



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

**Consideration of reports submitted by States  
parties under article 44 of the Convention**

**Combined third to fifth periodic reports of States  
parties due in 2014**

**Benin<sup>1\*</sup>**

[Date received: 29 July 2013]

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<sup>1</sup> \* The present document is being issued without formal editing.



## Contents

	<i>Paragraphs</i>	<i>Page</i>
Acronyms and abbreviations		4
List of tables		5
Introduction	1–7	6
Part One: Major breakthroughs in implementing the Convention in Benin in the period 2003–2011	8–31	7
I. Strengthening of the legislative framework	9–12	7
II. Strengthening of institutional mechanisms	13–15	8
III. Formulation of new policies and drawing up of action plans	16–23	8
IV. Introduction of new strategies	24–28	10
V. Pursuit of partnership activities	29–31	11
Part Two: Substantive information to be contained in the report	32–553	12
I. General measures of implementation	32–88	12
1.1 Strengthening of the legislative framework	32–40	12
1.2 Documents and strategies for the advancement of children and related national plan of action	41–53	13
1.3 Coordination	54–61	17
1.4 Monitoring of the rights of the child	62–67	17
1.5 Combat against poverty and corruption	68–73	18
1.6 Millennium Development Goals: poverty reduction	74–77	19
1.7 Collection of statistical data	78–80	19
1.8 Dissemination, training and awareness-raising in respect of the Convention	81–83	20
1.9 Cooperation with civil society	84–88	20
II. Definition of the child (art. 1)	89–91	21
III. General principles (arts. 2, 3, 6 and 12)	92–109	21
3.1 Non-discrimination (art. 2)	92–95	21
3.2 Best interests of the child (art. 3)	96	21
3.3 The children’s right to life, survival and development (art. 6)	97–103	22
3.4 Respect for the views of the child (art. 12)	104–109	22
IV. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a))	110–151	23
4.1 Birth registration	111–117	23
4.2 Measures for facilitating birth registration	118–126	24
4.3 Access to appropriate information	127–141	25
4.4 Corporal punishment	142–151	26
V. Family environment and alternative care (arts. 5, 9–11, 18 (1–2), 19–21, 25, 27 (4) and 39)	152–185	27

5.1	Alternative care	152–154	27
5.2	Adoption	155–157	28
5.3	Violence, abuse and negligence	158–185	28
VI.	Health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27 (1–3))	186–289	30
6.1	Children with disabilities	186–209	30
6.2	Health situation and medical services	210–245	33
6.3	Harmful traditional practices	246–251	39
6.4	Health of adolescents	252–262	40
6.5	HIV/AIDS	263–286	41
6.6	Standard of living	287–289	47
VII.	Education, leisure and cultural activities (arts. 28, 29 and 31)	290–362	48
7.1	Education, including vocational training and guidance	290–346	48
7.2	Leisure, recreation and cultural activities (art. 31)	347–362	56
VIII.	Special protection measures (arts. 22, 30, 32–36, 37 (b)-(d) and 38–40)	363–549	58
8.1	Children seeking asylum, and child refugees	363–373	58
8.2	Economic exploitation, including child labour	374–415	59
8.3	Sexual exploitation and abuse (art. 34)	416–447	63
8.4	Drug abuse (art. 33)	448	67
8.5	Sale, trafficking and abduction (art. 35) and other forms of exploitation (art. 36)	449–493	67
8.6	Children belonging to a minority or an indigenous group (art. 30)	494	77
8.7	Children living or working on the streets	495–513	77
8.8	Administration of juvenile justice	514–549	80
IX.	Optional protocols	550–551	85
9.1	Initial reports under the Optional Protocols to the Convention	550	85
9.2	Publication of the two Optional Protocols in the Official Journal	551	85
X.	Follow-up and dissemination	552–553	85
10.1	Follow-up	552	85
10.2	Dissemination of the second periodic report, the written replies submitted by Benin and the related recommendations (concluding observations) in the languages of the country	553	86

## Acronyms and abbreviations

ABAEF	Benin Association to Assist Children and the Family
BPM	Brigade for the Protection of Minors
ChildPro	“Child Protection”, database on vulnerable children
CLOSE	Comité de liaison des organisations sociales de défense des droits de l’enfant
CDNLT	National Steering Committee to Combat Child Labour
CNDE	National Commission on the Rights of the Child
DANIDA	Danish International Development Agency
DEI	Défense des enfants International
ECOWAS	Economic Community of West African States
GPRS	Growth and poverty reduction strategy
HIV/AIDS	Human immunodeficiency virus/Acquired immune deficiency syndrome
IEC	Information, education and communication
ILO	International Labour Organization
IMCI	Integrated management of childhood illness
INSAE	National Institute of Statistics and Economic Analysis
IPEC	International Programme on the Elimination of Child Labour
MDGs	Millennium Development Goals
MEPS	Ministry of Primary and Secondary Education
MFFE	Ministry for Family Affairs, Women and Children
MFPSS	Ministry for Family Affairs, Social Welfare and Solidarity
MFSN	Ministry for Family Affairs and National Solidarity
MJ-CRI	Ministry of Justice, in charge of institutional relations
MJLDH	Ministry of Justice, Legislation and Human Rights
MTFP	Ministry of Labour and Civil Service
NGO	Non-governmental organization
OCPM	Central Office for the Protection of Minors
OVCs	Orphans and other vulnerable children
PMTCT	Prevention of Mother to Child Transmission
PNLS	National AIDS control programme
PRSP	Poverty Reduction Strategy Paper
STD	Sexually transmitted disease
WFP	World Food Programme

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## List of tables

	<i>Page</i>
Table 1. State budget allocations to the ministries responsible for social services, 2002–2007	14
Table 2. Level of implementation of allocations for children in 2009	15
Table 3. State budget allocations to the ministries responsible for social services, 2009–2011	15
Table 4. Changes in budget appropriations for ministries responsible (exclusively or not) for social and child services, between 2010 and 2011	16
Table 5. Estimated costs of health-related Millennium Development Goals	34
Table 6. National budget allocations to the Ministry of Health	42
Table 7. Main development partners' areas of activity and financial contributions to the fight against AIDS	43
Table 8. Financing mobilized against STDs and AIDS in 2008 and 2009	43
Table 9. Asylum seeking children, 2002–2006	58
Table 10. Extent of child trafficking, on the basis of certain sociodemographic characteristics	70
Table 11. Development of the number of juvenile detainees, by category, 2006–2010	84
Table 12. Development of the range of activities of the social assistance service of the Directorate of prison administration and social assistance, 2006–2010	85
Table 13. Development of the number of juvenile detainees followed up, 2006–2010	85

## Introduction

1. The Republic of Benin ratified the Convention on the Rights of the Child on 3 August 1990, thereby assuming an obligation to present an initial report and periodic reports on the status of implementation of the Convention.

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

3. The combined third to fifth periodic reports, contained in this document, cover the implementation of the Convention in Benin in the period 2002–2011. This document reflects the updates undertaken in 2006 in response to the written questions addressed to Benin by the Committee.

4. This document was drawn up on a participatory basis. Departmental seminars, organized to collect information on changes in the situation of children during the period considered, were followed by the recruitment of a consultant, who drew on all relevant documents systematically and conducted enquiries in order to collect additional data for the preparation of this report. The focal points of the National Commission on the Rights of the Child (CNDE) contributed to the collection of information. Interviews and questionnaires were mainly based on the above concluding observations of the Committee with due regard to the general guidelines regarding the form and content of periodic reports to be submitted by States parties.

5. This report does not repeat the written replies of the Government of Benin (CRC/C/BEN/Q/2/Add.1) to the list of issues to be taken up (CRC/C/BEN/Q/2) in connection with the consideration of the country's second periodic report. Those replies were received by the United Nations on 10 August 2006. This report provides information in response to the concerns of the Committee, whose observations and recommendations as a whole refer to the following matters, *inter alia*:

- Creation of an independent national human rights institution in conformity with the Paris Principles;
- Ritual killings of disabled and so-called “witch” children;
- Corporal punishment, still legal in the homes and institutions;
- Lack of information on adoptions, including so-called “informal” adoptions;
- Prevalence of child labour among children under 14;
- Traditional practice of placing girls as domestic servants or *vidomégons* and increasing number of children working in the informal sector;
- With regard to juvenile justice:
  - Inhumane conditions in juvenile quarters in detention facilities;
  - Protracted detention in police stations and pretrial detention centres;
  - Failure to separate children from adults systematically in the prisons;
  - Urgent need to establish an age for criminal responsibility at an internationally acceptable level;
  - In the case of children deprived of their liberty, need for regular contact between them and their families and for non-custodial penalties;
  - Lack of family courts with specialized juvenile judges.

6. This report is structured as follows:

- Part One: Major breakthroughs in implementing the Convention in the period 2003–2011;
- Part Two: Substantive information to be contained in the report.

7. Part Two comprises 10 sections, which deal with general measures of implementation, the definition of the child, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare of the child, education, leisure and cultural activities, special protection measures, the optional protocols, and follow-up and dissemination.

## **Part One**

### **Major breakthroughs in implementing the Convention in Benin in the period 2003–2011**

8. In the period 2003–2011, Benin continued to fulfil its commitment to the implementation of the Convention by:

- Strengthening the legislative framework;
- Strengthening the institutional mechanisms;
- Formulating new policies and drawing up action plans;
- Introducing new strategies.

#### **I. Strengthening of the legislative framework**

9. The country's legislative framework for the protection of children has been strengthened since the presentation of the second periodic report.

10. The relevant legislation consists of:

- Act No. 2006-04 of 10 April 2006 on conditions for the transfer of minors and suppression of child trafficking in Benin. The Act specifically provides for the prosecution of traffickers and their accomplices;
- Act No. 2006-31 of 5 April 2006 on HIV/AIDS prevention, care and control;
- Act No. 2003-03 of 3 March 2003 penalizing the practice of female genital mutilation;
- Act No. 2003-04 of 3 March 2003 on sexual and reproductive health;
- Interministerial Order No. 16/MEPS/METFP/CAB/DC/SGM/SA of 1 October 2003 on penalties for sexual abuse in public or private, general, technical or vocational secondary schools or educational establishments;
- Act No. 2002-07 of 24 August 2004 on the Personal and Family Code;
- Act No. 2011-26 of 27 September 2011 on the prevention and punishment of violence against women.

11. Note should also be made of the following legislation:

- Act No. 2006-19 of 5 September 2006 on sexual harassment and protection of its victims;
- Decrees implementing the above Act No. 2006-04 of 10 April 2006:

- Decree No. 2009-694 of 31 December 2009 on specific conditions for the entry of foreign children into Beninese territory;
- Decree No. 2009-695 of 31 December 2009 on procedures for issuing administrative authorizations for the transfer of children within Beninese territory;
- Decree No. 2009-696 of 31 December 2009 on procedures for issuing administrative authorizations for the exit of children from Beninese territory;
- Decree No. 2011-029 of 31 January 2011 listing the types of work considered as hazardous for children in Benin;
- Draft Children's Code, transmitted to the National Assembly.

12. A number of provisions have been adopted to organize and regulate vocational education and dual learning (see Part Two, section VII on education, leisure and cultural activities).

## **II. Strengthening of institutional mechanisms**

13. Under Order No. 331/MTFP/DC/SGM/DGT/DNT/SPT of 10 July 2007 on the role, organization and functioning of the General Inspectorate of Labour, a child labour elimination service was set up in the Ministry of Labour and Civil Service in order to supplement the existing institutional mechanisms.

14. Note should also be made of the:

- Establishment, in the Ministry of Justice, of 13 communal and municipal committees on children's rights (CCDEs);
- Creation, in the Ministry for Family Affairs, Social Welfare and Solidarity, of departmental and communal monitoring and coordination units for child protection, as subdivisions of the National Monitoring and Coordination Office for Child Protection (CNSCPE), under Ministerial Order No. 503/MFPSS/DC/SGM/DEA/SPEA/SA of 15 March 2006;
- Operation of the "160" helpline, set up in the Central Office for the Protection of Minors (OCPM) (formerly Brigade for the Protection of Minors or BPM) of the Ministry of the Interior, to receive complaints of violations of children's rights. Departmental branches of the Office have been created.

15. The creation, under a 2009 decree, of the National Council on Food, with a permanent secretariat, and the implementation of a strategic plan for the food and nutrition sector help to scale up nutrition improvement activities.

## **III. Formulation of new policies and drawing up of action plans**

16. At the national level, the strategies introduced have led to the:

- Adoption of a document on national policy and strategies for the protection of children, 2007–2012;
- Adoption of the Water Management Act in October 2010;
- Preparation of a national plan of action to combat trafficking in children for labour exploitation, drawn up in 2006 and validated on 27–28 September 2007;
- In 2005, preparation and dissemination, by the Ministry for Family Affairs, Social Welfare and Solidarity, of a procedure for assisting child victims of trafficking.



17. The protection of children's rights has been built into the action plans of the following policy documents:

- National social welfare policy and strategy, 2004–2013;
- National policy for the advancement of women, which, in its multisector action plan for implementation, contains guidelines for the advancement of girls and women;
- Policy and strategies for the family, particularly the national plan of action for the family;
- National policy and strategies for the family, based on the Regional Conference on the Family in Africa, held at Cotonou on 27–28 July 2004 (AIF+10);
- National policy for the comprehensive development of young children, 2009.

18. The strategies developed include, *inter alia*, the following measures:

- Continuation of the activities of CNDE, created by Decree No. 99-559 of 22 November 1999, and of its departmental subdivisions (created in 2002) and municipal subdivisions (36 of which, out of 77, have been created so far);
- Creation of a child labour elimination service in the General Directorate of Labour;
- Appointment of seven new juvenile judges, raising the number of such judges to nine.

19. Since 2002, INSAE<sup>2</sup> has managed, with support from the United Nations system, the BenInfo national database (a version of DevInfo), which contains social and economic information, including follow-up data on the Millennium Development Goals (MDGs) and the Poverty Reduction Strategy Paper (PRSP)-I.

20. The following multilateral and bilateral agreements have been concluded between Benin and other countries of the West Africa and Central Africa subregion:

- Multilateral Cooperation Agreement on Combating Child Trafficking in West Africa, signed in Abidjan, Côte d'Ivoire, on 27 July 2005 by the following member States of the Economic Community of West African States (ECOWAS): Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo;
- Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa.

21. Those two agreements led to the adoption, by ECOWAS and the Economic Community of Central African States (ECCAS), of a joint plan of action to combat trafficking in persons, particularly women and children, in West and Central Africa, 2006–2008. The plan covers the areas of prevention, protection, repatriation, reunification, rehabilitation, reintegration, suppression and cooperation.

22. On 9 June 2005, bilateral agreements to combat child trafficking were signed with Nigeria in Cotonou for the prevention, punishment and suppression of trafficking in persons, particularly women and children. A relevant memorandum of understanding between Benin and Nigeria was concluded in the same year. Three brigades were created to monitor the border between the two countries in order to prevent trafficking in children.

23. On 20 September 2011, a relevant agreement was signed between Benin and the Republic of the Congo at Pointe-Noire.

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<sup>2</sup> National Institute of Statistics and Economic Analysis.

#### IV. Introduction of new strategies

24. The actors concerned have designed new strategies to raise awareness of children's rights and ensure effective implementation of the law.

25. In that framework, the Ministry of Justice, Legislation and Human Rights has developed training modules on children's rights for the National Civil Service and Judiciary Training College, the Police Training College, the National Police Academy, the Gendarmerie Training College and the Training College for Social Workers.

26. Note should be made of the development of:

- Psychosocial care standards and procedures for persons living with HIV/AIDS and orphans and other vulnerable children (OVCs), by the Ministry for Family Affairs and National Solidarity, with the support of UNICEF;
- A procedure for taking care of victims of child trafficking, by BPM, set up in the Ministry of the Interior, Security and Decentralization, and by the Ministry for Family Affairs and National Solidarity, with the support of UNICEF;
- A procedure for mentoring children in conflict with the law, by UNICEF and the Directorate of prison administration and social assistance of the Ministry of Justice, Legislation and Human Rights;
- Teaching and communication aids (leaflets on, *inter alia*, juvenile judges and BPM), by the Central Technical Assistance Office, funded by the European Union (under the second project to combat child trafficking);
- Teaching aids (such as a published digest of best practices regarding child labour), by the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC).

27. Other relevant new strategies include the country's major programmatic frameworks, such as the Growth and Poverty Reduction Strategy (GPRS); and, with respect to the right to health, Compact and other initiatives.

28. Under the GPRS, 2011–2014, various initiatives, such as those listed below, were undertaken as part of policies ensuring equitable access to high-quality social services and other related policies:

- Three-year (2010–2012) health development plan, implementing the national health development programme;
- National maternal and neonatal mortality reduction strategy, 2006–2015;
- National strategic framework for combating sexually transmitted diseases (STDs) and HIV/AIDS, 2007–2011;
- National strategy for the prevention of mother to child transmission (PMTCT), 2010–2015;
- Strategic food and nutrition development plan;
- Results-based food and nutrition programme;
- National strategy for drinking water and sanitation services in rural areas, and a related action plan, 2005–2015;
- Urban water supply strategy, 2006–2015;
- National strategy for urban waste water treatment;
- National environmental management programme.

## V. Pursuit of partnership activities

29. Partnerships between the State and civil society organizations exist in various communes, through such networks and bodies as:

- The ChildPro programme of CARE International;
- Social Watch;
- Comité de liaison des organisations sociales de défense des droits de l'enfant (CLOSE);
- Réseau des structures de protection des enfants en situation difficile (RESPESD);
- Plateforme des acteurs de la société civile au Bénin (PASCIB).

30. UNICEF has formed partnerships with the High Authority for Audio-visual Media and Communications (HAAC), the Ministry of Culture and Communication, and nongovernmental organizations (NGOs) promoting and protecting children's rights.

31. The national mid-term report drawn up in 2006 on progress towards "A World Fit for Children" refers to the creation of the following observatories:

- Observatory for the family, women and children established in the Ministry for Family Affairs, Women and Children in 2005, with the support of the United Nations Population Fund (UNFPA) and UNICEF;
- National urban observatory in the Ministry of Town Planning, Housing, Land Reform and Coast Erosion;<sup>3</sup>
- Observatory for the protection of children against trafficking and labour exploitation (ONAPETET), a public-private entity created on the initiative of Benin Association to Assist Children and the Family (ABAEF) with the support of ILO/IPEC;
- A community-based mechanism to monitor trafficking in children, set up by the Ministry for Family Affairs, Women and Children with the support of UNICEF and the United States Agency for International Development (USAID).<sup>4</sup>

## Part Two

### Substantive information to be contained in the report

#### I. General measures of implementation

##### 1.1 Strengthening of the legislative framework

###### 1.1.a Adoption of the Children's Code

32. After the presentation of the second periodic report, legislative reforms related to the protection of children continued with a view to meeting their needs more effectively and complying with all principles and provisions of the Convention.

33. The adoption of Act No. 2002-07 of 24 August 2004 on the Personal and Family Code, Act No. 2006-04 of 10 April 2006 on conditions for the transfer of minors and suppression of child trafficking in Benin, the three related implementing decrees of 2009 and Act No.

<sup>3</sup> MUHRFLEC.

<sup>4</sup> Ministry of Justice, in charge of institutional relations (MJ-CRI), *A World Fit for Children, Mid-Term Review of Progress in Reaching Objectives (Activities 2003–2006)*, National Report – Benin, Cotonou, December 2006, pp. 9–10.

2011-26 of 27 September 2011 on the prevention and punishment of violence against women (not yet promulgated) constitutes considerable progress with regard to the protection of the rights of the child.

34. In 2008, the Ministry of Justice published a collection of enactments entitled “The Child’s Code”.

35. The draft Children’s Code has been drawn up and transmitted to the National Assembly.

#### **1.1.b Revision of the Code of Criminal Procedure and the Code of Civil Procedure**

36. On 16 October 2008, the National Assembly adopted the Code of Civil, Administrative and Social Procedure at first reading. The Code was promulgated and entered into force on 28 February 2012.

37. The Criminal Code and the Code of Criminal Procedure are currently being revised. Once reviewed by senior judges, high-level jurists and other resource persons, the Code of Criminal Procedure was submitted to the National Assembly for consideration and adoption.

#### **1.1.c Minimum age of sexual consent**

38. Discussions are in progress in order to define the minimum age of sexual consent.

39. On instructions of the Council of Ministers, steps are currently taken to organize national dialogue on the issue of the minimum age of sexual consent.

#### **1.1.d Establishment of standards for Koranic schools**

40. Current discussions are aimed at establishing appropriate standards reconciling and ensuring complementarity of the two existing school systems so that Koranic schools serve the goals of formal education.

### **1.2 Documents and strategies for the advancement of children and related national plan of action**

#### **1.2.a Implementation of the Poverty Reduction Strategy Paper**

41. The Growth and Poverty Reduction Strategy Paper (GPRSP) defines the country’s development policy framework. Reviewed every three years, that document forms a unified basis for national policies and support from all technical and financial partners towards reducing poverty, enhancing access to infrastructure and basic social services, improving governance, promoting economic growth and ensuring sustainable human development.

42. The Poverty Reduction Strategy Paper, 2003–2005 (PRSP-I), based on sectoral ministry reports and departmental dialogue, was approved by the Executive Boards of the World Bank and the International Monetary Fund in March 2003 (National Commission for Development and Poverty Reduction, 2002). PRSP-I aimed at the MDGs targeted in the document entitled “A World Fit for Children” and at a general improvement of socioeconomic conditions towards a favourable environment, namely good governance and a balanced macroeconomic situation.

43. The Poverty Reduction Strategy Paper, 2007–2009 (PRSP-II), drawn up in 2007, pays particular attention to children and provides for the attainment of the following goals by 2009:

- Reduction of the rate of poverty to 30 per cent;
- Access to infrastructure and basic social services;
- Access of families to microfinance, social advancement and employment;

- Young children's school enrolment ratio equal to 15 per cent;
- Primary education for all, targeting 99 per cent of girls;
- Improved accessibility and quality of secondary, higher, vocational and technical education;
- Promotion of the integrated management of childhood illness (IMCI) so as to reduce the infant, child, maternal and neonatal mortality rates by two thirds by 2016;
- Reduction of malnutrition below 15 per cent;
- Rehabilitation and reintegration of minors in conflict with the law.

44. The provision, under PRSP II, of a budget allocation for the protection of children shows that the issue in question is central to all national areas of concern.

45. The third GPRS, adopted in 2011, includes measures for children's survival, education and protection.

### 1.2.b National policy and strategies for child protection, and an adequately funded and integrated national action plan for children

46. The document on national policy and strategies for the protection of children, accompanied by an action plan, 2007–2012, has been drawn up and validated by the entities promoting child protection and well-being. The action plan has been budgeted and is ready.

47. Note should be made of the preparation of a national policy document on the comprehensive development of young children.

48. The human and budgetary resources needed to implement the above policy documents and their action plans are provided for under the State budget, with the support of technical and financial partners.

49. According to the 2006 national mid-term report on progress towards "A World Fit for Children", the Budget Act annual general allocations to the ministries responsible for health, education, social protection and the water supply have tended to increase over time, slightly exceeding one fourth of the State budget in 2006. In the period 2002–2006, the budget of the Ministry of Health increased faster (8.5 per cent annually) than that of the Ministry of Primary and Secondary Education (23 per cent annually), while the increase of the budgets of the Ministries of Justice and Family Affairs was small. Overall, despite a slight decrease in the share of those ministries in the State budget in the period 2002–2006, the sum of the relevant allocations increased by 5.42 per cent annually, a rate higher than the annual growth of the population (3.25 per cent).

50. Most of the resources of the Ministry responsible for primary education are earmarked for the children. In other ministries, however, it is difficult to determine the volume of resources allocated specifically to activities related to children.

