoid discriminatory treatment.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

Paragraph 89

308. National legislation to protect children is based on existing national texts in the constitutional, civil, criminal, social and traditional domains and on relevant international instruments ratified by Benin.

309. New measures include Act No. 98-004 of 27 January 1998 on adoption of the Labour Code, many provisions of which protect young workers. Articles 64, 70, 166-169 and 298-303 of the Code set out the terms on which young people may be admitted to employment. Likewise, inter-ministerial order No. 132/MFPTRA/MSP/DC/SGM/DI/SST of 7 November 2000 specifies the categories of work and workplaces forbidden to women, pregnant women and children and the corresponding age restrictions.

310. The criminal law protects children against all forms of violence, physical or mental aggression, abuse, neglect, ill-treatment and exploitation, including sexual violence, while in the custody of either or both parents, a legal guardian or any other person entrusted with caring for them.

311. Beninese legislation prohibits all forms of violence against children, whether physical or mental.

312. Article 312 of the Criminal Code punishes child abuse, a fact that is communicated widely at training courses organized by the Ministry of Human Rights.

313. Unfortunately, cases of child abuse continue to occur. Such cases are usually reported by neighbours, or occasionally by children themselves or by close relatives, to the Brigade for the Protection of Minors via a free telephone number.

314. Corporal punishment is prohibited in penitentiaries and schools.

315. A child may file a complaint, directly or indirectly via a representative.

316. When this article of the Convention is breached, the matter is taken up by the Brigade for the Protection of Minors, or by police stations in the provinces. In rural areas, gendarmerie units are competent to receive complaints relating to children.

317. In the light of the violations of the rights of the child noted above, public information and awareness-raising campaigns are regularly conducted by NGOs and various official bodies to prevent violence, cruelty and abuse and thus strengthen arrangements for protecting children.

Paragraph 90

318. The Beninese Ministry for Family Affairs, Social Welfare and Solidarity has an Office for Family and Children's Affairs, which deals with social issues affecting children, including prevention, reintegration and institutional care.

319. The Brigade for the Protection of Minors works closely with the Ministry.

320. NGOs run counselling and legal and social advisory services.

321. The Family and Justice Ministries and NGOs organize training on specific child protection issues.

Paragraph 91

322. The technical services of the Office of Family and Children's Affairs in the Ministry of Family Affairs, Social Welfare and Solidarity oversee the social reintegration of child victims of trafficking. Children are reintegrated using a cross-disciplinary approach that involves social services, law enforcement and the courts. Most of the children repatriated from Nigeria have been reintegrated using this method.

323. The Ministry of Family Affairs and NGOs have instituted follow-up services.

324. The main problem is the shortage of reception and transit centres. The authorities still have much to do in this field, because the few centres that do exist are administered by NGOs and the archdiocese.

Paragraph 92

325. With support from UNICEF, the Brigade for the Protection of Minors has developed and edited a manual of procedures on the reintegration of child victims of trafficking. This manual was felt to be necessary when the various actors that aspired to take part in the reintegration process were found to lack certain required skills and a degree of confusion arose.

326. The actors entitled to intervene in the reintegration process must therefore be identified and their respective terms of reference clearly defined.

VI. BASIC HEALTH AND WELFARE

A. Children with disabilities (art. 23)

Paragraph 93

327. In keeping with its national population policy, Benin is continually seeking ways to improve the situation of the population in general, and that of vulnerable children in particular. Included in this group are disabled children with specific disorders. The approach taken is to provide support both during and after the training of disabled children with a view to promoting self-reliance and facilitating social integration. A community-based rehabilitation programme, which was established in 1989 to care for disabled children, remains active today.

328. In an effort to improve care for persons with disabilities, the Government included in its programme of action for 2001-2006 measures to increase awareness of laws protecting disabled persons; the establishment of reception and training centres adapted to the special needs of the disabled; the creation of conditions favourable to the integration of disabled persons into the workforce after completion of their training; support for NGOs working on behalf of disabled children; and the establishment of the Beninese School for the Deaf.

329. With a view to implementing measures contained in the programme of action, steps were taken in 2003 to establish a national policy for the protection and care of vulnerable persons.

330. In addition, the Government is taking all necessary steps to ensure that disabled children become self-reliant. This is being done by providing children with various kinds of equipment depending on their disability (tricycle, prosthesis, white stick, etc.). Some disabled children are taken in and trained in specialized training and social rehabilitation centres that have been set up for this purpose, such as:

- Vocational Training Centre for Disabled Persons (Akassato and Péporyakou);
- School for the Deaf and Dumb (Cotonou);
- Centre for the Social Advancement of Blind and Amblyopic Persons;

- Community-based Rehabilitation Programme (under the purview of the Ministry of Family Affairs, Social Welfare and Solidarity), the main office of which is located in Cotonou and which has three public reception facilities.

331. This government programme, which is supported by Benin's development partners and various NGOs, such as the Order of Malta, the Swiss aid programme, Genève Tiers-Monde and WHO, is aimed primarily at integrating disabled persons into society. It is active in seven communities, three of which have a public reception facility; in the others, officers from the Community-based Rehabilitation Programme cooperate with social workers at social development centres to:

- Raise awareness concerning the capabilities and aptitudes of the disabled;
- Mobilize the material resources needed to address their needs;
- Pursue fund-raising activities.

332. Every year, more than 600 disabled persons benefit from the assistance provided by the Community-based Rehabilitation Programme.

333. The objectives of these programmes are in keeping with the overall goal of increasing welfare and self-reliance: rehabilitation techniques are made available to the disabled and their families in order to guarantee them a maximum level of independence, thereby facilitating their socio-economic integration.

334. The activities of the programmes are carried out using the three public reception facilities. One offers a point of contact that is accessible to all disabled persons and their parents. It supports the activities of the rehabilitation programme and promotes contact between disabled persons, between families and with the outside world. In terms of rehabilitation, the facility offers medical and social consultations, literacy training and various other courses. The reception facility consists of several small buildings, including a storage depot for rehabilitation equipment.

335. Officers from the Community-based Rehabilitation Programme perform various tasks each week, including visits to the homes of disabled children, the schools where they study and the workshops where they learn a trade. They also promote training for the parents of disabled children, maintain contacts with the referral centres (hospitals), produce awareness-raising material for the friends and relatives of disabled children, carry out rehabilitation and facilitation activities at the public reception facilities, and perform administrative tasks.

336. In each region, support committees (of which there are a total of seven) made up of disabled persons and volunteers engage in fund-raising efforts, help at the reception facilities, provide facilitation, and manage rehabilitation programmes in communities without a reception facility. The goal of the promoters of the programme is to extend it throughout Benin.

337. The role of NGOs and associations should not be overlooked. The private sector complements actions taken by the Government to set up special schools for disabled persons (schools for the deaf and dumb, schools for the blind, etc.).

338. In addition, some international NGOs and voluntary associations support the initiatives taken by national NGOs. Handicap International, for example, in partnership with Équilibre Bénin, comes to the aid of any person in a vulnerable situation. It is active, in particular, in providing assistance to persons with a disability, regardless of the origin (congenital or prenatal disorder, illness, accident, physical violence or trauma, malnutrition) or nature (physical, sensory or mental) of their disability.

339. Other public and private organizations also provide assistance to persons living with a disability (orthopaedic and rehabilitation centres in the hospitals of Cotonou, Porto-Novo, Abomey and Parakou, the Bethesda Centre in Lokossa and Handicap Plus (an NGO) in Bohicon).

340. The following table, which contains figures for 2002, indicates the incidence of various types of disability; however, it does not indicate children's disabilities.

Table 4
Number and percentage of disabled persons in Benin
according to disability, 2002

Department	Number of disabled persons	%	Blindness	Deafness	Muteness	Visual impairment	Mental disability	Lower-limb paralysis	Upper-limb paralysis	Other disability
Alibori	6 065	3.5	0.5	0.4	0.1	1.0	0.2	0.6	0.3	0.5
Atacora	9 914	5.7	0.9	0.6	0.2	1.6	0.4	0.9	0.4	0.8
Atlantique	27 317	15.8	1.0	0.8	0.3	6.9	0.4	1.6	0.6	4.2
Borgou	11 391	6.6	0.8	0.7	0.2	2.2	0.3	1.2	0.4	0.9
Collines	15 420	8.9	0.8	0.6	0.3	2.0	0.3	1.0	0.3	3.6
Couffo	12 839	7.4	0.5	0.5	0.2	2.4	0.2	0.9	0.3	2.5
Donga	6 171	3.6	0.4	0.5	0.1	0.8	0.2	0.6	0.2	0.8
Littoral	19 308	11.2	0.7	0.6	0.2	6.9	0.3	1.1	0.4	1.2
Mono	20 992	12.1	0.6	0.6	0.2	4.8	0.2	1.0	0.3	4.5
Ouémé	19 442	11.2	1.0	0.8	0.2	5.0	0.4	1.4	0.6	2.0
Plateau	8 737	5.1	0.7	0.4	0.1	1.4	0.2	0.7	0.3	1.3
Zou	15 294	8.9	1.2	0.8	0.2	2.7	0.3	1.6	0.6	1.4
Total	172 870	100	9.0	7.2	2.3	37.5	3.3	12.7	4.6	23.5

Source: "General population and housing census, consolidated findings", National Institute of Statistics and Economic Analysis, Cotonou, December 2003, p. 33.

B. Health and health services (art. 24)

Paragraph 94

341. The Constitution of 11 December 1990 wholly incorporated the rights contained in the African Charter on Human and Peoples' Rights, which was adopted in 1981 by the Organization of African Unity (OAU) and ratified by Benin on 20 January 1986. Article 8 of the Constitution states that "the human person is sacred and inviolable. The State has the absolute obligation to respect and protect the human person and to ensure the fulfilment of his or her potential. To that end it shall guarantee its citizens equal access to health, education, culture, information, vocational training and employment".

342. In order to make equal access to health care a reality, several measures have been adopted by the Government with a view to guaranteeing children the right to enjoy better health. These include:

- Adoption of the Labour Code on 27 January 1998;
- Signature by Benin on 22 February 2001 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which was adopted in New York on 25 May 2000;
- Drafting and submission of two bills: one on prohibition of the practice of female genital mutilation and the other on sexual and reproductive health.

343. Several programmes and projects aimed at improving the health of the population have been strengthened. These include:

- Table salt iodization project;
- Vitamin A supplementation scheme;
- Expanded programme on Immunization (EPI);
- National Programme to Combat Malaria;
- Programme to Treat Diarrhoea in Children;
- Water and Sanitation programme;
- Regional Centre for Drinking Water, which has recently become a non-profit association.

Paragraph 95

344. Statistics reveal marked improvements with respect to the past. Various projects and programmes have contributed to these improvements, especially the EPI and the National Programme to Combat Malaria.

345. Between 1998 and 2002, new strategies were utilized to maximize the results achieved by the EPI, including:

- Door-to-door visits to find and vaccinate children who had eluded routine vaccination;
- The introduction of a health card for this programme in order to keep track of the number of “targets” who have never been vaccinated and determine specific strategies for reaching them.

346. There are programmes to deal with almost all the diseases and health problems to which children are subject. The Food and Nutrition programme and the vitamin A supplementation scheme are the principal measures taken to deal with anaemia and malnutrition, which have been identified as the main disorders affecting children between the ages of 0 and 10.

347. The table below indicates vaccination coverage rates from 1996 to 2002 for children under the age of 5.

Table 5
Vaccination coverage rates from 1996 to 2002 for under-fives
(per cent)

Vaccine	1996	2001	2002
BCG	88	109	119
DPT1	86	106	121
DPT3	77	90	102
VAR	72	85	97

348. These results were obtained through the combined efforts of the Government of Benin and its development partners, which include UNICEF, the United Nations Population Fund (UNFPA), WHO, the Royal Embassy of Denmark and several NGOs.

349. The share accounted for by the health sector in the national budget rose from 16.11 per cent in 1998 to 18.26 per cent in 1999. It then declined gradually (14.49 per cent in 2000, and 14.23 per cent in 2001), falling to 13.59 per cent in 2002.

350. In 2002, a total of CFAF 14,280,000,000 was invested in the health sector; of this figure, CFAF 6,770,000,000 was funded by development partners and CFAF 7,510,000,000 was funded from the national budget through the Government investment programme.

351. Hence, the health sector accounted for 53 per cent of the national budget in 2002, as compared with 38 per cent in 2001. Of this percentage, the share accounted for collectively by the various development partners came to 47 per cent in 2002, as compared with 62 per cent in 2001.

352. However, whereas the Government is taking steps to improve health care for the population, the amount contributed by its development partners is decreasing.

353. The table below illustrates the trend of the national budget and health budgets for the period 1998 to 2002.

Table 6
Share of health-sector operating budget in general operating budget from 1998 to 2002

Year	National budget*	Health-sector operating budget			Total health budget	Per capita health budget***	Health budget as a proportion of national budget (%)
		Personnel	Other operating expenses	BESA** Health			
1998	78 195 000	5 393 017	7 111 674	89 526	12 594 217	2 165	16.11
1999	77 923 146	5 972 741	8 232 278	27 000	14 232 019	2 376	18.26
2000	111 917 967	7 225 165	10 128 956	27 000	17 381 121	2 817	14.49
2001	134 032 921	6 913 944	11 955 146	200 810	19 069 900	3 002	14.23
2002	153 126 739	6 666 857	13 933 647	210 851	20 811 355	3 082	13.59

Source: *Annuaire des statistiques sanitaires 2002*, Accounting Service, Ministry of Health, p. 28.

* National operating budget.

