

Country session: Benin

Date of session: 26th September 2018 (79th session)

Background information

[OHCHR press release](#)

Webcast OPAC and [OPSC](#)

Audio file

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	04 Jul 1997
Updated document	24 Nov 2005
Annexes	-

OPAC			OPSC	
No. of report	1 st	-	No. of report	1 st
Due date	28 Feb 2007	-	Due date	28 Feb 2007
Submission	31 May 2016	-	Submission	31 May 2016

Written replies OPAC	
Submission	<u>20 July 2018</u>
Due date	
Written replies OPSC	
Submission	<u>25 July 2018</u>
Due date	

Public reports from children's rights defenders

Alternative reports	
NGOs	<ul style="list-style-type: none"> Human Rights Watch (OPSC) ESAM-CLOSE (OPSC)
NHRIs	



State delegation

The delegation was multisectoral and composed by technical staff. It was headed by Severin Maxime Quenum, Minister of Justice and legislation and accompanied by representatives of the Ministry of Justice and Legislation, Central Office for the Protection of Minors, Directorate of the Penitentiary, Administration and Human Rights Protection, Directorate for Education Monitoring and Social Protection of Minors, and members of the Permanent Mission of Benin to the United Nations Office at Geneva.

Committee's Task Force members

Name & Last Name	Country
Hynd Ayoubi Idrissi (OPAC)	Morocco
Mikiko Otani (OPAC)	Japan
Ann Skelton (OPSC)	South Africa
Hantem Kotrane (OPSC)	Tunisia

Dialogue description

i. Character of the dialogue

The atmosphere was constructive and cooperative. The quality of the dialogue was technical and focused.

ii. General assessment made by the Committee

Regarding OPSC, the Committee stressed the fact that despite all the laws in place, children's rights under the protocol were not fully protected: children were at risk of exploitation and abuse due to harmful traditional practices, such as *vidomegon*. During the dialogue, the situation of albino children, *talibé* and "witch children" were also mentioned. With regard to OPAC, issue of the situation of refugee children and asylum who might have been involved in armed conflict in their countries of origin, were raised. Moreover, the age determination methods for army recruitment were an area of concern: the low ratio of birth registration in Benin did not ensure the majority of recruits. The Committee concluded by recognizing the commitment of the delegation and that Benin's legal framework was quite advanced. It encouraged looking into law again in the light of the two Optional Protocols.

iii. Main issues discussed:

OPSC:

- **General measures of implementation:** The Committee welcomed the progress made since the 5th report and the procedure for the ratification of the 3rd Protocol. However, it was concern over the lack data collection for sale, child pornography and sexual exploitation. The delegation said that some steps in this direction were taken.
- **Definitions of sale under OPSC:** The Committee welcomed the number of laws and acts related to the OPSC, such as the Children's Code. However, the Committee asked whether the sale of children under the Children's Code were correctly criminalized, because some societal norms allowed forms of exploitation. The delegation replied that the new Criminal Code had brought together all criminal law texts and had included all the crimes related to the rights of the child that did not exist previously and covered all acts that went beyond just the sale of children.
- **Harmful practices:** The Committee was very concerned about traditional practices, especially *vidomegon*, which was close to sale and trafficking: girls were often forced to work as domestics or being sexually exploited. It also questioned the situation of *talibé* boys, which often were exploited by teachers and asked whether this practice was seen as a form of exploitation. Moreover, the Committee also raised concern about the "witch children" and albinos and asked the particular measures taken to tackle the situation. On *vidomegon*, the delegation replied that it is a rare practice and thank to raising awareness of the population, the phenomenon decreased. The delegation said that albino and *talibé* were not a problem in Benin. On "witch children" is said that it was a cultural issue and existed in only one region of the country.
- **The rights of victims:** The Committee questioned whether criminal justice officials were familiar with the *United Nations Guidelines on Justice in matters involving Child Victims and Witness*. It also asked about the situation of the two child-friendly courts. Furthermore, the Committee raised the issue of transit centres for child victims of trafficking, which were not fully functional, and the staff were unqualified for working with children victims of sale, sexual exploitation and child prostitution.

OPAC:

- **General measures of implementation and dissemination of OPSC:** The Committee was concern over the lack of disaggregated data and asked about the role of children and civil society organizations in the preparation of the report. Moreover, it also questioned whether the Optional protocol were disseminated to all the children in the country, both to those in school and those not in schools. The delegation replied that civil society helped for the preparation. On dissemination the acknowledged that it was a challenge. In military schools, the OPAC was in school curricula at the end of secondary schools.
- **Refugee and asylum-seeking children:** The delegation was asked about migrant and refugee children at risk of recruitment in armed conflict in other countries and about specific training in order to identify such

children. The delegation replied that had been no cases of refugee and asylum-seeking children who might have been involved in armed conflict in their countries of origin.