Table 1

#### State budget allocations to the ministries responsible for social services, 2002–2007 (CFAF billion)<sup>5</sup>

<sup>5</sup> Source: MJ-CRI/UNICEF, "World Fit for Children" report, December 2006.

Annual Budget Acts. Sources: Ministry of Health, Yearbook of Health Statistics; World Bank report, 2002; Danish Development Cooperation structure (DANIDA), 2004;

\* State budget: [http://www.izf.net/izf/ee/pro/national budget index\\_frameset.asp?url=](http://www.izf.net/izf/ee/pro/national%20budget%20index_frameset.asp?url=);

Budget Act, 2006: <http://www.izf.net/IZF/EE/pro/benin/304.asp>;

\*\* Ministry of Health, Yearbook of Health Statistics, 2005, 2006 and 2007;

\*\*\* MEPS/MFFE budget (2006 State budget, expenditure sections 41 and 42;

# 87,139, based on the supplementary budget;

	2002	2003	2004	2005	2006	2007
State budget	475.41	485.95	547.70	621.59*	614.737*	716.218
Ministry of Health (MS)	038.328** (8.1%)	039.43** (8.11%)	045.67** (8.34%)	046.855** (7.54%)	053.117 (8.64%)	057.666 (13.90%)
Ministry of Primary and Secondary Education (MEPS) <sup>6</sup>	077.59 (16.32%)	081.99 (16.87%)	071.18 (13%)	079.597*** (12.81%)	082.141***# (13.36%)	093.886 (22.63%)
Ministry for Family Affairs, Women and Children (MFFE)	002.26 (0.48%)	002.88 (0.59%)	003.94 (0.72%)	004.28 (0.69%)	004.93*** (0.80%)	004.396*** (0.61%)
Ministry of Justice, in charge of institutional relations (MJ-CRI)	001.57 (0.33%)	003.20 (0.66%)	004.19 (0.77%)	005.15 (0.83%)	To be filled in	To be filled in
Ministry of Mining, Energy and Water Resources (MMEH)					019.87## (3.23%)	029.058## (4.06%)

51. The following table shows the level of implementation of allocations to State bodies for the benefit of minors (children and adolescents) in 2009.

## Programming and Planning Office (DPP).

<sup>6</sup> Including, for primary education, 8.99 per cent in 2006 and 8.62 per cent of the 2007 provisions.

Table 2  
Level of implementation of allocations for children in 2009

<i>Ministries</i>	<i>Allocations</i>	<i>Payments authorized</i>	<i>Balance</i>	<i>Implementation rate (%)</i>
Ministry of Justice, Legislation and Human Rights (MJLDH)	14 727 000	8 071 102	6 655 898	54.80
Ministry for Family Affairs and National Solidarity (MFSN)	316 000 000	160 679 364	91 670 580	72.40
Ministry of Youth, Sport and Leisure (MJSL)	928 529 000	160 679 364	238 173 099	66.17
Ministry of the Interior and Security (MISP)	25 000 000	17 306 621	7 338 379	70.65
Ministry of Preschool and Primary Education (MEMP)	1 778 019 000	1 254 284 242	176 575 042	62.54
Ministry of Health (MS)	1 150 806 000	839 333 052	180 972 884	87.001

Source: SIGFIP/DGB-MEF.

52. In 2009, 2010 and 2011, the following resources were earmarked for children:

Table 3  
State budget allocations to the ministries responsible for social services, 2009–2011  
(CFAF thousand)

<i>Ministries</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Ministry of Justice, Legislation and Human Rights (MJLDH) <sup>7</sup>	376 242	368 902	243 643
Ministry for Family Affairs and National Solidarity (MFSN) <sup>8</sup>	644 446	156 098	141 270
Ministry of Youth, Sport and Leisure (MJSL) <sup>9</sup>	1 173 673	652 884	362 589
Ministry of the Interior and Security (MISP) <sup>10</sup>	25 000	675 000	46 500
Ministry of Preschool and Primary Education (MEMP) <sup>11</sup>	21 812 915	25 367 493	16 925 123

<sup>7</sup> Budget for the Directorate for the judicial protection of children and adolescents, the National Centre for the Protection of Children and Adolescents, CDNE, and the Aplahoué regional centre for the protection of children and adolescents; and for enhanced assistance to children and young persons.

<sup>8</sup> Elimination of child trafficking, nursery centres, orphanages, Directorate for children's and adolescents' affairs, and advancement of children.

<sup>9</sup> The budget of the Ministry covers, including for children, neighbourhood and international youth sport activities, the National Youth Festival, participation in junior-level African games, economic integration of the young, the Directorate of sport for the young and of sport for all, the Directorate of youth and community associations, the adolescent and youth multimedia centre, the National Fund for Youth Integration and Leisure Activities, the National Office for School and University Sport, the Atacora, Donga, Atlantique, Littoral, Borgou, Alibori, Mono, Couffo, Ouémé, Plateau, Zou and Collines departmental directorates for youth, sports and leisure, the Directorate of young persons' entrepreneurship and professional integration, the construction and rehabilitation of youth- and leisure-activity infrastructure, including sport infrastructure in department capitals and communes, the Youth Director's support for development, the youth- and leisure-activity development programme, campaigns for behaviour change regarding reproductive health among adolescents and young persons, and supervision and monitoring of sport-, social- and educational-infrastructure construction or rehabilitation).

<sup>10</sup> Support for BPM and construction and equipping of local BPM offices at Parakou and Zakpota.

<sup>11</sup> Young girls' school enrolment, School Enrolment Promotion Directorate, Preschool Education Directorate, Directorate of preschool and primary education establishments, Preschool Education Directorate support for preschool establishments, school canteens, national textbook-production centre, textbooks, exercise books, teaching material, school-enrolment basic package for girls, resultsbased teaching activities, payment of public school fees, contribution to school sport, project to build and equip 285 rural classrooms, special programme to build, rehabilitate and equip public elementary schools in border and lake areas, project to build and equip rural classrooms, programme

Ministry of Health (MS) <sup>12</sup>	7 912 277	3 789 496	4 074 917
Ministry of Defence (MD) <sup>13</sup>	17 920	7 000	31 785

Source: DGB-MEF.

53. The table below shows changes in budget allocations to the ministries concerned, between 2010 and 2011.

Table 4

**Changes in budget allocations to ministries responsible (exclusively or not) for social and child services, between 2010 and 2011**

(CFAF thousand)

Ministries	2010		2011		Change
	2010 total	Share of expenditures (%)	2011 total	Share of expenditures (%)	
Ministry of Preschool and Primary Education (MEMP)	100 102 990	11.96	101 317 158	14.69	1.21
Ministry of Secondary Education and Technical and Vocational Training (MESFTP)	47 056 006	5.62	42 197 427	6.12	-10.33
Ministry of Higher Education (MESRS)	33 969 919	4.06	41 565 930	6.03	22.36
Ministry of Health (MS)	82 462 600	9.85	69 153 048	10.03	-16.14
Ministry of Labour and Civil Service (MTFP)	7 372 500	0.88	5 060 547	0.73	-31.36
Ministry of the Interior and Security (MISP)	26 778 261	3.20	17 114 326	2.48	-36.09
Ministry for Family Affairs and National Solidarity (MFSN)	6 442 498	0.77	3 906 587	0.57	-39.36
Ministry of Secondary Education and Technical and Vocational Training (MESFTP)	47 056 006	5.62	42 197 427	6.12	-10.33
Ministry of Youth, Sport and Leisure (MJSL)	7 708 588	0.92	5 479 165	0.79	-28.92

Source: DGB-MEF.

### 1.3 Coordination

#### 1.3.a A functional national monitoring and coordination office for child protection

54. CNSCPE operates as a technical body entrusted with examining issues specific to children, and includes committees on various matters related to the protection of children, such as child trafficking and exploitation; juvenile justice; violence, abuse and harmful traditional practices suffered by children; children with disabilities or infected with or affected by HIV/AIDS; and orphans and other vulnerable children (OVCs).

55. In 2010, the Office held two sessions. Departmental and communal subdivisions of the Office have been set up and have each held at least one session.

to build and equip elementary schools (Japan 4), school integration support programme for disabled children, programme to build classrooms in educational-discontinuity schools, and programme to build, rehabilitate and equip primary- and public-school classrooms.

<sup>12</sup> National Directorate of the expanded programme on immunization, Maternal and Child Health Directorate, expanded programme on immunization (phase IV), and creation of a comprehensive-care reference unit for infants and pregnant women affected by sickle cell anaemia.

<sup>13</sup> Military Academy, and Military School for Girls, Natitingou.



**1.3.b Resources necessary for the operation of the Office and its subdivisions**

56. Of the 77 committees on the rights of the child, 6 departmental and 13 communal such committees (CDDEs and CCDEs, respectively) are currently operational in the area of the protection and promotion of children's rights. The funds allocated to them are insufficient.

**1.3.c Establishment of departmental and municipal committees on the rights of the child**

57. The resources allocated under the State budget and by the technical and financial partners to the Office for its activities are inadequate.

58. The European Union has established a technical assistance structure for the second project to combat child trafficking, the Central Technical Assistance Office, in the Directorate for Children and Adolescents of the Ministry for Family.

**1.3.d Enhanced operational capacities of the National Commission on the Rights of the Child**

59. The operational capacities of CNDE and its subdivisions are being enhanced by the Government and by such technical and financial partners as the United Nations Children's Fund (UNICEF), ILO/IPEC, the Central Technical Assistance Office and cooperation agencies.

60. The members of CNDE, CDDEs and CCDEs receive training in various subjects during the sessions of those bodies. The said committees have been set up, received financial and material support and held meetings.

61. With support from UNICEF, CNDE is having the Convention translated into simplified French and into the Fon and Dendi national languages. CNDE has drawn up a national action plan in order to ensure fulfilment of its missions. Its decentralized offices have drawn up departmental and communal action plans.

**1.4 Monitoring of the rights of the child****1.4.a Establishment of an independent national human rights institution or children's ombudsperson or child rights commissioner**

62. Benin has not yet established any independent national human rights institution or children's ombudsperson or child rights commissioner.

63. However, under article 8 of Act No. 2009-22 of 11 August 2009 establishing the Ombudsperson, he or she receives complaints from the public concerning the operation of any central State authority or local-government or public institution, and examines such complaints with a view to offering fair solutions. He or she must make suggestions regarding the smooth operation and efficiency of public services and generally help to improve the rule of law and public administration.

64. Under article 9 of the above Act, the Ombudsperson may, at the request of the President of the Republic, the Government or members of any other State institution, participate in any negotiations between the Government and social or professional groups. The President of the Republic may entrust the Ombudsperson with particular missions of reconciliation and peace at the national, regional or international level.

65. With regard to children's rights monitoring at the level of ministries, note should be made of, *inter alia*, the:

- Ongoing establishment of local committees to combat child trafficking;

- Establishment of monitoring brigades as part of combating child trafficking in the Sèmè-Podji commune, on the border with Nigeria;
- Establishment of a helpline in BPM or OCPM;
- Activities undertaken by CNDE, CNSCPE and their decentralized structures.

#### **1.4.b Alignment of the National Advisory Council on Human Rights with the Paris Principles**

66. The National Advisory Council on Human Rights is an independent multidisciplinary structure consisting of representatives of human rights bodies of the State and civil society organizations. Legislative initiatives are in progress with a view to aligning the Council with the Paris Principles.

67. A proposal to amend the enactment organizing the National Commission on Human Rights has been reviewed by the National Commission on Legislation and Codification. The amendment process is in progress.

### **1.5 Combat against poverty and corruption**

#### **1.5.a. System for monitoring resources earmarked for children**

68. Action against corruption is taken by the General Inspectorate of Finances, the ministries' internal audit directorates, and the anti-corruption monitoring centre. The office for the promotion of accountability in public life participated in that effort in the past.

69. Civil society combats corruption through trade unions, NGOs and such institutions as the Front of National Associations against Corruption, Transparency International, the Association for the Struggle against Regionalism, Ethnocentrism and Racism, the General Inspectorate of the State and the general inspectorates of ministries.

70. Other relevant activities include the establishment of a national anti-corruption day (8 December), audits ordered by the new Government and, in certain cases in 2006, imposition of such penalties as reduction in rank and seizure of property.

71. All of the relevant structures have been provided with control and monitoring mechanisms to ensure that disbursements actually reach the most vulnerable groups and serve to reduce regional disparities, particularly between urban and rural areas.

#### **1.5.b Measures to reduce the impact of corruption**

72. According to the peer evaluation mission report (January 2008), the extent to which corruption affects the functioning of the Beninese administration gives grounds for concern. According to the White Paper on Corruption in Benin, administrative formalities and demand for goods and services are the factors most conducive to corruption; 51 per cent of the citizens have been a victim of corruption; the most corrupt areas are, *inter alia*, the health and education sectors, the tax offices, the treasury, public procurement, customs, justice and the municipal authorities. Customs rank first, with 98 per cent of the people considering that sector to be corrupt.

73. In all sectors, ongoing efforts are made to ensure good governance in the use of national resources, including those earmarked for children.

### **1.6 Millennium Development Goals: poverty reduction**

74. According to the document on national policy and strategies for the protection of children, 2007–2012, poverty, vulnerability, illiteracy, unemployment and rural migration

affect many families and communities, rendering them largely or fully unable to ensure the children's well-being, education and development.

75. According to the latest census, of the children aged 6–11, 31.9 per cent live in extremely poor and 46.2 per cent in poor households.

76. Under the auspices of the Ministry of Justice, Legislation and Human Rights and in partnership with UNICEF, Benin conducted in 2006 a mid-term review of progress towards "A World Fit for Children". The review led to an interim report, presented to the General Assembly of the United Nations in December 2006, on progress achieved under the global action plan to attain the MDGs.

77. The above report shows, *inter alia*, that the main activities undertaken to meet the goals of the document entitled "A World Fit for Children" are those specified in and implemented under PRSP-I, 2003–2005, PRSP-II, 2007–2009, and PRSP III, 2011–2015.

## 1.7 Collection of statistical data

78. The following measures have been taken in order to correct the insufficiency of information on the situation of children belonging to vulnerable groups:

- Establishment of the ChildPro database in the Ministry for Family Affairs and National Solidarity in 2007. The database is managed by the Directorate of the observatory for women and children.
- Support from the Statistical Information and Monitoring Programme on Child Labour of ILO/IPEC for studies by INSAE.
- Creation of OCPM, replacing BPM.

79. The Ministry of Justice compiles data and follows up on judicial cases involving minors in connection with child trafficking and related offences. Court statistics on children are collected systematically and shall henceforth be available.

80. The following measures were taken in order to correct the insufficiency of statistical data on the situation of children belonging to vulnerable groups:

- Preparation and dissemination of the Yearbook of social indicators regarding the situation of vulnerable children (March-April 2011);
- Establishment and implementation of a database on the family, women and children;
- Updating of the ChildPro database;
- Revitalization of the <www.offebenin.org> website, containing a number of survey and policy reports and other useful documents on the situation of children in Benin.

## 1.8 Dissemination, training and awareness-raising in respect of the Convention

81. Training and sensitization in connection with children's rights are organized for groups of professionals engaged in protecting and assisting children, such as judges, lawyers, police officers, gendarmes, teachers, social workers and health professionals, and for the children themselves.

82. CDDEs and CCDEs and the monitoring and coordination units for child protection help to disseminate information on the rights of the child at the grass roots level.

83. In all of the country's communes, State bodies and NGOs engage in dissemination, training and awareness-raising activities in respect of the Convention. With the support of

HAAC, training in addressing problems related to children is provided to media workers of some 60 local radio enterprises.

## **1.9 Cooperation with civil society**

84. The State continued and strengthened its cooperation with NGOs. They participate in formulating and implementing policies on children and, supported by all State, non-State and technical and financial partners (*inter alia*, UNICEF, Plan International Benin and the Central Technical Assistance Office) and the various education- and protection-related cooperation bodies, play a role crucial to the protection of children.

85. Thus, such NGO networks as CLOSE and RESPESD participate in the work of CNDE, CNSCPE and the National Steering Committee to Combat Child Labour (CDNLT).

86. In order to combat child labour, trade unions have set up an inter-union observation centre to monitor compliance with the Conventions of ILO on the employment of children. The centre has published a collection of texts on the protection of children against all forms of exploitation.

87. In partnership with ILO/IPEC, ABAEF created ONAPETET. That observatory's members include representatives of all ministries involved in the protection of children, of the journalists' network against child trafficking and abuse (RETRAME), and of such NGOs as Défense des enfants International (DEI), ABAEF, SOS villages, Arbre de vie, Association des enfants et jeunes travailleurs and Association SONAGNON, and resource persons working for children. The Observatory produced two reports on the action of State bodies and national and international NGOs against child trafficking, one in 2004 and one covering the period 2005–2007; and, with all of its members, organized in June 2010 a press conference on the situation of children.

88. In the framework of CDNLT, trade unions, employers' associations, NGOs and representatives of State bodies, cooperate with the General Inspectorate of Labour, particularly the child labour elimination service, and the other relevant ministerial departments, on formulating, implementing and following up on appropriate plans of action.

## **II. Definition of the child (art. 1)**

89. The Convention defines the child as "every human being" under 18.

90. The age of responsibility under criminal law is still 13. The law distinguishes between minors under 13 and minors aged 13–18. The minimum age of admission to employment or apprenticeship is 14. The age of majority, criminal responsibility and entitlement to vote is 18.

91. Under the Personal and Family Code, the minimum age for marriage is 18 for both genders.

## **III. General principles (arts. 2, 3, 6 and 12)**

### **3.1 Non-discrimination (art. 2)**

#### **3.1.a Promotion of non-discrimination**

92. Benin ensures an environment conducive to non-discrimination, which is viewed as a key to children's rights and is broadly advocated in all activities promoting such rights.

93. Steps are taken to raise awareness of the plight of various categories of vulnerable children, such as girls and boys exposed to infanticide or exploitation. The “All children to school” campaign has replaced the “All girls to school” campaign.

### **3.1.b Measures and programmes in follow-up to the World Conference against Racism, Discrimination, Xenophobia and Related Intolerance**

94. The Ministry of Justice, Legislation and Human Rights organized an information day in 2010 and again in 2011.

### **3.1.c Measures taken in connection with the Committee’s general comment No. 1 (2001) on the aims of education**

95. All children have equal rights and are entitled to education. Free primary education, decreed in 2008, enables in principle all children, without any discrimination and regardless of their status, to receive basic education in public schools. Rural school canteens are financed by the Government. In the area of infrastructure, new schools are built in order to allow pupils to work under better conditions.

## **3.2 Best interests of the child (art. 3)**

### **Enshrinement of this principle in all new enactments concerning children**

96. The principle of the best interests of the child is recognized as the cornerstone of any decisions regarding children and is referred to in the new enactments. For instance, under article 3 of the draft Children’s Code, the best interests of the child shall be the main consideration in any relevant decision taken at the level of the administration.

## **3.3 The children’s right to life, survival and development (art. 6)**

### **3.3.a Prevention of infanticide**

97. Infanticide is a crime described and punished by the Criminal Code in force. State bodies and NGOs are taking a number of steps to combat infanticide, while the draft Children’s Code presented to the National Assembly stipulates penalties for that crime.

98. Certain NGOs engage in the protection of children in high-risk areas. In 2010, Franciscans International organized in Cotonou a meeting which, attended by Beninese Franciscans, other individuals and such NGOs involved in child protection as ELIBE, DEI, APEM, ABAEF and RETRAME, helped to draw up a plan of action against infanticide.

99. Children are likely to be killed if they (i) are born with teeth, (ii) present a malformation, (iii) are delivered in the breech position or arms first, (iv) are born face first, (v) are born prematurely, especially in the eighth month of pregnancy, (vi) are delivered by Caesarean section, especially if the birth is followed by the mother’s death, (vii) are born on the last Wednesday of a month, (viii) teeth when eight months old or (ix) teeth with the upper teeth.

100. Certain parents deliberately abandon their children in the hope that they will be placed with and raised by child protection entities.

### **3.3.b Community education on children’s rights**

101. Government bodies, NGOs, CDDEs, CCDEs and the monitoring and coordination units for child protection set up in every commune by the Ministry for Family Affairs, Social Welfare and Solidarity carry out various education and awareness-raising programmes on children’s rights for the population.

102. Having received training in specific aspects of children's rights and in national and international instruments on the protection of children, heads of arrondissement participate in that effort.

103. Plan International Benin, the Central Technical Assistance Office and UNICEF develop a number of programmes promoting the participation of children. Children present national and local radio broadcasts on children's rights. Partnerships are formed with community-based, private and commercial radios whose programmes include children's contributions. Child reporters deal with relevant issues on the media in the geographic areas supported by the above three entities.

### **3.4 Respect for the views of the child (art. 12)**

#### **Participation of children and consideration of their views**

104. In Benin, the children's right to participation is recognized, and it is promoted by the bodies engaged in the protection of children.

105. In 2010, the Ministry for Family Affairs, with support from UNICEF and Plan International Benin, organized a workshop on the participation of children for all child protection entities. They considered the various forms of such involvement and strategies for ensuring that children actually participate in all activities that concern them.

106. Despite awareness-raising efforts, traditional attitudes limiting the free expression and consideration of children's views persist in the families and the schools.

107. All juvenile and civil court decisions regarding children respect the right in question.

108. No specific study has been carried out on the impact of children's involvement on policies, programmes and the children themselves.

109. However, studies are in progress to identify and describe the traditional and modern forms of children's involvement that exist at the local, intermediate and national levels. Such studies:

- Analyze the strengths and weaknesses of the forms of participation encouraged by children's rights promotion bodies and workers;
- Provide such actors with reliable and detailed information on the situation regarding the participation of children so that they may recommend relevant strategic options, taking into account children that belong to vulnerable groups.

## **IV. Civil rights and freedoms (arts. 7, 8, 13–17 and 37(a))**

110. Under the Convention, the child has the right to a name and a nationality (art. 7) and the right to preserve his or her identity (art. 8).

### **4.1 Birth registration**

111. In its concluding observations on the country's second periodic report, the Committee expressed concern over the issue of birth registration. Benin has launched a population register reform. Since the Personal and Family Code entered into force, legislative, regulatory, judicial, administrative and social measures have been adopted in order to ensure systematic registration of births.

112. The Personal and Family Code contains a number of provisions on birth declaration and registration.

113. Article 60 of the Code provides as follows:

“Every birth shall be declared at the closest population registry within 10 days from the date of birth. If that period expires on a public holiday, the birth may be validly registered on the following working day. However, until decentralized bodies are actually established, that time limit shall be three months.

A birth may be reported by the father, the mother, an ascendant or close relative, the physician, the midwife, an older woman performing deliveries or any other person having attended the birth.

Abroad, births shall be declared to the country’s diplomatic agents or consuls subject to the same time limit and conditions.

The public prosecutor may at any time and regardless of the above time limits register any birth of which he or she is informed and which has not yet been notified to the registrar.”

114. With regard to foundlings, article 66 of the Code provides as follows:

“Anyone finding an abandoned newborn shall notify the registrar at the place where the infant is discovered. The registrar shall prepare a detailed report specifying the date, time, place and circumstances of the discovery, the gender of the child, any distinguishing features that may help to identify the child, and the authority or person entrusted with the child.

The registrar shall then draw up a birth certificate with the family name and the given names that he or she attributes to the child, a birth date corresponding to the child’s apparent age, and the place where the child was discovered as place of birth. The birth certificate shall refer to the report specified in the preceding paragraph.

If an earlier birth certificate is found for the child or if the child’s birth details are established by court ruling, the above discovery report and provisional birth certificate shall be cancelled at the request of the public prosecutor or of the interested parties.”