** BESA = Social and administrative infrastructure budget.

*** Per capita health budget, expressed in CFA francs.

Paragraph 96

354. The measures taken to give effect to legislation and the various projects and programmes may be found in the section corresponding to paragraph 94 of the general guidelines for periodic reports (CRC/C/58).

355. The infant mortality rate dropped by 25 percentage points, from 114 per thousand to 89 per thousand. Similarly, the infant child mortality rate fell from 203 per thousand to 160 per thousand. These results were achieved through the implementation of programmes designed to provide effective protection against childhood illnesses.

356. Steps have been taken to bring health centres as close as possible to the people by setting up new village health centres and health posts.

357. The findings of the Demographic and Health Survey, 2001 may be used to illustrate the trend in the infant mortality rate from 1996 to 2001.

Table 7
Under-five mortality rates in 1996 and 2001 (per 1,000 live births)

Survey	Neonatal mortality	Post-neonatal mortality	Infant mortality rate	Child mortality rate	Infant/child mortality rate
First Demographic and Health Survey (1996)	38.2	55.8	93.9	80.0	166.5
Second Demographic and Health Survey (2001)	38.4	50.7	89.1	77.8	160.0

Source: Mortality rates table, Demographic and Health Survey, 2001, p. 118.

358. The table below lists the mortality indicators for children in Benin in 2002, based on excerpts of documents from the third general population and housing census.

Table 8
Mortality indicators for Benin, 2002 (per 1,000 live births)

Region	Crude mortality rate	Before 1st birthday (1q0)	Between 1st and 5th birthday (4q1)	Before 5th birthday (5q0)
<i>Benin</i>	122.7	90	62	146.4
<i>Urban</i>	96.3	83	56	134.3
<i>Rural</i>	152.3	92	64	150.1
Alibori	-	84	57	136.2
Atacora	-	96	68	157.5
Atlantique	-	97	69	159.3
Borgou	-	74	47	117.5
Collines	-	93	65	151.9
Couffo	-	87	59	140.9
Donga	-	97	68	158.4
Littoral	-	75	48	119.4
Mono	-	93	65	151.9
Ouémé	-	95	67	155.6
Plateau	-	84	56	135.3
Zou	-	106	78	175.7

Source: “Third general population and housing census, 2002, consolidated findings”, National Institute of Statistics and Economic Analysis, Cotonou, December 2003, p. 13.

359. With regard to the distribution of health services, in 2001, 66 per cent of women had access to health facilities in their community. Eighty-six per cent of women had access to health facilities within a radius of 5 kilometres (Second Demographic and Health Survey). This means that more than half of the population (51 per cent) lives near a hospital (less than 5 kilometres away). However, 13 per cent of women must travel 30 kilometres or more to access such facilities (Second Demographic and Health Survey, 2001, p. 239).

360. Efforts to set up an immunization scheme, involving actions to raise awareness in support of family and community best practices, were carried out by the Integrated Management of Childhood Illness (IMCI) programme and the Expanded Programme on Immunization (EPI).

361. The State is continuing to make efforts to upgrade health services and improve the welfare of the population.

362. The nutrition service of the Family Health Office carries out activities to promote breastfeeding and combat micronutrient deficiencies (vitamin A, iron, iodine) and protein-energy malnutrition. The most affected group is that of children and women.

363. Several response strategies were used for these purposes, including regulation, training, supplementation, fortification, the baby-friendly hospital initiative, screening and treatment of cases, information, education and communication, social mobilization and intersectoral cooperation.

364. Programmes for children have also focused on promoting social recognition of the benefits of breastfeeding, providing nutritional training to nursing mothers in maternity wards and health centres, and monitoring children's growth and nutrition.

365. In collaboration with a United States NGO, Catholic Relief Services, the Ministry of Social Welfare has developed a nutrition programme that is aimed primarily at children aged up to 3.

366. A programme to combat vitamin A deficiency was developed in conjunction with UNICEF. The programme was initially implemented only in the north of Benin, but since 1998 it has been extended to the whole of the country.

367. According to statistics taken from the Second Demographic and Health Survey conducted in 2001, 31 per cent of children under age 5 suffer from stunting; 23 per cent are underweight, compared with 29 per cent in 1996; and 5 per cent suffer from severe malnutrition.

368. In 2001, there were 11,056 registered cases of malnutrition, as compared with 11,519 in 2000, amounting to a reduction of 4 per cent. Of these, 790 persons were hospitalized and 10,266 were not hospitalized. There were 3,044 reported cases of malnutrition in children under age 1, and 5,500 cases in children between the ages of 1 and 4, bringing the total for children under age 5 to 8,544 cases, which accounted for 82 per cent of all cases. As in 2000, the department of Zou had the highest incidence of malnutrition (3.25 per 1,000 inhabitants), while Plateau had the lowest (0.58 per 1,000 inhabitants). In the country as a whole, 267 deaths were caused by malnutrition, resulting in an average case fatality rate of 2.3 per cent.

369. In 2002, there were 10,686 registered cases of malnutrition, as compared with 11,056 in 2001, amounting to a 4 per cent reduction. Of these, 1,420 persons were hospitalized. There were 2,976 reported cases of malnutrition in children under age 1, and 6,151 cases in children between the ages of 1 and 4, which together accounted for 85.4 per cent of all cases.

370. The incidence of malnutrition is higher in children under the age of 1 (126 out of every 10,000 inhabitants) than in children between the ages of 1 and 4 (65 out of every 10,000). The Littoral department has the highest incidence (32.8 out of every 10,000 inhabitants) and Collines the lowest (6.5 out of every 10,000 inhabitants). In the country as a whole, 303 deaths were caused by malnutrition, resulting in an average case fatality rate of 28 per thousand. The malnutrition rate in children under 1 year is 20.5 per thousand; in children between the ages of 1 and 4 it is 32.2 per thousand. The case fatality rate is particularly high in children between the ages of 1 and 4 despite the lower incidence of malnutrition in this group (see "Epidemiological data", *Annuaire des statistiques sanitaires 2002*, Ministry of Public Health/Planning and Forecasting Branch/National Health Information and Health Management System, Cotonou, November 2003).

371. Among the factors that have helped to improve the health and nutritional status of the population are: the introduction of an essential drugs policy using generic medicines, efforts to facilitate the population's access to these medicines, extending vaccination coverage, and increasing the availability of health workers.

372. Results nevertheless remain below expectations. The difficulties are due to the insufficient number of nutrition specialists, but also the failure to incorporate nutrition-oriented activities sufficiently into health services and other activities.

373. The formulation of a five-year programme of applied nutrition in accordance with the final report of the seminar for the orientation and adoption of an Integrated Management of Childhood Illness programme (IMCI) in Benin promises to bring about a lasting improvement in the nutritional situation.

374. There are five main illnesses at the root of infant mortality and infant/child mortality: malaria, acute respiratory infections, diarrhoea, measles and malnutrition. To these must be added trachoma, conjunctivitis and dracunculosis, which also affect children between the ages of 0 and 10. This led to the introduction of an IMCI programme, an effective strategy that consists of bringing together into a unified and coherent whole activities and resources for improving the efficiency of efforts to deal with the main childhood illnesses. This strategy also stimulates improvement in the services delivered by primary care facilities and provides directives aimed at addressing children's health problems, as well as training health workers in implementing those directives efficiently.

375. In the course of such training, instruction is provided in screening strategies and the proper treatment of childhood illnesses.

376. Two workshops were devoted to providing feedback on the efforts carried out to date and on the orientation of the community-based IMCI programme. These were:

- A national seminar on the orientation and adoption of an IMCI programme by Benin, which was held from 22 to 24 March 1999 in Bohicon (department of Zou);
- A national workshop on feedback and orientation of the community-based IMCI programme, which was held from 24 to 26 June 2002 in Abomey (department of Zou).

377. Considerable progress was made throughout the nation in increasing household access to drinking water, which rose from 56 per cent in 1996 to 61.1 per cent in 2001; however, disparities between rural and urban areas persisted during this period. Thus, households located in urban areas enjoyed greater access to drinking water (71 per cent in 1996; 77.4 per cent in 2001) than those located in rural areas (47 per cent in 1996; 51.6 per cent in 2001).

378. Adequate sanitation was available to 29 per cent of households. Of these, 57 per cent were located in urban areas, while 8.7 per cent were located in rural areas.

379. Linear growth was recorded in the number of modern water sources constructed: 5,353 in 1993, 11,846 in 1996 and 10,268 in 1999.

380. The number of boreholes, wells, village water supplies and water sources rose, respectively, from 4,917, 2,439, 147 and 8,826 in 2000 to 5,024, 2,506, 169 and 8,930 in 2001 according to the 2001 report on development cooperation in Benin.

381. In 2001, 14 per cent of children were underweight at birth. Among children under 59 months, 7.4 per cent (6.1 per cent of girls and 8.7 per cent of boys) were severely underweight, while 22 per cent (20.1 per cent of girls and 23.5 per cent of boys) were moderately underweight. Serious stunting was noted in 7.8 per cent of children, and moderate stunting was found in several cases (16.7 per cent of girls and 17.7 per cent of boys).

382. The most frequent childhood illnesses cited previously (under paragraph 96) constitute the leading causes of infant mortality. Malaria, diarrhoeal diseases, malnutrition, trachoma, conjunctivitis and dracunculosis are linked to water and sanitation.

383. Community-level efforts aimed at preventing and combating dracunculosis were initiated and maintained. These included the distribution of filters, education of stakeholders, mobilization of community agents, treatment of swamps and construction of boreholes. These efforts led to a reduction in the number of cases of dracunculosis from 37,414 cases in 3,762 communities in 1990 to 492 cases in 89 communities in 1999, representing a 99 per cent success rate.

384. The percentage of children under 3 infected with malaria declined from 54 per cent in 1996 to 47 per cent in 2001, while the percentage of those suffering from diarrhoea dropped from 26 per cent in 1996 to 16 per cent in 2001.

385. In addition to the malaria control programme, several other actions have contributed to achieving these results, namely:

- The “Roll Back Malaria” partnership;
- The Integrated Management of Childhood Illness (IMCI) programme;
- Sensitization and education in the use of impregnated mosquito nets and making them available to the public.

386. It should be noted that the support of Benin’s development partners (WHO, Fonds d’aide et de coopération, USAID, UNICEF, World Bank, etc.) has been a major factor in this success.

387. A marked reduction was also noted in acute respiratory infections in 2001, as compared with 1996. These declined from 16 per cent in children under age 3 to 13 per cent during this period.

388. Environmental pollution may also be a source of disease (cholera, dracunculosis, etc.).

389. The Hygiene and Basic Sanitation Office is charged with improving the quality of water and environmental sanitation. The following construction projects were carried out in 2002: 188 ventilated pit latrines, 258 family latrines, 21 tanks and 30 incinerators. Also in 2002, masons trained by the Sanitation Office built non-subsidized family latrines for local communities as a result of a marketing effort and with the support of NGO facilitators and hygiene officers.

390. Furthermore, in 2002, insect and rat elimination operations were carried out in homes, detention centres and some public and private establishments. A participatory approach, referred to as Participatory Hygiene and Sanitation Transformation (PHAST) (*Annuaire des statistiques sanitaires 2002*, p. 90), was used to treat diseases in neighbourhoods affected by cholera.

391. The Beninese Environmental Agency, the National Project for Environmental Management and the Ministry of the Environment, in cooperation with national NGOs, are also working for a healthy environment.

392. In order to ensure that women receive prenatal and postnatal care, talks and awareness-raising sessions are held at each consultation with the help of social workers on health-care measures to be taken to improve the health status of women and their children. Almost 9 out of every 10 women (87 per cent) who gave birth in the five years to 2001 had a medical appointment with a health worker (doctor, midwife, nurse or health assistant). In 71 per cent of the cases, the women received one dose of tetanus vaccine; in 50 per cent of the cases, they received two doses.

393. More than 7 out of 10 deliveries (73 per cent) took place with the assistance of a health worker, as follows:

- Nurse or midwife - 61 per cent;
- Doctor - 5 per cent;
- Health assistant - 7 per cent.

394. However, 23 per cent of deliveries took place in the home; 10 per cent took place without any assistance; and 9 per cent took place with only the help of relatives and friends.

395. In the city of Cotonou, assistance during delivery was almost universal (98 per cent). Some disparities were noted between the departments of Borgou and Atacora, where this rate is 54 per cent and 47 per cent, respectively.

396. In rural areas, the highest rates were observed in the departments of Atlantique, Ouémé and Zou. These rates are 90 per cent, 93 per cent and 80 per cent, respectively.

397. In comparison with other departments, where fewer than 7 per cent of women have access to prenatal consultations, the departments of Atacora-Donga, Borgou-Alibori and Mono-Couffo, with prenatal consultation rates of 71 per cent, 78 per cent and 84 per cent respectively have by far the highest proportions of women who have not undergone postnatal examinations.

398. In 2002, the number of postnatal consultations remained relatively low. Over the course of the year, approximately 35 per cent of female patients were received by these services, as compared with 43 per cent in 2000 and 42 per cent in 2001. This rate increased steadily from 1997 to 2000, dropped slightly in 2001, and then fell sharply in 2002.

399. The overall mortality rate at the national level stood at 34.5 per thousand in 2002 (data taken from the *Annuaire des statistiques sanitaires 2002*, p. 90.)

400. The maternal mortality rate in Benin remains very high at 619 deaths for 206,829 deliveries, or 299 per 100,000 deliveries (2002 national average). This was higher than the comparable rate for 2001, which was 216 deaths per 100,000 deliveries. The highest maternal mortality rate was registered in 2001 at the Hubert-Koutoucou-Maga National Teaching Hospital, which is the national referral hospital: 1,490 deaths per 100,000 deliveries.

