



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1181st MEETING (Room A)

Held at the Palais Wilson, Geneva,
on Wednesday, 20 September 2006, at 10 a.m.

Chairperson: Mr. DOEK

SUMMARY

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
(*continued*)

Second periodic report of Benin

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Benin ((CRC/C/BEN/2); list of issues to be taken up (CRC/C/BEN/Q/2); State party's written replies to the list of issues to be taken up (CRC/C/BEN/Q/2/Add.1))

1. *At the invitation of the Chairperson, the delegation of Benin took places at the Committee table.*
2. Mr. ZINZINDOHOUE (Benin) said that Benin was a party to most of the international human rights instruments, including the two Optional Protocols to the Convention on the Rights of the Child, the Convention Against Transnational Organized Crime and its three additional protocols, and ILO Conventions Nos. 138 and 182 on child labour. In addition, Benin had achieved considerable economic progress, enabling it to lighten its foreign debt and increase investment in such social sectors as education and health. Thus, the budgetary appropriations for elementary and secondary education had risen from 53 billion CFA francs in 2003 to 82 billion in 2006.
3. Numerous laws enhancing child protection had been promulgated—in particular laws to punish the practice of female genital mutilation, sexual violence at educational institutions, and trafficking in children. A personal and family code had been adopted and adoption of a draft children's code, as well as a family charter, was pending. A number of bodies had been set up, including the National Commission on the Rights of the Child and the National Child Protection Monitoring and Coordination Unit.
4. Benin's reports had been distributed throughout the country, together with the Committee's observations and the Convention itself, which had been translated into several local languages.
5. Benin encouraged children's, and especially girls', enrolment in school, which was free for girls in rural areas even as the Government was working to make it free for all, as provided in the Constitution. Measures had been taken to improve care for children with disabilities and those living with HIV/AIDS, and to make religious leaders and practitioners of female genital mutilation aware of the problems that practice caused. In addition, information and training campaigns had been undertaken to promote consideration of the child's best interests and respect of his or her opinions.
6. Birth registration was another Government priority; the civil status-oriented administrative census (RAVEC) programme gave all Beninese 15 years of age and older with no civil status records the opportunity to have substitute birth certificates issued. At the same time, the general public and all public servants concerned were made aware of the issue, so as to encourage the registration of children at birth.
7. The problem of children being removed from their family environment was being dealt with with the assistance of charitable organizations, and great efforts were being made to reduce malnutrition and improve health coverage, with vaccination against the six main childhood diseases.

8. Particular attention was being paid to child refugees and to children in conflict with the law. For the latter, educational spaces had been provided in prisons and all stakeholders had taken part in the development of a procedural guide for the treatment of juveniles in the legal system, based on the Beijing Rules. Domestic legislation in that regard was also being brought in line with international instruments.

9. There were many legal provisions protecting children from economic exploitation.

10. In general, there were no provisions or measures hindering the implementation of the rights of the child in Benin. The main remaining challenge was to disseminate a rights of the child culture among the general public.

11. Ms. OUEDRAOGO welcomed Benin's second periodic report, which had been developed on the basis of the recommendations made by the Committee following its review of the initial report. The constructive changes under way in Benin were an opportunity for the authorities to more thoroughly integrate the Committee's recommendations into their policies. The State party had made much progress in the implementation of the Convention, but there were still obstacles in the form of poverty and the persistence of certain customs and traditions.

12. The Committee was glad that Benin had almost finalized its planned Children's Code and hoped it would be enacted soon, but regretted that there was still no National Plan of Action. Each body dealing with children's issues did have its own plan of action, but the result was that the Convention was implemented piecemeal. Coordination and monitoring of implementation activities was the responsibility of the National Commission on the Rights of the Child, which was not, however, an independent public agency, as to whose membership and functions the State party had moreover not been very forthcoming.

13. There did appear to be good cooperation between the Government and NGOs, but it would be useful to know whether the latter also took part in the development and implementation of programmes for children. The efforts made to disseminate the Convention, and in particular to integrate it into the training of the relevant professionals, seemed unsystematic.