### **Regulatory instruments**

115. The Council of Ministers has adopted the following decrees and orders:

- Decree No. 2005-825 of 30 December 2005 on population register procedures and the conditions for issuing civil status record copies or certificates;
- Decree No. 2005-835 of 30 December 2005 regulating the form, preparation, issuance, maintenance, keeping, copying, content and use of family record books;
- Decree No. 2006-054 of 15 February 2006 on conditions and procedures for reproducing civil status registers and records;
- Interministerial Order No. 1672 of 29 November 2005 establishing models for record sheets annexed to population registers;
- Interministerial Order No. 1673 of 29 November 2005 establishing models for civil status registers and records.

### **Administrative and social provisions**

116. Under article 54 of the Personal and Family Code, component No. 1 of the birth record is issued free of charge to the father or mother immediately after establishment of the record.

117. Article 38 of the same Code provides for a special birth-declaration register consisting of duplicate sheets and formatted as specified in Interministerial Order No. 1673/

MJLDH/MISD/DC/SGM/SA of 29 November 2005, issued by the Minister of Justice and the Minister of the Interior. Such registers must be made available to the subsidiary civil registration centres for birth registration purposes.

## **4.2 Measures for facilitating birth registration**

118. Some of the measures taken in order to facilitate birth registration are described below.

### **4.2.a Establishment of subsidiary civil registration centres**

119. Municipal and arrondissement offices are the main population registration centres.

### **4.2.b Subsidiary registration centres**

120. The Personal and Family Code provides for subsidiary civil registration centres, set up at the prefects' discretion, so as to facilitate registration in remote rural areas. No such centres were created between 2004, when the Code entered into force, and 2009.

### **4.2.c Record book sheets**

121. A loose-leaf record book with sheets in alphabetical order and in duplicate, annexed to every register, in line with article 39 (2) of the Personal and Family Code. The model for such sheets is provided in Interministerial Order No. 01672/MJLDH/MISD/DC/SGM/SA of 23 November 2005.

### **4.2.d Family record books**

122. Established under article 88 of the Personal and Family Code, a family record book, which summarizes registry entries for the members of a family, is issued along with the marriage certificate by the registration officer to any couple founding a family through a civil wedding. All births or deaths of children occurring in the family must be recorded in that book.

123. The form, preparation, issuance, maintenance, keeping, copying, content and use of the family record book are regulated through Decree No. 2005-835 of 30 December 2005, in accordance with article 93 of the Personal and Family Code.

124. UNICEF, Plan International Benin and other NGOs, in certain cases with the active cooperation of communes, have secured late registration and birth certificates for more than 15,000 children to protect their legal status and enable them to take the primary school examination.

125. The Civil Status Census project contributed considerably to solving the birth registration problem by organizing mobile units throughout the country. Extensive awareness-raising efforts were undertaken at grass roots level in order to ensure the registration of births within the statutory time limits.

126. UNICEF, Plan International Benin, the Danish International Development Agency (DANIDA) and other international organizations contributed significantly to the systematic registration of births by promoting the Personal and Family Code and supporting various State bodies and NGOs.



### **4.3 Access to appropriate information**

#### **4.3.a Control of the quality of information intended for children**

127. The State has a duty to ensure access to appropriate information (art. 17).

128. The Ministry of Communication has taken measures to ensure adequate protection of children from harmful, violent or pornographic material. Training activities have been organized in the areas of children's rights protection and the right to education.

129. The information available through the media and video-clubs is monitored by HAAC, the Ministry of Communication, the media ethics observatory and the Ministry of Culture. As a result, various video-clubs in Cotonou were shut down.

130. The cinematographic censorship committee takes measures not always perceptible to the public.

131. In order to promote access to appropriate information and as part of a communication and information technologies popularization project, relevant support was provided in 2008 through, *inter alia*, the establishment of multimedia centres in Savalou and other localities, donation of computers to general education junior high schools, and training in information and communication technologies and in the educational use of the Internet.

#### **4.3.b Awareness-raising campaigns**

132. State bodies and NGOs have organized broadcasts on the rights of the child, particularly the right to participation and information. Children participate in the promotion of their own rights.

133. UNICEF and Plan International Benin support the presentation of radio broadcasts by children.

134. In partnership with the Ministry of Communication and New Technologies, UNICEF has launched a child reporters project to enable children to promote their rights and their own protection. More than 100 children participate in that project.

135. Child protection actors have received training in discerning various types of child participation and distinguishing between use or manipulation and actual involvement of children.

#### **4.3.c Cooperation with Internet access providers**

136. With regard to the quality of information provided to children, the Ministry of Communication and such structures as the CLOSE network have organized meetings with cybercafé managers to sensitize them to the need to protect children against possible abuses and risks. The managers' attention has been drawn to harmful, violent or pornographic material that can be conveyed through the Internet and video-clubs and to the impact of such material on children. Video-club activities are not yet systematically monitored by child protection bodies.

#### **4.3.d Freedom of thought, conscience and religion (art. 14)**

137. There is no new element to report.

#### **4.3.e Children's right to freedom of association and freedom of peaceful assembly (art. 15)**

138. Children continue to enjoy the rights in question. The Children's Parliament and the Youth Parliament continue to exist.

139. Although promoted by other NGOs acting as “support structures”, child and young workers’ associations manage their resources independently.

140. In the schools, various freely organized groups participate actively in scholastic cultural events.

**4.3.f Protection of privacy (art. 16)**

141. There is no new element to report.

**4.4 Corporal punishment**

**4.4.a Prohibition of corporal punishment**

142. The Constitution protects the physical integrity of persons and, in article 19, proscribes torture and all cruel, inhuman or degrading treatment or punishment, including corporal punishment.

143. Article 312 of the Criminal Code punishes assault causing bodily harm and, if the victim of any form of violence is under 15, considers that as an aggravating circumstance. Thus, the law punishes assault and battery committed against a child, regardless of whether the offence results in bodily injury.

**4.4.b Comprehensive study on corporal punishment**

144. A comprehensive study on violence against children at school, launched in October 2009 by the Ministry of Preschool and Primary Education with the support of UNICEF, helped to determine the causes, nature and frequency of corporal punishment.

145. According to the study, a culture of fear reigns in the schools, as a social means used systematically by teachers to prevent and deal with abusive behaviour among pupils. School violence incurs corporal and non-corporal punishment. Persuasion instruments and tools are generally displayed on the teachers’ desks to discourage recalcitrance, sloth, lateness or coarseness. The findings of the study are addressed in greater detail in Part Two, section VII on education, leisure and cultural activities.

146. A national study on violence against women and girls has provided information on corporal punishment inflicted on those groups.

**4.4.c Campaigns against corporal punishment**

147. As part of commemorating the twentieth anniversary of the Convention, a feedback day on the above studies was organized on 18 November 2009 with the participation of State bodies and national and international NGOs.

148. The event enabled the participants to familiarize themselves with the findings of the studies with regard to children’s rights violations and to formulate appropriate recommendations.

149. Medical and welfare centres address health-related and psychological issues linked to corporal punishment, violence or other types of torture or degrading treatment inflicted on children.

150. Legal assistance centres, welfare centres, social services of the Ministry for Family Affairs in the schools, and NGOs provide child victims with psychosocial assistance, including rehabilitation and social reintegration in the case of victims of corporal punishment.

151. All children, regardless of social status, including disabled or poor children, children born out of wedlock, child asylum seekers or refugees and indigenous and/or

minority children are entitled to equal legal protection against all forms of assault causing bodily harm, particularly corporal punishment, and receive psychological assistance without any discrimination.

## **V. Family environment and alternative care (arts. 5, 9–11, 18 (1–2), 19–21, 25, 27 (4) and 39)**

### **5.1 Alternative care**

152. Various measures are taken to provide children deprived of a family with alternative care, which may consist in adoption or placement in a reception or transit centre for children or an orphanage.

153. Provisions aimed at creating effective mechanisms to evaluate placement institutions with the participation of children are in preparation. They concern:

- Standards and norms for the country's orphanages;
- Standards and norms for reception facilities for vulnerable children;
- Support for assistance centres for children exposed to moral risks.

154. Draft legislation on standards and norms for assistance facilities for vulnerable children provides for effective mechanisms to monitor and evaluate placement institutions.

### **5.2 Adoption**

155. Benin has not ratified the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption. At the domestic level, however, the best interests of the child are the key consideration at all stages of the adoption procedure.

156. The Personal and Family Code contains a number of provisions on adoption.

157. With regard to adoption, note should be made of the:

- Participation of Benin in a subregional international meeting held in Ouagadougou, Burkina Faso;
- Preparation of a guidance and information document.

### **5.3 Violence, abuse and negligence**

158. Legislation protects children against all forms of violence. Under the law, punishment for such violence depends on the seriousness of the offence and, if the victim is under 15, that constitutes an aggravating circumstance.

159. Benin has not yet undertaken any thorough study dealing specifically with the nature and extent of child ill-treatment and abuse and has therefore not yet developed any indicators, policies or programmes for combating such practices.

160. Studies have been carried out on violence at school and violence against women and children.

161. Cases of violence may be reported to, *inter alia*, the national centre or the subdivisions of BPM, which operates toll-free helplines ("160" and "170"), the gendarmerie units, the public prosecutor or the central services of ministries

(the Directorate for the judicial protection of children and adolescents, the Directorate for children's and adolescents' affairs and the General Directorate of Labour), such commissions as CNDE, including its subdivisions, CNSCPE and the departmental and communal monitoring and coordination units for child protection.

162. Reporting of violence is subject to no time limit<sup>14</sup> and may take place in writing or orally (in the premises of a competent authority).

163. Under article 62 of the Criminal Code, failure to report the offences in question is punished with one month's to three years' imprisonment and a CFAF 24,000-1 million fine.

164. Police officers in the departments have received training in representing BPM in the interior of the country. A relevant helpline operates on a 24-hour basis.

165. Gendarmerie units are responsible for child protection in rural areas in the interior of the country. The gendarmerie has not yet been provided with any toll-free helpline.

166. Plan International Benin has set up a paying SMS line ("96 00 84 84") which receives messages reporting children's rights violations in any part of the territory.

167. The actors are fully aware of difficulties in this area and wish the toll-free line to be extended so as to assist children that are vulnerable or in an emergency situation more effectively.

168. In BPM, premises specially designed for hearing children have been built with financial support from the European Union delegation at Cotonou.

169. Various training activities aimed at ensuring a more appropriate treatment of issues involving children have been organized for the gendarmerie, which has more units in the rural areas.

170. Despite support from the European Union, BPM lacks the human resources needed to fulfil its mission. Its personnel is often limited and, when transferred, is not always promptly replaced.

171. A number of State bodies and NGOs involved in combating violence against children carry out relevant information, awareness-raising and education activities. NGOs hold such activities for child protection workers to discourage concealment of violence observed.

172. All national, departmental, communal and local meetings on children's rights offer an opportunity for training and awareness-raising related to the risks to which children are exposed. Any child ill-treatment and abuse cases are brought before the courts and punished according to the law.

173. CNDE, CNSCPE, CDNLT and their communal and arrondissement subdivisions hold meetings to build the capacities of their members and of any professionals working with and for children. Police officers, health workers, social workers and judges receive training in identifying, reporting and dealing with child ill-treatment and abuse cases. Teachers who are members of the above bodies can attend all of the training activities organized and participate in discussions on child protection in general and on specific aspects of that issue.

174. As part of the "Learning without fear" campaign, teachers are trained in the use of non-violent methods of child supervision. Radio and television messages and short films help to broaden the appeal of the campaign and involve more persons in the combat against ill-treatment, particularly at school.

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<sup>14</sup> CNSCPE News Bulletin, Year 3, No. 8, October 2010.

175. Through the same means of communication, NGOs present cases of ill-treatment of children within their own or foster families. Journalists receive training in child protection law. Various radio and television broadcasts prepare citizens for a more effective protection of children.

176. Technical and financial partners work on the various aspects of child protection.

177. In the period 2005–2007, the Embassy of Denmark, through a governance and human rights programme, provided support for the action of journalists and other communicators (actors, singers and visual artists) against the worst forms of child labour throughout the country. This project, carried out in cooperation with ABAEF, included three sessions on infanticide and child ill-treatment and abuse. In 2006 and 2007, journalists thus trained concluded partnership contracts with 58 media enterprises and produced broadcasts, articles and short films on child protection against all forms of ill-treatment, in 33 national languages.

178. In partnership with the Ministry of Justice or the Ministry of Labour, ILO/IPEC organized training for judges, police officers, gendarmes and labour inspectors in implementing national and international standards on child labour and the protection of children against all forms of exploitation and in combating child trafficking.

179. Journalists have received training in relation to Act No. 2006-04 of 10 April 2006 on conditions for the transfer of minors and suppression of child trafficking in Benin and the related implementing decrees.

180. Judicial mechanisms have been set up to receive, register and examine complaints and bring perpetrators of abuse and ill-treatment to justice. Cases involving offences committed by minors are heard in private in order to protect their person and privacy. Attention is increasingly paid to the protection of the physical and psychological integrity of minors who are victims or witnesses of offences.

181. In modules developed by the Ministry of Justice, with support from UNICEF, for social workers', police and gendarmerie training schools and the National Civil-service and Judiciary Training School, emphasis is placed on the precaution necessary in counselling and hearing such children and on the appropriate forms of assistance to which they are entitled.

182. With the children's active participation, a number of activities are carried out in the area of awareness-raising and information campaigns against physical or other abuse. Through the Children's Parliament, the Youth Parliament, the Association of Child and Young Workers and other children's organizations, children receive training in the exercise of their rights and are involved in all discussions and activities promoting such rights so as to help to change current attitudes and cultural practices.

183. Social workers and specialized teachers are responsible for assistance to victims of violence, their physical and psychological rehabilitation, and their social integration based on relevant inquiries and the situation of the individual children.

184. In connection with the commemoration of the twentieth anniversary of the Convention, UNICEF disseminated among the country's child protection actors the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children.

185. As a follow-up to the above study, UNICEF sponsored a study by the Ministry for Family Affairs on violence against women and girls and a study by the Ministry of Preschool and Primary Education on violence at school. These studies included recommendations and proposed an action plan with specific activities to combat violence against women and girls. The second project to combat child trafficking included a study on the structural causes of the phenomenon. The studies in question were undertaken in

accordance with the recommendations contained in the above report. During the feedback day organized in connection with the studies as part of the above commemoration, discussion among children's rights defenders led to further recommendations regarding the protection of children against various forms of violence.

## **VI. Health and welfare (arts. 6, 18 (3), 23, 24, 26 and 27 (1–3))**

### **6.1 Children with disabilities**

#### **6.1.a Survey and national policy or strategy on disabled persons, including disabled children**

186. The Ministry for Family Affairs has drawn up a number of strategy documents aimed at the protection of children and the protection and rehabilitation of persons with disabilities. The goal is to ensure that basic social and rehabilitation services become more accessible to disabled persons by 2016.

187. The Ministry has also drawn up action plans to provide care for all vulnerable children, including those with disabilities, and to ensure their rehabilitation and reintegration.

188. The national policy for the protection and integration of persons with disabilities covers disabled children in urban and rural areas.

#### **6.1.b Preparation of an inter-institutional plan with the help of local authorities and civil society**

189. Measures are taken to strengthen cooperation among teachers, school directors, parents, children and society as a whole.

190. According to the State Report on the Education System, 2008,<sup>15</sup> persons with a motor, sensory or mental disability have special needs and, if unable to enrol in an ordinary school, require specialized education. Benin has only five specialized primary schools, with an overall capacity of 300 places, for the deaf or hearing-impaired and four specialized primary and secondary schools, with an overall capacity of 250 places, for the blind or visually impaired. Of those schools, only one for each of the two groups is public, while the others are run by associations. The country's sole structure for children with multiple and severe disabilities accommodates approximately 15 children abandoned by their parents and is run by Beninese nuns. There is no institution, structure or school specialized in care for mental disabilities. There is practically no speech therapy unit to correct speaking or aural disorders.

191. Where the disability is physical or slight, inclusive education is the best solution for the child. In the period 1997–1999, Benin carried out an inclusive education initiative in cooperation with the federation of associations of persons with disabilities and the Hibiscus private inclusive school. Other non-national programmes have been implemented, particularly in the Zou region, to promote and facilitate disabled children's enrolment in ordinary schools. In cooperation with many NGOs, the community-based rehabilitation programme and such technical and financial partners as DANIDA, such programmes are expected to cover the national territory.

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<sup>15</sup>

World Bank office at Dakar and UNESCO, Fast Track Initiative, *The Beninese education system: a sectoral analysis for a balanced and more effective educational policy*, Working paper No. 165, Human Development in Africa series, 2009 (see also 2004 study by Olivier Jadin).

### 6.1.c Access to adequate social and health services

192. In the light of poverty reduction considerations, the mission of the Ministry of Health now consists in “improving the families’ social and health conditions on the basis of a system encompassing the poor”.

193. The health sector policy document comprises the following five strategic lines of action:

- (i) Reorganization of the base of the pyramidal health system and broadening of health care coverage;
- (ii) Financing and improvement of the management of the sector’s resources;
- (iii) Prevention and treatment of the main diseases and improvement of the quality of care;
- (iv) Prevention and control of endemic diseases (HIV/AIDS, malaria and tuberculosis);
- (v) Promotion of family health.

194. On the basis of the conclusions of the health sector round table held in Cotonou on 12–13 January 1995, the Ministry of Health aligned its health policy with the country’s decentralization process.

195. Accordingly, it was decided to restructure the base of the pyramidal health system into 34 health districts, building and equipping 34 district hospitals to serve as hubs for communal health centres and district health centres.

196. Periodic epidemic occurrences of meningitis, cholera and yellow fever are promptly controlled through the concerted efforts of all health sector entities. Oral diseases, blindness, lymphatic filariasis, sickle cell anaemia, trypanosomiasis and other current affections have been addressed through special programmes combining prevention and treatment. Upstream, basic hygiene and sanitation initiatives help to prevent most of the infectious and parasitic ailments.<sup>16</sup>

197. Community-based services have been established to provide adequate care for children.

198. The community-based rehabilitation programme, initiated by the Ministry for Family Affairs, Women and Children with the support of the technical and financial partners and aimed at ensuring assistance for disabled persons in and by the community, covers 27 (35 per cent) of the 77 communes but, for lack of material and human resources, benefits only 1 per cent of persons with disabilities.

199. Care programmes and structures for disabled children are inadequate. The above Ministry runs two rehabilitation and vocational training establishments for the disabled (at Akassato, Atlantique and at Popériyakou, Atacora) and a welfare centre for the blind and the visually impaired (at Akpakpa, Cotonou). These centres lack material resources, teaching and support personnel, adequate capacity, boarding facilities and teaching material in line with the new curricula.

### 6.1.d Need for resources

200. Available resources do not suffice to ensure that all disabled children have access to medicines, qualified health personnel, and health facilities and services.

<sup>16</sup>

*Source:* Health Sector Strategic Plan (GPRS), 2007–2009, Final version, p. 57.

**6.1.e Adequate statistics on children with disabilities**

201. According to the third national population and housing census, 2002, of the country's 172,870 disabled persons, 11.6 per cent are under 10 and 18 per cent are under 15.

202. Of the above children under 15, 16.5 per cent are affected by lower limb paralysis, 13.8 per cent by hearing impairments and 11.9 per cent by visual impairments.

203. Of the above children under 15 affected by lower limb paralysis, more than 75 per cent are over 5 and 23.1 per cent under 5. That reveals the relative effectiveness of systematic polio inoculation campaigns for children under 5, which have been carried out for approximately five years.

204. Children under 5 seem to be more frequently affected by blindness than children over 5.

**6.1.f Sensitization to the plight of children with disabilities**

205. In Beninese society and culture, disability is perceived as a curse, punishment for a taboo broken by the disabled person or his or her parents, or a social penalty for evil character or behaviour. Infirmity is perceived as a spell. A community that sees itself as harbouring deviant acts may consider the birth of a deformed infant as a token of displeasure sent by the gods and believes that the newborn must be returned to them to show that the message has been received. Disguised murder of malformed children is the result. In certain ethnic groups, such children used to be simply eliminated by drowning. There is greater tolerance towards acquired infirmities.

206. Children's rights training as well as education programmes for those defending the rights in question or for the population at large address the right of the child to life, and the traditional practices involving ritual or other forms of infanticide.

207. In various communities, acceptance of persons with disabilities is not always explicitly advocated. Disabled persons can be so strongly rejected that they are forced to leave their family and try to live as roadside beggars. Such discrimination is tangible at the family, school and employment levels.

208. Accordingly, the Government decided to promote social acceptance of the disabled, particularly by raising awareness of their situation.

209. Attitudes towards persons with disabilities are beginning to change as a result of awareness-raising efforts undertaken by the Directorate of rehabilitation of disabled persons, the Directorate of social welfare of the Ministry for Family Affairs and NGOs with a view to promoting among the population a less depreciatory view of disability and disabled persons.

**6.2 Health situation and medical services****6.2.a Allocation of financial and human resources to the health sector as a matter of priority**

210. The key measures taken in this area include, *inter alia*:

- An expanded programme on immunization and primary health care established by the Ministry;
- Promotion of family and reproductive health, IMCI and child nutrition monitoring;
- Care for impoverished population groups;



- A decision of 1 April 2009 to provide coverage for deliveries by Caesarean section under the national budget throughout the country.

211. In the period 2007–2015, budget estimates for health-related MDGs in Benin developed as follows (in CFAF million):<sup>17</sup>

	2007	2011	2015
Measures against malaria:	7,773	9,490	4,475
Maternal health:	5,242	6,867	8,298
Child health:	20,759	39,462	63,551

Table 5  
**Estimated costs of health-related Millennium Development Goals**  
(In CFAF million)

	2007	2011	2015	<b>Total 2007–2015</b>	<i>Annual average</i>
HIV	45 540	73 724	110 240	<b>668 774</b>	74 308
AIDS	6 328	17 230	27 872	<b>153 711</b>	17 079
Tuberculosis	437	676	1 045	<b>6 328</b>	703
Malaria	7 773	9 490	9 475	<b>81 677</b>	9 075
Maternal health	5 242	6 867	8 298	<b>61 450</b>	6 828
Child health	20 759	39 462	63 551	<b>365 608</b>	40 623
Systemic costs	41 805	56 005	73 674	<b>521 758</b>	57 973
Public health management	10 135	18 431	27 560	<b>167 193</b>	18 577
Human resources	24 185	36 221	44 905	<b>319 135</b>	35 459
Infrastructure (creation and recurrent costs)	7 485	1 354	1 210	<b>35 430</b>	3 937
<b>Total cost</b>	<b>82 348</b>	<b>129 730</b>	<b>183 915</b>	<b>1 190 532</b>	<b>132 281</b>

Source: PAGPRS/DGPD/MEPDEAP cost updates, July 2007.

#### 6.2.b Equal access to quality services for children in the country's remotest areas

212. The following efforts are made to ensure that all children have equal access to health care:

- Vitamin A capsules for children under the age of 6 months to 59 months old and albendazole to children aged between 12 and 59 months;
- Systematic deworming of and vitamin A distribution to all children aged between 6 months and 5 years;
- Promotion of exclusive breastfeeding through the organization of a breastfeeding week in May 2009;
- In Alibori, training of trainers, health workers and health assistants in key food and nutrition practices for women, infants and young children;
- Steps to address malnutrition in all departments successively;
- Raising of the population's awareness of disorders due to iodine deficiency.

<sup>17</sup> Ministry of Health, Office of programming and planning, table of health-related MDG cost estimates (based on PAGPRS/DGPD/MEPDEAP cost updates, July 2007).

213. Pre-service training in the area of nutrition at the Faculty of Agronomy and, more recently, the Regional Institute of Public Health is expected to create a critical mass of qualified nutritionists so as to improve the nutritional situation.

**6.2.c Medical assistance and health care access for all children, with emphasis on the development of primary health care**

214. By decree, primary health care is provided free of charge to mothers, children under 5 and any orphan or vulnerable child presented to the relevant health facilities.

