



Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined third to fifth periodic reports of Benin*

I. Introduction

1. The Committee considered the combined third to fifth periodic reports of Benin (CRC/C/BEN/3-5) at its 2081st and 2083rd meetings (see CRC/C/SR.2081 and 2083), held on 20 January 2016, and adopted the following concluding observations at its 2104th meeting (see CRC/C/SR.2104), held on 29 January 2016.

2. The Committee welcomes the submission of the combined third to fifth periodic reports of the State party and the written replies to the list of issues (CRC/C/BEN/Q/3-5/Add.1), which allowed a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the ratification of or accession to the following instruments:

(a) Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2012;

(b) Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, in 2012.

4. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Act No. 2015-08 of 8 December 2015 on the Children's Act (*Code de l'Enfant*);

(b) Act No. 2011-26 of 9 January 2012 on the prevention and punishment of violence against women;

* Adopted by the Committee at its seventy-first session (11-29 January 2016).



- (c) Act No. 2012-15 of 30 March 2012 containing the Code of Penal Procedure;
- (d) Act No. 2006-19 of 5 September 2006 on sexual harassment and the protection of victims;
- (e) Decree No. 2015-583 of 18 November 2015 on the role, organization and functioning of child and adolescence protection centres;
- (f) Decree No. 2012-416 of 6 November 2012 establishing the norms and standards applicable to children's shelters and protection centres;
- (g) Decree No. 2011-029 of 31 January 2011 listing the types of work considered as hazardous for children in Benin;
- (h) Decrees No. 2009-694 of 31 December 2009 on specific conditions for the entry of foreign children into Beninese territory; No. 2009-695 of 31 December 2009 on procedures for issuing administrative authorizations for the transfer of children within Beninese territory; and No. 2009-696 of 31 December 2009 on procedures for issuing administrative authorizations for the exit of children from Beninese territory;
- (i) Decree No. 2008-817 of 31 December 2008 creating the Central Office for the Protection of Minors and Families and for the Prevention of Human Trafficking;
- (j) Code of conduct with regard to sexual abuse in schools, adopted as an interministerial decree in 2015.

5. The Committee welcomes the following policy measures:

- (a) Education sector plan (2016-2025);
- (b) National child protection policy and the accompanying strategic action plan (2014);
- (c) National Justice Sector development policy and programme (2014);
- (d) Strategic action plan of the Ministry for Family Affairs (2013-2017);
- (e) National action plan for the elimination of the worst forms of child labour (2012-2015);
- (f) Multisectoral national strategy for sexual and reproductive health for adolescents and youth (2010-2020);
- (g) Strategic plan for food and nutrition development (2009);
- (h) National action plan for the protection and the development of the child (2007).

6. The Committee notes as positive the standing invitation extended, for the first time, by the State party to United Nations special procedures on 31 October 2012.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

7. **The Committee recommends that the State party take all measures necessary to address those of its previous recommendations of 2006 (see CRC/C/BEN/CO/2) which have not been implemented or sufficiently implemented and, in particular, those related to the establishment of an independent national human rights institution (see**

para. 16), resources for children (see para. 18), data collection (see para. 20), the right to life (see para. 31), violence, abuse and neglect (see para. 47), children with disabilities (see para. 50), health (see para. 52), harmful traditional practices (see para. 54), education (see para. 62), economic exploitation (see para. 68) and street children (see para. 74).

Legislation

8. The Committee welcomes the enactment of the Children's Act. However, it remains concerned that the Act and other legislation protecting the rights of the child are not fully and effectively implemented.

9. **The Committee recommends that the State Party ensure the full and effective implementation of national legislation protecting the rights of the child.**

Comprehensive policy and strategy

10. The Committee notes the adoption of the Children's Act, but remains concerned about the slow implementation of its accompanying action plan (2014) which negatively impacts on the implementation of the Convention and, specifically, on the capacity of child protection and service delivery.

11. **The Committee recommends that the State party implement, without delay, the national policy and strategies for child protection. It also recommends the integration of all plans and programmes of action into the national policy and strategies, and the establishment of mechanisms, regulations and the budgetary and human resources necessary for the effective implementation thereof.**

Coordination

12. The Committee is concerned at the lack of clarity with regard to the coordinating roles of bodies involved in child protection, in particular the National Commission on the Rights of the Child and the National Monitoring and Coordination Office for Child Protection.

13. **The Committee urges the State party to establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the cross-sectoral, national, regional and local levels. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.**

Allocation of resources

14. While the budget allocation to social sectors (health, education and social development) was expected at a rate of 36 per cent of the State Budget in 2014 in the context of the Growth and Poverty Reduction Strategy (2011-2015), the Committee is concerned that the budget allocation to social sectors remains low, at only 29 per cent of the State budget, and that the Ministry for Family Affairs is one of the ministries with the lowest budgets in Benin.