401. The rate of attended deliveries at the national level was 63.1 per cent in 2002, 76 per cent in 2001 and 74.3 per cent in 2000.

402. The Hygiene and Basic Sanitation Office is responsible for improving the quality of water and environmental sanitation. An environmental police force was established to raise awareness concerning hygiene and penalize offenders.

403. Several institutions are also working in this sector, including UNICEF, WHO and the Rural Water and Sanitation project.

404. Vaccination campaigns and campaigns to raise awareness of and prevent HIV/AIDS, as well as to promote breastfeeding and prevent accidents, are organized by the State and NGOs active in the health sector.

405. The health facilities that have made special efforts to promote exclusive breastfeeding have been designated as “baby-friendly hospitals” in order to encourage them to continue promoting this practice.

406. Several programmes and projects support food production in Benin, including most of the rural development programmes and projects. Their aim is to raise the incomes of rural populations and improve rural security. They support producers in an effort to improve their yields. Facilitators (agronomists, agropastoral specialists, etc.) make on-site visits to demonstrate the techniques required for obtaining good yields. Several training courses are being planned and organized, including exchange trips between producers within the country and the subregion. All these programmes pursue the same objective, which is to enable farmers to be more competitive. A festival is organized at the end of every year at which the best farmers are given awards.

407. Several institutions are responsible for training health workers. These are:

- The faculties of health sciences in the University of Abomey-Calavi and the University of Parakou (established at the start of the academic year 2001/02);
- The Regional Institute of Public Health;
- The National Medical and Social Institute; and
- The School of Nursing Assistants, which is also responsible for training sanitation and hygiene specialists (course of study established in 2001).

408. The last new development that took place in the period 1998-2002 was the establishment of a course of study designed to train sanitation and hygiene specialists, which began in 2001.

409. Training, retraining and regional and international seminars are organized for existing health workers in order to familiarize them with the new methods that have been developed in certain specializations.
410. Under previous programmes and its fifth programme of cooperation with Benin, UNFPA has supported government efforts to improve the living conditions of the population, particularly in the areas of children's and women's health, adolescent health and men's health. This involves ensuring the availability of family planning services in most of the health facilities, improving the competence of service providers, ensuring the availability of contraceptives and basic medical equipment, and strengthening support for NGOs.
411. UNFPA has pledged to assist Benin in its efforts to achieve equality and equity between men and women, and progressively eliminate all forms of discrimination and violence against women and girls, particularly in the field of reproductive health.
412. The Beninese Association for the Promotion of the Family also strives to raise awareness of the harmful effects and risks of unwanted and early pregnancies, as well as the benefits of family planning. Specialists inform people about existing methods of contraception, and help couples and consulting practitioners to make informed decisions on the basis of their particular concerns (spacing or limiting births).
413. Both modern and traditional methods of contraception are used. In 2002, as a result of awareness-raising efforts, the national acceptance rate was 15.6 per cent, representing a marked increase over that of 2001, which was 6.9 per cent. Accordingly, the number of contraceptive acceptors countrywide rose from 103,232 in 2001 to 211,507 in 2002, an increase of 104.9 per cent.
414. The share attributable to public health facilities was 34.1 per cent, with 72,121 acceptors in 2002, representing an increase of 12.9 per cent with respect to 2001, when there were no more than 63,896 acceptors. For its part, the Beninese Association for the Promotion of the Family registered an increase of 254.3 per cent in 2002.
415. There are various sources from which users may obtain these contraceptive methods, which may be broken down as follows: the public sector (45 per cent); the private medical sector (23 per cent); and other private health centres (27 per cent).
416. The sources of contraceptives are public health centres (27 per cent); pharmacies (16 per cent); relatives and friends (15 per cent); and shops or markets (12 per cent) (Second Demographic and Health Survey, 2001, p. 76).
417. In 2002, children under the age of 15 accounted for 48 per cent of Benin's population. The 10-to-14 age group accounted for 14 per cent. Approximately 26 per cent of the population is between the ages of 10 and 19 (National Institute of Statistics and Economic Analysis, Cotonou, and ORC MACRO, Calverston, Maryland, United States, June 2002).
418. Most young people lack basic knowledge about both sexuality and decision-making. They also lack the skills to deal with life successfully and contribute effectively to the social and economic development of the country.

419. This group displays high rates of unwanted pregnancy and complications due to clandestine abortions (79 per cent of medical visits involving early pregnancies in schoolgirls concern abortion complications, which are often fatal). Approximately a third of adolescent girls (32.2 per cent) have already had a child by the age of 19 (*Annuaire des statistiques sanitaires 2002*, pp. 100 and 101).

420. Such pregnancies are not without consequences on the lives of the women concerned. A woman's age when her first child is born has a major impact on the eventual size of her family. Similarly, early childbirth has adverse effects on the health of mother and child, and can be a risk factor in mortality. Early childbirth may also cause mothers to drop out of school and hinder their socio-economic advancement.

421. Home economics and social education courses offered as part of the new school curriculum beginning in the first grade provide instruction in the rules of hygiene as well as ways and means of preventing disease and maintaining good health - in short, the best practices for maintaining family health.

Paragraph 97

422. Benin is located in a subregion that is gravely affected by HIV/AIDS. The evolution of the HIV/AIDS epidemic and sexually transmitted infections in Benin is worrying: in 2000 and 2001, 4.1 per cent of the population (with wide regional variations) was infected with AIDS, at the rate of 50 new infections a day, or one person infected every 30 minutes [*Le trait d'union*, information bulletin of the United Nations system in Benin, issue No. 4-5, December 2003, pp. 26-27].

423. In some departments, such as Borgou and Alibori, as much as 7.4 per cent of the population is suffering from AIDS.

424. According to the National AIDS Control Programme (2001), the prevalence rate dropped to 1.9 per cent in 2002. This is proof that the various steps taken to deal with the disease have not been in vain.

425. The under-4 age group accounts for 4 per cent of those infected, the 5-to-14 age group 1 per cent and the 15-to-19 age group 2 per cent.

426. In 2002, mother-to-child transmission accounted for 5 per cent of those infected. Among the children infected, the number of girls was 254, as compared with 216 boys (*Statistiques sanitaires 2002*, p. 7).

427. In view of the fact that this epidemic has an impact on economic and social development, several programmes and a national committee to combat AIDS have been established in Benin. Their efforts are supported by WHO, NGOs and associations that specialize in health, and the Network of Beninese NGOs Working in the Field of Health. A Joint United Nations Programme on HIV/AIDS (UNAIDS) Theme Group has been set up in Benin. Large projects are currently under way, such as a multisectoral AIDS control programme and the Lagos-Abidjan Migration Corridor project, which are supported by the World Bank; the Benin HIV/AIDS Prevention

Program, which is being carried out jointly with USAID; support projects backed by French, Belgian, Danish, German, Dutch and Canadian aid; and the AIDS-III project, which is supported by the international NGOs Population Services International, Africare and Médecins sans frontières.

428. The national AIDS control programme and the multi-sectoral AIDS control programme are engaged in raising awareness about and addressing the needs of persons living with HIV/AIDS. An anonymous and free screening facility, known as the Information and Advice Centre, was opened to the public by the Government, enabling large numbers of individuals to determine their infection status.

429. Another national committee to combat HIV/AIDS was subsequently established and became operational on 28 May 2002. Its mission is to define the main lines of national policy to combat HIV/AIDS and sexually transmitted infections, and also to suggest specific actions to be undertaken by the various existing programmes and mobilize communities and the technical and material resources needed to fight the AIDS pandemic.

430. With regard to the protection of children, it should be noted that a Coeur d'espoir unit has been set up and that two Coeur d'espoir centres were opened on 29 March 2002 in Dogbo and Placondji for the purpose of receiving children with AIDS and AIDS orphans and offering them the social assistance needed to protect them from social marginalization and isolation.

431. Initiative développement, a French NGO with an office in Benin established in 1997, operates a programme in Cotonou to combat AIDS and sexually transmitted infections. Its efforts were initially aimed at providing information, education and communication through play activities led by young people. These were followed by job placement for these young people in 1999. In 2000, as a result of free screening provided by the Information and Advice Centre, and given the large number of cases detected, the organization's efforts were geared towards addressing the needs of persons living with HIV/AIDS. In 2001, this activity became a separate component; in 2002, it was combined with information, education and communication activities to become the Programme to Combat AIDS. The organization collaborates with other NGOs and associations, such as: Arc-en-Ciel, Centre de traitement ambulatoire, Association Espoir Vie, Cercle de vie - Main dans la main, Solidarité, Plate-forme ELSA "Ensemble, Luttons contre le Sida en Afrique", Population Services International and Espace ADIS.

432. Statistics services exist within each of the ministries that deal with children's issues. These services utilize the indicators defined by Benin's various health partners (the New Partnership for Africa's Development, the Programme of Action of the International Conference on Population and Development, the Common Country Assessment and the United Nations Development Assistance Framework), as well as those of the United Nations Millennium Declaration, which they follow when conducting surveys in order to collect the data they need.

433. Each department in Benin has a research, planning and documentation service, as well as statistical units for the health divisions that have a local database of the same kind corresponding to their sector of responsibility. The health facilities send their monthly reports to the health centres in each district. At the district level, officials compile the local health centre reports and send the district summary to the divisional office. These data are then processed into national statistics.

434. In 2002, certain hospitals (departmental hospital centres and denominational hospitals) used a hospital data management software application called “LogiHosp” that was made available to them for the collection of epidemiological data.

435. The Government is currently taking steps to provide care for the majority of persons living with HIV/AIDS. Antiretroviral drugs are to be used to treat patients admitted to the programme. Not all patients have access to these drugs, since they must have the necessary financial means to assemble a medical record containing the results of several tests.

436. At this point in time, patients consider the assistance provided by the State to be inadequate. Some NGOs facilitate patient access to drug treatment through the provision of financial assistance for preparing their medical records, but these efforts are not yet sufficient to meet everyone’s needs. Antiretroviral drugs are available from private doctors, but at a cost so high as to be prohibitive for the vast majority of persons living with HIV/AIDS.

Paragraph 98

437. In some regions of Benin, children and girls are still at risk from such traditional practices as:

- Infanticide as a result of the newborn’s position at delivery or deformity;
- Female genital mutilation;
- Force marriage, early marriage or marriage by exchange;
- Nutritional taboos.

438. In an attempt to eradicate these scourges, the Government has taken a certain number of measures. A bill on female genital mutilation was drafted in 2002 and submitted to the National Assembly for adoption.

439. WHO has been battling these practices since the 1990s, particularly through the support it provides to NGOs, such as the Benin chapter of the Inter-African Committee, which is responsible for leading the struggle against female genital mutilation. With the help and cooperation of the Government, steps are currently under way to raise awareness among the grass-roots communities in order to eliminate these phenomena.

440. Several NGOs and associations are also working to eliminate customary practices that violate physical integrity, as well as the practice of ritual infanticide. These include ABAEF, the Benin chapter of the Inter-African Committee, the Association pour la protection de l’enfance malheureuse, the Programme insertion des enfants déshérités and Espoir Lutte contre l’Infanticide au Bénin, which have organized awareness-raising sessions and seminars on the right to life and customary practices.

441. The association des femmes juristes du Bénin and the NGO Women in Law and Development in Africa are engaged in daily efforts to explain to people the harm caused by forced marriage and inform them about the laws in force relating to the protection and defence of women’s rights.

442. No documents are available relating to an assessment of traditional practices that are prejudicial to children's lives, survival and welfare.

Paragraph 99

443. Benin is open to all effective cooperation aimed at the welfare and harmonious development of the child. Accordingly, agreements have been signed with several NGOs and other institutions to facilitate their intervention on the ground or through intermediary organizations. UNICEF finances numerous activities aimed at protecting children. The same may be said of UNFPA, WHO, ILO, the International Programme on the Elimination of Child Labour (IPEC) and its project to combat trafficking in children in Africa, and other development partners mentioned previously.

444. A study was carried out in 1998 in preparation for a subregional workshop on trafficking of children, particularly girls, for domestic service in the West and Central African region.

445. A workshop was held from 31 October to 3 November 2000 in Dakar, Senegal, on how to give effect to adolescents' rights to participation and development.

446. From 22 to 24 February 2000, the UNICEF Regional Office for West and Central Africa and ILO jointly organized in Libreville, Gabon, a subregional consultation on strategies to fight child trafficking for purposes of labour exploitation in West and Central Africa. They published a document on the economic exploitation of children through labour and trafficking in West and Central Africa in November 2000, following publication in February 2000 of the findings of a subregional study on the issue.

447. Mention should also be made of a study carried out by ILO and the IPEC Programme in nine countries in the subregion in 1999-2000 in the context of the project to combat trafficking in children in West and Central Africa. The part of this study referring to Benin was carried out by the Beninese chapter of Defence for Children International.

448. This collaboration with Benin also made it possible to publicize the conventions ratified by Benin through the publication and distribution of the relevant collected texts, including:

- The Convention on the Elimination of All Forms of Discrimination against Women;
- The African Charter on the Rights and Welfare of the Child; and
- ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

Paragraph 100

449. In keeping with the Convention (art. 26 and art. 18, para. 3), Beninese legislation recognizes the right of all children to social security. This social measure applies only to persons who have paid contributions and to their dependants (spouse and children). In other words, it is applicable only to all officials (permanent employees of the Government) and regular employees in the private sector or the semi-public sector.