**6.2.d Prevention and treatment measures and reduction of infant and under-5 mortality**

215. Efforts are mainly aimed at introducing new strategies to reduce neonatal, infant and child mortality; eliminate malaria; maintain a high level of immunization; introduce new vaccines; adopt relevant policy documents and strategies; and ensure universal use of iodized salt.

216. With regard to 2016, the 2007–2016 action plan of the Ministry of Health provides for:

- Reducing maternal mortality per 100,000 live births from 474 in 2002 to 125 in 2016;
- Reducing neonatal mortality per thousand live births from 38.2 to 10 in 2016;
- Generalizing access to care and medication;
- At least halving the prevalence rate of HIV/AIDS, tuberculosis and malaria;
- Broadening the coverage of immunization and vitamin A supplements;
- Halving the morbidity due to water quality (through sanitation and the provision of drinking water).

217. Activities based on infant mortality reduction strategies fall within the following three categories:

- Primary care (for, *inter alia*, acute respiratory infections, diarrhoea, fever, ear infections, anaemia and malnutrition);
- Hospital care (for acute respiratory infections, diarrhoea, fever, anaemia and malnutrition);
- Inoculation (with BCG and against DPT, polio, measles, hepatitis and yellow fever).

218. The Ministry of Health has drawn up a national maternal- and neonatal-mortality reduction strategy paper, 2006–2015. The strategy includes 7 lines of support action and 20 strategic activities.

219. The above lines of action are as follows:

- Direct intervention at the maternal and neonatal levels;
- Advocacy and social mobilization;
- Political and legislative initiatives;
- Adjustments to the health system;
- Community action;
- Coordination of partner activities;
- Operational research.

### 6.2.e Reduction of maternal mortality throughout the country

220. The reduction of maternal and neonatal mortality and morbidity is a matter of high priority. Activities specifically aimed at preventing post-partum haemorrhage and other major causes of maternal death are being scaled up.

221. According to the document on national policy and strategies for the protection of children, much remains to be done to:

- Reduce infant mortality, currently at 66.8 per thousand;
- Reduce infant and child mortality, currently at 105 per thousand;
- Reduce the rate of malnutrition, which affects 23 per cent of children under 5;
- Protect children against malaria: only 32 per cent of children under 5 sleep under mosquito nets, including 7 per cent sleeping under impregnated nets.

### 6.2.f Implementation of the integrated management of childhood illness programme

222. In order to strengthen the overall combat against infant mortality, protection of the health of infants of both genders is built into the various policies formulated by the Ministry of Health.

223. The relevant measures include, *inter alia*, the preparation of:

- A maternal- and neonatal-mortality reduction strategy document, 2006–2015;
- A document on the national policy against malaria (2004) and the related implementation framework, including a strategic elimination plan, 2006–2010, and a national monitoring and evaluation plan in the framework of the “Drive back malaria” initiative;
- A financial feasibility plan for the expanded programme on immunization, 2005–2013, adopted in January 2005, highlighting the country’s immunization needs and providing for resource mobilization programmes and strategies;
- Health statistics, compiled on an annual basis.

224. IMCI programmes were developed in the Zou, Couffo and Alibori departments. The following activities were carried out in the period 2009–2010:

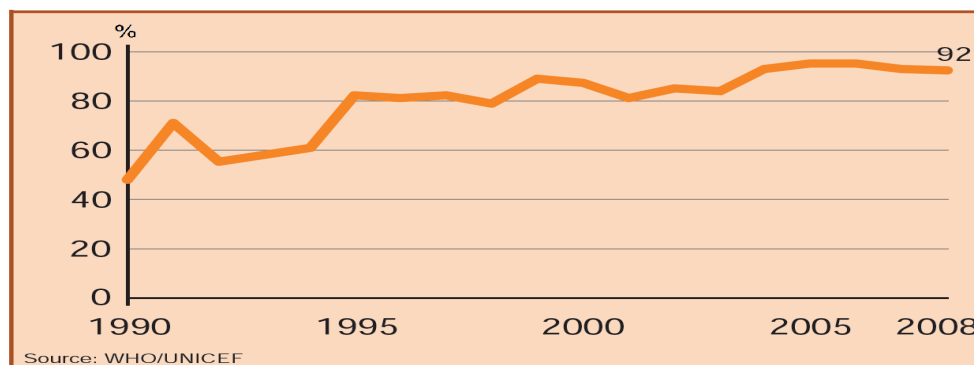
- Grass roots community training in care for malaria at home and for diarrhoea;
- Strengthening of the Malanville-Karimama and Bembèrèkè-Sinendé health districts through community-based IMCI implementation, and concomitant activities, such as orientation workshops on community-based IMCI for health-district, commune and arrondissement actors (in the Malanville-Karimama health district);
- Training of social and health workers in the participatory community-based approach and formulation of commune and village plans of action;
- Cascade training of trainers of the monitoring committee members;
- Promotion of family and community best practices in the areas of child care, survival, growth and development.

### 6.2.g Immunization

225. The financial feasibility plan of the expanded programme on immunization, 2005–2013, adopted in January 2005, highlighted the country’s immunization needs and provided for resource mobilization programmes and strategies.

226. National inoculation days are regularly organized throughout the country in order to protect children under 5 against the six target diseases.

227. According to the UNICEF Situation Analysis (SitAn) 2011 report, the proportion of newborns protected against neonatal tetanus in Benin has been steadily increasing since 1995, rising from 80 per cent in that year to 92 per cent in 2008, as the following graph shows.



Source: World Health Organization (WHO) and UNICEF, *Countdown to 2015. Decade report (2000–2010): Taking stock of maternal, newborn and child survival*, 2010.

228. As a result of various tetanus elimination strategies, particularly those designed to protect pregnant women through anti-tetanus vaccination as part of antenatal care, permanent or outreach services or large-scale campaigns, maternal and neonatal tetanus has been eradicated, as certified in 2010 through an international evaluation.

229. Vaccination services are offered as part of the following strategies:

- Permanent services, including vaccination, offered in health centres on a daily basis to reduce missed opportunities;
- Outreach services, planned for areas more than 5 km away from a health centre;
- Mobile services, provided by health district teams to villages inaccessible to outreach services;
- Door-to-door services, a supplementary polio vaccination activity (national inoculation days);
- Active search for target groups lost from sight;
- Mop-up operations in low vaccination coverage areas identified through systematic search.

230. As a consequence of the adoption of the overall goals of the Global Immunization and Vaccine Strategy by Benin, inoculation campaigns aimed at eradicating poliomyelitis and maternal and neonatal tetanus and controlling measles and yellow fever, with vitamin A supplements and deworming, have been intensified. The results are described below:

“Concerning the eradication of poliomyelitis: after three consecutive years (2005, 2006 and 2007) with 0 wild poliovirus cases, Benin reported 6 such cases in 2008 and 20 in 2009 (cf. graph 3.11). That was due to the importation of the virus and to the considerable number of children still not vaccinated. Aware that proximity to Nigeria increases the risk of circulation of wild poliovirus, Benin intensified vaccination against poliomyelitis through further activities. Thus, in the period 2008–2010, 14 national and sub-national polio-vaccination campaigns, including vitamin A supplements and/or deworming with Albendazole, were carried out. In 2008, 2009 and 2010, respectively.<sup>18</sup>

<sup>18</sup>

UNICEF, SitAn 2011, p. 80.

- 2,716,476, 2,807,512 and 3,006,224 up to 59 months old children were vaccinated against polio;
- 2,485,991, 2,532,534 and 2,733,732 6–59 months old children received vitamin A supplements;
- 2,132,163, 2,257,555 and 2,460,859 12–59 months old children were dewormed with albendazole.”

231. According to SitAn 2011, the latest case of polio in Benin was reported on 19 April 2009.

232. According to the 2009 health sector performance report, despite a health infrastructure coverage of 86 per cent and acceptable geographic accessibility, the rate of use of the country’s health facilities as a whole was low, increasing from 45.01 per cent in 2007 to 47 per cent in 2009. The private sector’s contribution was 7.1 per cent.

233. On average, of the country’s women 76 per cent have access to a health facility located within 5 km and 85 per cent need less than 31 minutes to reach the nearest health care establishment. Geographic accessibility is better in urban than in rural areas.<sup>19</sup>

234. Social protection measures adopted by the Government include free Caesarean sections and free care for children under 5.

235. Of the 77 communes, 63 had a diphtheria, tetanus and pertussis (DTC3) vaccination coverage of at least 90 per cent in 2009, compared to 59 communes in 2010, while 74 communes had an anti-measles coverage of at least 80 per cent in 2009, compared to 67 in 2010. According to the 2008 coverage survey, the diphtheria, tetanus pertussis and polio (DTP-IPV) vaccination rate was respectively 62, 82 and 51 per cent depending on whether the indication was based on a card and a health record, only on a card, or on a validated inoculation document (attesting to the administration of the antigen at the right age in two correctly timed doses); while 38 per cent of 12- to 23-month-olds were fully vaccinated, with disparities ranging between 57 and 93 per cent.

236. In 2010, care for acute malnutrition was included in the minimum package of high impact interventions of the Ministry of Health. Between 2009 and mid-2011, the scope of such services was broadened from 3 to 14 out of the 34 health districts.<sup>20</sup>

237. According to the comprehensive food security and vulnerability analysis, 2008,<sup>21</sup> 7 households out of 10 use drinking water from an improved source, compared to 66.3 per cent in 2007 (National living standards measurement survey (EMICoV), 2007). The rate is higher in urban than in rural areas (82.1 versus 63.2 per cent). Water from unprotected wells is used by 22.7 per cent of households.

238. Based on the Country Progress Report prepared in 2010 by UNAIDS Benin for the Special Session of the General Assembly of the United Nations, the number of AIDS orphans in 2011 was estimated at 35,569 or 11,5 per cent of the total number of orphans in the country.

#### 6.2.h Basic essential obstetrical care and emergency obstetrical care in hospitals

239. The main measures taken in this area are, *inter alia*, the following:

- An expanded programme on immunization and primary health care established by the Ministry of Health;
- Promotion of family health;

<sup>19</sup> UNICEF, SitAn 2011, p. 91.

<sup>20</sup> UNICEF, SitAn 2011, p. 99.

<sup>21</sup> INSAE/WFP/UNICEF, Comprehensive food security and vulnerability analysis, Cotonou, 2008.

- Reproductive health;
- IMCI;
- Child nutrition monitoring;
- Care for population groups living in poverty and extreme poverty;
- Since 1 April 2009, coverage of Caesarean sections throughout the country under the national budget.

#### **6.2.i Access to education and information on child health and nutrition**

240. The Ministry of Health has drawn up, *inter alia*:

- A national maternal- and neonatal-mortality reduction strategy paper, 2006–2015;
- A health sector policy, 2002–2006.

241. Projects have been developed by the Ministry of Health or in cooperation with NGOs in the framework of the “baby-friendly hospitals” initiative.

242. UNICEF and the World Health Organization (WHO) have provided support for securing food for infants and young children.

243. NGOs, such as the International Baby Food Action Network-Benin, offer training for mothers in breastfeeding, and relevant theoretical and practical advice.

#### **6.2.j Community-based health care coverage**

244. Discussions are currently taking place on the establishment of community-based mutual benefit companies. The social security system envisaged, a universal health insurance scheme, may enhance the parents’ ability to secure health care for their children. Existing enactments and administrative acts aim at promoting care and regulating the sale of breast milk substitutes and food fortification.

#### **6.2.k Technical cooperation**

245. UNICEF and WHO provide support to the Government and relevant State bodies and NGOs.

### **6.3 Harmful traditional practices**

#### **6.3.a Current measures to prevent female genital mutilation**

246. The Government established a National Commission on the Advancement of Women in 2002 and departmental commissions on the advancement of women in 2003. Other related operational measures have been taken, such as the creation of the gender mainstreaming coordination, monitoring and evaluation service, and the office of statistics and information on women in the Directorate for the advancement of women and gender equality.

247. Act No. 2003-03 of 3 March 2003 on punishing female genital mutilation practices is being widely disseminated. Those engaging in such practices incur penalties in accordance with the law.

#### **6.3.b Awareness-raising campaigns**

248. Awareness-raising campaigns are organized to combat and eradicate the above phenomenon and other traditional practices harmful to the health, survival or development of children, such as infanticide and early or forced marriage.

**6.3.c Raising of the practitioners' and the population's awareness**

249. Information and educational meetings are organized with a view to a change in behaviour among all actors working for children. Local authorities, traditional and religious chiefs, NGOs and the competent State bodies participate in such activities in order to improve traditional attitudes and ensure that harmful practices are prohibited.

250. Relevant awareness-raising activities are carried out.

**6.3.d Follow-up procedures for former female genital mutilation practitioners**

251. Activities are planned to support female genital mutilation practitioners having accepted to abandon that practice. Such activities are promoted and supported by local and international NGOs in areas where the practice is widespread. Measures are taken to facilitate such practitioners' access to alternative income-generating activities. There are plans for cooperation with local authorities in neighbouring countries, as recommended during the dialogue with Benin after the presentation of the second periodic report.

**6.4 Health of adolescents****6.4.a Measures to resolve issues related to the health of adolescents**

252. In its population policy statement of May 1996, the Government announced its intention to "encourage responsible fertility" so as to reduce early and late pregnancies, combat abortion, promote family planning with a view to responsible sexuality, distribute contraceptives and gradually eliminate such practices as forced or early marriage.

253. Child protection actors work on helping adolescents to assume responsibility for themselves.

**6.4.b Measures to reduce the high rate of unwanted pregnancies**

254. Strategies for informing young persons have been introduced with a view to reducing the high rate of unwanted pregnancies and preventing complications from abortions performed under unsatisfactory hygienic conditions. The Government has drawn up a family health policy accompanied by a national reproductive health plan, whose main aspects and components are the following:

- Women's health (gynaecological care, reduced pregnancy-related risks and neonatology);
- Young persons' health (family-life and responsible-parenthood education; reproductive health care for adolescents and young persons, including prevention of high-risk forms of behaviour; and combat against unwanted or early pregnancy and induced abortion);
- Men's health (enhancement of men's awareness of their responsibility in the area of reproductive health and promotion of their participation in the reproductive health programme; and treatment for sexual diseases and dysfunctions, sterility and genital cancer).<sup>22</sup>

255. In all departments, the Service for adolescents and young persons disseminates information on action related to the reproductive health of the young. Activities are organized for young apprentices of either gender, regardless of whether they are enrolled in school, on the subjects of responsible parenthood, unwanted pregnancies and the role of peer educators in the communes.

<sup>22</sup> Ministry of Agriculture, Livestock and Fisheries, box 6.5.

**6.4.c School programmes and services available in the area of adolescent health**

256. In a series of national television broadcasts, the Jacquot National Psychiatric Hospital, which deals with mental disorders in general, has sought to raise awareness of the damaging effects of drug abuse.

257. “La maison blanche”, a Beninese private centre, admits and treats drug addicts.

**6.4.d Information and statistics on the prevalence rate of drug addiction and alcohol abuse**

258. No study has been carried out on the prevalence of drug addiction and alcohol abuse, in order to serve as a basis for policies and programmes on the health of adolescents, particularly for the prevention of early pregnancies and STDs.

**6.4.e Prohibition of drug and alcohol abuse**

259. The law provides for the prosecution of drug traffickers.

**6.4.f Mental and reproductive health of adolescents**

260. Counselling is provided to adolescents by the competent services of the Ministry of Health, the Ministry for Family Affairs and the Ministry of Justice.

**6.4.g Measures against alcohol and drug consumption by children**

261. The problem in question is addressed through awareness-raising activities carried out by State bodies and NGOs. Drug addiction treatment centres need support to ensure better protection of adolescents.

**6.4.h Technical assistance**

262. UNICEF, WHO and UNFPA provide the Government with support for the protection of children against any threat to their physical and mental integrity.

**6.5 HIV/AIDS****6.5.a Resources for health, especially with regard to HIV/AIDS**

263. Since the country’s latest report, various efforts have been made to increase the resources of the national AIDS control programme (PNLS) and the national committee to fight AIDS (CNLS). Awareness-raising campaigns are mainly carried out by national and international NGOs. Antiretroviral drugs are distributed free of charge to persons infected with the virus.

264. Budget Act allocations to the Ministry of Health have increased over time. According to the report on progress towards “A World Fit for Children”, the budget of the Ministry of Health increased by 8.5 per cent per year in the period 2002–2006, amounting in 2006 to 8.64 per cent of the national budget.

Table 6

**National budget allocations to the Ministry of Health (in CFAF billion)<sup>23</sup>**

	2002	2003	2004	2005	2006	2007

<sup>23</sup>

Source: MJ-CRI, *A World Fit for Children* (see note 3), p. 7: Table 2 on national budget allocations to ministries responsible for social services.



National budget	475.41	485.95	547.70	621.59*	614.737*	716.218
Allocations to the Ministry of Health	38.328** (8.1%)	39.43** (8.11%)	45.67** (8.34%)	46.855** (7.54%)	53.117 (8.64%)	57.666 (13.90%)

265. The total cost of the National Strategic Framework for Combating STDs and HIV/AIDS is CFAF 125,058,523,046.<sup>24</sup> In 2008 and 2009, the Government continued to honour its commitment to a strong response to the AIDS epidemic through budget allocations to the sectoral ministries concerned. *Inter alia*, direct domestic allocations to the health sector to combat STDs and AIDS amounted to CFAF 899,998,526 in 2008 and CFAF 1,001,998,372 in 2009.

266. Moreover, the bodies engaged in combating AIDS are supported with human resources, infrastructure and coverage of operational costs. In the last two years, the Government mobilized from the development partners considerable funds for the combat against HIV/AIDS.

267. Funding sources for that combat vary from national budget allocations to support from the development partners, which accounts for 65.9 per cent of such funding. The development partners include multilateral donors, and in particular the Global Fund to Fight AIDS, Tuberculosis and Malaria.

268. Table 7 shows the main development partners' areas of activity and financial contributions to the implementation of the strategic framework, 2007–2011.

<sup>24</sup>

Country Progress Report prepared for the Special Session of the General Assembly of the United Nations (UNGASS), UNAIDS Benin, CNLS, 2010.

Table 7  
**Main development partners' areas of activity and financial contributions to the fight against AIDS<sup>25</sup>**  
 Funding sources

<i>Donors</i>	<i>Areas of action</i>	<i>Amounts (CFAF million)</i>
African Development Bank	HIV/AIDS Control Support Project (HCSP), 2006–2008, with health care (PMTCT, HIV testing and serosurveillance) and community and institutional action against AIDS.	2 295.8
World Bank	Multisectoral AIDS Project (MAP) II, 2007–2011.	17 500.0
Global Fund (sixth round)	Regional proposal entitled “Consolidation and Extension of the Regional Joint Project for the Prevention and Management of STI/HIV/AIDS along the Abidjan-Lagos Migration Corridor” for the five countries of the corridor.	23 250.0
DANIDA	Institutional support programme for the combat against HIV/AIDS in Benin (PARL-SIDA), 2007–2010.	4 433.3
Global Fund (fifth round)	Project to scale up the fight against HIV/AIDS, covering a large part of the health sector: medical and psycho-social care (opportunistic infections, ARV, testing, reagents and equipment), blood safety, expanded PMTCT services, support for OVCs, and part of activities to speed up prevention, coordination and monitoring/evaluation.	25 500.1
USAID	IMPACT project, 2007–2011, for social marketing, communication for behaviour change to promote low-risk behaviour, and institutional support.	3 500
Clinton Foundation	A project for the period 2007–2011, including purchase of paediatric ARV drugs and second-line ARV drugs, and programme support.	827.5

269. The table below shows the funds mobilized, by financing source, in 2008 and 2009, according to the National Aids Spending Assessment Report (NASA), 2008–2009.

Table 8  
**Financing mobilized against STDs and AIDS in 2008 and 2009**  
 (In CFAF)

<i>Financing sources</i>	<i>2008</i>	<i>2009</i>
<b>Public funds</b>	<b>1 902 819 736 (16.39%)</b>	<b>6 053 382 954 (39.36%)</b>
Funds of territorial authorities	1 902 819 736	6 053 382 954
Revenue of local/municipal authorities	2 000 000	5 155 000
Loans (MAP II etc.)	837 222 395	5 212 913 954
<b>Private funds</b>	<b>2 055 504 220 (17.71%)</b>	<b>992 704 760 (12.96%)</b>
Profit-making institutions and enterprises	3 405 550	19 156 587
Households	2 048 804 450	1 876 783 075
Household funds	322 604 450	337 963 075
Providers of traditional or non-allopathic care	1 726 200 000	1 538 820 000
Non-profit-making institutions	3 294 220	96 765 098
<b>International funds</b>	<b>7 651 191 256 (65.90%)</b>	<b>7 333 677 233 (47.68%)</b>
<b>Bilateral</b>	<b>2 077 729 553</b>	<b>1 263 154 573</b>

<sup>25</sup>

Country Progress Report prepared for the Special Session of the General Assembly of the United Nations (UNGASS), UNAIDS Benin, CNLS, 2010.

Danish Government	17 238 917	55 078 530
French Government	726 719 271	20 225 023
German Government	444 624 985	458 689 550
Swiss Government	95 287 500	312 375 000
United States Government	793 858 880	416 786 470
<b>Multilateral regional development banks (in Africa, Asia, Latin America and the Caribbean)</b>	<b>5 001 539 104</b>	<b>5 498 711 702</b>
Islamic Development Bank (IDB) etc.	521 287 511	420 514 190
Global Fund to Fight AIDS, Tuberculosis and Malaria	2 743 723 744	3 458 241 781
UNAIDS secretariat	102 674 500	172 013 700
United Nations Children's Fund (UNICEF)	655 740 105	748 167 031
United Nations Development Programme (UNDP)		18 095 000
Office of the United Nations High Commissioner for Refugees (UNHCR)	15 498 000	14 879 000
United Nations Population Fund (UNFPA)	343 253 500	337 500 000
World Bank (WB)		48 000 000
World Food Programme (WFP)	518 485 000	228 876 000
World Health Organization (WHO)	100 876 744	52 425 000
<b>International NGOs</b>	<b>571 922 599</b>	<b>571 810 958</b>
Bristol-Myers Squibb Foundation	2 230 205	
CARE International		40 000 000
Caritas Internationalis/Catholic Relief Services	14 447 500	94 995 387
Plan International	149 978 671	96 874 571
Clinton Foundation	331 000 000	331 000 000
International Planned Parenthood Federation	2 789 233	5 241 000
Other non-profit-making international organizations and foundations	71 477 000	3 700 000
<b>Total</b>	<b>11 609 515 212</b>	<b>15 379 764 947</b>

### 6.5.b Strengthening of the National AIDS Committee

270. As in other countries, adolescents and young persons in Benin are crucial to HIV/AIDS control strategies and constitute one of the age groups most affected.<sup>26</sup>

271. According to the 2008 second generation STD/HIV/AIDS surveillance survey, Benin, communication for behaviour change activities had a positive impact on the use of condoms by pupils and students. Free access for young persons to condoms, improved know-how of voluntary HIV testing centres, and issuance of test results also had a favourable effect. Such low-risk behaviour promotion initiatives must continue. However, certain activities should be reviewed insofar as they failed to delay the onset of sexual activity among 15- to 17-year-olds, encourage secondary sexual abstinence among 15- to 24-year-olds or reduce contacts with sex workers.

272. As regards PMTCT, pregnant women having tested positive are admitted for antiretroviral treatment with their children. Five reference centres have been equipped so as to provide more effective treatment. Awareness-raising campaigns are carried out by various actors, particularly national and international NGOs.

<sup>26</sup>

PNLS, World Bank, Global Fund to Fight AIDS, Tuberculosis and Malaria, UNAIDS and PALSSAD, *Second generation STD/HIV/AIDS monitoring survey, Benin (ESDG 2008)*, June 2009.