15. **In the light of its day of general discussion in 2007 on the theme of "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:**

(a) **Conduct a comprehensive assessment of the budget needs of children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights and, in particular, increase**

the budget allocated to social sectors and address disparities on the basis of indicators related to children's rights;

(b) Ensure that the commitment to fighting poverty is translated in terms of budget allocation and social spending, and make the achievement of the Sustainable Development Goals and action on behalf of children an important part of the forthcoming poverty reduction strategy;

(c) Continue and step up its fight against corruption, with a particular focus on the areas of health, education and justice;

(d) Take all measures necessary to increase the resources earmarked for children and the resources allocated to the Ministry for Family Affairs.

Data collection

16. The Committee is concerned that there is insufficient child-centred and disaggregated data, and that available standard data is neither updated nor published in a timely manner.

17. In the light of its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee urges the State party to expeditiously improve its data collection system. The data should cover all areas of the Convention and should be disaggregated by age, sex, disability, geographic location, ethnic origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. The State party should take into account the conceptual and methodological framework set out in "Human rights indicators: a guide to measurement and implementation" by the Office of the United Nations High Commissioner for Human Rights (OHCHR), when defining, collecting and disseminating statistical information. The Committee also recommends that the data and indicators be shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

Independent monitoring

18. The Committee is concerned at the absence of an independent national human rights body with a clear mandate to carry out effective monitoring of the implementation of child rights at all levels, despite its previous recommendation to that effect (see CRC/C/BEN/CO/2, para. 16).

19. In the light of its general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its recommendation that the State party take measures to expeditiously establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner, ensure privacy and protection for victims, and undertake monitoring, follow-up and verification activities for them. The Committee also recommends that the State party ensure the independence of such a monitoring mechanism, including with regard to its funding, mandate and immunities, in order to ensure full compliance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee therefore recommends that the State party seek technical cooperation from, among others, OHCHR and the United Nations Children's Fund (UNICEF).

Dissemination, awareness-raising and training

20. The Committee commends the State party for its efforts to disseminate the Convention. It is however concerned at the shortage of adequate materials and information tools, simplified and in local languages, for carrying out awareness-raising programmes, including campaigns, on child rights. It is also concerned that, in spite of the numerous training sessions and public awareness-raising campaigns, there is still limited knowledge of the Convention on the Rights of the Child and the optional Protocols thereto.

21. The Committee recommends that the State Party continue to disseminate the Convention and legislation on children's rights in the main national languages and also in French, using the available media, in collaboration with civil society organizations. It encourages the State Party to incorporate children's rights in the literacy programme and in adult education; to strengthen the integration of human rights in primary and secondary education programmes; and to continue its efforts to conduct training and systematic awareness of child rights among professional groups working with and for children. The Committee recommends that the State Party develop a dissemination strategy for the Children's Act, together with a reader-friendly version.

Cooperation with civil society

22. The Committee welcomes the cooperation between the Government and the civil society, but remains concerned that it is mainly informal, and that civil society is not sufficiently heard or consulted.

23. The Committee recommends that the State Party strengthen cooperation with civil society by establishing criteria and transparent mechanisms for cooperation, as well as spaces for exchange and discussion; strengthen cooperation with non-governmental organizations working in the field of children's rights and systematically involve them in the development, implementation, monitoring and evaluation of laws, policies and programmes related to children and at all stages of the implementation of the Convention.

B. General principles (arts. 2, 3, 6 and 12)

Best interests of the child

24. The Committee welcomes the incorporation of the best interests of the child in the current Children's Act. However, the Committee is concerned that the principle of the best interests of the child is frequently not upheld in cases of disputes involving children, which are often resolved in line with traditional beliefs and customs, with a view to preserving social cohesion.

25. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children. The State party must guarantee the best interests of the child in every area and ensure that they are given due weight as a primary consideration.

Respect for the views of the child

26. The Committee notes the State party's efforts to ensure respect for the views of the child through the Children's Parliament and the Youth Parliament, but remains concerned

that the State party has not taken the measures necessary to overcome traditional societal attitudes which limit children from freely expressing their views in schools, in courts or within the family and the community.

27. **In light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee reiterates its recommendation (see CRC/C/BEN/CO/2, para. 33) that the State party:**

(a) **Promote and facilitate, within the family and in schools as well as in judicial and administrative procedures, that children are heard and their opinions given due weight, so that they can participate in all matters affecting them, in accordance with article 12 of the Convention;**

(b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, children themselves and society at large, on children's right to participate and to have their views taken into account;**

(c) **Undertake a regular review of the extent to which children's views are taken into consideration and of the impact this has on policy, programme implementation and on children themselves.**

Right to life, survival and development

28. The Committee notes that the current legislation punishes all forms of infanticide and that certain measures have been taken to prevent them. However, it remains concerned that children born with disabilities and so-called "sorcerer's" children are likely to be killed or abandoned by their parents. It is also concerned at the lack of information on legal action taken against the perpetrators of such infanticides and on sentences handed down.