450. Currently, given the liberalization of the insurance sector, especially with the establishment of new companies, many enterprises have subscribed to these insurance plans for their employees and their dependants in an effort to facilitate the management of their health care.

451. In the public or private sector, employees who pay contributions receive CFAF 2,000 at the end of each month for each child, up to a maximum of six children, from the National Social Security Fund (previously the Benin Social Security Corporation) and from the National Retirement Fund.

Paragraph 101

452. There are very few circumstances in which children may request social security benefits in their own right, either directly or through a representative. Orphaned children may, however, make such requests through their legal guardians.

Paragraph 102

453. There are no public childcare facilities in Benin.

454. A few private centres have been set up in large cities, but obtaining access to their services is not easy, even for medium-income workers. However, there are NGOs and associations that provide care for children in difficult situations: Terre des Hommes, which cares for abandoned children, the Fondation Regard d'amour, the Centre Notre-Dame-du-Refuge in Parakou, orphanages, etc. Equilibre Bénin and Handicap International intervene on behalf of disabled children.

455. In addition to these organizations, the State has established several centres for the rehabilitation and reintegration of children in difficult situations. These include the National Centre for the Protection of Children and Adolescents in Djrègbé and the vocational training centres for disabled persons in Akassado and Péporyakou.

456. The Government's Programme of Action 2001-2006 includes plans for renovating, equipping and restoring existing centres, building or renovating and equipping social development centres, and strengthening their capacity for action.

457. Through women facilitators, organizations such as UNICEF have helped women to establish childcare areas in the communities in which they focus their intervention.

Paragraph 103

458. The Government's Programme of Action 2001-2006 provides for extension of the social security network for the informal economy.

459. In 2001, the Government established the conditions for entitlement to a survivor's pension pursuant to decree No. 2001-129 of 4 April 2001. When a father dies, or loses the right to receive his deceased wife's pension, the pension entitlement is transferred to the first child of the wife who fulfils the conditions for entitlement to an orphan's pension.

D. Standard of living (art. 27, paras. 1-3)

Paragraph 104

460. Article 27 of the Convention guarantees all children the best possible living conditions. At birth, children are initially under the direct responsibility of their parents, who must provide them with care and assistance.

461. The Civil Code recognizes the legal existence of the child (patronymic and father's nationality). Pursuant to its provisions, parents are required to declare children at birth; however, in practice, many children do not enjoy this right.

462. In conformity with the obligations it assumed towards children when it ratified the Convention, Benin has taken a number of steps aimed at improving the standard of living of children and mothers. Accordingly, it has adopted a number of regulations and laws (see paragraph 94). Other measures aimed at the survival and development of the child have also been taken, including:

- Decentralization of health management;
- Strengthening of preventive and promotional activities (vaccination, mother and child health, family planning, nutrition);
- Preventing and combating AIDS;
- Preventing and combating malaria and other major diseases, causes of death and child mortality, through the various programmes mentioned previously (see paragraph 94).

463. The National Commission on the Rights of the Child was established under decree No. 99-559 of 22 November 1999, in pursuance of the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.106) issued in May 1999, for the purpose of coordinating activities related to the implementation of the Convention in Benin.

Paragraph 105

464. Similarly, several programmes and projects have been undertaken to improve the situation of children, consisting of programmes that support the food security of the most vulnerable groups. These programmes boost income-generating activities by granting loans to parents who bear prime responsibility for raising children and building infrastructure in disadvantaged villages, such as storage depots, food-processing facilities, water sources (boreholes and wells), schools and village health posts.

465. Mention should also be made of:

- The introduction of a special programme offering loans to mothers (biological mothers);

- An income-generation project;
- A root and tuber crop development project;
- A marketing project for tubers and other crops.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29 and 31)

A. Education, including vocational training and guidance (art. 28)

Paragraph 106

466. No new developments.

Paragraph 107

467. The Ministry of Education and Scientific Research administered the education sector between 1998 and 2001. In 2001 the ministry was split into three parts, namely:

- Ministry for Primary and Secondary Education;
- Ministry for Technical and Vocational Education;
- Ministry for Higher Education and Scientific Research.

468. The Ministry for Culture and Communication and the Ministry for Culture, Handicrafts and Tourism handle matters to do with adult literacy, and the Ministry for Youth, Sport and Leisure oversees youth affairs.

469. All these structures endeavour, within their respective terms of reference, to improve education and provide better training for children throughout Benin.

470. Each ministry has an annual budget. In 1998, the total amount budgeted for education was CFAF 44,965 million. In 1999 it was CFAF 50,349 million.

471. The share of the budget allocated to primary education increased from CFAF 9,416 million in 1993 to CFAF 21,780 million in 1998, an average annual increase of 18.3 per cent. General secondary education received 18 per cent of the budget in 1998 and technical and vocational secondary education 3 per cent.

472. The operating budget for higher education was CFAF 6,699 million in 1998.

473. CFAF 3.14 billion was allocated to the education sector in 2000 and CFAF 4.54 billion in 2001. Foreign development assistance totalled US\$ 312.7 million in 1998, US\$ 236.46 million in 1999, US\$ 220.63 million in 2000 and US\$ 297.9 million in 2001. The amount

earmarked for human development priorities declined by four points in 2001, from 18 per cent in 2000 to 14 per cent. This is because the aid allocated to the basic education sector, for example, posted a decline of 5.8 per cent in comparison with 2000, according to the 2001 Report on development cooperation in Benin (MECAG-PD, Directorate-General for Foreign Development Contributions, pp. 32 and 36).

474. There is no specified fixed cost for education. Cost varies according to the level of instruction (primary, secondary or university) and whether the educational establishment is run by the State or privately. Benin receives assistance from USAID and the International Foundation for Education and Self-Help (IFESH), among others. At the present time, education is not free for all children in Benin, despite some progress in this area. Girls have access to free education in rural areas, a measure now being extended nationally to all children irrespective of gender.

475. Circulars No. 3532/MEN/CAB/DC/DAPS/SA dated 11 January 1993 and No. 0213/MEN/CAB/DES/DEPT/SA dated 1 October 1993 fixed standard rates for school fees and waived them for girls in rural areas. These arrangements came into operation only at the start of the school year 1999/2000.

476. With effect from the school year 2000/01, other measures have been taken to make school fees affordable for parents, for example:

- Subsidized payment of school fees for all children nationwide;
- Subsidies enabling parent-teacher associations at colleges and lycées to recruit part-time teachers.

477. A new programme for teaching local languages in primary schools is being piloted with assistance from USAID.

478. The proceedings of the training seminar for members of the national legal service, designed to ensure better law enforcement, have been widely disseminated by the Ministry for Family Affairs, Social Welfare and Solidarity, it being the case that trafficking in children is a major obstacle to the promotion of universal school enrolment. The Ministry has launched other projects such as comic strips on trafficking in children and it has disseminated, in leaflet form, instruments on tackling this problem.

479. Members of the national legal service, the law enforcement agencies, and social and education workers have been trained how to implement these instruments.

480. Local and sub-prefectoral committees to prevent trafficking in children have been set up at village level. Sub-prefectoral committees comprise the sub-prefect, an official of the Centre for Social Development, the brigade chief, a senior medical officer, the chief administrator of the urban district and the literacy officer. Local committees comprise the village chief, a woman, a young person and a notable figure in the community.

481. In 1999 a total of 28,051 children aged between 3 and 5 were enrolled in nursery schools - 16,647 in State-run institutions and 11,404 in private facilities. In 2001 the number increased to 30,500, of whom 47.6 per cent were girls.
482. At the same time, in 2002, NGOs provided education for 3,000 children.
483. In 2001 the teaching body comprised 648 specialized teachers and facilitators spread unevenly throughout the country. Of these, 61.1 per cent were women.
484. Illustrating the uneven geographical distribution of early childhood facilities in Benin, 62 per cent of teachers are concentrated in the provinces of Atlantique, Littoral, Ouémé and Plateau.
485. It is a deliberate policy on the part of the Beninese Government to shift the development of nursery education onto the private sector.
486. In primary and secondary education, the picture is as follows. The official age of admission to primary school is still 6. Primary schooling lasts six years.
487. In 2000, out of a total school-age population of 1,165,614 children, the number of children actually enrolled was 632,422.
488. During the school year 2001/02, State-run schools catered for 90.9 per cent of the primary school population and private schools for 9.1 per cent.
489. The crude enrolment rate increased from 75.78 per cent of the school-age population in 1998 to 79.99 per cent in 2000 and 88.49 per cent in 2001.
490. However, certain areas still have a low rate of enrolment - below 50 per cent in Kérou, Karimama and Kalalé.
491. In general, the enrolment rate for girls has increased considerably. Nationally, it was 65.16 per cent in 2000 and 78.10 per cent in 2002.
492. Disparities between girls and boys are more pronounced in certain communes.
493. The crude enrolment rate for the school year 2001/02 was 33.79 per cent in Boukoumbé, 31.78 per cent in Coblé, 33.86 per cent in Kérou, 29.64 per cent in Kalalé, 27.41 per cent in Karimama and 43.43 per cent in Zakpota.
494. The National Network for the Enrolment of Girls in School protects the interests of schoolgirls. It has identified socio-economic and sociocultural factors, factors directly connected with schooling and political and institutional factors that prevent girls from enrolling in school, and tries to remedy these problems by taking appropriate action.
495. Among these obstacles, the shortage of teachers looms large. The tables below show the numbers of primary and secondary schoolteachers.

496. The number of primary schools and pupils in the academic year 2000/01 is shown in the table below.

Table 9
Number of schools, pupils and gender parity (primary education)

Department	School year 2000/01			
	Number of schools	Girls (total)	Total	Gender parity index 2001
Atacora and Donga	608	45 965	122 271	0.62
Atlantique and Littoral	840	97 122	223 174	0.79
Borgou and Alibori	693	57 246	138 274	0.73
Mono and Couffo	631	71 632	182 257	0.63
Ouémé and Plateau	829	79 115	200 332	0.67
Zou and Collines	780	76 892	188 619	0.68
Total (and average index)	4 382	427 942	1 054 927	0.69

Source: Les enseignements primaire et secondaire en marche, Ministry for Primary and Secondary Education, Porto-Novo, 2003, p. 70.

497. The following table illustrates the situation in the school year 2001/02.

Table 10
Number of schools, pupils and gender parity (primary education)

Department	School year 2001/02			
	Number of schools	Girls (total)	Total	Gender parity index 2001
Atacora and Donga	678	52 634	137 692	0.63
Atlantique and Littoral	871	105 035	238 916	0.80
Borgou and Alibori	737	64 197	150 713	0.76
Mono and Couffo	679	81 165	200 714	0.66
Ouémé and Plateau	865	86 067	215 411	0.67
Zou and Collines	852	86 573	209 353	0.69
Total (and average index)	4 682	475 671	1 152 799	0.71

Source: Les enseignements primaire et secondaire en marche, Ministry for Primary and Secondary Education, Porto-Novo, 2003, p. 70.

498. Between 2000 and 2002, the number of primary schools increased by 300, from 4,382 to 4,682. Gender parity also improved somewhat.

499. The number of primary teachers is shown in the following table.

Table 11

Number of teachers, by year and department, 2000-2003 (primary school)

Department	Number of teachers/year					
	2000/01		2001/02		2002/03	
	Men	Women	Men	Women	Men	Women
Atacora-Donga	1 841	183	?	215	2 439	213
Atlantique-Littoral	3 373	1 679	2 276	1 585	3 987	1 747
Borgou-Alibori	2 212	299	3 310	361	2 749	353
Mono-Couffo	2 133	249	2 411	295	3 005	291
Ouémé-Plateau	3 220	1 043	2 958	1 043	3 968	1 116
Zou-Collines	2 789	590	3 449	639	3 569	657
Total	15 568	4 043	13 224	4 138	19 716	4 376

Source: Les Enseignements primaire et secondaire en marche, Ministry for Primary and Secondary Education, Porto-Novo, 2003.

500. Table 11 shows that an effort has been made to recruit primary schoolteachers.

501. The number of secondary schoolteachers is shown in the following table.

Table 12

Number of teachers, 1998-2002 (State secondary schools)

Year	Number of secondary schools	Teachers			Total
		Parent-teacher associations	Contractual	Part-time	
1998	171	2 352	359	1 226	3 937
1999	184	2 274	569	1 367	4 208
2000	205	2 262	643	1 933	4 838
2001	229	2 130	726	2 827	5 683
2002	257	1 980	820	4 443	7 243

Source: Statistics and Information Management Office, Office of Programming and Planning, Ministry for Primary and Secondary Education, 2002.

502. Periodic training is offered to improve teaching performance.

503. The Ministry for Primary and Secondary Education formulated a draft strategy paper entitled "Education for All" in 2002.

504. The new school curriculum includes subjects that are designed to teach children about their rights, from the primary level onwards. Seminars have been organized to promote wider knowledge of the rights of the child.

505. All the measures referred to above have been implemented and have yielded the following results during the reporting period.

Table 13
Total number of pupils, by sex, 1998-2002 (State schools)

Year	Boys	Girls	Total	Girls (%)
1998	108 611	43 950	152 561	28.81
1999	119 379	47 817	167 196	28.60
2000	131 218	52 498	183 716	28.58
2001	143 474	59 015	202 489	29.14
2002	162 466	68 883	231 349	29.77

Source: Department for Secondary Education, Ministry for Primary and Secondary Education.

Table 14
Performance rates in State education, 1998-2002

Year	Advancement	Repeats	Dropouts
1998	60.47	27.77	11.76
1999	60.86	28.86	10.28
2000	58.14	31.16	10.70
2001	61.18	28.34	10.48
2002	57.00	30.92	12.08

Source: Department for Secondary Education, Ministry for Primary and Secondary Education (excerpt).