### 6.5.c Measures taken to control the spread and effects of HIV/AIDS

273. The activities undertaken as part of the “Unite for Children, unite against HIV/AIDS” campaign, which was launched in December 2005 by the Ministry of Health, the Ministry of Foreign Affairs, CNLS, UNAIDS and UNICEF, focused on the following four areas:

- PMTCT;
- Paediatric care;
- Protection of and support for children affected by HIV/AIDS (OVCs);
- Prevention of infection among adolescents and young persons.

274. Act No. 2005-31 of 2006 on HIV/AIDS prevention, care and control provides for the right to prevention, testing and treatment and protects any person, including women and children, against discrimination in that area.

275. In 2005, the prevalence of HIV/AIDS was 2 per cent, with considerable regional disparities. It is estimated that 2,400 infected children are born every year. The 2001–2005 National Strategic Framework for Combating HIV/AIDS was implemented with the support of partners and coordinated by CNLS. The 2006–2010 national framework includes PMTCT, paediatric care, and prevention among OVCs.

276. All pregnant women testing positive for HIV have access to social and health services. Provision of antiretroviral drugs and paediatric care ensure better protection of mothers and children against the HIV/AIDS pandemic.

### 6.5.d Protective and preventive assistance to orphans and other children and adolescents

277. Under the national strategic framework drawn up to combat HIV/AIDS/STDs for the period 2006–2010,<sup>27</sup> specific goal 2 of strategic area 4 (“Support for infected and affected persons and promotion of respect for human rights”) consists in organizing, in medical care, PMTCT and welfare centres, psycho-social care which is completely free for persons living with HIV/AIDS and half-price for affected households.

278. The main recommendations concerning the development of the national strategic framework 2007–2011<sup>28</sup> were meant to promote universal access and aimed primarily at:

- Intensifying prevention among the young and such specific groups as sex workers, mobile population groups and uniformed personnel;
- Enhancing access to PMTCT throughout the country; care for STD patients, persons living with HIV/AIDS and OVCs; laboratory tests; and blood safety;
- Giving priority to the expansion of tried preventive and care initiatives to the country as a whole;
- Defining new lines of action, such as prevention strategies targeting the young and the vulnerable population groups more effectively, and care for OVCs;
- Implementing the “Three Ones” with well coordinated support from all actors and partners, *inter alia* at the operational level and through a single monitoring and evaluation system.

<sup>27</sup>

National Strategic Framework for Combating STDs and HIV/AIDS, 2006–2010.

<sup>28</sup>

Dr. Valentine Kiki-Medegan Fagla, permanent secretary of CNLS, *Main points and challenges in the national strategy against AIDS in Benin*, Powerpoint presentation.

**6.5.e Voluntary HIV/AIDS testing system**

279. Due attention is paid to privacy and confidentiality during testing, which is generally performed by competent staff trained to respect the persons infected or affected by HIV.

280. Act No. 2003-04 of 3 March 2003 on sexual and reproductive health recognizes, *inter alia*, the civil, political and social rights of persons infected with STDs or HIV/AIDS; their entitlement to specific assistance, basic care, treatment and confidentiality in their relations with social and health workers; and married women's right to access prevention services in connection with sexual health, without needing their husband's permission.

281. Under articles 5 and 6 of Act No. 2005-31 of 5 April 2006 on HIV/AIDS prevention, care and control, any person infected or affected by HIV is entitled to confidentiality and respect for his or her privacy, subject to limitations applicable only under exceptional circumstances.

**6.5.f Combat against stigmatization and discrimination accompanying infection with HIV/AIDS, particularly in the case of children**

282. In the above Act, which organizes the protection of children:

- Article 8 provides for assistance and support from the community, the State and its regional or decentralized bodies for minors whose parents died from AIDS; and for the creation of a special fund to reduce the effects of AIDS and offer related assistance;
- Article 32 criminalizes and punishes with imprisonment and a fine a child's direct or indirect exposure by a parent and the direct or indirect abandonment at an isolated place of a child or disabled person suffering from AIDS;
- Article 33 punishes with imprisonment and a fine parents or guardians who deliberately abandon a child for whom they are responsible, knowing that the child is infected with HIV.

**6.5.g Information campaigns**

283. A number of State bodies and NGOs carry out awareness-raising campaigns on HIV/AIDS, on its transmission channels, treatment and prevention, and on sex education. As part of such activities, condoms are distributed to the beneficiaries, including teachers and other trainers.

**6.5.h Children's involvement in developing and implementing HIV/AIDS policies and strategies**

284. Children's and young persons' organizations participate in all activities promoting children's rights. Local awareness-raising and advocacy initiatives addressing specific groups are organized with partner support. In 2008, such initiatives included the following:

- "Red ribbon night", which was organized by PNLs and attended by approximately 500 persons in Cotonou and 200 persons in Djougou;
- "Life lesson", organized by Plan International Benin and UNICEF in primary and secondary schools and training centres;
- "Later is safer" campaign, organized by Population Services International in cooperation with the Danish Embassy through the PARL-SIDA project;

- International marathon, which was organized by Athletes without Borders and attracted approximately 500 runners from France, Belgium, Togo, Ghana, Burkina Faso and Benin and 3,000 spectators.

285. As part of preventing HIV infection among pupils, the Ministry of National Education developed in 2005 a policy and tools for combating AIDS at school (subjects on STDs and AIDS in the elementary and middle classes of primary education and ongoing learning on AIDS and STDs from preschool through secondary education).

286. The approach of certain programmes consists in transforming the health centres of their districts into “youth friendly” centres, with a young peer educator ensuring liaison between the health centre and the community (of young persons);<sup>29</sup> and in training certain young persons as peer educators and leaders of “adolescents for adolescents” clubs in schools and youth and recreation centres. Awareness-raising strategies targeting the young, implemented by health centres and built into the elementary school curriculum, cover everyday HIV/AIDS-prevention practices but without any particularly noticeable effect so far.

## **6.6 Standard of living**

### **6.6.a Children’s right to an adequate standard of living**

287. Despite the country’s endemic poverty, no study has been specifically carried out on the children’s right to an adequate standard of living.

### **6.6.b Children’s rights and needs**

288. In PRSP-II, special attention is paid to children in preparing development projects. Basic social services are not available in all areas. Power cuts are frequent and the coverage of the drinking water supply network is unsatisfactory.

### **6.6.c Access to basic social services**

289. The Government promotes poor children’s access to such basic services as education, health care, social protection, drinking water supply, sanitation and electricity.

## **VII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **7.1 Education, including vocational training and guidance**

#### **7.1.a Education reforms in progress**

290. The national action plan for the implementation of the Education for All Programme, adopted in October 2003, aims at “ensuring that by 2015 all children, particularly girls and vulnerable and ethnic-minority children have access to high-quality, free and obligatory primary education, and remain in school for the full duration of such education”.

291. Pursuant to a commitment made by the Government in acceding to the Dakar Framework for Action adopted at the Dakar Forum on Education for All in 2000, the principle of education for all was built into the Education Policy Act (November 2003), the National Plan for Education for All (2003), the Education Policy Document (February

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<sup>29</sup>

By encouraging discussions among young persons on issues related to sexuality, and ensuring access to inexpensive care for STDs and free voluntary testing.

2005), the Ten-Year Development Plan for the Education Sector, 2006–2015, and the essential educational package (aimed at implementing universal primary education by 2015).

292. Moreover, the National Policy on Girls' Education and Training, 2007–2015 (December 2006) includes measures for achieving, in the short and medium term, parity between girls and boys in education and training through a comprehensive approach to all educational levels.

293. In that education-friendly national context, the Government confirmed the priority accorded to the education sector, through the formulation of action plans for every education subsector and the establishment of an interministerial committee to draw up a comprehensive education strategy and, based on an assessment of the sector and on the Education Policy Document (which was approved by the Government in February 2005), to prepare a medium- and long-term development plan for the sector.

294. In May 2009, Benin prepared and validated a document on national policy for the comprehensive development of young children. The document has not yet been adopted by the Council of Ministers.

#### **7.1.b Earmarking of financial, human and technical resources for the education sector**

295. The State budget, through annual allocations to ministries,<sup>30</sup> as well as the budget of NGOs and financial support provided by technical and financial partner for State bodies and NGOs contribute to the implementation of the right to education.

296. The legal framework regulating informal education is being strengthened.

297. Legislation is adopted on the training and professional qualification of child apprentices, dual learning and the professional qualification of master craftsmen. In 2006, programmes were introduced to organize professional examinations for child apprentices and master craftsmen.

#### **7.1.c Review of the Ten-Year Development Plan for the Education Sector, 2006–2015**

298. The Plan provides for the following activities at the level of the ministries responsible for education and vocational training:

- Improvement of the quality of teaching, namely the ratios of pupils to teachers and textbooks to pupils;
- Increase in the number of inspectors and education advisers to ensure better supervision of teachers;
- Implementation of a new system for evaluating knowledge;
- Regular measurement of the performance of schools and of the apprenticeship system;
- Increase in the school enrolment ratio;
- Universal enrolment to primary schools;
- Parity between girls and boys as regards education and training.

#### **7.1.d Measures to prevent children from dropping out of primary education**

299. The following steps, taken by the Government in 2009 in order to retain children in school, were continued in 2010:

<sup>30</sup> See Part Two, I, General measures of implementation.

- Excellence incentives: 240 prizes were awarded to pupils at the primary education certificate level;
- Organization of extensive awareness-raising campaigns through the media, audiovisual means and other channels in underprivileged communes with a low school enrolment ratio;
- “All children to school” campaign in Zogbodomey, and related awareness-raising in all departments;
- Support in the form of school supplies and equipment (khaki cloth and lanterns) for 18,000 school children in communes with a low school enrolment ratio; and provision of school supplies and teaching material to NGOs and associations for poor children in all departments;
- Deworming of preschool and elementary school children in 34 communes in all departments except Mono-Couffo;
- Training sessions in community-based first aid theory and techniques for 35 teachers to help school children in the event of a disaster;
- Preparation and validation of a best practices guide and related handbooks on the maintenance and sustainable management of educational infrastructure and equipment;
- Establishment of school canteens to provide children with one meal per day.

300. Budget resources are allocated to the Primary Education Directorate, including a specific amount for girls’ school enrolment, the School Enrolment Promotion Directorate, the Preschool Education Directorate, and the Directorate of private secondary-education establishments.

#### **7.1.e Corporal punishment, violence and sexual harassment**

301. The State has taken legislative and educational measures against corporal punishment so as to improve the children’s life.

##### *Legislation*

302. The relevant legal framework was enhanced with Act No. 2003-04 of 3 March 2003 on sexual and reproductive health, Act No. 2003-03 of 3 March 2003 penalizing the practice of female genital mutilation, and the Personal and Family Code, which entered into force on 24 August 2004. Articles 438 and 439 of that Code provide for forfeiture of parental authority if parents are found guilty of a criminal offence against their child or if they endanger their child’s security, health or morals “through abuse, harmful examples of habitual drunkenness, gross misconduct or delinquency, or failure to provide care or guidance”.

303. Specific legislation has been adopted against violence at school.

304. Interministerial Order No. 16/MEPS/METFP/CAB/DC/SGM/SA of 1 October 2003 on penalties for sexual abuse in public or private, general, technical or vocational secondary schools or educational establishments provides for administrative penalties for such abuse, whose perpetrators may also be held criminally liable.

305. Act No. 2006-19 of 5 September 2006 on sexual harassment and protection of its victims provides for the protection of children, particularly in articles 3, 4, 6, 7, 8, 12, 16 and 17–20, and for punishing such acts, in view of the specific vulnerability of minors, whether or not enrolled in school or following vocational training.



*Educational strategies and measures against corporal punishment*

306. At the operational level, strategies against corporal punishment are implemented in the schools through educational programmes designed to eliminate that phenomenon.

307. Standards under the new theoretical framework of the “fundamental quality school”, formulated in 2008, promote implicitly or explicitly a school culture of non-violence through, *inter alia*, a mechanism protecting pupils against all forms of violence at school, a safer working environment for pupils and teachers, efficient school-time management, and cooperation with parents and other community actors.

308. Campaigns are launched to raise awareness of the detrimental effects of corporal punishment and thus bring about a change in attitudes.

*Corrective measures*

309. A plan of action is proposed on the basis of this study.

310. Educational programmes against corporal punishment are introduced, focusing on the psychological aspects of the phenomenon in question.

311. In cooperation with UNICEF and Plan International Benin, the Ministry of Preschool and Primary Education launched the “Learning without fear” campaign. Awareness-raising meetings and radio and television broadcasts and messages draw the teachers’ attention to the dangers of using beating as a pedagogical method. Child supervision and training techniques are taught so as to encourage children to participate in the learning process without fear.

#### **7.1.f Equal opportunities regarding access to education; and reduction of gender, socio-economic and regional disparities**

312. Benin implements a policy of incentives to promote school enrolment of girls. In the PRSP, the Government committed itself to taking special measures to encourage such enrolment and retain girls in the school system. In particular, relevant local activities are strengthened through the involvement of teachers, local elected officials, women’s associations and NGOs, and supported through an effective system for monitoring the action adopted. That policy is expected to help to remove school enrolment obstacles faced by girls, increase the number of girls in the schools, enhance their ability to succeed in exams, and ensure their security.<sup>31</sup>

313. In view of those commitments, the State adopted in 2006 the National Policy on Girls’ Education and Training, 2007–2015, designed to ensure parity between girls and boys in education and training. That policy comprises the following four main thrusts:

- Establishing effective measures to ensure the girls’ access to and retention in the formal and informal education and training systems;
- Enhancing the financial intervention capacity of public actors, civil society and rural communities involved in the promotion of girls’ education and training;
- Reducing impediments and obstacles to the promotion of girls’ education and training (*inter alia*, sexual violence, unfavourable religious practices, customs and traditions, STDs and HIV/AIDS);
- Developing and managing efficiently an effective information and communication system enabling the various actors to exchange and share best practices with regard to girls’ education and training.

<sup>31</sup> PRSP, 2007, p. 53.

314. According to the 2006 mid-term report on progress towards “A World Fit for Children”, the following important policy and planning measures, *inter alia*, were taken in the preceding few years:

- Subsidies paid to schools in order to improve access to primary education;
- Dialogue between the Government and the partners, which led to approval in 2005 of the essential educational package to accelerate schooling for girls;
- Reopening of three teachers’ colleges and the plan to open three more, with priority given to training for community teachers and other instructors lacking formal qualification;
- Planning of accelerated and alternative learning opportunities for children too old to attend elementary school or having dropped out of school;
- A national plan for the promotion of the school enrolment of girls;
- Generalization of the new primary education curricula;
- Abolition of preschool and primary school contributions in October 2006;
- Examination of a community-based system of preschool education centres;
- Creation of modular classes in the schools.

315. In certain areas, associations of pupils’ parents participate in, *inter alia*, awarenessraising activities to promote school enrolment, microprojets for the issuance of registration certificates to children, and the creation of alternative schools.

#### 7.1.g Literacy

316. State financial contributions to literacy are particularly limited. A ministry of literacy and national languages has been created.

317. Various programmes have been organized for children. The Ministry for Family Affairs, in partnership with State bodies or NGOs, has launched literacy activities for children in the markets. In 2009, 260 children in the Dantokpa market, Cotonou, and 257 in Parakou and Malanville were taught reading and writing. Moreover, in those three markets, 256 children attended accelerated alternative education courses.

318. NGOs, particularly ASSOVIE, have implemented similar initiatives in secondary markets in Cotonou (Gbegamey and Saint Michel).

319. “Dual experience”, a pilot initiative that combines the theory and practice of vocational training for children, trafficking victims in particular, is in progress.

#### 7.1.h School enrolment ratio

320. Of the estimated 23,325 children enrolled in preschool establishments in 2004, 82.90 per cent attended public nursery schools. The gross primary school enrolment ratio increased from 82.8 per cent in 2000 to 96 per cent in 2004. In the same period, the gross school enrolment ratio for girls and boys increased respectively from 67.9 to 84 per cent and from 97.2 to 108 per cent. The national net enrolment ratio for children aged 6–11 increased from 48.7 per cent in 1993 to 77.5 per cent in 2005. Further, the overall national net enrolment ratio increased from 61.1 per cent in 2006 to 76.2 per cent (78.3 per cent for boys and 73.9 per cent for girls) in 2008, with a target of 100 per cent in 2015.<sup>32</sup>

321. According to SitAn 2011:

<sup>32</sup>

UNDP, Benin, MDG Report, 2010.

- The gross preschool enrolment ratio increased from 3 per cent in 2000 to 10.3 per cent in 2010;<sup>33</sup>
- The number of nursery schools increased from 405 in 2007 to 872 in 2010;<sup>34</sup>
- Of the 266 “children’s corners”, 106 were converted to preschool establishments.<sup>35</sup>

322. Various projects have been launched to increase the secondary school enrolment ratio.

323. A qualitative study, funded by the Ministry of Technical Education and Vocational Training, was carried out in December 2005 with a view to formulating a technical education and vocational training master plan.

324. With regard to vocational training, in the PRSP the Government gave priority to the enhancement and diversification of educational opportunities. In 2001, the Government opted for a technical education and vocational training reform aimed at the following four objectives:

- More vocational content for initial training courses through the use of a skills-based approach to revise the programmes;
- Introduction of the dual learning system;
- Broadening of in-service vocational training opportunities;
- Enhanced in-service vocational training opportunities for vulnerable and disadvantaged social groups.

325. The Government decided to implement the following activities in the period 2007–2009:

- (i) Enhancing and diversifying the educational opportunities available;
- (ii) Improving quality and gender equity;
- (iii) Improving management and guidance;
- (iv) Distributing and reorienting vocational schools according to the regions’ comparative advantages;
- (v) Aligning training opportunities offered by establishments with the labour market in the various departments;
- (vi) Establishing a training programme to meet the needs of employers and of the Chamber of Commerce and Industry;
- (vii) Adopting incentives to encourage girls to go into vocational training;
- (viii) Developing specific training programmes to introduce trainees to HIV/AIDS control.<sup>36</sup>

326. According to the Report of the Ministry of Agriculture, Livestock and Fisheries (January 2008, p. 245, paras. 648–649), the country’s technical and vocational training system at secondary education level offers training in administration and management, agricultural science and technology, biological and social science and hotel and catering activities. A first training cycle is offered in technical junior high schools, leading to a vocational aptitude certificate or a tropical agricultural studies certificate. Students may opt to receive additional technical training in a second cycle offered in technical senior high schools and leading to a technical diploma.

<sup>33</sup> UNICEF, SitAn 2011, p. 131.

<sup>34</sup> UNICEF, SitAn 2011, p. 131.

<sup>35</sup> UNICEF, SitAn 2011, p. 129. 35 Benin – SRP 2007-2009 – p. 54.

<sup>36</sup> PRSP, 2007–2009, p. 54.

### 7.1.i Improved teaching quality and greater number of qualified full- and part-time teachers

327. Up to January 2008, the Ministry of Preschool and Primary Education employed three categories of teachers: permanent State employees, contractual State employees, and teachers recruited by the communities (referred to as “community teachers”). As a result of the freeze in civil service recruitment, teacher training colleges were shut in 1990. In view of the shortage of teachers, communities proceeded to recruit community teachers on a volunteer basis.

328. The composition of the body of active teachers has changed since the late 1990s, as the proportion of contractual teachers increased from 18 per cent in 2000–2001 to 20 per cent in 2006–2007 and the proportion of community teachers increased from 18 to 38 per cent in six years. There is therefore a considerable shortage of State teachers in the country. Three teacher training colleges opened in 2005. They train 300 future teachers each, or a total of 900 new teachers per year. Three other ENIs were scheduled to open in 2007–2008. Training centres were set up in addition to those colleges.

329. Under the new theoretical framework formulated in October 2008, the “fundamental quality school” is formally defined as follows: “a school open to all categories of children and, without any negative form of discrimination, offering to its pupils and staff an appropriate working environment, effective supervision and working conditions that are motivating and rewarding. It must: (i), in accordance with the relevant standards adopted, have at its disposal various (human, material, teaching, financial and other) resources conducive to effective learning; and (ii) manage the available resources rationally and fittingly so as to achieve the goals pursued and produce the results expected”.<sup>37</sup>

330. Public elementary school classrooms have been built with funds from the:

- Classroom construction, rehabilitation and equipment project, involving the completion of 201 classrooms under PRIMMO (delegated contractor agency), 150 classrooms under AGEET (delegated contractor agency), 249 classrooms under the Directorate of engineering and participation in development, and also 135, 45 and 159 classrooms. Of those classrooms, 165 have been completed and are being delivered.
- Classroom construction, rehabilitation and equipment project/Fast-Track Initiative Common Fund Budget, involving the completion of 427 classrooms under AGETUR and 354 classrooms under AGETIP. Of the 204 classrooms completed, 159 have been delivered.
- Fast-Track Initiative-Common Fund Budget for the completion of 311 classrooms under the national community-based development-support project – Completion of 308 classrooms.
- Japan IV project (fourth project financed by Japan). Of the 249 classrooms to be completed under the Directorate of engineering and participation in development, 146 classrooms have been delivered.

### 7.1.j Alternative educational opportunities for non-enrolled children and dropouts

331. Legislative and operational advances in this area are described below.

332. Act No. 2003-17 of 11 November 2003 (amended in 2005) on national education policy confirms education as the top national priority, based on the principles enshrined in the Constitution of 11 December 1990. Under article 3 of the Act, schools

<sup>37</sup>

Ministry of Preschool and Primary Education, *Fundamental Quality School*, third edition, October 2008, 42 pages.

must provide all persons with access to culture, science, knowledge, know-how and inter-personal skills, while special attention must be paid to the education of young girls, children and other persons at risk, and children in disadvantaged areas and vulnerable groups.

333. The education sector policy document, 2006–2015, adopted on 23 February 2005, establishes the “reduction of gender and regional disparities on the basis of a policy of positive discrimination in favour of disadvantaged girls, groups and regions” as a strategic goal.

334. Vocational training based on dual learning is currently available, and constitutes an intermediate solution, for children having had little schooling, not enrolled or having dropped out.

335. With regard to vocational training, the following texts, *inter alia*, have been adopted:

- Decree No. 2005-118 of 17 March 2005 orienting and introducing the dual learning system for technical education and vocational training;
- Decree No. 2005-117 of 17 March 2005 on the certification of professional qualifications acquired by apprenticeship;
- Order No. 042/METFP/CAB/DC/SG/DFQP/DEC/DIPIT/SA of 16 August 2005 orienting and introducing the dual learning system for technical education and vocational training;
- Order No. 0011 MESFP/CAB/DC/SGM/DFQP/DEC/DIPIT/DET/SA of 7 February 2006 on the organization of examinations for the vocational qualification certificate and the professional qualification certificate;
- Order No. 0012/MESFP/CAB/DC/SGM/DIPIT/DFQP/DEC/SA of 7 February 2006 on evaluation methods for granting the professional qualification certificate;
- Interministerial Order No. 020/METFP/MFPTRA/MCAT/CAB/DC/SGM/DFQP/DEC/DIPIT/DET/SA of 14 March 2006 on the creation, functioning, composition and operation of a national commission to supervise vocational qualification certificate and professional qualification certificate examinations;
- Order of 19 December 2006 on the functioning, organization and operation of crafts centres;
- Interministerial Order No. 067/MESFP/DC/SGM/DFQP/SA of 20 October 2006 on the functioning, organization and operation of vocational training centres;
- Decision No. 075/MESFP/DC/SGM/DEC/DIIP/DFQP/SA of 19 December 2006 on prerequisites for the examination for the master-craftsman or skilled-worker professional qualification certificate;
- Interministerial Order No. 001/MESFP/MTFP/MDEF/DC/SGM/DFQP/SA of 3 January 2007 on the financing of dual learning;
- Order No. 075/MESFTP/MCAT/MTFP/CAB/DC/SGM/DFQP/SA of 31 December 2007 on the creation, organization and operation of the steering committee of apprenticeship-based training.