14. The Committee praised the efforts made to improve birth registration in line with its recommendations, but wondered why the RAVEC programme was limited to persons 15 years of age and up, and whether all causes of failure to register births had been identified, in particular in rural areas.

15. It would be useful to know whether there was any body responsible for monitoring children's access to information, in view of the proliferation of video clubs and Internet cafés, and whether any measures were contemplated to protect children from media outlets which, though they did have the advantage of disseminating information of interest to children, did not always respect their privacy.

16. Mr. SIDDIQUI asked whether the installation of the new data gathering and management system was a one-off or an ongoing project and whether data was being gathered on groups of vulnerable children, in particular child victims of violence, institutionalized children, street children, those living with HIV/AIDS or children with disabilities.

17. Mr. KRAPPMANN welcomed the creation of a Children's Parliament in Benin, in 2003—an excellent and highly symbolic measure to implement Article 12 of the Convention. He would like some details on the law to be enacted to integrate the Children's Parliament into the Beninese parliamentary system. It would be useful to know whether there were school councils and whether children had the opportunity to participate in community decision making.

18. Ms. AL-THANI asked what interaction there was between the functions of the National Human Rights Commission, the National Commission on the Rights of the Child and the Brigade for the Protection of Minors. It would be useful to know whether the National Human Rights Commission had a specific budget for the execution of its investigative mandate, what institution was responsible for dealing with children's complaints, and whether there was a mechanism whereby such complaints could be investigated and the necessary measures taken.

19. Ms. ANDERSON asked for particulars on the problem of the degrading treatment to which some girls were reported to be subjected by their fiancés in rural areas. She would also like more recent information on corporal punishment and the measures taken to make parents aware of nonviolent methods of upbringing and to make children aware of their right to protection from cruel and degrading treatment. It would be useful to indicate whether any new actions along those lines were being taken in schools.

20. Mr. KOTRANE asked whether the Convention had been directly applied by the courts and noted with satisfaction that Benin had made great efforts to bring its domestic law into compliance with the Convention. Referring to paragraph 208 of the report, he asked whether the judge was required to give reasons for his or her refusal to consider a testimony of a child whom he or she did not consider mature enough to participate in legal proceedings in which the child was concerned.

21. The delegation might indicate whether Benin intended to draw up a national plan of action as recommended by the United Nations General Assembly at its special session on children in May 2002.

22. Another important point was the minimum age below which children were presumed to lack the capacity to infringe penal law.

23. More complete information on the plight of "vidomegon" and refugee girls would be useful.

24. Finally, it would be valuable to learn whether a child adopted or born out of wedlock had the right to know its origins.

25. Ms. ORTIZ asked what was being done to promote respect for the Convention in all ministries and how the Convention was being disseminated at the departmental and municipal levels. It would be interesting to know what bodies had been created at these levels to defend, promote and protect the rights of the child, whether there had been any experience at the local level with awareness campaigns to inform children of their right to participate, and what help and information parents received.

26. The CHAIRPERSON wondered what the authorities were doing to end the practice of infanticide, which, it appeared, had not completely disappeared and whose victims were in particular children with birth defects and those whose mother

had died in childbirth, especially in the north, and whether the laws against that crime would be strengthened under the current penal reform.

27. Mr. ZINZINDOHOUE (Benin) said that it was not impossible that the practice of infanticide still existed in the country but that the Government had made every effort to punish offences against children reputed to be “witches”, e.g. breech-birth children, who might be killed in communities in northern Benin.

28. He explained that the RAVEC project was primarily for children under 15 years of age lacking a birth certificate. Under the Family Code, parents had 10 days to register a birth. In addition, a judge must issue an authorization form. The purpose of the RAVEC project was to hold mobile courts for two months in rural areas—where parents, out of ignorance and lack of resources, rarely registered births—whereby judges would reach out to the public to issue birth certificates free of charge to children 15 years and older. There was already popular demand to have the project extended to those under 15. The project would bring many benefits in the areas of justice, health, education, and the allocation of microcredit to women.