506. The number of pupils obtaining their certificate of primary and elementary studies (CEPE) declined in 2002 after fluctuating for some years.

507. The number of pupils obtaining a certificate of studies for the first stage of secondary education (BEPC) has progressed unevenly, never passing the 50 per cent mark since 1998. The best BEPC results occurred in 1998 (47.67 per cent), 1999 (44.94 per cent) and 2002 (44.63 per cent).

508. The pass rate for the baccalaureate has also fluctuated and remains very low. It increased from 34.07 per cent in 1998 to 41.01 per cent in 2002, the latter being unusually high during the reporting period as a whole.

Table 15
Examination pass rates (CEPE, BEPC, baccalaureate), 1998-2002

Year	CEPE	BEPC	Baccalaureate
1998	67.65	47.67	34.07
1999	69.30	44.94	29.02
2000	68.09	39.95	34.09
2001	72.16	39.51	31.56
2002	49.59	44.63	41.01

Source: Department for Secondary Education, Ministry for Primary and Secondary Education.

Paragraph 108

509. Measures already adopted or in the process of being implemented relate to school fees, as referred to above.

Primary and secondary education

510. The official age of admission to the first year of primary school is six years. No upper age limit is specified for enrolling a child in school.

511. The successful introduction of the school fees waiver policy, coupled with numerous campaigns to raise awareness of trafficking in children, has led to a significant increase in school enrolment. The statistics for the period 1998-2002 are cited in the table below.

Table 16
School attendance: crude and net enrolment rates
of primary schoolchildren aged 6-14 (2002)

Province	Crude rate			Net rate		
	Total	Boys	Girls	Total	Boys	Girls
Alibori	25.5	28.0	22.8	22.6	24.8	20.2
Atacora	40.0	47.6	31.4	36.1	43	28.4
Atlantique	68.6	75.4	61.3	60.3	66.3	53.7
Borgou	43.8	47.8	39.5	39.1	42.8	35.2
Collines	62.9	71.3	53.8	55	59.6	49.9
Couffo	60.5	65.7	54.8	56.8	64.4	48.5
Donga	57.0	60.3	53.0	51.3	54.2	47.8
Littoral	78.6	83.4	73.0	64.1	73	56.9
Mono	76.4	87.3	67.7	70.4	74.5	65.6
Ouémé	52.6	60.9	43.6	62.2	69.9	54
Plateau	70.9	79.4	61.8	47.4	54.9	39.2
Zou	59.9	66.4	52.9	53.5	59.3	47.3
<i>Rural areas</i>	<i>51.5</i>	<i>58.1</i>	<i>44.0</i>	<i>46.3</i>	<i>52.3</i>	<i>39.6</i>
<i>Urban areas</i>	<i>68.8</i>	<i>75.2</i>	<i>62.7</i>	<i>60.0</i>	<i>65.6</i>	<i>54.6</i>
Benin	57.8	64.1	51.1	51.3	56.9	45.3

Source: Department for Secondary Education, Ministry for Primary and Secondary Education.

512. The policy of waiving primary school fees has not yet been extended to secondary education.

513. There are, however, hostels for young girls that ensure low-cost access to secondary schooling.

514. Some State schools have canteens that provide children with a least one meal during the day.

515. The Government places no restrictions on the enrolment of children in secondary school.

516. The following two tables show changes in pupil numbers at State and private secondary schools in the period 1998-2002 and overall pupil performance in State education.

Table 17

**Total secondary school population disaggregated
by gender, 1998-2002 (State education)**

Year	Boys	Girls	Total	Girls (%)
1998	108 611	43 950	152 561	28.81
1999	119 379	47 817	167 196	28.60
2000	131 218	52 498	183 716	28.58
2001	143 474	59 015	202 489	29.14
2002	162 466	68 883	231 349	29.77

Source: Department for Secondary Education, Ministry for Primary and Secondary Education (excerpt).

Table 18

**Total secondary school population disaggregated
by gender, 1998-2002 (private education)**

Year	Boys	Girls	Total	Girls (%)
1998	8 849	7 616	16 465	46.26
1999	11 314	9 525	20 839	45.71
2000	13 787	11 382	25 169	45.22
2001	16 716	13 972	30 688	45.53
2002	17 196	14 405	31 601	45.58

Source: Department for Secondary Education, Ministry for Primary and Secondary Education (excerpt).

517. The number of enrolled girls still lags behind the number of boys despite initiatives by the Government and NGOs.

518. Performance is shown in the following tables.

Table 19

Performance rates in general State education, 1998-2002

Year	Advancement	Repeats	Dropouts
1998	60.47	27.77	11.76
1999	60.86	28.86	10.28
2000	58.14	31.16	10.70
2001	61.18	28.34	10.48
2002	57.00	30.92	12.08

Source: Department for Secondary Education, Ministry for Primary and Secondary Education (excerpt), *Plan d'action national de Bénin pour la mise en œuvre du programme "Éducation pour tous"*, December 2003, p. 45.

519. Student performance in State education has been uneven during the past five years.

Higher education

520. Higher education is offered at State and private institutions. Private-sector institutions charge high tuition fees, whereas grants are available to students at State-run institutions.

521. University community services provide students with basic accommodation, low-cost public transport and health services.

Table 20

Total student population, 1998-2002 (State and private sectors)

Year	Student population		
	State	Private	Total
1998	14 526	2 876	17 319
1999	16 759	4 314	2 173
2000	18 753	-	-
2001	23 057	-	-
2002	26 115	-	-

Source: Department of Higher Education, "Appui au PAN/EPT et au plan décennal Éducation du Bénin - Quelques éléments d'analyse draft non finalisée", Pôle de Dakar, *Analyse sectorielle en éducation*, p. 53.

Paragraph 109

522. Children may be excluded from school for seriously breaching discipline or achieving poor results. Children who struggle in formal education are sent by their parents to apprentice schools, usually in the private sector. Parents and children choose a suitable apprenticeship together, taking account of their financial situation. In 1998, according to the national plan of action to implement the "Education for All" programme, there were 180,000 apprentices in Benin.

Paragraph 110

523. Parent-teacher associations oversee all matters relating to their children's schooling. Children may attend the school of their choice, but have no say on policy relating to exclusion, which is intended as a sanction.

Paragraph 111

524. Educational needs are funded through the joint efforts of a number of stakeholders, such as USAID, UNICEF, UNESCO, UNFPA, the World Bank, the World Food Programme (WFP), the African Development Bank, the Islamic Development Bank, French, Japanese, German and Netherlands development assistance and NGOs.

Paragraph 112

525. A number of partnership programmes have been developed. The Education and Community (EDUCOM) project, the Education programme, and a project called "children requiring special measures of protection" have been supported or developed by UNICEF. A social development support programme has been devised to complement these initiatives.

526. As part of its financial assistance programme, the World Bank is helping to prepare and produce school textbooks, renovate school facilities, promote enrolment of girls and improve management of the education sector at the primary and secondary levels.

527. WFP has embarked on a school meals project. In the school year 1998/99, it focused its efforts on assisting hostels for young girls.

528. USAID concentrates on primary schooling and institution-building. It aims to ensure the widest possible access to basic education in order to increase children's future potential. This initiative is being implemented in conjunction with other projects and programmes such as Children Learning Equity Foundation and Equity and Quality in Primary Education run by United States NGOs such as Medical Care Development International (MCDI), IFESH, World Education and Songhai Center.

529. In the period 1998-2000, the French agency for development cooperation devised and implemented a project to support general education in Benin.

530. Japan has funded a two-phase project to build and equip primary schools; 354 classrooms were built in 89 schools in 1999.

Adult literacy

531. In 1998 the illiteracy rate among women aged over 15 was estimated at 81 per cent compared with 57 per cent among men in the same age bracket.

532. The adult literacy rate in 2001 was 37.4 per cent (Report on development cooperation 2001, November 2001), whereas 7 out of 10 adults aged over 15 were illiterate in 2002. The National Policy Declaration on Illiteracy and Adult Education of 7 March 2001 aims to tackle illiteracy head-on.

533. The table below shows illiteracy rates disaggregated by age, gender, region and area.

Table 21

Literacy among young people and adults, by gender and department, 2002

Department	Age 15-24				Age 15 and over			
	Total	Men	Women	Parity index	Total	Men	Women	Parity index
Alibori	12.7	18.3	8.0	0.44	10.5	15.4	5.9	0.38
Atacora	20.7	30.9	12.0	0.39	14.1	21.7	7.6	0.35
Atlantique	52.3	67.0	39.4	0.59	40.1	55.4	27.1	0.49
Borgou	30.6	40.6	21.7	0.53	22.9	30.9	15.2	0.49
Collines	46.2	65.3	30.9	0.47	29.9	42.9	18.9	0.44
Couffo	28.8	43.7	15.7	0.36	19.6	35.0	8.8	0.25
Donga	31.2	42.9	19.9	0.46	18.0	26.6	10.2	0.38
Littoral	71.2	82.1	61.5	0.75	69.0	81.0	57.2	0.71
Mono	57.3	75.4	39.2	0.52	35.3	54.2	20.0	0.37
Ouémé	53.6	69.1	40.3	0.58	40.1	55.6	27.4	0.49
Plateau	32.8	47.8	21.1	0.44	22.2	34.4	12.7	0.37
Zou	46.8	62.0	34.0	0.55	32.6	47.1	21.4	0.45
Benin	42.9	56.2	31.4	0.56	32.6	45.0	21.9	0.49

Source: Third general population and housing census, 2002.

534. Extra-curricular teaching forms part of informal educational arrangements comprising handicrafts, literacy and post-literacy. It can be defined as any activity organized outside the formally established education system, performed separately or as a significant component of wider activities designed to serve a particular client group and achieve identifiable teaching objectives.

535. Informal education is given a more or less coherent structure by various associations, the authorities, professional groups, development partners and NGOs. There are no age barriers to access to informal education, given the relative flexibility of apprenticeship arrangements.

B. Aims of education (art. 29)

Paragraph 113

536. To the extent possible, the Government has incorporated the necessary subjects to develop the child's personality into the school curriculum.

537. Parents, teachers and, in the case of extra-curricular education, workshop supervisors and the environment, play a key role in educating children. To achieve the aims of education, cultural activities such as drawing, sport, theatre and handicrafts have been incorporated into the curriculum. Some schools organize excursions and outings for children. The Beninese curriculum includes subjects such as social education and scientific and technical education that enable children to become acquainted with basic concepts in the area of human rights and the rights of the child as defined in the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, in accordance with article 40 of the Constitution of 11 December 1990.

Paragraph 114

538. Training and refresher courses are organized for teachers on a periodic basis. Pursuant to the general introduction of the new curriculum, since 2002/03 teachers have had to attend an obligatory training course at the start of each school year to help them understand and assimilate it. Well in advance of this, certain target schools piloted the curriculum using specially trained teachers.

Paragraph 115

539. Ministerial orders outline the general rules on the opening, extension, transfer, operation and closure of private educational establishments. Such establishments, which are subject to periodic inspections, may be non-denominational or denominational in nature.

Paragraph 116

540. The implementation of the national plan of action entitled “Education for All” necessitates effective coordination of all initiatives and rigorous follow-up of project execution. Accordingly, the mechanism for coordinating, implementing, monitoring and evaluating the plan of action includes the following core objectives:

- Promotion of a holistic, coherent approach to all initiatives through avoidance of duplication, disparities and wastage of human and financial resources;
- Development of a spirit of participation and complementarity between stakeholders and partners to achieve the goal of universal school enrolment;
- Better coordination between technical and financial partners who have signed up to the policy document on combating drug use, the Jomtiem and Dakar commitments, the Millennium Goals and the goals of the New Partnership for Africa’s Development;
- Ensuring that the national plan of action entitled “Education for All” has sufficient built-in flexibility to adapt to unpredictable short-term developments (contingencies and constraints);
- Coordination of the day-to-day management of the national plan of action.

541. In the light of these objectives, a tripartite mechanism has been put in place, consisting of:

- The National Forum;
- Institutional arrangements;
- Sectoral monitoring and evaluation units.

542. These arrangements will facilitate the production and publication of an annual follow-up report containing reliable statistics.

Paragraph 117

543. Considerable progress, in terms of both higher enrolment and enhanced performance, has been achieved throughout the school system. However, certain constraints and problems mean that this progress has fallen short of expectations. Specifically, the teaching body falls short in terms of both numbers and quality, and this is due to a large number of factors: the suspension of teacher training at colleges of education, the recruitment freeze, the lack of school textbooks, large class sizes, high dropout and repeat rates, and underachievement.

544. The following infrastructure problems should be mentioned. School facilities are inadequate to cope with rising pupil numbers, there are no national or departmental schemes for the construction of educational facilities, and sports facilities are virtually non-existent or are falling into disrepair.

C. Leisure and cultural activities (art. 31)

Paragraph 118

545. Children have the right to wholesome rest, play and leisure, to engage in recreational activities appropriate to their age and to participate freely in cultural life and the arts in their environment.

546. Community groups and schools offer piecemeal, stopgap solutions to compensate for the dearth of appropriate structures in this field, by organizing leisure and recreational activities and providing ongoing civic education.

Paragraph 119

547. The Ministry for Youth, Sport and Leisure and the Ministry of Culture, Handicrafts and Tourism have decentralized structures at the departmental and local level (youth and leisure centres) and provide funds to organize games and leisure activities in accordance with their terms of reference.