#### **7.1.k Practical knowledge on and sensitization to HIV/AIDS in teacher training**

336. Under the heading “School health and environment”, the Ten-Year Plan, 2006–2015, of the Ministry of Primary and Secondary Education (2006) calls for enhanced partnerships with the health and environment sectors in order to familiarize pupils at all school levels with the main aspects of their civic and social integration and the protection

of their health. Raising awareness of issues related to HIV/AIDS constitutes a major component of that policy, which is to focus on the following areas:

- Adaptation and strengthening of programmes aimed at improving school health and environmental protection;
- Adaptation of training modules for teachers and pupils to school health and environmental protection;
- Establishment of a health, hygiene and nutrition policy in the schools.

337. A significant proportion of the budget of the education ministries is earmarked for the fight against HIV/AIDS. In 2009, for instance, that amount was CFAF 80 million. Focal points in every ministry organize information, education and communication sessions in the ministry and the schools.

338. NGOs also carry out training, testing and awareness-raising activities against the pandemic.

#### **7.1.l Human-rights and children's rights teaching**

339. Curricula place emphasis on citizenship education.

340. Courses on morals and citizenship address certain human-rights and children's rights concepts.

341. Steps are taken to ensure that the issues of human and children's rights, responsible citizenship and the elimination of corruption are formally included in the curricula.

#### **7.1.m Alignment of Koranic school programmes with the Convention and with general education**

342. Steps are taken to align Koranic school programmes with the Convention and the general education system.

#### **7.1.n Statistical data collection and analysis**

343. Measures are taken at INSAE to improve statistical data collection and analysis. Surveys are carried out with a view to compiling statistics on children.

344. For instance, according to the national living standards measurement survey (EMICoV) preliminary report (INSAE, 2006), the net school enrolment ratio among children aged 6–11 and 6–14 is, at the national level, respectively, 60.2 and 56.2 per cent (56.4 and 63.6 per cent for, respectively, girls and boys); and 72 and 54.1 per cent in, respectively, urban and rural areas.

345. According to a 2008 national survey on child labour (conducted by ILO/IPEC and INSAE), of the working children interviewed, 19.2 per cent combine school and work while approximately 15 per cent engage exclusively in work.

346. According to the same survey, in 2008 dropouts accounted for 9 per cent of children aged 6–17 (10 per cent of girls and 8 per cent of boys) and for 17.6 per cent of children aged 14–17 (19 per cent of girls and 16.4 per cent of boys).

## **7.2 Leisure, recreation and cultural activities (art. 31)**

#### **7.2.a Alignment of Koranic school standards with the goals of formal education**

347. In Benin, all children, including those attending Koranic schools, are entitled to the same education. Current discussions are aimed at establishing appropriate standards

that reconcile the educational rules of Koranic schools with those of formal education, ensuring, in particular, respect for the right to leisure and cultural activities.

#### 7.2.b Planning of leisure time and cultural activities

348. The Ministry of Youth, Sport and Leisure organizes leisure and after-school activities for children, regardless of their situation, in order to promote their physical and psychological development.

349. In cooperation with the ministries responsible for education, the above Ministry undertakes, in all of the country's departments, various activities, such as the celebration of the International Day of La Francophonie in April 2009 (at Natitingou), with prizes awarded to high school students, and in 2010.

350. In the area of sport, school tournaments were organized by the union of primary and secondary school associations (with more than, respectively, 2,500 children aged 10–14 and more than 2,000 children aged 15–17, in 2009) at departmental level in order to encourage mingling of the young, promote the competitive spirit and identify new talents. The following events took place:

- National table-tennis and track-and-field competition for adolescents aged 15–18;
- National open-air archery competition for juniors;
- International tennis tournament for juniors;
- Participation of 40 young persons in the first Community of Sahel-Saharan States games (Niger, 2009) and of two children in the Africa championships held in Morocco;
- Participation of two children in the Africa table tennis, volley ball, karate, boxing and handball championships for juniors and in the World Championship in Germany;
- School sport festival for children aged 15–17.

351. At the informal level, children, especially those exploited, are not always allowed to exercise their right to rest.

352. In the Ministry of Youth, Sport and Leisure, the Directorate of leisure activities promotes, *inter alia*, national tournaments and games for children under 17, La Francophonie games, a part of which concerns children, district sport activities, international youth sport activities, the National Youth Festival, football matches, school championships, and team sports.

353. State bodies and NGOs develop various information and awareness-raising programmes for children, particularly in markets or other places where children are present and can be counselled, and for master craftsmen, children's guardians or other persons responsible for children, stressing how crucial the right to rest is to the quality of life of children.

354. Activities for young persons, including children, are supported through budget allocations to private centres for sport training and leisure activities.

355. A national office for school and university sport has been created for the benefit of children.

356. In connection with the right to leisure, some of the events aimed to promote the children's development are the following extracurricular activities:

- Letter-writing contests organized in 2008 for children by the postal service;
- Pirogue races;

- Caravans;
- Entertainment days;
- Citizen vacation;
- Giant youth picnics;
- Christmas festivals in the Ministry of Justice, Legislation and Human Rights, the Ministry of Communications and Information and Communication Technologies and other government agencies for children of the personnel, in the schools for the pupils, and in non-governmental, private, denominational or other care or transit centres.

357. Leisure activities are organized for children as part of celebrations related to children's rights, particularly on the Universal Children's Day (20 November), the World Day against Child Labour (12 June), the International Day of the African Child (16 June) and the Benin Children's Day (23 December).

358. In order to promote sport, the Ministry of Youth, Sport and Leisure sponsored in 2006 studies which helped to standardize the training of physical education and sport instructors and youth activity facilitators (at bachelor's degree level), identify training needs, and formulate a plan for drawing up and implementing a national strategy for the training of professional staff.

#### **7.2.c Support for leisure and sport activities**

359. In addition to school sport grounds, play and leisure centres exist in almost all communes. However, such facilities are in certain cases defective and they generally lack equipment.

360. Training in the organization of cultural associations has been provided to 40 school district chiefs, 39 education advisers and 20 teachers.

361. The Ministry of Youth, Sport and Leisure has organized departmental and national school tournaments for the pupils.

362. The local authorities, the above Ministry and the ministries responsible for education support youth organizations in seeking to ensure the exercise of their members' right to leisure activities.

### **VIII. Special protection measures (arts. 22, 30, 32–36, 37 (b)-(d) and 38–40)**

#### **8.1 Children seeking asylum, and child refugees**

##### **8.1.a Protection of unaccompanied refugee children**

363. Refugee children that are separated from their parents or unaccompanied are relatively more vulnerable to sexual violence and more exposed to problems of identification and education.

364. According to UNHCR statistics, the number of asylum-seeking and refugee children increased steadily in the period 2002–2006, reaching a significant peak in 2005 as a result of events which occurred in Togo in the period 2004–2005 and caused a massive flow of Togolese towards Benin.

Table 9  
**Asylum seeking children, 2002–2006**



Year	2002			2003			2004			2005			2006		
	G	B	Total	G	B	Total	G	B	Total	G	B	Total	G	B	Total
Number of children up to 17 years of age	847	857	1 704	865	904	1 769	869	884	1 753	5 713	5 905	11 618	1 959	2 075	4 034

Source: UNHCR, Policy and strategies document on the social protection of children, 2007, p. 32.

G: girls, B: boys.

365. SitAn 2011 provides information on refugee children residing in urban and rural areas as of 31 December 2009.

366. With regard to rural areas, children account for 43 per cent of the persons hosted in the camps set up by the Government at Kpomassè, Atlantique department, and Agamè, Mono department. Of those 1,327 children, 413 (13 per cent) are under 5 and 914 (30 per cent) are aged 5–17.

367. With regard to urban areas, particularly Cotonou, Porto-Novo and their surrounding areas, children account for 31 per cent of refugees. Of those 1,348 children, 436 (10 per cent) are under 5 and 912 (21 per cent) are aged 5–17.<sup>38</sup>

#### 8.1.b Basic social services for refugee children

368. In accordance with the relevant Convention, refugees in Benin enjoy the rights to work and to education and have access to services on an equal footing with nationals. UNHCR has launched projects in the areas of education, vocational training and income-generating activities in order to promote the refugees' integration into the local society.

369. According to the African Peer Review Mechanism Country Review Report on Benin of January 2008, persons under 18 account for half of the number of refugees, and their protection is a matter of priority for UNHCR. Their basic rights, particularly the right to education, are respected. Information and awareness-raising campaigns are carried out in order to shield children against child trafficking.<sup>39</sup>

#### 8.1.c National policy on assisting and supporting children in emergency situations

370. Crisis committees have been set up under the Civil Protection Directorate of the Ministry of the Interior in order to deal with emergencies. Such committees consist of representatives of State bodies, national NGOs and the technical and financial partners. The United Nations system as a whole is mobilized to ensure efficient management of natural disasters and other unforeseen situations.

371. National and international partners have provided support for meeting the populations' needs. The funds collected were used to rebuild homes and school facilities destroyed during the 2010 floods.

372. UNICEF has donated, *inter alia*, health products, drinking water, impregnated mosquito nets and epidemic prevention medicines for the children.

<sup>38</sup> UNICEF, SitAn 2011, from tables 5.8 and 5.9 on the, respectively, "Total number of refugees residing in camps in rural areas as of 31 December 2009" and "Total number of refugees residing in urban areas as of 31 December 2009", p. 236. Source: National Refugee Assistance Coordination Office.

<sup>39</sup> African Peer Review Mechanism, Country Review Report No. 6 – Country Review Report of the Republic of Benin, January 2008, p. 141.

**8.1.d Protection of refugee children under criminal law**

373. The Criminal Code, the Code of Criminal Procedure and Ordinance No. 6932 provide for the protection of victims and witnesses of any offence committed in the national territory, regardless of nationality or status.

**8.2 Economic exploitation, including child labour****8.2.a Informal employment of children under 14, including *vidomégons***

374. Article 32 of the Convention recognizes “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”.

375. Beninese law prohibits work or apprenticeship for children under 14. Despite its alarming level, child labour is not commonly viewed as a problem in Benin. Assigning household chores or other work to children is considered as integrating them into society and teaching them to take care of themselves.

376. The *vidomégon* phenomenon is an old practice, initially based on family and community solidarity principles. Over time, that practice deviated from its early goal, namely providing a “placed child” with education and inter-personal skills.

377. Benin has undertaken efforts to combat child labour, including the *vidomégon* practice and all other forms of exploitation of children under 14, particularly in the informal sector.

378. UNICEF, ILO/IPEC, and the European Union through the Central Technical Assistance Office support the State bodies and NGOs engaged in efforts against child labour. Action by such actors includes the adoption of the master craftsmen’s charter, which provides for the protection of children and is relevant to the above efforts.

379. In the case of violations related to the employment of children, labour inspectors sensitize the families and users of such labour and, if necessary, retrieve the children.

380. As part of operations consisting in retrieving children from high-risk situations, labour inspectors and other State and NGO staff raise the population’s awareness of children’s rights.

381. The child labour elimination service, created in 2007 in the General Inspectorate of Labour within the Ministry of Labour and Civil Service, develops, in cooperation with CDNLT, information and strategies regarding the promotion of children’s rights in vocational training centres through the dissemination of texts on the protection of children, particularly apprentices.

382. The implementation of the aforementioned provisions is monitored, relevant spot checks take place in enterprises, and prizes are awarded to the craftsmen most respectful of child apprentices’ rights. Such action, launched in 2002, has been reiterated with financial assistance from UNICEF.

383. Periodic reports on the implementation of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of ILO are presented to the International Labour Conference.

384. Order No. 371 on exemption from the minimum age for access to employment was repealed as part of the alignment of national legislation with the above two Conventions, ratified by Benin.

385. Through Decree No. 2011-029 of 31 January 2011, Benin drew up and adopted a list of types of work that are hazardous for children.

386. A policy document and an action plan to combat child labour have been deemed necessary for greater effectiveness in that area. The country's policy document on the protection of children addresses the child labour issue. The process of drafting a relevant national action plan, begun in 2009, is in progress, with the financial and technical support of ILO/IPEC.

387. A preparatory study for the formulation of the above plan has been carried out and its results have been presented at a workshop, organized by the General Inspectorate of Labour with the support of ILO/IPEC, to promote ownership and launch the planning process.

388. Extensive campaigns for the dissemination of fundamental treaties, including the two aforementioned Conventions of ILO, were organized throughout the country. Publicity items, such as tee-shirts and red cards against child labour, were distributed during related events.

389. Measures to combat early engagement of children in work have consisted in, *inter alia*, retrieving children from arduous tasks to provide them with care and social rehabilitation, including school enrolment. Inspections were carried out at stone-crushing sites in the Zou and Collines departments and at gravel extraction sites in the Mono and Couffo departments in 2007, 2008 and 2009. Such action was followed by social enquiries, through the decentralized structures of the Ministry for Family Affairs, in order to determine the degree of vulnerability of the children and thus seek appropriate solutions. In 2009, site inspections at Lokossa, Houéyogbé, Comè, Dogbo and Aplahoué, identified 817 children aged 5–17, including school children, non-enrolled children and dropouts.

390. In that connection, microcredits for income-generating activities are made available to the poorest.

391. Since poverty is one of the causes of child labour, poverty reduction activities addressing women's groups are undertaken throughout the country.

392. The ILO/IPEC strategy in support of CDNLT includes the following four lines of action:

- Strengthening the actors' institutional role, particularly by building national capacities;
- Prevention of child labour and child trafficking;
- Protection and economic and social rehabilitation of child victims;
- Collection of information on the actual situation on the ground.

#### **8.2.b Child labour surveys**

393. Research into child labour has been carried out in certain parts of the country and in certain sectors (cotton growing, mines and quarries) which use such labour.

394. The 2008 national survey on child labour, carried out by ILO/IPEC and INSAE with the support of the Statistical Information and Monitoring Programme on Child Labour of ILO, was published in 2009.

395. The survey showed that approximately 34 per cent of children in Benin work. This finding conceals disparities between departments and areas of residence. The Donga and Collines departments display the highest incidence of child labour, with, respectively, 76.1 and 70.2 per cent, compared to 9.8 and 10.2 per cent, respectively, in the Littoral and Atlantique departments.

396. Child labour is primarily a rural phenomenon (affecting 42.3 of rural and 18.4 per cent of urban children). Of the children concerned, 64.5 per cent work in the agricultural sector and 28.7 per cent in the services sector.

- Of the children, 19.2 per cent combine school and work and approximately 15 per cent engage exclusively in work. Almost all children carry out non-economic activities: 88.7 per cent of children do household chores in their own home.
- Most children work under hazardous conditions. Employed children work on average 23.6 hours per week. Of those children, 90.1 per cent (or 30.7 per cent of all children) are forced to perform work to be abolished and 69.3 per cent (or 23.6 per cent of all children) perform hazardous work. Work to be abolished, which includes hazardous work, consists of types of work whose performance by children is prohibited under the relevant regulations. Only 3.3 per cent of children carry out light work that is considered as socially and morally acceptable.

#### **8.2.c Strict Labour Code enforcement and dissemination of information on child labour legislation**

397. The Labour Code prohibits work or apprenticeships for children under 14.

398. Where the relevant provisions are violated, children's rights defenders try to raise the offenders' awareness of the problem. No complaints or formal penalties against persons requiring children under 14 to work have been recorded.

399. In the area of educational opportunities, free primary education, adopted in 2008, enables every child, without discrimination, to enjoy the right to education.

400. Various activities have been carried out to combat child labour.

401. Training and awareness-raising workshops have been organized for, *inter alia*, judges, labour inspectors, lawyers, police and gendarmerie personnel, members of CDNLT, employers, social partners, NGOs and journalists with regard to the aforementioned Conventions Nos. 138 and 182 of ILO and the national legislation on the protection of children against all forms of exploitation and trafficking.

402. Through projects for the retrieval of child workers from high-risk situations, children have been removed from granite crushing sites at Bétérou, Borgou department; from begging, with support for improved educational conditions, in Djougou, Donga department; from market-gardening sites at Cadjèhoun, Cotonou; and from joinery, logsawing, vehicle repair, welding and hairdressing workshops in Porto-Novo. The children in question have been placed in vocational training facilities.

403. Initiatives aimed at promoting education as an alternative to child labour were undertaken in the cities of Cotonou, Parakou, Allada, Abomey-Calavi, Porto-Novo and Djougou. Such activities targeted child apprentices, child beggars and Koranic teachers benefiting from ILO/IPEC activities in Donga.

404. As part of combating child labour in fishing communities, projects to strengthen schools are developed in the So Ava commune, in conjunction with the promotion of income-generating activities to encourage school enrolment and the retention of children.

#### **8.2.d Strengthening of community-based mechanisms to prevent and eliminate internal child trafficking and economic exploitation, particularly in the informal sector**

405. Prevention strategies which involve strengthening the mechanisms in question were launched in high-risk areas. Income-generating activities for the most disadvantaged families were promoted and microcredit programmes were launched for the poorest so as to reduce poverty in the families.

406. A child and young workers' association, with subdivisions in various cities, is operational.

407. Trades subject to professional certification are being developed in order to promote the rehabilitation of that vulnerable group.

### **8.2.e Cooperation with the International Programme on the Elimination of Child Labour of ILO**

408. ILO/IPEC supports State bodies and NGOs ensuring the protection of the country's child workers.

409. Support from ILO/IPEC helped to organize awareness-raising and information activities, such as a three-month campaign entitled "Red card for child labour", conducted by motorbike taxi drivers in three major cities, a football tournament in Cotonou, the presentation of the second Global Report on Child Labour in 2006, and the publication of a one-page advertisement in *Agenda officiel du Benin*.

410. A documentary film on child labour in commercial agriculture, entitled "Rural child workers", was produced and disseminated in Benin in order to strengthen the combat against child labour.

411. Direct child retrieval and rehabilitation operations have encompassed institutionbuilding programmes developed by State bodies and NGOs, including child and young workers' associations; counselling, orientation and training programmes for vulnerable young and adolescent girls; capacity-building projects for counselling and vocational guidance centres for servants and travelling saleswomen; establishment of a training and vocational reorientation centre for children employed as domestic workers; and a programme entitled "Apprenticeships for the young", aimed at providing master craftsmen with a model for decent supervision of young apprentices so as to prevent their exploitation through excessive work hours and a long apprenticeship period, 10 years in certain cases.

412. Master craftsmen have adopted a code of conduct regarding the employability of child apprentices.

413. Master craftsmen have been made aware of the importance of respecting Labour Code provisions on the employment of children aged at least 14 in their workshops.

414. Trades subject to professional certification are being developed in order to promote the rehabilitation of the children concerned. Units for counselling child workers have been set up in the Cotonou, Parakou and Malanville international markets. A relevant child workers' association is currently operational and active.

415. In April 2010, all such activities were followed by a Work Improvement in Neighbourhood Development caravan that crossed the country and, at each stop, advocated the elimination of child labour in agriculture.

## **8.3 Sexual exploitation and abuse (art. 34)**

### **8.3.a Comprehensive study on sexual exploitation and sexual violence inflicted on children**

416. According to a survey on sexual exploitation of children, conducted in the cities of Cotonou, Porto-Novo, Bohicon, Abomey and Parakou and their surrounding areas in June 2002 by UNICEF and the Ministry for Family Affairs, Women and Children, the phenomenon in question affects:

- Primarily girls under 14, particularly if they reside in urban areas, placed children, such as the *vidomégons*, children living in single-parent families and child workers (*inter alia*, street sellers, apprentices, and bar, hotel or restaurant waitresses);
- Children in Zou (Abomey, Bohicon and Zakpota), Ouéme (Porto-Novo and its surrounding area), Borgou (especially rural areas and N'Dali), Littoral and Atlantique, in decreasing order.

417. According to the survey, the forms of sexual violence, abuse and exploitation encountered in Cotonou, Porto-Novo and Parakou are, in decreasing order:

- Various types of forced and early marriage;
- Sexual abuse in school;
- Sexual abuse in the family environment (by friends or employees);
- Sexual abuse within the family;
- Sexual abuse at the workplace (including abuse of domestic workers);
- Child prostitution;
- Rape and sexual abuse by unknown persons in the street;
- Rape, sexual abuse and incitement to debauchery by friends or acquaintances of the victims.

418. According to the survey, sexual abuse in school accounts for one fourth of cases reported by victims. Of the offences in question, 85 per cent are committed by a teacher and 15 per cent by a male schoolmate. Of the pupils interviewed in the main secondary schools in Cotonou, Porto-Novo and Parakou, 75 per cent had partners who provided them with financial, material and moral assistance (of those cases, one third involved sexual relations, of which 32 per cent occurred under coercion).

419. Despite a number of awareness-raising campaigns carried out by the Ministry for Family Affairs, Women and Children and NGOs with the support of development partners, it should be noted, in connection with early and/or forced marriages, that certain traditional practices harmful to children persist in varying degrees.

420. According to a 2002 census, the early-marriage rate is 37 per cent overall, 25 per cent in urban areas and 45 per cent in rural areas. In fact, 1.2 per cent of children aged 10–14 (1.8 and 0.6 per cent of girls and boys, respectively) and 10 per cent of girls aged 15–17 years are married. Early pregnancy concerns 0.31 per cent of girls aged 10–14 and 5 per cent of girls aged 15–17. Most of those girls live in rural areas and resort to abortion with complications that are often fatal, as in 79 per cent of cases involving girls enrolled in school.

421. The document on national policy and strategies for the protection of children has called for a national study providing greater insight into sexual violence, abuse and exploitation suffered by children and helping to assess the extent of the phenomenon and its psychosocial impact on children, families and communities.

422. The study on violence against children at school (Ministry of Primary and Secondary Education and UNICEF, 2009) refers extensively to sexual harassment and sexual violence. Of the school children, 9.3 per cent reported that they had been victims of sexual violence, such as sexual harassment, female genital mutilation and induced abortion.

423. According to the Yearbook of social indicators regarding the situation of vulnerable children, published in September 2010, of the 10,440 children registered with the welfare centres of the Ministry for Family Affairs during the period studied, 14 girls had been victims of sexual abuse. The number of such cases reported has been 3 in each of the departments of Littoral, Ouémé and Borgou and 1–2 in each of the other departments.

424. According to the study, sexual abuse had concerned girls aged 10–18, comprising 5 girls attending school, 4 dropouts, 4 who had never enrolled and 1 apprentice. Of the school girls, 4 had finished primary education (6 years) and 2 had completed the first cycle of secondary school. The acts, most of which were committed without a condom or other protection, had led to pregnancy (in 3 out of 14 cases reported), abortion (in 1 case), and sexually transmissible disease (in 1 case). Of the offenders, generally aged 20–35, 35 years old men are those most prone to violence against girls.

425. Child victims of sexual abuse are assisted, and their needs are addressed, in various manners.

426. No action is possible if a girl does not report the abuse. If information is made available, the first step is to provide health care, including medical attention and medication. The following measures are taken against the perpetrator:

- Arrest by the gendarmerie or the police and deferment to a court;
- Treatment of the case by the village council;
- Conviction to payment for medical and obstetric care for the girl up to delivery;
- Obtaining of evidence to ensure recognition of the pregnancy;
- Search for the offender, if he is unknown to the girl.

427. The Observatory for the family, women and children of the Ministry for Family Affairs and National Solidarity, with support from the technical and financial partners, prepared and published in June 2010 a study on violence against women and a related plan of action.

428. With regard to violence against girls aged 2–14, the report based on that study states that “many girls are harassed, suffer or are threatened with sexual abuse or rape, or are prostituted to support their families financially”.