29. Benin had a limited budget, but efforts were being made to allocate more money to the areas of health and education, in particular, and international public aid was also being allocated to those sectors.

30. “Vidomegon” children were entrusted to an uncle who, out of family solidarity, would be responsible for their education. This traditional practice had led to abuse and, in some cases, a consideration in money was demanded.

31. Mr. ALIA (Benin) said that the establishment of the National Human Rights Commission, which had itself led to the creation of the National Advisory Council for Human Rights, had given NGOs and State institutions the opportunity, once or twice a year, to look into issues affecting the situation of human rights in the country. The National Commission on the Rights of the Child had been established in 1999. There was a certain synergy between these three bodies.

32. Ms. DJIVOH-ATCHADE (Benin) said that various departments and NGOs working for child protection in Benin sat on the National Commission on the Rights of the Child, which normally held two sessions a year, in June and December. Plans of action for the coming year were decided on in the December session. Only one session had been held in 2005 due to funding problems. The National Commission had counterparts at the departmental level, called departmental rights of the child committees, and steps were being taken to create communal committees. Their operation, however, posed financing problems. The Commission was seeking to promote awareness of the laws and provisions on the rights of the child to all district heads in the 77 communes and so equip them to protect children. Approximately 486 district chiefs had already been trained, and plans for the training of village leaders were under way. A project was being developed with funding from UNICEF to do follow-up and, in particular, to consider the problems faced by district chiefs. Despite the lack of resources, the departmental committees were functioning and reporting to the National Commission on the Rights of the Child.

33. Mr. HOUNNOUVI (Benin) said that the child protection monitoring and coordination unit was a framework for coordinating the work of all stakeholders concerned with the rights of the child, including networked NGOs, ministries and partners such as UNICEF, the European Union, Plan Bénin and other international bodies. The unit was distinct from the National Commission on the Rights of the

Child and the National Advisory Council on Human Rights by virtue of its function of monitoring operational activities for the protection of children's rights. It reported on its activities to the National Commission on the Rights of the Child, which in turn reported to the National Advisory Council on Human Rights. During quarterly meetings, the various stakeholders assessed progress in implementing sectoral plans in the absence of a comprehensive plan of action for children.

34. Benin had developed a national social protection policy and strategy document covering the 2006-2013 period and taking into account all vulnerable groups; that instrument, with support from UNICEF, would be used to develop a specific child protection policy and strategy document, which would form the basis of a comprehensive plan of action for child protection.

35. Mr. Hounnouvi said that cases of child abuse were dealt with by the Brigade for the Protection of Minors, the Ministry of the Family, Women and Children's Affairs, the Ministry of Justice and the Ministry of Security, and local communities. These were represented in the departments and communes by the courts, social promotion centres and police stations.

36. Ms. ZINKPE (Benin) said that two toll-free telephone numbers—160 in Cotonou and 170 in rural areas—were available to children, to enable them to file complaints. SIM cards loaded with these toll-free numbers and police and gendarmerie hotlines were on sale for 3.05 euros.

37. As the 1969 ordinance on proceedings against minors had nothing to say about criminal responsibility, the Government had organized a workshop to amend the ordinance and to comply with the international legal instruments to which Benin was a party. The draft Children's Code also took into account the shortcomings of that ordinance.

38. In court, the child's perspective was considered, especially in the event of divorce or placement in a reception centre. Social investigation was done to corroborate the child's statements, but his or her opinion always took precedence.

39. The provisions relating to children's parentage, to establish paternity, were contained in Title 4, articles 283 et seq. of the Personal and Family Code.

40. Beninese judges had been reluctant to systematically apply the Convention following a decision of the Constitutional Court stating that until published in the Official Journal it was not enforceable. That had now been done, so that awareness campaigns for all stakeholders in the justice system would now foster implementation of the Convention before the courts.

41. Mr. ALIA (Benin) said that the previous year the Human Rights Office had, with UNDP support, organized clubs in schools of all six communes of the department of Alibori to disseminate the Convention among children and to educate parents and teachers. Alibori had been chosen because it was the scene of numerous violations of the rights of the child, but the Human Rights Office meant to extend the concept to other regions.