- **Age of recruitment:** The Committee was very concern about the age of recruitment; due an inadequate birth registration rates, it asked about the government can be sure that children under the age of 18 had not joined the armed forces. Moreover, it also asked what age determination methods were being used in the absence of birth certificate. The delegation replied that army recruitment was well regulated and there was an obligation to each applicant to present a birth registration certificate.
- **Definitions under the OPAC- Recruitment:** The Committee questioned whether children's Code include all acts prohibited under OPAC, and especially if prohibited involuntary recruitment of children in armed forces and the recruitment and use of children in armed conflicts by non-State armed groups. According to the delegation, the Children's Code also covered the recruitment by the non-State armed groups outside the country. Moreover, the national law had a jurisdiction over them and would treat such cases as unlawful recruitment.
- **Protection of child victims and sexual exploitation:** The Committee wondered if the Children's Code included special measures for victims and treatment and support the recovery and reintegration of children recruited. Furthermore, the Committee asked what progress had been made to raise awareness among the peacekeeping forces aware about children's rights, particularly sexual exploitation and abuse. On children's complaints, the delegation replied that the authorities were working in partnership with UNICEF to enable all relevant stakeholders to visit any school and check the status of all children's rights in them. Moreover, it highlighted that the Constitutional Court also received complaints of children, protecting their identity. By now, six cases of violations of children's rights were inquired.

Recommendations of the Committee

In its Concluding Observations, the Committee drew attention to the need of **measures** concerning the following areas:

OPSC

- **Measures adopted to prevent offences under the Protocol:** The Committee recommends to prioritize policies that emphasize prevention of the offences covered by the Optional Protocol, raise awareness among the general public and the most vulnerable and poor communities, including by providing information about the harmful effects of such practices, the sanctions related to offences, and by monitoring and evaluating the effectiveness of such policies. It urges the State party to ensure effective and functioning birth registration centres throughout the country and increase efforts to promote public awareness on the importance of birth registration and the process of acquiring a birth certificate and stablish child-friendly mechanisms and guidelines for mandatory reporting of cases of sexual abuse and exploitation of children, especially in schools, and ensure that perpetrators are brought to justice. To combat sale of children for forced labour, it is commended to: implement the provisions of the Labour Code concerning child labour and the list of the hazardous types of work prohibited for children and strengthen community-based mechanisms to prevent and combat economic exploitation of children; investigate and prosecute persons responsible for harmful practices that can amount to offences under the Optional protocol, work closely with traditional leaders and community-based organisations to raise awareness of the harmful effects of such practices and to eradicate them. It also recommends adopting a comprehensive policy and strategy covering all the offences under the Optional protocol; develop systematic procedures for identification of child victims; train law enforcement officials on identification and referral procedures, and provide adequate support to child victims of trafficking. Moreover it commends to develop child-empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk and promote child protective social norms through community development projects, civil society such as youth groups, faith-based organizations and the media, including social networks; to strengthen the referral and follow-up procedures, specialized mechanisms for the identification of children who are at risk of becoming victims, or who are victims, of offences covered by the Optional Protocol, in particular for children in vulnerable situations, such as children living in poverty, in particular in rural areas. It also recommends to ensure ongoing



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attention to the issue of missing children, collect and analyse regular statistics and adopt effective strategies for receiving reports and for a swift response to increase the possibilities of finding such children and preventing them from becoming victims of crimes under the Optional Protocol and seek technical support from UNICEF and other specialized agencies.

- **Sexual exploitation in travel and tourism:** The Committee urges the State party to continue to conduct advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the World Tourism Organization's global code of ethics for tourism among travel agents and tourism agencies and encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. It also urges the State party to impose appropriate penalties on the perpetrators of sexual exploitation of children in travel and tourism.

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OPAC

- **Age verification:** The Committee stresses the importance of birth registration in the context of prevention and recalls its recommendation made under the Convention urging the State party to take all necessary measures to ensure birth registration on the entirety of its territory. The Committee also recommends strict verification of the birth certificates and other measures to ensure accuracy of the age of the candidates for the military service.
- **Measures adopted to protect the rights of child victims:** The Committee recommends that the State party: strengthen the vulnerability matrix instrument to identify, at an early stage, refugee, asylum-seeking and migrant children, including unaccompanied children, coming from countries with past or current armed conflicts and who may have been involved in hostilities; ensure that the personnel responsible for such identification are trained in children's rights, child protection and interviewing skill and develop protocols and specialized services to ensure that such children are provided with appropriate assistance for their physical and psychological recovery and social reintegration.
- **Criminal legislation and regulations in force:** The Committee recommends that the State party: explicitly prohibit and criminalize the recruitment and the use of children under 18 years of age in hostilities by armed forces and non-State armed groups and ensure that the perpetrators are prosecuted and define and punish the recruitment and use of children under the age of 15 as a war crime.

Sustainable Development Goals

No mention

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.