429. State employees frequently take advantage of their position to abuse girls sexually. Many girls drop out of school as a result of unwanted pregnancies. All children, especially girls, face threats of sexual harassment or exploitation. NGOs have reported cases of mothers prostituting their daughters.

430. According to the study on violence at school, sexual abuse of young girls in coeducational schools takes the form of non-consensual sexual practices, intimidation and aggression by older boys, and corporal punishment or verbal insults by the teachers. Certain teachers offer girls high grades in exchange for sexual favours.<sup>40</sup>

### **8.3.b Adoption of an action plan to prevent and combat sexual exploitation and abuse**

431. There is no specific action plan to combat sexual exploitation of children. Indirectly, however, implementation of other existing action plans may contribute to solving that problem.

432. The action plan to combat violence against women includes three main thrusts, namely building of an appropriate legal framework conducive to combating violence against women and girls, contribution to social mobilization and communication, and care for and rehabilitation of women and girls victims of violence at the psychological, medical and legal levels. In particular, such girls and women must be treated through an assistance and rehabilitation policy that offers them living accommodations, a decent daily life, and socio-professional integration and development.

<sup>40</sup>

Ministry of Primary and Secondary Education and UNICEF, *Study on violence in Beninese schools*, Volume I, Final main report, October 2009, p. xiii.

**8.3.c Protection of witnesses**

433. Generally speaking, little attention is paid to the hearing of witnesses and victims. Social workers, gendarmerie and police officers and judicial officials are trained in the professional counselling of children. In principle, that also applies to child witnesses and victims.

434. Specific modules on children's rights have been designed and will be incorporated into the initial training programme for the staff of gendarmerie and police training colleges, the National Civil Service and Judiciary Training College and the Training College for Social Workers so as to train the officers and officials in hearing minors. Thus, such modules, drawn up by the Ministry of Justice, Legislation and Human Rights and UNICEF in 2010 and stressing the hearing of minors, whether offenders, witnesses or victims, will address one of the concerns related to protection of school children.

435. In BPM, special arrangements have been made for the hearing of minors, particularly those that are victims of offences. With European Union support under the first project to fight child trafficking, the capacity of the Brigade was enhanced through the construction of premises specially designed for hearing minors.

**8.3.d Obligatory modules on sexual abuse and exploitation in all relevant training programmes**

436. Although no training programme focuses exclusively on sexual abuse and sexual exploitation, training seminars organized for actors in various areas address those aspects of child protection.

437. Prevention is ensured through training seminars and information, education and awareness-raising meetings held by State bodies or NGOs.

438. In the training schools, the trainees' attention is drawn to their responsibilities regarding child protection and to practices that harm or endanger the children.

**8.3.e Strict enforcement of the law**

439. Training seminars are organized on all children's rights in order to make teachers and children fully aware of the seriousness of sexual violence or abuse. Although relevant legislation exists, too few complaints are filed in that area to permit enforcement of the law. Generally speaking, victims and their parents prefer a friendly settlement to requesting the judicial authorities to prosecute the offender.

440. Yet the children are entitled to due process of law and to all applicable remedies.

**8.3.f Prosecution and systematic punishment of sexual abuse and sexual exploitation perpetrators**

441. Perpetrators of sexual abuse and sexual exploitation of children are accountable for such offences to the courts, including the Assize Court, in accordance with the law. Despite awareness-raising action by State bodies and NGOs, the population does not readily report such acts. However, even in the absence of complaints, public prosecutors may ex officio decide to deal with any such cases brought to their attention.

**8.3.g Establishment of a minimum age for sexual consent**

442. The Personal and Family Code, disseminated as a whole among child protection actors, sets the age for marriage at 16 for girls and 18 for boys.

443. In training seminars on children's rights, Interministerial Order No. 16/MEPS/METFP/CAP/DC/SGM/SA of 1 October 2003 on penalties for sexual abuse in public or



private, general, technical or vocational secondary schools or educational establishments and Act No. 2006-19 of 5 September 2006 on sexual harassment and protection of its victims are brought to the knowledge of teachers and other actors working for children.

444. No decision has yet been made as to any review and, if necessary, amendment of existing legislation in order to establish a minimum age for sexual consent.

445. As an indication, a 2009 sentinel surveillance survey on HIV and syphilis infection in Bénin,<sup>41</sup> conducted by the Ministry of Health, the national AIDS control programme (PNLS) and the epidemiological surveillance and research service, revealed that, based on a sample of 10,174 pregnant women or girls, the age of first marriage for women was 15–25, while 0.2 per cent (24) of the persons concerned were girls under 15 and half of the persons examined were under 18.

### **8.3.h Physical and psychological rehabilitation and social reintegration of child victims of sexual exploitation or abuse**

446. There are no centres specialized in psychosocial care, rehabilitation or social reintegration for child victims of sexual exploitation or abuse. The social services, however, are qualified to provide care and psychological follow-up for such victims. The action plan to combat violence against women provides for building the capacities of assistance and care facilities for victims of violence, offering psychosocial care and keeping lists of reference health-care centres for victims and legal support centres.

447. Health and social workers must regularly receive training and retraining.

## **8.4 Drug abuse (art. 33)**

448. There is no new element to report.

## **8.5 Sale, trafficking and abduction (art. 35) and other forms of exploitation (art. 36)**

### **8.5.a Detection and prevention of child trafficking for sexual or other forms of exploitation**

449. As part of combating child trafficking, bodies engaged in child protection have carried out considerable research, including *inter alia* the following studies:

- National study on trafficking, vol. 1, 2 and 3;
- Study on the structural causes of child trafficking in Benin;
- Yearbook of social indicators;
- Protection component of a study entitled “Analysis of the situation of children in Benin”.

450. In 2006, with the support of ILO/IPEC, the Ministry for Family Affairs drew up a national plan of action to combat trafficking in children for labour exploitation.

451. In 2007, UNICEF and the Ministry for Family Affairs prepared the document on national policy and strategies for the protection of children. The budgeting of the related action plan was finalized in 2009.

<sup>41</sup> Ministry of Health, PNLS, Epidemiological surveillance and research service, USAID, Impact, Abt and Global Fund, Sentinel surveillance survey on HIV and syphilis infection in Benin (79 pages), June 2010, p. 38.

452. Through the Directorate for children's and adolescents' affairs, the Ministry for Family Affairs and National Solidarity, in cooperation with its traditional partners in child protection, carried out in 2009 the following community-based activities with support from welfare centres and NGOs:

- Implementation of the annual work plan of the joint Benin-Nigeria committee on trafficking in persons, particularly women and children;
  - Exchange of documents with the Nigerian party;
  - Raising of the population's awareness in the border areas of Sèmè, Owodé and Igolo and establishment of monitoring brigades;
  - Social reintegration of victims;
  - Evaluation of the Zakpota-Abéokouta plan of action;
  - Visit to the Abéokouta quarries;
  - In cooperation with BPM, organization of a training workshop for social workers and law-enforcement staff on care for child victims of trafficking;
- Material support for the training centre that rehabilitates child victims of trafficking in Tokpoè;
  - Four-year vocational training provided to 26 girls victims of trafficking repatriated from Nigeria, who received diplomas in dressmaking and hairdressing and, under the State budget, the equipment necessary to exercise those trades;
- Participation in validating the ECOWAS policy document on protection of human trafficking victims;
- Participation in the drafting of ECOWAS guidelines on the protection of witnesses;
- Preparation of draft Benin-Gabon and Benin-Congo cooperation agreements.

453. Traditional partners of the Ministry for Family Affairs and National Solidarity, such as UNICEF, the European Union, DANIDA, USAID, Plan International Benin and Terre des Hommes, cooperate with national and international NGOs implementing poverty reduction microprojets.

454. Thus, the Central Technical Assistance Office, in cooperation with the Ministry, organized workshops in the country's 12 departments for an exchange of views with key child-protection and civil-society actors on the structural causes of child trafficking and exploitation. These workshops were attended by approximately two hundred representatives of municipal authorities, welfare centres, associations of pupils' parents and other non-State associations, health workers, teachers, technical managers, gendarmerie and police officers and religious leaders.

455. The second project to fight child trafficking, implemented by the above Office, established a fund to finance local initiatives addressing the structural causes of trafficking. Such activities, carried out by the NGOs PIED, Sœurs Salésiennes, Centre d'écoute et d'orientation, GRADH, APEM, Swisscontact, Conseil national des artisans du Bénin and ASSOIE, through structures set up in markets, involve:

- Listening to, advising and orienting children;
- Organizing information, education and communication sessions and radio broadcasts on children's rights: 1,110 persons attended 38 such sessions in the Dantokpa market in Cotonou and similar sessions were attended by 1,300 persons (children, guardians and employers) in the markets of Malanville and Arzèkè in Parakou;

- Ensuring the security of children, especially girls, wandering about in the markets day and night, by receiving, in the Dantokpa market, and offering night shelter to 866 children in Centre Jean Baptiste Babo and in “Petite baraque”; providing health care in 2,037 cases, including 309 inoculations against tetanus; and receiving and helping 1,003 children in child security centres in Parakou and Malanville, including 866 who received care and 392 who were vaccinated against tetanus;
- Teaching children and guardians to read and write basic French;
- Providing training through accelerated educational methods;
- Providing vocational training for children (432 girls, trained in commercial management, and 420 girls, trained in, *inter alia*, small-scale catering, the bakery trade and soap manufacturing, including 65 girls who received a diploma);
- Raising awareness of HIV/AIDS and other social scourges;
- Organizing entertainment activities for children;
- Covering the costs of health care for children.

456. As part of an integrated project to fight child trafficking in northern Benin, particularly in Atacora and Donga, 729 children received care and basic information on HIV/AIDS, 321 were offered shelter and 432 were rehabilitated.

457. In 2009, partnerships of the Ministry of Labour and ILO/IPEC with NGOs enabled Centre Don Bosco to identify, retrieve and train 135 workers aged 12–15.

458. In October 2007, the Observatory for the family, women and children, established in the Ministry for Family Affairs and National Solidarity, funded and produced (in three volumes), in partnership with UNICEF, two surveys on child trafficking.

459. The above study found that:

“Of the 1,980,677 children aged 6–17 who lived in Benin at the time of the survey, 1,662,318 (83.9 per cent) attended school and 318,360 had dropped out of school or were not enrolled. Of the 318,360 dropouts, 254,343 lived with at least one parent, while the remainder (60,364) lived with neither biological parent. Most of the last group joined the foster household well after their birth and were consequently exposed to the risk of trafficking. Of that group, 38,076 were migrants from another commune, 22,288 came from another arrondissement of the same commune, etc.

All in all, of the 1,980,677 children aged 6–17 who lived in Benin at the time of the survey, 40,317 were trafficking victims and 261 were in transit or about to depart, potential victims of trafficking.”

Table 10  
Extent of child trafficking, on the basis of certain sociodemographic characteristics

(1) Characteristics	(2) Number of residents aged 6–17	(3) Number of trafficking victims aged 6–17	(4) Percentage of residents aged 6–17 who are trafficking victims (100 x (3)/(2))
<b>Gender</b>			
Male	1 064 981	5 636	0.5
Female	915 696	34 681	3.8
<i>Fisher threshold</i> <sup>42</sup>	0.000		
<b>Age</b>			
6–9	718 932	7 537	1.0
10–14	898 614	18 555	2.1
15–17	363 132	14 225	3.9
<i>Fisher threshold</i>	0.000		
<b>Educational status</b>			
Enrolled	1 662 318	0	0.0
Dropouts	91 974	11 827	12.9
Never enrolled	226 385	28 490	12.6
<i>Fisher threshold</i>	0.000		
<b>Existence of parents</b>			
Father and mother alive	1 748 938	28 993	1.6
Mother deceased	47 536	1 208	2.5
Father deceased	166 377	8 440	4.9
Father and mother deceased	17 826	1 676	8.9
<i>Fisher threshold</i>	0.000		
<b>Department of residence</b>			
Alibori	81 576	927	1.1
Atacora	125 713	3 029	2.4
Atlantique	301 000	5 907	2.0
Borgou	169 722	2 302	1.4
Collines	201 229	2 360	1.2
Couffo	162 595	342	0.2
Donga	79 842	3 037	3.8
Littoral	200 293	12 557	6.3
Mono	132 903	1 811	1.4
Ouémé	257 093	4 776	1.9
Plateau	84 152	1 800	2.1
Zou	184 559	1 469	0.8
<i>Fisher threshold</i>	0.000		

42

The Fisher threshold is a variable which serves to assess the consequentiality of differences between the values of a given indicator for different sub-populations. The differences noted are regarded as consequential if the Fisher threshold is lower or equal to the significance level that has been set, here 0.05. If the threshold is higher than 0.05, the difference is regarded as virtual, i.e., the value of the indicator is constant for all sub-populations.

<b>Area of residence</b>			
Urban	808 593	28 848	3.6
Rural	1 172 084	11 469	1.0
<i>Fisher threshold</i>	0.000		
<b>Type of commune</b>			
Sending	710 313	9 883	1.4
Receiving	396 244	16 419	4.1
Unknown status	874 121	14 014	1.6
<i>Fisher threshold</i>	0.000		
<b>Total</b>	<b>1 980 677</b>	<b>40 317</b>	<b>2.0</b>

*Source:* Ministry for Family Affairs, Women and Children and UNICEF, *National study on child trafficking, Analytical report*, October 2007, p. 20.

*NB:* The table shows percentages of trafficking victims in various sub-groups of 100 residents aged 6–17.

460. At the non-State level, ONAPETET prepared and published in 2009 a three-year report on child trafficking and labour exploitation.

461. There are local committees to combat child trafficking. Relevant surveillance brigades have been set up in the Sèmè-Podji commune, on the border with Nigeria.

462. With regard to internal trafficking, according to the October 2007 analytical report of the national study on child trafficking, the main sectors concerned were domestic work (62 per cent), subsistence farming (27.3 per cent) and trade (19.7 per cent).

463. Of the internal trafficking victims, 89.7 per cent were girls and 10.3 per cent boys; 48.9 per cent were aged between 10 and 14, 32.9 per cent between 15 and 17 and 18.2 per cent between 6 and 9; 76.2 per cent had never been enrolled in school and 23.8 per cent had dropped out after, on average, three years of schooling; 70.2 per cent had both of their parents, 23.2 per cent had lost their father, 2.2 per cent had lost their mother and 4.6 per cent had lost both parents.

464. Of the children who had been victims of transnational trafficking in the 12 months preceding the survey, 48.0 per cent were girls, 52.0 per cent were boys and 90.4 per cent were at least 10 years old.

465. In terms of work performed for their employers/guardians, of the child victims of trafficking, 40.5 per cent carried out domestic, 25.9 per cent trade and 14.9 per cent agricultural activities, including 12.5 per cent who were engaged in subsistence farming. That distribution was significantly gender-related: of the boys, 60.9 per cent engaged in subsistence farming and 13.7 per cent in domestic activities while, of the girls, 45.0 per cent engaged in domestic activities and 30.3 per cent in trade activities.

466. The distribution of child victims of trafficking among sectors of employment was age-related. Of those aged 6–9, 42.8 per cent engaged in subsistence farming, 30.4 per cent in the crafts and 11.4 per cent in trade. Of those aged 10–14, 34.7 per cent engaged in domestic activities, 31.9 per cent in trade and 15.7 per cent in subsistence farming. Of those aged 15–17, 46.6 per cent engaged in domestic activities, 25.9 per cent in trade activities, 12.6 per cent in subsistence farming and 11.9 per cent in the crafts.

467. The above study identified the children's communes of origin and itineraries, the areas of recruitment for internal and international trafficking, the destination sectors of activity, and the trafficking paths. For the 380 paths identified, information was obtained on the respective organizers; recruiter profiles for the various types of trafficking; transport and border-crossing methods; and the causes and effects of child trafficking. Moreover, a breakdown by community, intermediary and person in charge of a structure against child

trafficking was prepared, the negative impact of trafficking on the child's family and community was assessed and a map showing the relevant actors was drawn up.

#### **8.5.b Improved mechanisms for collection of child protection data**

468. The following are some of the studies carried out in this area:

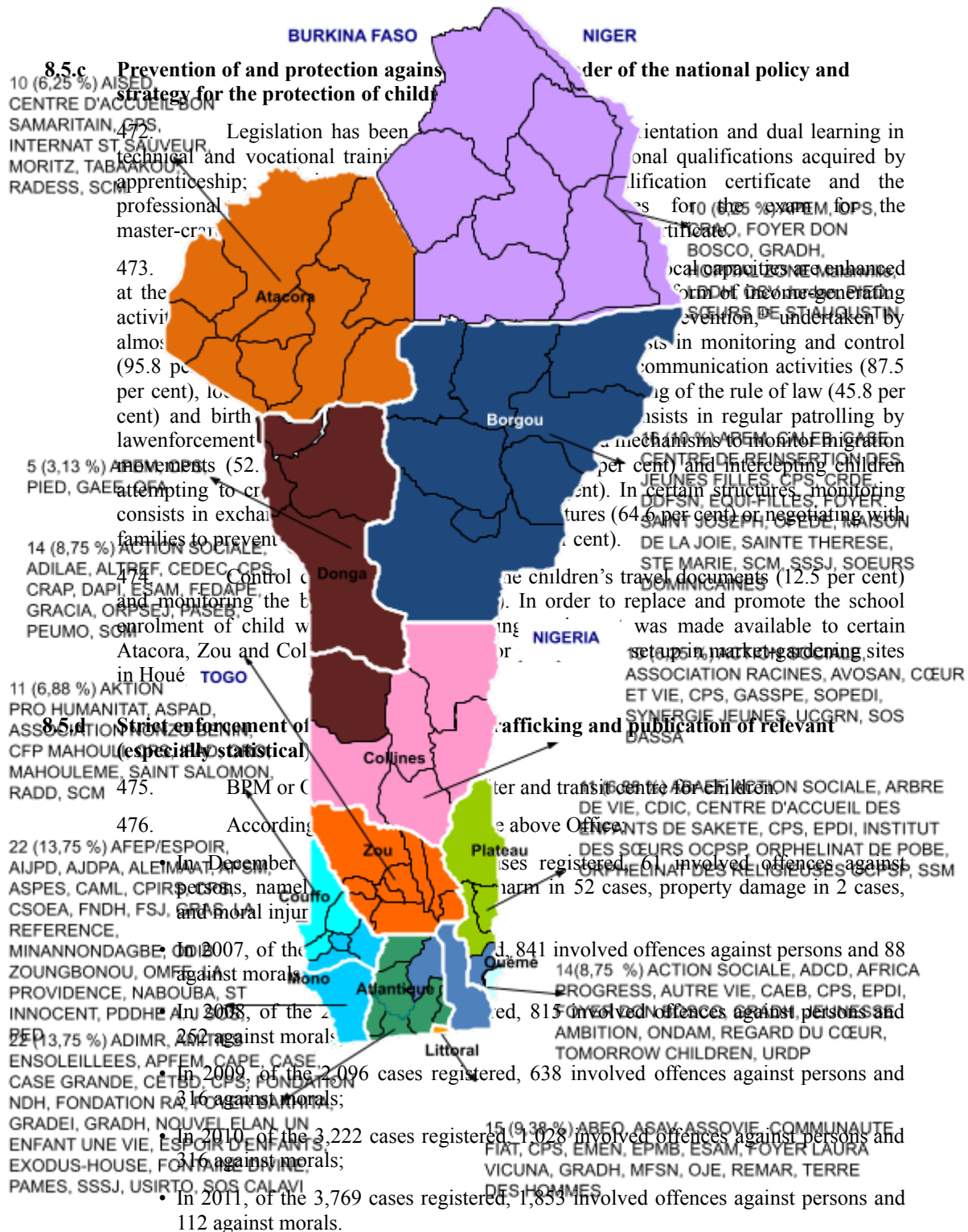
- Knowledge, attitude and practice study on care for young children, 2007;
- National study on child trafficking, INSAE/UNICEF, 2007;
- National study on child labour, INSAE-ILO/IPEC, 2007;
- Monograph on the structural causes of trafficking, based on a study on child mobility and trafficking, Study and Research Laboratory on Social Dynamics and Local Development and Central Technical Assistance Office, 2010;
- Yearbook of social indicators, MFSN/UNICEF, 2010;
- Study on violence against children at school, 2009 (in 26 out of 77 communes, more than 89 per cent of pupils have been victims of violence);
- Study on violence against women and girls, Empower project baseline study, 2008;
- Statistical Yearbook of the Ministry of Justice, 2008–2010, 2011;
- ChildPro database;
- Study on infanticide, MFSN/UNICEF, 2010;
- Study on civil registration, Ministry of the Interior, 2010;
- EMICoV, 2010.

469. The departmental officials of the Ministry for Family Affairs, the officials of welfare centres, and the local, communal and prefectural authorities contributed to data collection for the country's fourth periodic report under the Convention and for the Yearbook of social indicators.

470. Central, departmental and local authorities participate in the compilation of child protection data.

471. The following map, contained the Yearbook of social indicators, shows the bodies involved in ChildPro data collection.

**Bodies working for the ChildPro data collection system and database, broken down by department**



43 Study on child trafficking, 2007, pp. 74–77.

477. Of the 887 children received in total by the above centre, 507 were girls and 380 boys.

478. The services of the Office are extensively demanded in connection with social cases and the retrieval and rehabilitation of child victims of trafficking.

479. A considerable number of persons have been prosecuted for child trafficking or other offences committed against children.

#### **8.5.e Strengthening of community-based mechanisms, including local committees, to prevent and monitor child trafficking and exploitation**

480. Local capacity building takes the form of support for school enrolment of children exposed to the risk of migration (41.7 per cent) and for the various entities combating child trafficking (35.4 per cent). School support has been provided to more than 3,000 children at risk, while apprenticeships have been arranged for more than 80 children as part of a Terre des Hommes project with UNICEF. Support for actors has mainly consisted in equipment and materials (16.7 per cent) and training (31.3 per cent).<sup>44</sup>

481. In the rural areas, the Ministry of Agriculture, Livestock and Fisheries, through the Directorate for rural legislation, organized, under Act No. 2006-04 of 10 April 2006 on conditions for the transfer of minors and suppression of child trafficking in Benin, trainers' training activities for:

- Information, education and communication technicians entrusted with training and informing peasants' organizations, groups of cooperatives and agricultural professional organizations;
- Local female trainers in November 2008 and in 2009, so that they could help, in the villages, illiterate women in various areas of advancement of rural women and their children.

#### **8.5.f Continued efforts for transnational cooperation against child trafficking and conclusion and implementation of agreements between neighbouring countries**

482. Bilateral and multilateral cooperation agreements were signed between Benin and other ECOWAS and ECCAS countries with a view to more effective action against trafficking in persons, particularly women and children.

483. Act No. 006-04 of 10 April 2006 and the related implementation decrees are brought to the attention of key actors in the fight against child trafficking. Various bodies distribute relevant brochures and leaflets.

#### **8.5.g Adequate and systematic training for all professional groups concerned, particularly law-enforcement officials and border guards**

484. The beneficiaries of the activities in question are trainee police-superintendents and police-inspectors, police officers, local gendarmes, the staff of child assistance centres and child protection NGOs, members of Beninese consulates and embassies abroad, security service officers, district chiefs, mayors and prefects.

485. Training has also been offered to labour inspectors; judges; members of associations of pupils' parents, local committees and civil society organizations; and inhabitants of ProChild areas of action.

486. The activities carried out have included the following, *inter alia*:

- Dissemination of the "Children of Benin" statistics software of OCPM;
- Establishment of assistance procedures for child victims of trafficking;

<sup>44</sup> Study on child trafficking, 2007, pp. 74–77.