548. Children are free to develop all forms of recreational and cultural activity, whether at home, at school or in the community.

549. The right to rest is not systematically recognized to children in informal education, or to children in situations of exploitation.

550. The Benin-Canada Youth Exchange Programme, a cultural exchange programme designed to foster the spirit of enterprise for the benefit of young Beninese and Canadians aged between 17 and 23, has been administered by the Ministry for Youth, Sport and Leisure in collaboration with the Canadian Government since 1997.

551. Each year, an equal number of young men and women takes part in the programme.

- In 1998, there were 18 participants;
- In 1999, 18;
- In 2000, 16;
- In 2001, 16;
- In 2002, 18.

The minimum qualification required of participants is the BEPC. Candidates must be of Beninese nationality, and must have learned a trade or be apprenticed. Participation is barred to students still in education.

552. The programme seeks to develop cultural awareness, organization, communication, leadership, enterprise and management skills, knowledge and understanding of different lifestyles, and know-how connected with an activity of personal interest and/or specific vocational training.

553. The national training programme to promote enterprise is based in Cotonou. It is intended for youngsters no longer in education who have at least obtained the BEPC. The purpose of the training is to enable beneficiaries to start work, become independent and assist their fellow citizens with a view to contributing to national development. The initiative is being implemented nationwide and involves almost 100 youngsters in every department (or roughly 600 young people nationally every year).

554. The training modules have been developed by Canada. Following the training, youngsters whose business plans have been selected receive funding from the Conference of Ministers of Youth and Sports and the national budget.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

Paragraph 120

555. The Office of the United Nations High Commissioner for Refugees (UNHCR) has intensified its activities in Benin since 1993 in the wake of a mass influx of Togolese and Nigerian refugees.

556. During the decade 1993-2002, Benin took in hundreds of thousands of people seeking peace and security. These people returned to their homelands once peace had been re-established. Parents with refugee status are issued with a refugee card conferring certain entitlements that apply in equal measure to their children.

557. During the current reporting period, Benin has taken in refugees from the Congo, Togo, and the Democratic Republic of the Congo, among others.

558. The UNHCR operation in Benin administers a protection service and community services.

559. These services work with structures identified by UNHCR partners to provide assistance to refugees. The following partners work with children:

- The National Commission for Refugee Assistance, a government structure subordinate to the Ministry of the Interior. It assists refugees by providing them with legal protection. It coordinates refugee initiatives by the United Nations, NGOs and government structures;
- IFTDH, which provides comprehensive care to children aged under 5 and is involved in the fight against child malnutrition;
- Messagers de la Paix, an NGO that provides children with food and education;
- Racines, an NGO that provides health care to children with HIV;
- Caritas, which is active in the fields of educational support, welfare assistance, home visits, tracing families and reintegrating children in accordance with their best interests, and overseeing the camp at Kpomassè in collaboration with the National Commission for Refugee Assistance;
- The Centre for Social Development and Planning, which organizes the vocational training programme;
- Droit de jouer, an NGO that has organized a football team and a library at the camp.

560. Foster families receive support from Caritas and the Centre for Social Development and Planning. UNHCR traces families and reintegrates children.

561. UNHCR community services handle local and regional integration. In Benin, their principal field of intervention is the education sector. They pay 100 per cent of all primary school costs for refugee children. Secondary school fees and the cost of vocational training are fully subsidized for vulnerable children and children in difficult situations.

562. The right to health, housing and healthy and wholesome living conditions is guaranteed to all refugee children.

563. UNHCR helps disadvantaged parents to find decent housing. To that end, it runs a camp at Kpomassè where housing, electricity and water are fully guaranteed.

564. The Kpomassè camp has a two-class nursery school run by two refugee teachers. UNHCR has financed the renovation of the primary and secondary schools at Kpomassè. It also promotes the activities of the health centre.

Paragraph 121

565. Generally speaking, foreign communities living in Benin absorb children who have been separated from their parents.

566. On 31 December 1998 Benin had registered 970 children requesting refugee status, including 5 who were unaccompanied. Of these, 260 were aged under 4 and 710 between 5 and 17.

567. About a dozen unaccompanied children were taken in between 2000 and 2002. Overall, the situation was as follows:

- Two unaccompanied children were registered in 2000, a Congolese and a Rwandan;
- Seven unaccompanied children were registered in 2001, one Rwandan, two Nigerians, three Togolese and one Congolese, and seven orphans, of whom four from the Democratic Republic of the Congo remain in Benin and three from Rwanda subsequently returned to their homeland after their grandparents were traced;
- Ten unaccompanied children were registered in 2002, one Congolese, one from the Democratic Republic of the Congo, two Ivorians, three Nigerians and three Togolese.

568. The case of four Congolese orphans cared for by UNHCR should also be mentioned. Their mother's sister was located in France and steps are being taken to arrange for family reunification.

569. A family of Rwandans, five unaccompanied girls and a boy, were also offered shelter. Upon arrival in Benin, the boy, who is the elder brother, was 17. The girls were cared for by the nuns of the Sacré-Coeur church in Akpakpa, with assistance from Caritas.

570. In 2002, UNHCR intervened in a case of trafficking involving a Congolese girl who arrived in Benin with a woman. In the light of the dangers to which this girl was exposed, UNHCR tried to resettle her in Europe.

571. In 2000 Benin took in 143 children aged under 4 and 524 children aged between 5 and 17.

572. A total of 73 girls aged under 17 sought asylum in 2002.

573. A voluntary repatriation programme supported by UNHCR has enabled 200,000 Togolese refugees to return to their homeland in dignity.

574. Some 800 people arrived in Benin in 1999 in transit for the United States of America, Canada and Europe.

575. In December 2001 there were just seven families - about 20 individuals in all - living in the Kpomassè refugee camp awaiting resettlement.

576. A total of 141 refugees from the Congo, Chad, Burundi, Rwanda, Equatorial Guinea and other countries have resettled in Benin itself. They include men, women and children from different backgrounds, for example primary and secondary schoolchildren, students, accountants, economists, rural development officers, doctors, pharmacists, dressmakers, journalists, hairdressers and craftsmen.

Paragraph 122

577. The Beninese Government cooperates with all United Nations bodies that maintain a presence in Benin. UNICEF, UNHCR, UNFPA and WHO cooperate, each within its own field, to protect and assist children as provided for by the Convention.

578. In September 2002 a reintegration, assistance and protection effort enabled a family of Rwandan orphans to be reunited with their grandparents, uncles and cousins in Rwanda.

Paragraph 123

579. Benin has a National Commission for Refugee Assistance, which has a standing secretariat drawn from the Office for Prevention and Civil Protection. The Commission has an eligibility committee and an assistance committee.

580. The UNHCR office in Benin periodically evaluates the Commission's activities.

2. Children in armed conflicts and physical and psychological reintegration (art. 38)

Paragraph 124

581. The Beninese Red Cross and the subregional section of the Red Cross have held training courses on humanitarian law. There is also a National Commission on International Humanitarian Law.

Paragraph 125

582. In addition to the Convention, Benin has ratified the additional protocols thereto, adopted by the United Nations on 25 May 2000, specifically the Optional Protocol on the involvement of children in armed conflict, and ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

583. A military college for young women was established at Natitingou in 2000. Girls with the best CEPE scores are admitted after passing an examination.

Paragraph 126

584. It is the responsibility of the National Commission on the Rights of the Child and its local offices to ensure effective implementation of all the rights recognized in the Convention, without distinction, at the national and departmental levels.

Paragraph 127

585. Benin is a party to the Geneva Conventions of 1949, and in the event of armed conflict, the civilian population, including children, must be afforded care and protection.

586. Benin participated in the West African Conference on War-Affected Children, held in Accra, Ghana, from 26 to 28 April 2000. The Conference adopted the Accra Declaration and the Plan of Action on War-Affected Children, which covers protection, prevention, regional peacekeeping initiatives, and management of the demobilization, disarmament, rehabilitation and reintegration of child soldiers.

587. The meeting was preceded by a workshop for young people, held in Accra from 24 to 26 April 2000, on the same theme. The workshop adopted a resolution on war-affected children in West Africa.

Paragraphs 128 and 129

588. No new developments.

Paragraph 130

589. The National Committee for refugee affairs and the UNHCR office in Benin oversee measures to facilitate the physical and psychological recovery and social reintegration of all child victims of armed conflict. The Committee sees to it that children are taken in and properly cared for, scrupulously respecting their dignity and with due regard for their health.

Paragraph 131

590. Benin has taken in refugees on numerous occasions. It has not, however, experienced armed conflict directly.

Paragraph 132

591. Information should also be provided on the progress achieved on the implementation of articles 38 and 39, on any difficulties encountered and targets set for the future.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

Paragraphs 133-135

592. No new developments.

Paragraph 136

593. The Office for Judicial Social Work, the successor to the welfare offices reporting to the Ministry of Justice, has been in operation since 2002. It is based at Cotonou and Porto-Novo.

594. Likewise, the National Centre for the Protection of Children and Adolescents looks after children in conflict with the law and children in moral danger. To improve supervision for a greater number of children in conflict with the law, the Government, pursuant to order No. 34/MJLDH/DC/SG/DCNSEA of 17 February 2000 and order No. 236/MJLDH/DC/SG/DCNSEA of 16 July 2002, set up two regional child protection centres at Parakou in Borgou-Alibori department and Aplahoué in Mono-Couffo department.

595. NGO officers and social workers handle the reintegration and rehabilitation of children recognized as having infringed the criminal law. Their intervention is very effective and prevents recidivism.

596. It is planned to install a juvenile judge in every department, but owing to a shortage of candidates, only three out of six departments currently have such a judge.

Paragraph 137

597. The Office for the Judicial Protection of Children is in discussion with UNICEF to train prison officers how to deal with children in conflict with the law and children in moral danger. The Office for Judicial Social Work has scheduled another workshop in 2003 to enable social workers to deal more effectively with detainees.

598. These training courses will provide an opportunity to review rules on the administration of juvenile justice.

Paragraph 138

599. Education centres were established in the juvenile sections of Beninese civilian prisons in 2002. The centres in Cotonou, Porto-Novo, Ouidah and Abomey were inaugurated in 2002 and others are planned for 2003.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

Paragraphs 139-141

600. No new developments.

Paragraph 142

601. The number of minors in conflict with the criminal law who were referred to the National Centre for the Protection of Children and Adolescents is cited in the table below.

Table 22

Number of children in conflict with the criminal law admitted by the National Centre for the Protection of Children and Adolescents, by year and offence committed, 1995-2002

Offence \ Year	1995	1996	1997	1998	1999	2000	2001	2002	
Embezzlement	2	0	0	1	1	0	0	0	4
Assault and battery	2	0	0	1	2	3	1	2	11
Destruction of immovable property	0	0	0	0	0	0	1	0	1
Forgery and making use of forged documents with intent to defraud	1	3	0	0	0	0	0	0	4
Murder	0	0	0	0	0	1	1	1	3
Attempted poisoning	0	0	0	0	1	0	0	0	1
Vagrancy	0	0	0	0	3	2	2	4	11
Theft	1	3	3	11	7	9	10	6	50
Total	6	6	3	13	14	15	15	13	85

Source: Ministry of Justice, Legislation and Human Rights, Statistical bulletin No. 1 (2002), March 2003.

Among minors, three types of offence predominate. In order of frequency, they are theft, assault and battery, and vagrancy.

602. During the period 1995-2002, children at the National Centre for the Protection of Children and Adolescents were occupied as shown in the table below.

Table 23

Distribution of minors admitted to the National Centre for the Protection of Children and Adolescents, by year and training workshop

Training workshop \ Year	1995	1996	1997	1998	1999	2000	2001	2002	
Joinery	0	0	0	0	8	6	5	5	24
Welding	0	0	0	0	0	0	9	4	14
Gem-cutting	6	6	3	2	6	9	1	4	37
Total	6	6	3	2	14	15	15	13	74

Source: Ministry of Justice, Legislation and Human Rights, Statistical bulletin No. 1 (2002), March 2003.

The table shows that the number of children in conflict with the law placed in training workshops increased steadily over the period 1998-2002, notwithstanding fluctuations. Most of these children are occupied in gem-cutting or joinery.

603. The situation with respect to children who have completed their apprenticeship is as follows:

Table 24

Number of children leaving the National Centre for the Protection of Children and Adolescents and reintegrating into society, by year

Occupations	Year	2000	2001	2002	Total
Joiners		0	0	1	1
Welders		0	0	1	1
Gem-cutters		0	1	1	2
Total		0	1	3	4

Source: Ministry of Justice, Legislation and Human Rights.

The table shows that very few children have left the Centre and reintegrated into working life, and that the majority (three quarters) of these did so in 2002.