42. The CHAIRPERSON asked whether the National Commission on the implementation of international human rights instruments was empowered to receive complaints of human rights violations.

43. Mr. ALIA (Benin) said that the Commission, whose mission was to prepare reports on the implementation of conventions to which Benin was a party, was made up of all of Benin's ministerial institutions. Its headquarters were at the Human Rights Office and its president was the Keeper of the Seals. It often consulted experts, especially among NGOs specializing in human rights.
44. Mr. ZINZINDOHOUE (Benin) said that to protect children against harmful information, Benin had its Audiovisual and Communication Authority (HAAC) and its national film censorship board, two bodies whose mission was to protect viewers but whose operation should be strengthened.
45. Corporal punishment in schools was punishable by law; indeed, some teachers had been convicted of assault and battery.
46. In general, it should be noted that the Beninese tradition considered children an asset and that all of society took special care of them, even though such care was not formalized in law.
47. Ms. ANDERSON asked for details of the relationship between the Children's Parliament and Parliament proper as regards the promotion and protection of children's rights.
48. Ms. OUEDRAOGO asked whether the National Advisory Council on Human Rights had a division that dealt with children's issues and whether it received complaints from children.
49. The CHAIRPERSON asked whether NGOs were represented on the National Commission on the Rights of the Child, the National Advisory Council on Human Rights and the National Commission on the implementation of the conventions to which Benin was a party.
50. Mr. ALIA (Benin) said that the Vice-President and Deputy Assistant Secretary of the National Advisory Council for Human Rights were members of NGOs dealing with human rights and the rights of the child in Benin.
51. Mr. ZINZINDOHOUE (Benin) said that the Children's Parliament was a real parliament, which adopted resolutions and sent them to Parliament, to let adults know what children wanted to see in legislation.
52. Mr. KOTRANE asked whether under Beninese law judges were required to hear children or, if they did not, to explain why.
53. Ms. OUEDRAOGO asked whether customary authorities, who dealt, for example, with family disputes, were still operating in Benin and whether they had been trained in the new Personal and Family Code.
54. Mr. ZINZINDOHOUE said that Benin court decisions, including those involving children, must be motivated, failing which they could be appealed and quashed.
55. Some customary authorities still existed in Benin to amicably resolve issues related to customs. Benin had previously had a dual system, with traditional law and modern law. Now there was unified jurisdiction, but some traditions had been retained in the Personal and Family Code, and disputes of that nature were resolved in the court of first instance.

56. Mr. HOUNNOUVI (Benin) said that the Children's Code had provisions to help prevent early marriages and that technicians at local institutions (the courts, the Brigade for the Protection of Minors, and social promotion centres) were able to help the child victims.

57. Ms. ZINKPE (Benin) said that the National Advisory Council for Human Rights provided a framework for dialogue between governmental structures and NGOs working on human rights issues, and as such did not deal with complaints. The Human Rights Office did receive complaints and, if it identified recurring problems, proposed an agenda to the National Advisory Council, which then made proposals to the relevant structures.

58. Ms. OUEDRAOGO noted that the law on sexual and reproductive health did not set a minimum age for sexual consent and asked how the State party meant to address that issue.

59. She welcomed Benin's efforts to receive and care for refugee children, in cooperation with UNHCR, but asked whether the State party was considering adopting a policy to assist and support children in situations of emergency and whether judicial action would be taken in cases of violence against refugee children.

60. Noting, from the report, that there was no official prohibition of alcohol and tobacco use for children, she found that the government was not taking any great interest in the issue, nor were there any treatment centres for minors. The delegation was invited to provide clarification on that point.

61. It was regrettable that there was no plan of action against the sexual exploitation of children; the delegation might indicate whether the poverty reduction strategy would address that issue, which was closely linked to poverty.