- Capacity building against child trafficking in West Africa;
- Child trafficking and domestic legislation on the transfer of children;
- Fundamental Conventions of ILO, especially those related to child labour;
- Child protection mechanisms in the Zou department and certain Borgou or Alibori villages;
- Training modules for local committees and welfare centre officials;
- Periodic capacity-building for local committees against child trafficking;
- Communication techniques, advocacy tools and the role of a network;
- Rights and protection of children who are currently victims of trafficking;
- Implementation of the Convention, and the various stages of drawing up an alternative report;
- Strategic planning tools against trafficking in children;
- Introduction into identifying child victims and other vulnerable children.

**8.5.h Prevention campaigns, and awareness-raising initiatives for parents and other persons responsible for children**

**8.5.i Appropriate system for following up children reintegrated into their families**

487. Enquiries are made regarding the children's reintegration into their family and social group. Child protection actors report cases of failed rehabilitation.

**8.5.j Adequate assistance, psychosocial-rehabilitation and social-integration programmes for sexually exploited and/or trafficked children**

488. Studies undertaken after the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children led to the establishment of programmes of action against sexual harassment and other forms of violence at school.

**8.5.k Protection of child workers in cooperation with the International Programme on the Elimination of Child Labour of ILO**

489. A number of activities were carried out with the support of ILO/IPEC. The following studies were aimed at gaining further insight into the phenomenon in question:

- Study on child trafficking and labour exploitation: social and demographic attributes of victims;
- Diagnostic study on the learning environment in project schools;
- Assessment of basic education and training opportunities for child victims of trafficking and adults in their families (at Sô Ava, Kpomassè and Zakpota).

490. Training has been provided to:

- Government agencies and NGOs in the techniques of designing, developing and implementing projects against child trafficking and economic exploitation;
- Journalists in appropriate methods of handling information related to the fight against child trafficking;
- Parliamentarians, along with sensitization to child trafficking, and advocacy of relevant legislation;
- Commune authorities and law-enforcement personnel in child trafficking issues.

491. Awareness-raising campaigns against child trafficking and labour exploitation were organized in order to reduce demand for child labour in the country's destination areas. Other related activities included, *inter alia*, sponsoring artistic video clips on children's rights and the translation of Act No. 2006-04 of 10 April 2006 into six local languages by ILO/IPEC.

492. Direct action (retrieval and rehabilitation of children) includes, *inter alia*, support for assisting and rehabilitating child victims of trafficking in various communes; establishment of a civil society observatory for the protection of children against trafficking and labour exploitation; establishment of school club under the Project to Combat Child Trafficking for Labour Exploitation in West and Central Africa; prevention of child trafficking; social rehabilitation of child victims; strengthening of the activities of care centres for child victims; and enhancement of local capacities to prevent cross-border child trafficking in communities on the borders between Benin, Ghana and Togo.

493. The above activities helped to identify and build on 10 best practices against child labour and child trafficking. The practices are based on partnership, synergy, concerted action and children's participation.

## 8.6 Children belonging to a minority or an indigenous group (art. 30)

494. There is no new element to report.

## 8.7 Children living or working on the streets

### 8.7.a Systematic assessment of the situation of street children: causes and extent of the phenomenon

495. The 2007 document on national policy and strategies for the protection of children revealed that the phenomenon of street children, both *talibés* and otherwise, is widespread in cities: they beg, sniff glue and sleep in the street. The document concluded that surveillance of Koranic schools was necessary.

496. The Yearbook of social indicators published in September 2010 by the Ministry for Family Affairs on the situation of vulnerable children defines "children on the street" and "street children" as follows.

- Any minors who spend the bulk of their time on the street, whether working or not, and who maintain ties with their parents, guardian or other person responsible for their care or protection shall be considered "children on the street";
- Any minors residing in an urban area who spend all of their time on the street, whether working or not, and who maintain few or no ties with their parents, guardian or other person responsible for their care or protection shall be considered "street children".

497. The street is the sole and permanent setting for the lives of such children, and their source of livelihood. "Street" means any place other than a foster family or children's home, such as public or private constructions, including buildings, courtyards and pavements.

498. Certain children presented themselves at welfare centres to be listed in the ChildPro database of the Ministry for Family Affairs and National Solidarity. Others were found at various places, for instance at an area's most popular vendor, about the streets, at a major crossroads, in front of a house, in a market or other public place, near a nightclub, in a video viewing hall or with a group of older persons in a crowded district.

499. Of the children on the street identified in the framework of this survey, 71 per cent are boys and 29 per cent girls. The departments with the highest percentage of children on the street are Ouémé, with 33 per cent, and Littoral, with 25 per cent, compared to 3–8 per cent in other departments (Atlantique, Borgou, Collines, Donga, Mono and Zou). In the department of Ouémé, there are only boys. The commune with the greatest number of children on the street (17) is Porto-Novo.

500. Of the children in question, 95 per cent are Beninese, 3 per cent Togolese and 2 per cent Nigerian.

501. The report identifies specific causes of the phenomenon of children on the street.

502. Such causes include certain forms of parent behaviour, such as severity (23 per cent) and aggressiveness (10 per cent), parents' detention (3 per cent), lack of parental authority (26 per cent), lack of support (26 per cent), and rejection (12 per cent). Of the 20 per cent of children placed with a guardian, 5 per cent had lost their mother, 12 per cent their father and 8 per cent had left their guardian to find their biological parents.

503. Street children work as carriers in markets or look for food in public garbage bins. Those who are on the street all the time learn violence and the sexual life of the street. Girls, especially the youngest, are victims of sexual violence in the market ghettos, particularly those of Dantopka and Malanville. The extent of the phenomenon is unknown because there are too few relevant studies. However, certain indicative figures are contained in the Yearbook of social indicators, 2010. Thus, in the period 2007–2008, 91 street children were registered in the ChildPro database. Referred to protection structures for various services, they account for 0.9 per cent of the 10,440 children assisted during the survey period. That percentage is low because few organizations address the problem of the country's street children. Of the street children, 79 per cent are boys and 21 per cent girls. The departments with the highest rate of street children are Littoral (43 per cent) and Ouémé (34 per cent), followed by Mono and Borgou (7 per cent each), and the other departments (1–2 per cent). Of the children in question, 90 per cent are Beninese, 3 per cent Togolese, 3 per cent Nigerian, 2 per cent Ghanaian and 1 per cent Malian, while approximately 80 per cent are aged 10–18, 39 per cent 15–18 and 40 per cent 10–14. Of the girls, 53 per cent are aged 5–9. Children aged 2–4 account for 4 per cent. As one would expect, such stray children are referred to assistance facilities. Of the street children, 33 per cent are enrolled in school, 29 per cent have dropped out and 24 per cent have never enrolled, while 30.8 per cent have a birth certificate. Boys, mainly, associate with groups of petty offenders (37 per cent) and aimless persons (12 per cent). Girls associate with prostitutes, wander about, beg or do nothing, while boys engage in pilfering, swindling and begging around mosques or provide help against any remuneration. Given the type of activities in which they engage, street children and children on the street are frequently in conflict with the law.

504. Most of the children have spent on average of 6.9 months on the street (2 months in the case of girls and 8 months in the case of boys). Child protection bodies locate certain children within the first 30 days on the street. The maximum number of months spent on the street is 87 for boys and 36 for girls. Children having spent the longest time on the street are those addicted to drugs (4 per cent), with an average of 22 months, and children whose parents are detained, with an average of 16 months.

505. The causes leading children to the streets are loss of the father (82 per cent), parents' detention (67 per cent), lack of parental authority (60 per cent) or support (53 per cent), and rejection (50 per cent).<sup>45</sup>

<sup>45</sup>

MFSN, Yearbook of social indicators, 2010.

**8.7.b Formulation of a comprehensive policy on street children, with their active participation**

506. Generally, children participate in all meetings on children's rights. The issue of street children and children on the street has not been dealt as a matter of priority in recent years. Certain specialized structures work on protecting and assisting those groups but few projects have focused on it.

507. Work carried out in non-institutional settings by the staff of protection centres for children and adolescents has helped to identify places frequented by street children in markets and assist such children. In 2009, for instance, such a centre at Aplahoué assisted 40 children and some of their parents and guardians.

508. Discussions at the latest 2010 meeting of CNDE focused on solutions to problems related to street children. Support methods were considered and strategies and recommendations were formulated with a view to continuing the combat against that phenomenon throughout the country. It was decided to carry out a diagnostic study and to draw up, for the actors, a policy aimed at, *inter alia*:

- Ensuring the participation of the media in preventing the phenomenon;
- Involving street children in the formulation of projects and programmes for their social rehabilitation;
- Drawing up a three-year participatory action plan to organize manual, sport, learning, cultural, recreational, educational and intellectual activities for street children.

509. The Commission reviewed and amended the standards and rules governing assistance centres for vulnerable children. A draft decree on general conditions for the creation, opening and closing of such centres provides that, in order to ensure high-quality alternative protection, the creation and opening of the centres shall be subject to State approval and control.

**8.7.c Protection of street children**

510. Child protection is organized in cooperation with NGOs. Where necessary, existing assistance centres provide street children with care, including, *inter alia*, shelter, medical attention, education or vocational training, or other social services, according to the children's needs and the centres' means.

511. Street children are assisted by such NGOs as PIED, Terre des Hommes, Carrefour d'écoute et d'orientation, GRAPESAB, Don Bosco, Le bon samaritain, Notre Dame de refuge and Nabouda, and by protection centres for children and adolescents.

512. In the Don Bosco centre, for instance, child protection activities comprise prevention of delinquency, trafficking and living on the street; awareness-raising and support for children in prisons; assistance, care and supervision for children in transit and residential centres; hygiene- and food-related training; social enquiries; visits to families; alternative education and literacy; regular meetings with psychologists; vocational training workshops; and agricultural activities in agropastoral training centres.

**8.7.d Family reunification**

513. In Benin, family reintegration is a priority, in the child's best interests. In all cases, parents are authorized to maintain contact with children in assistance centres and are consulted in connection with steps taken for the children's rehabilitation.

## 8.8 Administration of juvenile justice

### 8.8.a Legal reforms in the area of the administration of juvenile justice

514. Progress in the area of juvenile justice includes the following significant advances:

- Designation of juvenile judges in all courts of first instance;
- Dissemination of child protection law and regulations;
- Alternatives to prosecution and imprisonment in the case of minors in conflict with the law;
- Legal assistance for minors in conflict with the law;
- Training of all entities or persons working with children in the provision of legal assistance to minors in conflict with the law;
- Sensitization and training of judicial authorities in relation to the implementation of the Committee's general comment No. 10 on children's rights in juvenile justice.

515. Ordinance No. 69-23 of 10 July 1969 is being updated. During the first 2011 meeting of CNDE, the provisions of the Ordinance were reviewed and amendments were proposed. In October 2011, those amendments served as a basis for finalizing the Children's Code during a workshop organized by the Ministry of Justice with the support of UNICEF.

516. In general, legal assistance is available systematically to all children in conflict with the law.

517. With regard to juvenile delinquency, the Ministry of Justice, with the support of UNICEF, organized training courses to promote alternatives to prosecution and imprisonment in the case of minors in conflict with the law. Assistance centres are identified to provide psychological and social support for children benefitting from alternative measures.

518. Training activities related to alternative measures have taken or are taking place to enable all actors working for children to deal with juvenile delinquency cases outside the judicial sphere.

### 8.8.b Compliance of the juvenile justice administration system with the Convention, particularly articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice

519. In the prisons, there are sections specifically reserved for minors. Educational facilities, supported by UNICEF, are created in order to prepare the children's reintegration and occupy them. The children engage in dressmaking, weaving or other manual work.

520. With the support of UNICEF, the Ministry of Justice conducted in 2006 a study on juvenile delinquency. The relevant report identifies a number of problems related to, *inter alia*, prison overcrowding, poor living and hygiene conditions, lack of leisure and entertainment, and inadequate health care; and notes that 20–30 minors share one room (in the prison of Cotonou). Too many minors are detained on remand and certain minors await trial longer than six months. According to the report, detention conditions are better in the prisons of Ouidah and Abomey.

521. More recent information, obtained through SitAn, indicates that, according to the Statistical Yearbook published by the Ministry of Justice, Legislation and Human Rights in 2011, detention on remand is excessively long, exceeding in some cases 24 months.

522. In order to reduce the number of under age inmates and improve their living conditions, the Ministry of Justice has established:

- Non-custodial penalties;
- Social and educational spaces;
- Social and legal assistance.

523. UNICEF has carried out trainers' training modules on juvenile justice and on alternatives to prosecution and imprisonment, and organized training seminars on such modules for the relevant actors. In that connection, a procedural guide on assisting children in conflict with the law and an action plan for the implementation of alternative measures have been drawn up.

524. Other forms of support provided by UNICEF, particularly for educational spaces (for instance, weaving and sewing supplies), help to improve the living conditions of imprisoned children. The provision of vehicles and computers to protection centres for children and adolescents enhance those centres' capacity to assist the children placed with them.

### **8.8.c Strict enforcement of legislation and judicial procedures**

525. With the support of such technical and financial partners as UNICEF and ILO/IPEC, State bodies and NGOs organize various training activities for judges, judicial staff, the police, the gendarmerie, lawyers, prison personnel and social workers with regard to legislation on the protection of children and judicial procedures regarding minors.

526. Under the auspices of the Ministry of Justice and UNICEF, a regional training workshop on juvenile justice indicators, organized at Cotonou on 30 November-2 December 2010 and attended by representatives of Burkina Faso, Côte d'Ivoire, the Niger, Togo and Benin, discussed the issue of juvenile justice, the use of relevant information systems, and the introduction of non-judicial measures into the justice system, such measures being crucial to juvenile justice. The qualitative and policy indicators approved are listed below.

527. The following 11 qualitative indicators were adopted, in reference to a 12-month review period:

- 1. Number of children arrested during;
- 2. Number of children detained (specific key indicator);
- 3. Number of children detained on remand (specific key indicator);
- 4. Duration of detention on remand;
- 5. Duration of detention after judgment (time spent in detention per child);
- 6. Number of children deceased during detention;
- 7. Number of children separated from adults;
- 8. Contact with the parents and family;
- 9. Children deprived of liberty as a percentage of the total number of convicted children;
- 10. Recourse to non-judicial measures for dealing with juvenile delinquency cases;
- 11. Post-detention support.

528. The following policy indicators were adopted:

- Periodic independent inspection of detention facilities;

- Complaint mechanisms;
- Specialized juvenile-justice system;
- Prevention.

529. Country-specific feedback was provided in relation to the above indicators. In the case of Benin:

- The information system must be strengthened, building on the ChildPro and Enfants du Benin databases;
- Juvenile justice indicators must be integrated into the national judicial data collection system;
- Gaps in inter-institutional centralization and coordination must be filled.

530. The above workshop encouraged discussion and multidisciplinary cooperation on the said indicators in each of the countries concerned. The action plans drawn up will enable the individual countries to prepare their juvenile justice indicators.

531. Thus, a Beninese action plan for the development of the country's juvenile justice system was formulated. It aims at enhancing the capacities of juvenile justice and other actors by means of:

- Strengthening of the existing juvenile-justice information system;
- Periodic reports on juvenile justice indicators;
- Advocacy;
- Monitoring and evaluation of implementation.

532. Implementation of the plan will be funded under the State budget with the support of UNICEF and other partners.

#### **8.8.d Urgent establishment of an internationally acceptable age for criminal responsibility**

533. The Ordinance of 1969 is still in force. The age for criminal responsibility has not yet been amended and continues to be 13.

#### **8.8.e Measures to ensure that children deprived of their liberty remain in regular contact with their families while in the juvenile justice system**

534. Children deprived of liberty may maintain contact with their family, provided its address is known. In reality, certain families reject their delinquent children, and certain children in conflict with the law prefer to provide the court with false details on their family so that it will not be found. All children in conflict with the law receive legal assistance systematically.

535. Social workers of the judiciary, in cooperation with legal assistants, provide the children in question with post-detention follow-up.

#### **8.8.f Introduction of non-custodial penalties**

536. The principle that liberty is the rule and deprivation of liberty the exception applies to both minors and adults.

537. In training seminars, actors involved in investigating, prosecuting and punishing minors for an offence are alerted to the risks to which children are exposed during detention, particularly through proximity with adult offenders, and to the need for the detention of minors to be as short as possible.

538. In 2010, after training modules on the administration of juvenile justice, further training modules on children's rights, and relevant teacher training, were prepared for the National Civil Service and Judiciary Training College, the Police Training College, the National Police Academy, the Gendarmerie Training College and the Training College for Social Workers.

539. According to the Ordinance of 1969, non-custodial penalties consist in reprimand or provisional or definitive custody for purposes of rehabilitation and monitoring, such as turning over of the minor to his the father or mother, or to a trustworthy person or charitable institution in supervised liberty, or placement in a protection centre for children and adolescents or a charitable or vocational training facility.

540. Beninese legislation does not yet provide for community service or probation. However, a minor may receive an immediate or suspended imprisonment sentence in accordance with the law and favourable provisions applicable to minors.

#### **8.8.g Establishment of family courts with specialized juvenile judges**

541. The current legislation does not provide for family courts. Juvenile courts are competent to hear criminal and civil cases involving minors.

#### **8.8.h Reintegration of children into their family and community and follow-up of such children by the social services**

542. The social services participate in the hearing of minors and follow up children in detention centres and protection centres for children and adolescents. Teachers and social workers are responsible for the children's social, family or occupational rehabilitation.

543. Protection centres for children and adolescents receive children in conflict with the law or exposed to moral risks. In such reformatories, teachers work in both a custodial and a non-custodial setting.

544. In order to enable more children in conflict with the law to benefit from reformatory services and better supervision, the State created, 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, regional protection centres for children and adolescents at, respectively, Parakou, Borgou-Alibori department, and Aplahoué, Mono-Couffo department, in addition to the pre-existing Aglangandan Centre at Sèmè Podji. Under Decree No. 2006-395 of 31 July 2006, each centre is attached to a court of appeal and covers four departments.

545. The sentence imposed on minors in conflict with the law depends on how mature they are.

546. With regard to article 37 of the Convention, sentences for offences committed by minors are based on Ordinance No. 69-23 PR/MJL of 10 July 1969 on hearing offences committed by a minor, which contains provisions favourable for minors in conflict with the law. That Ordinance distinguishes between minors under 13, who have the benefit of an irrefragable presumption of irresponsibility, and minors aged 13–18, who may incur penalties equal to one half of those applicable to adults. Under the current legislation, a minor may not be sentenced to the death penalty or to imprisonment or to penal servitude for life, regardless of the seriousness of the crime committed.

547. All juvenile justice professionals, namely judges, lawyers, police and gendarmerie officers, social workers and specialized teachers, are trained in alternative measures, out of court arrangements and restorative justice. The relevant training modules are based on the international standards of juvenile justice, namely, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their



Liberty (the Havana Rules) and the Guidelines for Action on Children in the Criminal Justice System recommended by the Economic and Social Council on 21 July 1997.

548. Minors in conflict with the law are also covered by the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the Standard Minimum Rules for the Treatment of Prisoners.

549. Table 11 contains non-gender-disaggregated judicial statistics on juvenile justice, by category of juvenile detainees. Table 12 shows changes in the range of activities of the social assistance service of the Directorate of prison administration and social assistance. Table 13 shows the development of the number of juvenile detainees assisted. The tables cover the period 2006–2010.

Table 11  
Development of the number of juvenile detainees, by category, 2006–2010  
(as of 31 December)

Year	Detainee categories	Civilian prisons									Total
		Cotonou	Abomey-Calavi	Ouidah	Porto-Novo	Abomey	Lokossa	Parakou	Kandi	Natitingou	
31 December 2006	Indicted	28		4	14	24	13	15	5	4	107
	Accused	5		2	0	0	0	0	0	0	7
	Convicted	0		0	0	1	0	7	0	0	8
	<b>Total</b>	<b>33</b>		<b>6</b>	<b>14</b>	<b>25</b>	<b>13</b>	<b>22</b>	<b>5</b>	<b>4</b>	<b>122</b>
2007	Indicted	33		6	12	25	12	17	6	4	115
	Accused	14		4	0	0	2	0	0	0	20
	Convicted	2		0	0	0	0	0	0	0	2
	<b>Total</b>	<b>49</b>		<b>10</b>	<b>12</b>	<b>25</b>	<b>14</b>	<b>17</b>	<b>6</b>	<b>4</b>	<b>137</b>
2008	Indicted	69		18	19	19	10	8	8	6	157
	Accused	0		0	3	0	0	0	0	0	3
	Convicted	0		0	0	0	0	0	0	0	0
	<b>Total</b>	<b>69</b>		<b>18</b>	<b>22</b>	<b>19</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>6</b>	<b>160</b>
2009	Indicted	64		10	10	25	7	12	18	8	154
	Accused	0		0	0	0	0	0	0	2	2
	Convicted	0		0	0	0	0	0	0	0	0
	<b>Total</b>	<b>64</b>		<b>10</b>	<b>10</b>	<b>25</b>	<b>7</b>	<b>12</b>	<b>18</b>	<b>10</b>	<b>156</b>
2010	Indicted	Nd		nd	23	nd	nd	nd	nd	15	38
	Accused	Nd		nd	0	nd	nd	nd	nd	0	0
	Convicted	Nd		nd	0	nd	nd	nd	nd	0	0
	<b>Total</b>	<b>NA</b>		<b>NA</b>	<b>23</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>	<b>38</b>

Source: Project Monitoring and Evaluation Service (SSEP)/DPP/MJLDH.

Table 12  
Development of the range of activities of the social assistance service of the Directorate of prison administration and social assistance, 2006–2010

Beneficiaries or activity	Gender										Total for both genders				
	Male					Female									
	2006	2007	2008	2009	2010	2006	2007	2008	2009	2010	2006	2007	2008	2009	2010
Children assisted	586	792	153	215	210	151	173	28	47	49	737	965	181	262	259
Assisted children in conflict with the law	448	695	139	146	218	65	66	13	11	17	513	761	152	157	235

Children whose parents separated	157	334	82	45	61	65	109	30	24	23	222	443	112	69	84
Children exposed to moral risks	80	119	40	10	44	3	49	0	11	11	83	168	40	21	55
Minors retrieved from workshops	213	404	107	123	121	13	13	1	2	0	226	417	108	125	121
Vulnerable couples counselled											85	104	92	99	105
Hearings											164	180	127	178	194
Children followed up in a non-institutional setting											167	99	0	148	96

Table 13  
Development of the number of juvenile detainees followed up, 2006–2010

Juvenile detainees	Boys					Girls					Total for both genders				
	2006	2007	2008	2009	2010	2006	2007	2008	2009	2010	2006	2007	2008	2009	2010
Number of minors at beginning of period	NA	476	130	141	121	NA	44	12	9	10	NA	520	142	150	131
Minors liberated during the period	NA	24	146	120	125	NA	24	18	16	11	NA	48	164	136	136
Minors received during the period	NA	148	169	111	129	NA	23	17	14	17	NA	171	186	125	146

Source: SSEP/DPP/MJLDH.

## IX. Optional protocols

### 9.1 Initial reports under the Optional Protocols to the Convention

550. Benin has presented no report under the Optional Protocols to the Convention.

### 9.2 Publication of the two Optional Protocols in the Official Journal

551. The two Optional Protocols have not yet been published in the Official Journal.

## X. Follow-up and dissemination

### 10.1 Follow-up

552. The Committee's concluding observations (CRC/C/BEN/CO/2) on the second periodic report were broadly disseminated at all levels, including State bodies, NGOs, and departmental, communal and local authorities.

### 10.2 Dissemination of the second periodic report, the written replies submitted by Benin and the related recommendations (concluding observations) in the languages of the country

553. At information meetings organized by CNDE on the Committee's recommendations, the various stakeholders had an opportunity to become acquainted with the contents of the periodic report. Such meetings took place in all departments and were attended by civil society organizations, youth movements, the professional groups concerned, religious representatives and children.