Paragraph 143

604. The distribution of minors in civilian prisons, in December 2002, is illustrated by the following table and figure.

Table 25

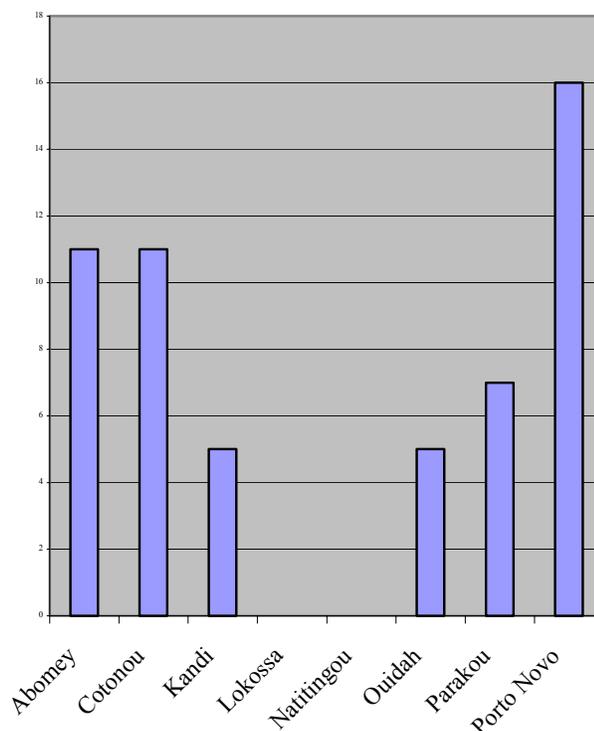
Distribution of minors charged with an offence, by prison (31 December 2002)

Civilian prison	Abomey	Cotonou	Kandi	Natitingou	Parakou	Porto-Novo	Lokossa	Ouidah	Total
Children charged with an offence	11	11	5	0	7	16	0	5	55
Total	11	11	5	0	7	16	0	5	55

Source: Ministry of Justice, Legislation and Human Rights.

Figure 1
Distribution of minors by detention centre
(31 December 2002)

Distribution of minors charged
with an offence,
31 December 2002



Source: Ministry of Justice, Legislation and Human Rights.

Paragraph 144

605. Child detainees are segregated from adults. Except at Parakou prison, they are held in a special section within each penitentiary. However, in some prisons, girls are detained in the section reserved for adult women. These minors are unfortunately subjected to adult perversions.

Table 26

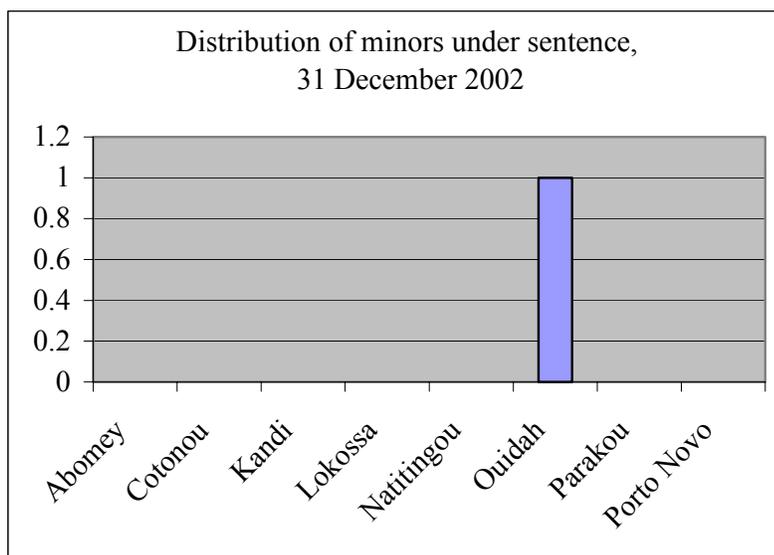
Distribution of minors under sentence, by prison

Civilian prisons	Under sentence
Abomey	0
Cotonou	0
Kandi	0
Lokossa	0
Natitingou	0
Ouidah	1
Parakou	0
Porto Novo	0

Source: Ministry of Justice, Legislation and Human Rights.

Figure 2

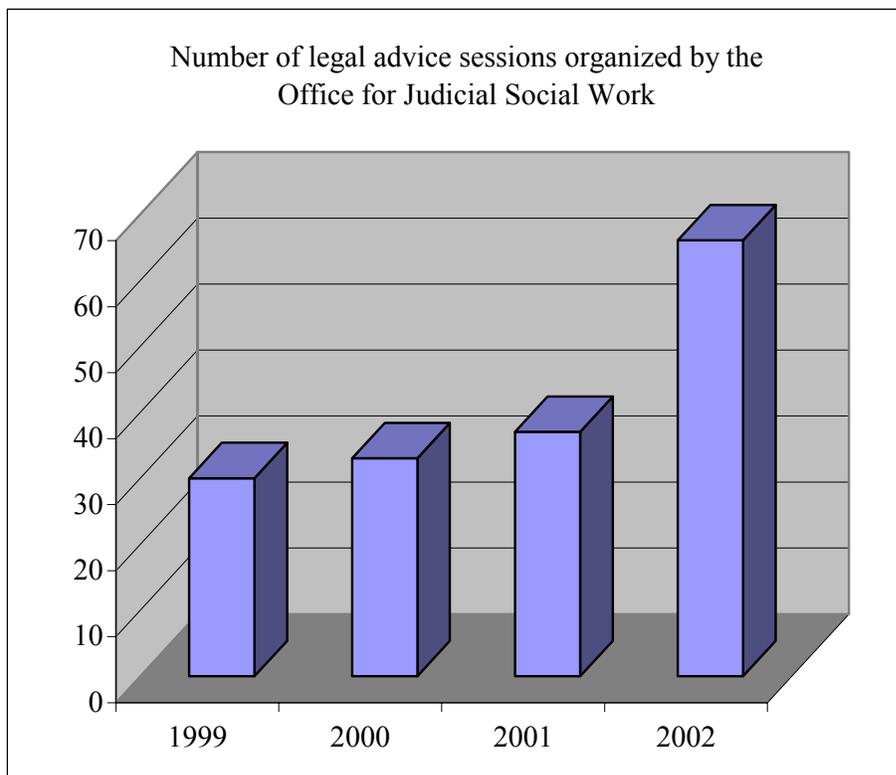
**Distribution of minors under sentence, by detention centre
(31 December 2002)**



606. A legal advice service has been organized at Cotonou civilian prison and has expanded over time. Thirty sessions were held in 1999 and 66 by the end of 2002, as the figure below shows:

Figure 3

**On-call units organized by the Office for Judicial Social Work
(1999-2002)**



Source: Ministry of Justice, Legislation and Human Rights.

607. Assistance has been provided to detainees at Cotonou civilian prison since 1999. The total number of detainees receiving assistance increased from 425 in 1999 to 1,393 in 2002.

Table 27

Number of detainees assisted by the Office for Judicial Social Work

Year	Men	Women	Minors	Total
1999	267	82	76	425
2000	184	275	259	718
2001	620	280	300	1 200
2002	715	352	326	1 393

Source: Ministry of Justice, Legislation and Human Rights.

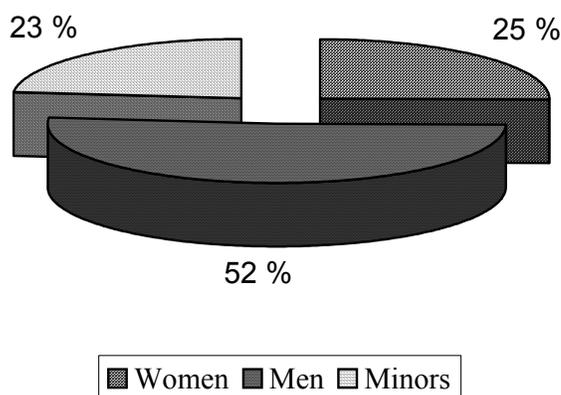
608. The table above shows, among other things, that:

- In 1999, most detainees who received assistance (267 out of 425) were men;
- In 2000, out of a total of 718 detainees, the majority of those seeking assistance were women or minors (74.37 per cent, of whom 38.3 per cent were women and 36.07 per cent minors), as opposed to men (25.63 per cent);
- In 2001, 300 minors and 280 women sought assistance compared to 620 men;
- In 2002, the situation was similar to that in 1999 and 2001;
- Over the period 1999-2002, the Office for Judicial Social Work assisted comparatively more male detainees than women and minors (715,352 and 326 cases respectively);
- Finally, the number of detainees assisted - men, women and minors seen separately - increased during the period as a whole.

609. In 2002 the relative proportion of detainees receiving assistance was as follows:

Detainees assisted (per cent, by sex and age)

Detainees assisted, 2002



Source: Ministry of Justice, Legislation and Human Rights.

More than half the detainees who received assistance were men (52 per cent). Women and minors accounted for 23 per cent and 25 per cent of the total number of assisted detainees.

Paragraph 145

610. No new developments.

Paragraph 146

611. Children in conflict with the law or in moral danger always receive assistance. Children deprived of their liberty receive special treatment from the judge.

612. For reasons connected with the investigation, a judge may decide to place a child charged with a serious offence in pretrial detention at a remand prison. Conditions of detention at these prisons are generally poor by comparison with the norms recommended in the Convention. It should also be noted that most minors spend an abnormally long time in pretrial detention. Some are eventually released without trial.

Paragraph 147

613. Efforts are under way to build a new civilian prison at Parakou with a special section for minors.

3. Sentencing of children; prohibition of capital punishment and life imprisonment (art. 37 (a))

Paragraph 148

614. No new developments.

Paragraph 149

615. NGOs such as Amnesty International are campaigning for the abolition of capital punishment in Benin.

4. Physical and psychological recovery and social reintegration (art. 39)

Paragraph 150

616. Children at the National Centre for the Protection of Children and Adolescents take courses and learn a trade.

Paragraph 151

617. Children are apprenticed in welding, gardening, gem-cutting and joinery with a view to promoting their recovery and reintegration.

618. Some children are supervised in a non-institutional setting by teachers from the Centre.

C. Children in situations of exploitation, including physical and psychological recovery

1. Economic exploitation, including child labour (art. 32)

Paragraph 152

619. Measures to uphold the right of the child to be protected from economic exploitation or performing any work that is hazardous or likely to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, are enshrined in national legislation and various policies outlined by the competent public and non-governmental structures, and are aimed at the progressive abolition of child labour and trafficking in children.

620. Generally speaking, children must perform work in keeping with their age and their physical and intellectual capacity. Children in employment must be protected by all legally prescribed safeguards.

621. From the welfare perspective, labour law forbids the employment of children aged under 14.

622. The basic text in this area is Act No. 98-004 of 27 January 1998 containing the Labour Code (which replaced the former code contained in ordinance No. 33 of 28 September 1967), and specifically articles 166-169 thereof.

623. Article 166 states that: "Children under the age of 14 years may not be employed in any enterprise."

624. Article 167 states that: "Young workers aged between 14 and 21 have the same rights as other workers in their occupational group. Under no circumstances shall younger workers be paid less or occupationally downgraded on account of their age."

625. Employers must keep a record of all persons aged under 18 employed in their enterprises, in each case indicating the individual's date of birth.

Paragraph 153

626. The best interests of the child and the child's right to life, survival and development are guaranteed by Benin's social legislation.

627. In inter-ministerial order No. 132/MFPTRA/MSP/DC/SGM/DT/SST of 7 November 2000, the Minister for the Civil Service and the Minister of Health specify the types of work that are hazardous for pregnant women and young people.

Paragraph 154

628. The same inter-ministerial order specifies the categories of work and workplaces forbidden to women, pregnant women and children and the corresponding age restrictions.

629. A labour inspector may require women or young people to be examined by an approved physician to verify that the work they are instructed to perform does not overtax their strength.

630. A young worker must desist from performing any work that is recognized as overtaxing his or her strength and must be transferred to other suitable employment. If this is not possible, the employment contract must be terminated and the employee compensated in the normal way (Labour Code, art. 169).

631. The Labour Code defines conditions of apprenticeship, which must be set out in a proper contract in writing (failing which the arrangement shall be null and void) that obliges an employer to provide ongoing vocational training to the person taken on as an apprentice.

632. Articles 64-70 of the Labour Code make provision for an apprenticeship contract. According to the Code, no one shall be apprenticed under the age of 14 and no person under the age of 25 shall employ minor apprentices. The contract must be in writing and submitted for approval to the competent departments of the Ministry of Labour, failing which it shall be null and void. The contract must specify details relating to remuneration, board and lodging.

633. Articles 295-312 of the Labour Code, and specifically articles 298, 299, 301, 302 and 303 referring to children, list penalties and special arrangements in the event of Code violations.

634. In addition, inter-ministerial order No. 026/MFPTRA/DC/SGM/DT/SRT of 14 April 1998 sets out general terms of employment for all domestic employees in Benin and updates the following regulations, among others:

- Order No. 2381 I.T.L.S/D of 30 September 1953 specifying general terms of employment for domestic staff and house servants in Dahomey; and
- Order No. 151/MTAS/DGM/DT/SRI of 4 April 1986 specifying general terms of employment for domestic employees in the People's Republic of Benin.

635. Generally speaking, child labour is not subject to a contract between the parties, nor is there a declaration of employment or termination of the contract. The situation on the ground makes it difficult for the competent authorities to monitor children's working conditions. Labour law must be geared towards monitoring the informal sector and the invisible recruitment of child workers. This approach would involve boosting the resources available to labour inspectors, a necessary prerequisite for effective judicial action to combat child labour and trafficking in children.

636. A number of preventive or corrective measures are being taken.

637. Training to combat the exploitation of children is being organized by UNICEF, IPEC, the ILO project to support the implementation of the ILO Declaration (PAMODEC) and NGOs, in collaboration with the relevant ministries, for officers of the national legal service, labour inspectors and social workers.

638. IPEC established a national steering committee in December 1997 to ensure follow-up of this programme. During its first biennium, the committee focused on child tinsmiths, children whose health has been affected by pesticides, children working in the agricultural sector and rural children in general, child apprentices and trafficking in children.

639. These fresh approaches enable the authorities to gain a more comprehensive overview of the phenomenon of child labour. IPEC is complemented by the programme to combat trafficking in children in West and Central Africa (LUTRENA).

640. The above-mentioned structures are also devising a range of programmes to benefit children, for example campaigns to sensitize guardians and employers, and sponsorship of apprenticed children or disadvantaged schoolchildren.