62. Noting that the exploitation of "*talibé*" children still persisted in Benin, even though it was prohibited under the Penal Code, Ms. Ouedraogo asked what measures were being taken to stop such exploitation and integrate the "*talibés*" into the formal education system. She also asked whether the Koranic schools were accredited by the Ministry of Education.

63. Ms. LEE said that in the absence of concrete data on children with disabilities, it was difficult to get a clear idea of their situation. In the written replies it was indicated that such children were not institutionalized but received assistance or care; clarification on that point would be useful. There was no law specifically prohibiting discrimination against persons with disabilities, and according to some reports, young people with mental disabilities were stigmatized. In addition, cases of infanticide of newborns with disabilities had been reported in the country. Information on those issues would be welcome.

64. Though primary education was compulsory in principle, it was clear that a large number of children had never attended school. Ms. Lee asked why the Beninese authorities could not provide all children with access to free primary education and what percentage of the national budget went to education. She asked for details on the military school for young women mentioned in the report, which had been founded in Natitingou in 2000.

65. Ms. AL-THANI asked what Benin was doing to address the problem of infant and maternal mortality, which was very severe, and especially to combat malaria, which was a major cause of death in the country.

66. The statistics on malnutrition appearing in the written replies were of serious concern, for as the State party itself had said, not all cases of malnutrition were recorded in rural areas. The delegation was urged to take stock of the situation and to provide further data on mental health, smoking and alcoholism, which were not covered in the report.

67. Benin was vigorously combating HIV/AIDS, but sexuality remained a taboo and no sex education was offered in school. It would be useful to know whether the Government intended to undertake a study on adolescents' knowledge of sexual and reproductive health and the prevention of sexually transmitted diseases. It was worrisome to note that only 13% of AIDS patients were receiving antiretroviral therapy. The delegation might indicate what measures the State party planned to extend coverage to more patients.

68. Mr. KRAPPMANN was concerned about the very high dropout rate in primary education in Benin. The situation was all the worse in that dropouts were on their own, in the street. The State party said it wanted to emphasize vocational education, to facilitate young people's access to the labour market, but as such education was available only as of the secondary level, less than 10% of students were eligible for it. Again, did Benin intend to further develop pre-primary education, which was available only to a minority of children? The State party should seek to develop active learning methods to develop children's autonomy and enable them to participate actively in school life.

69. Mr. SIDDIQUI asked how widespread poverty was in Benin and what results were expected from the first poverty reduction strategy document.

70. Mr. KOTRANE pointed out that there were reports indicating that many children were working in inhumane conditions in Benin, in particular on cotton plantations, although Benin had ratified most of the basic ILO conventions. It would be useful to know whether there was any national labour inspection and, if so, what resources were made available to inspectors.

71. Perhaps the delegation could indicate whether Benin had adopted concrete measures to end the sexual exploitation of children, and in particular mothers' prostitution of their young daughters.

72. With regard to juvenile justice, Mr. Kotrane noted with concern that there were only two juvenile judges, in Cotonou, and that their means were very limited. He asked whether the pre-trial detention period was clearly defined by law and would like information on the problem of mistreatment of juveniles in detention. Finally, he noted that even though the death penalty was no longer imposed in Benin, it was not expressly prohibited by law, and that children were sometimes sentenced to long prison terms (20 years and up).

73. Ms. ORTIZ noted in the report that no specific measures had been taken to assist parents and guardians in the exercise of their educational responsibilities; she urged Benin to remedy that situation.

74. She asked for details on the 900,000 children in need of special protection measures, according to the report. Noting that several entities, including the National Centre for the Protection of Children and Adolescents, took in children "in moral danger", she asked what the meaning of that expression was. She also wished

to know whether there was a plan of action for children that did not receive adequate parental care.

75. The delegation might indicate, as well, whether there was a body specializing in adoption issues and whether adoption procedures were fully compliant with Article 21 of the Convention.

76. It would also be useful to know whether alimony arrangements could be made otherwise than through the courts.

77. Ms. ANDERSON asked for additional information on the plan of action for children living with HIV/AIDS and on the programmes instituted for vulnerable and orphaned children.

The meeting rose at 1 p.m.