



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the report submitted by Benin under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

I. Introduction

1. The Committee considered the report of Benin (CRC/C/OPAC/BEN/1) at its 2325th and 2326th meetings (see CRC/C/SR.2325 and 2326), held on 26 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.
2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPAC/BEN/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.
3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third to fifth periodic reports submitted by the State party under the Convention (CRC/C/BEN/CO/3-5), adopted on 29 January 2016, and on the report of the State party submitted under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BEN/CO/1), adopted on 5 October 2018.

II. General observations

Positive aspects

4. The Committee welcomes the declaration made by the State party upon ratification of the Optional Protocol that the minimum age for voluntary recruitment into the national armed and security forces is set at 18 years old.

III. General measures of implementation

Coordination

5. While noting that the Directorate of the Organization of Army Personnel has primary responsibility for implementing the Optional Protocol, the Committee is concerned about the absence of clear roles and lack of coordination between the different institutions and bodies mentioned in the State party report.

* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018).



6. **The Committee recommends that the State party give the Directorate of the Organization of Army Personnel sufficient authority and a mandate to coordinate all activities related to the implementation of the Optional Protocol and provide it with the necessary human, technical and financial resources for its effective operation.**

Independent monitoring

7. The Committee notes that the State party is setting up a complaints mechanism for monitoring children's rights. However, it is concerned that in the meantime, there is no specific mechanism that is able to receive, investigate and address complaints related to the Optional Protocol.

8. **The Committee recommends that the State party:**

(a) **Speed up the establishment of a specific complaints mechanism for monitoring children's rights that is able to receive, investigate and address complaints made by children in a child-sensitive and confidential manner;**

(b) **Ensure the independence of the National Commission on Human Rights, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(c) **Allocate the necessary human, financial and technical resources to enable the National Commission on Human Rights to carry out its responsibilities effectively.**

Allocation of resources

9. The Committee is concerned about the lack of specific budget allocations for the implementation of the Optional Protocol in the State party.

10. **The Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol.**

Dissemination and awareness-raising

11. The Committee is concerned that there are no targeted efforts to widely disseminate the principles and provisions of the Optional Protocol among the members of the armed forces and the general public, including children and their families.

12. **The Committee recommends that the State party widely disseminate the principles and provisions of the Optional Protocol among the members of the armed forces and all relevant professionals and the public at large, in particular children and their families, through, inter alia, school curricula, information packages for military recruits, long-term awareness-raising campaigns and training on the harmful effects of all the offences referred to in the Optional Protocol and the preventive measures to combat them.**

Data

13. The Committee is concerned that there is no data-collection system in the State party for all the areas covered by the Optional Protocol.

14. **The Committee recommends that the State party establish a systematic data-collection system for all the areas covered by the Optional Protocol.**

IV. Prevention

Age verification procedures

15. The Committee notes that a birth certificate is required as proof of age for all individuals before they are recruited into compulsory or voluntary military service, and that special registers have been established to issue birth certificates to persons who were not

registered at birth. However, the Committee is concerned that many children are still not registered at birth, that birth certificates are often not available and that some birth certificates are forged.

16. **The Committee stresses the importance of birth registration for the prevention of the involvement of children in armed conflict and recalls the recommendation made in its 2016 concluding observations under the Convention (CRC/C/BEN/CO/3-5, para. 31) urging the State party to take all necessary measures to ensure birth registration throughout the country. The Committee also urges the State party to ensure that birth certificates are strictly verified and to take other measures to prove the age of candidates for military service.**

Prevention of recruitment by non-State armed groups

17. The Committee is concerned that the State party has not taken sufficient measures to prevent the possible recruitment of children into violent extremist groups operating abroad.

18. **The Committee recommends that the State party develop a strategy to tackle the possible recruitment of children into armed groups operating abroad and establish appropriate mechanisms to identify children at risk of being recruited or being used by non-State armed groups.**

Military schools

19. The Committee is concerned that military school programmes include initiation in the handling of weapons for children aged 15 and above. It is also concerned that there are no independent complaints mechanisms accessible to children attending military schools.

20. **The Committee recommends that the State party ensure that students in military schools are not trained in the use of weapons or involved in any armed conflict before the age of 18, and that any military school for children takes into account human rights principles. It also recommends that the State party establish an independent complaints mechanism that is accessible to children attending military schools.**

Human rights and peace education

21. The Committee is concerned that the State party does not provide sufficient training on international humanitarian law and human rights standards, in particular on the Convention and its Optional Protocols, to military personnel and persons involved in peacekeeping missions.

22. **The Committee recommends that the State party strengthen measures to include education on the provisions of international humanitarian law and human rights standards, including on the Convention and its Optional Protocols, in the compulsory curriculum for conscripts and persons on active military duty, and for those involved in peacekeeping missions.**

V. Prohibition and related matters

Criminal legislation and regulations in force

23. The Committee regrets that the State party's legislation does not explicitly criminalize the recruitment or use of children in hostilities by the armed forces or non-State armed groups. The Committee is also concerned that the recruitment of children below the age of 15 has not been defined as a war crime in the State party's legislation.

24. **The Committee recommends that the State party:**

(a) **Explicitly prohibit and criminalize the recruitment and use of children under 18 years of age in hostilities by armed forces and non-State armed groups and ensure that the perpetrators are prosecuted;**

- (b) **Define and punish the recruitment and use of children under the age of 15 in hostilities as a war crime.**

Extradition

25. **The Committee recommends that the State party take steps to include offences under the Optional Protocol in all future extradition agreements with other State parties and ensure that dual criminality is not a requirement in cases of extradition for these offences.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

26. **The Committee notes the development of a matrix to identify vulnerable children requiring social protection. However, the Committee is concerned at the lack of information on the effectiveness of this tool to identify, at an early stage, refugee, asylum-seeking and migrant children who enter the State party and may have been recruited or used in hostilities abroad.**

27. **The Committee recommends that the State party:**

- (a) **Strengthen the vulnerability matrix to identify, at an early stage, refugee, asylum-seeking and migrant children, including unaccompanied children, coming from countries with past or current armed conflicts and who may have been involved in hostilities;**

- (b) **Ensure that the personnel responsible for identifying these children are trained in children's rights, child protection and interviewing skills;**

- (c) **Develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.**

VII. International assistance and cooperation

International cooperation

28. **The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with the United Nations Children's Fund and other United Nations entities for the implementation of the Optional Protocol.**

Arms export and military assistance

29. **The Committee welcomes the ratification by the State party of the Economic Community of West African States Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials, and of the Arms Trade Treaty. It also notes that a bill establishing the weapons and ammunition regime is currently before Parliament. The Committee recommends that the State party adopt the bill establishing the weapons and ammunition regime and other specific legislation, and implement measures to prevent the sale or smuggling, export and transit of arms, including small arms and light weapons, and the provision of military assistance to countries where children are known to be, or may potentially be, unlawfully recruited or used in armed conflicts or hostilities.**

VIII. Ratification of the Optional Protocol on a communications procedure

30. The Committee recommends that, in order to further strengthen the fulfilment of children's rights, the State party ratify the Optional Protocol on a communications procedure.

IX. Implementation and reporting

A. Follow-up and dissemination

31. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to the Ministry of Defence, the Directorate General of the National Police, the Directorate General of the National Gendarmerie, courts and local authorities, for appropriate consideration and further action.

32. The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

B. Next periodic report

33. In accordance with article 8 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.