Paragraph 155

641. There are two key conventions in this area, namely:

- ILO Convention No. 138 concerning Minimum Age for Admission to Employment, adopted at Geneva on 26 June 1973 and ratified by Benin on 11 June 2001, and the accompanying Recommendation (No. 146) concerning Minimum Age for Admission to Employment;
- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, adopted by the General Conference of the ILO at its eighty-seventh session at Geneva on 17 June 1999 and ratified by Benin on 6 November 2001, and the accompanying Recommendation (No. 190) concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

642. Extensive publicity has been given to the expression “worst forms of child labour”.

643. Benin has signed and subsequently ratified the two protocols to the Convention on the Rights of the Child, namely the Optional Protocol on the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflict.

644. The National Commission on the Rights of the Child, the ILO/IPEC steering committee and the unit for children requiring special measures of protection provide a framework for joint action to tackle the problems faced by exploited children and to protect their rights.

2. Drug abuse (art. 33)

Paragraph 156

645. The statutory protection of children has evolved since Benin submitted its initial report on the rights of the child.

646. Act No. 97-025 on drugs and precursors was adopted on 18 July 1997.

Paragraph 157

647. In addition to the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol, the 1971 Convention on Psychotropic Substances and the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Benin has ratified the United Nations Convention against Transnational Organized Crime.

648. The Vice and Drugs Squad is a police unit attached to the Office of the National Police that has special instructions to deal with drug trafficking, possession and use.

649. The Office for the Judicial Protection of Children and Young People, assisted by the Institute for Social, Economic and Civic Training, organized a seminar on drugs and the consequences of drug use in Benin from 11 to 13 August 1998. The purpose of the seminar was to review the current situation, relevant legislation and the arrangements for protecting young people and children against the scourge of drugs.

650. In addition, Benin has taken part in subregional training efforts, for example a course on narcotic drugs organized at Grand-Bassam, Côte d'Ivoire, by the Training Unit for Drug Control in Africa (UFDA).

651. Clubs, NGOs and religious organizations carry out a variety of education, awareness-raising and prevention initiatives in schools which, generally speaking, are increasingly being overrun by drugs. Similar problems affect homes for children in difficult situations.

652. The unit for children requiring special measures of protection, the Ministry of the Interior and the Interministerial Committee to Control Drug Abuse and Illicit Drug Trafficking have organized workshops focusing on Act No. 97-025 of 18 July 1997.

653. Radio and television programmes have been commissioned by the media or NGOs on the ill effects of drugs and their consequences for drug users, especially drug addiction. Similar campaigns focus on alcoholism and smoking.

654. Youth associations are conducting information and education campaigns.

655. A number of institutions endeavour to help children who use drugs and their families, for example the Brigade for the Protection of Minors, the Office for the Judicial Protection of Children and Young People, the Office for Judicial Social Work, the Office of Family and Children's Affairs in the Ministry of Family Affairs, Social Welfare and Solidarity, and NGOs.

656. Benin has no drug treatment centres for minors. Doctors specializing in mental health problems treat drug addicts.

Paragraph 158

657. There are no official measures prohibiting children from consuming alcohol, tobacco or other substances harmful to their health.

658. In Benin, family and customary education instil social responsibility. Generally speaking, parents do not give their children alcohol or tobacco.

659. When teenagers gather together, some individuals consume alcoholic beverages. Smoking is less evident among Beninese children and young people.

660. Checks of the effectiveness of control measures are therefore impossible. There is, however, a centre for the analysis of narcotic and similar substances at the Faculty of Science and Health in Cotonou.

661. In the course of its work in 1998, the Office for the Judicial Protection of Children and Young People sensitized more than 500 schoolchildren and other youngsters to the dangers of drugs and their consequences for young people.

662. At various events organized with young people in mind, youngsters signed the “Charter of Young People for a Twenty-first Century Free of Drugs”, which was officially launched on 9 February 1998 and presented to the Secretary-General of the United Nations in June 1998 at the special session of the General Assembly devoted to countering the world drug problem.

663. The seminar entitled “Drugs and their consequences for youth in Benin” presented an overview of the problem, identified action to improve prevention and severely punish breaches of the law on narcotics and drugs, reviewed new approaches to treating drug addicts and promoting their reintegration into society, and proposed and envisaged simple measures, on a human scale, adapted to the needs of the country.

664. The participants received a thorough grounding in the various rules and regulations that criminalize drug use in Benin, treatment orders, drug use and the criminal responsibility of drug consumers, different approaches to fighting drug addiction, and the work of the Vice and Drugs Squad.

665. The proposed strategies aim to prevent drug trafficking and consumption, to treat drug addicts and reintegrate them into society, and to promote wider knowledge of existing instruments.

666. Act No. 97-025 of 18 July 1997 on the control of drugs and precursors was studied in depth.

667. Under article 142 of this Act, criminal penalties for the illegal possession, purchase or cultivation of plants or substances classed as narcotic drugs for personal use are not imposed or not enforced in the case of minors.

668. Article 116 stipulates, as an alternative or in addition to the principal penalty incurred, an invitation to the drug addict to undergo appropriate treatment. The law does not, however, specify the individual or institution responsible for providing such treatment or care.

669. Plans of action were drawn up at the 1998 seminar to prevent drug abuse and treat and reintegrate drug addicts.

670. The Interministerial Committee to Control Drug Abuse and Illicit Drug Trafficking is also pursuing initiatives in Benin. This committee comprises representatives of the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice, the Ministry of Health, the Ministry of Finance and the Ministry of Social Welfare, in addition to NGOs.

671. During the reporting period, the Interministerial Committee to Control Drug Abuse and Illicit Drug Trafficking devised a number of strategies to raise awareness among schoolchildren, apprentices, car park attendants and even marketgoers.

672. In 1999 the Interministerial Committee commissioned a 36-minute film entitled “Watch yourself die, drug addict”, which was shown in schools in Benin’s six departments.

673. The Interministerial Committee’s education programme is also aimed at apprentice hairdressers, weavers and dressmakers.

674. In addition to funding from the national budget, the Interministerial Committee’s initiatives were supported in the period 1998-2002 by WHO, the European Union (through the African Anti-drug Programme), UNICEF and the United Nations International Drug Control Programme (UNDCP), now the United Nations Office on Drugs and Crime (UNODC).

675. It should be noted that the Interministerial Committee has devised teaching and training modules for all levels of the education system.

676. Schemes to reintegrate young drug addicts into society and working life have also been proposed.

677. The Interministerial Committee has worked with young people in civilian prisons throughout Benin. A causal link has been established between drug use and crime. The use of amphetamines mixed with alcohol overstimulates young people and prompts them to offend (theft of mopeds and mobile phones).

678. In northern Benin, children who are given drugs made from plant roots go on to commit offences.

679. The Interministerial Committee has drawn up a policy document on combating drug use with the support of UNDCP and the African Anti-drug Programme. The document presents an overview of drug problems and proposes strategies and priority programmes and projects to fight drug abuse in Benin.

680. The Interministerial Committee is seeking funding to implement the system of treatment orders for young people.

3. Sexual exploitation and sexual abuse (art. 34)

Paragraph 159

681. Benin is party to a number of international instruments, specifically the Optional Protocol on the sale of children, child prostitution and child pornography.

Paragraph 160

682. The Office for the Judicial Protection of Children and Young People organized a seminar from 6 to 8 July 1999 on the sexual exploitation of children in Benin, with support from the Institute for Social, Economic and Civic Training. The seminar was given wide coverage in the media.

683. In addition, the Ministry of Family Affairs, Social Welfare and Solidarity offers psychological assistance to victims of sexual abuse.

684. Benin took part in the World Congress on the Commercial Sexual Exploitation of Children in Stockholm. The outcomes of the Congress were widely promoted at the national level.

685. NGOs are pursuing a range of training, awareness-raising and mobilization initiatives to combat the sexual exploitation of children.

4. Sale, trafficking and abduction (art. 35)

Paragraph 161

686. No new developments.

Paragraph 162

687. The Ministry of Family Affairs, Social Welfare and Solidarity and IFTDH and CEO shelters manage the physical recovery and social reintegration of children.

Paragraph 163

688. No new developments.

5. Other forms of exploitation (art. 36)

Paragraph 164

689. The above remarks apply in equal measure to efforts to protect children against all other forms of exploitation harmful to their well-being, be they legislative, administrative, educational, budgetary or social in nature.

Paragraph 165

690. More and more children are being drawn into begging, to the extent that this is becoming a form of economic exploitation. Begging is a criminal offence (Criminal Code, art. 214).

691. In April 2001 the World Bank conducted a survey of students at Koranic schools in northern Benin. The following areas were covered by the survey: the villages of Ouaké, Sèmèrè, Badjoudè and Copargo in Djougou district; the villages of Tourou, Gorobani, Tourou-Peulh and Baka in Parakou district; and the villages of Guéné, Bodjécali, Garoutédji and Sendé in Malanville district.

Paragraph 166

692. In total, 466 Koranic schools were identified in three provinces, distributed as follows:

- 223 schools in Donga;
- 137 in Borgou;
- 106 in Alibori.

693. It should be borne in mind that not all Koranic students are *talabah*. Today, the term *talib* refers to a child placed with a Koranic teacher or *alfa*, who provides the child with lodging and teaches him the Koran. In return, the *talib* is obliged to work for his teacher and to hand over to him any alms he collects during the day.

694. The estimated number of *talabah* in each province is 1,494 in Donga, 986 in Borgou, and 2,109 in Alibori, or roughly 5,000 in total.

695. There are estimated to be about 500 *talabah* in the three towns surveyed. Of these, 353 were placed in schools by their own parents (72.8 per cent); 49 were placed by another family member (10.1 per cent); 63 joined the school of their own volition (13 per cent); 15 came to the school through other channels (3.1 per cent); and 5 were unable to say why they entered the school (1 per cent).

696. There is no age limit for admission to a Koranic school. The age distribution of *talabah* upon admission to the establishment was found to be as follows:

- 59 aged between 3 and 4 (12.2 per cent);
- 209 aged between 5 and 8 (43.1 per cent);
- 145 aged between 9 and 12 (29.9 per cent);
- 72 aged 13 and over (14.8 per cent).

697. Whatever the age of the *talib*, he does not live with the *alfa* exclusively for the purposes of study. He performs other work for himself and for the *alfa*.

698. According to information supplied by the *talabah* themselves, they engage in the following activities:

- 23 *talabah* study the Koran for just one hour a day (4.7 per cent);
- 286 study the Koran for two hours a day (59.0 per cent);
- 176 study the Koran for three hours a day (36.3 per cent);
- 407 work the *alfa*'s land (83.9 per cent);

- 61 operate a rickshaw (12.6 per cent);
- 134 work as porters (27.6 per cent);
- 308 collect alms (63.5 per cent);
- 123 perform other tasks (labouring in the fields, washing clothes, copying verses from the Koran and teaching Islamic religious practices) (25.4 per cent).

699. According to this distribution, only 224 *talabah* or 46.2 per cent of the total are enrolled in school. Among these, 181 or just 37.3 per cent continue to attend school.

700. The average daily income of a *talib* is CFAF 159. Average income by department is as follows:

- Donga (Djougou): CFAF 224;
- Borgou (Parakou): CFAF 88;
- Alibori (Malanville): CFAF 208.

701. The *talib* does not have exclusive control over his income, but spends it in various ways, for example:

- 52 per cent of *talabah* hand over their money to the *alfa*;
- 49 per cent use the money to purchase food;
- 6 per cent use it to pay school fees;
- 2 per cent use it to pay for medicines;
- 1 per cent hire tools for their work;
- 51 per cent save the money for their needs;
- 15 per cent use it in other ways.

702. The World Bank is particularly interested in this phenomenon. UNICEF, the ILO/IPEC programme and NGOs such as the programme for the integration of deprived children are also working to stamp out phenomena of this kind. Awareness-raising and education campaigns are being conducted to curb the problem.

D. Children belonging to a minority or an indigenous group (art. 30)

Paragraph 166

703. There are no legislative, administrative, welfare, educational, budgetary or social restrictions on children's rights in Benin associated with a child's social, ethnic, religious or linguistic background, nor are the rights of children from indigenous groups restricted in any way.

704. Every child, in community with other members of his or her group, has the right to enjoy his or her culture, to profess and practise his or her own religion, and to use his or her own language.

Paragraph 167

705. Programmes have been devised by the Agency for Funding Grass-roots Initiatives reporting to the Child Protection Fund, which received funding from the World Bank in 2002. These programmes, which focus on protecting the most vulnerable children and/or children from the poorest districts and areas where trafficking is most prevalent, are scheduled to continue into 2003.

706. Generally speaking, the Government has tried to develop communes throughout the country in order to meet the needs of local populations more effectively and to reach the most deprived and vulnerable social groups.

707. As a result of the phased decentralization of power, the problems facing Beninese children in their homes, departments, communes and communities will be addressed in a more comprehensive manner.

708. In addition, the National Commission on the Rights of the Child, established by decree in 1999, and the departmental committees on the rights of the child are taking steps to decentralize their activities to the grass-roots level in order to satisfy children's needs more effectively.

709. Thus far, each departmental committee has identified the specific problems of children in that department and has tailored a plan of action to meet their needs.

710. Funds are being sought to put these plans of action into effect.

ANNEXES

1. Lomé Appeal on trafficking in children (1999)
2. Abidjan Appeal on trafficking in children (January 2000)
3. Libreville Declaration and Appeal to harmonize national legislation on trafficking in children in French-speaking West and Central Africa (7 February 2003)