29. **The Committee reiterates its previous recommendation (CRC/C/BEN/CO/2, para. 31) and urges the State Party to prevent and eradicate infanticide, and to take prompt and active measures to protect infants' right to life and to ensure that all perpetrators of infanticide are brought to justice. It recommends that the State Party ensure the promotion of medically assisted deliveries in health centres by trained midwives; the monitoring of newborns in the community; the provision of community education on child rights, including through literacy classes and primary schools; and the provision of adequate support to non-governmental organizations and religious associations active in the field.**

C. Civil rights and freedoms (arts. 7, 8 and 13-17)

Birth registration

30. The Committee is concerned that many children are still not registered at birth, in particular children living in remote rural communities, children from disadvantaged families and children in residential care. It is also concerned that many barriers to birth registration remain, such as insufficient information or awareness as to the importance of birth registration certificates, insufficient enabling frameworks to ensure that all births are registered, and high transaction costs to obtain certificates, owing to an environment of corruption and poverty.

31. **The Committee urges the State party to take all measures necessary to ensure that all children, especially children in residential care, are registered. More particularly, the Committee recommends that the State Party:**

(a) **Ensure the effectiveness and functioning of secondary registration centres throughout the country, and set up a special body of agents responsible for the**

management of civil status, to facilitate the issuance of civil status certificates to children;

(b) **Develop computerized national registration files; and increase efforts to promote public awareness of the importance of birth registration and the process of acquiring a birth certificate in order to protect children against the consequences of non-registration;**

(c) **Review national legislation and ensure that birth registration is free of charge, including late birth registration;**

(d) **Seek technical assistance from UNICEF, among others, for the implementation of the above recommendations.**

Nationality

32. While noting information provided by the delegation indicating that Act No. 65-17 of 23 June 1965 on nationality is being reviewed, the Committee is concerned that the existing legislation contains discriminatory provisions which provide that the loss of Beninese nationality by a husband can be extended to a mother and children.

33. **The Committee recommends that the State party amend Act No. 65-17 of 23 June 1965 on nationality with a view to granting Beninese women equal rights with Beninese men regarding the retention or loss of the nationality of their children.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

34. While the Penal Code and the Children's Act prohibit corporal punishment, the Committee is concerned that corporal punishment continues to be considered an acceptable way of disciplining children. It is also concerned that few students, teachers or other education professionals have a knowledge of the legal ban on corporal punishment or legislation on sexual harassment, or have access to information on respect for children's rights.

35. **In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State Party to implement both the Penal Code and the Children's Act as a matter of priority. The Committee also recommends that the State Party widely disseminates the legislation prohibiting corporal punishment, especially in public and private schools and vocational training institutions, and also develops an educational programme against corporal punishment and for the promotion within society of positive, non-violent and participatory forms of child-rearing and discipline.**

Violence, abuse and neglect

36. While many legal provisions protect children against violence and abuse, the Committee is concerned at the gravity and extent of violence and abuse against children, notably within the family. The Committee is also concerned at the insufficient measures and mechanisms to prevent and combat child neglect and abuse, the inadequacy of the financial and human resources invested, the insufficient number of professionals trained in preventing and combating abuse, and the insufficient awareness, information and statistics about these practices. The Committee is further concerned that the perpetrators of violence against children are rarely held accountable.

37. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of Sustainable Development Goal 16, target 2, to end abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

(a) Conduct a comprehensive study to determine the nature and extent of ill-treatment and abuse of children, and develop indicators and design policies and programmes to address this;

(b) Improve the reporting of cases of violence and abuse of children by instituting mandatory reporting procedures with regard to child abuse for all professionals working with children;

(c) Conduct awareness campaigns and education, with the active participation of children themselves, in order to prevent and combat all forms of abuse and to change attitudes and practices conducive to violence;

(d) Bring the perpetrators of violence and abuse to justice, while ensuring that children who have suffered are not victimized during legal proceedings and that their privacy is protected;

(e) Implement a helpline which will be free and open 24 hours a day, accessible throughout the country, and which will be dedicated to children and youth;

(f) Launch a national campaign to end violence and abuse and strengthen intersectoral coordination and monitoring of programmes to address violence against children, involving both local and central government, in order to prevent and respond to violence against children in the community.

Sexual exploitation and abuse

38. Despite the legal provisions and the interministerial decree on a code of conduct with regard to sexual abuse in schools, the Committee is concerned at the prevalence of various forms of sexual exploitation and abuse in the State party, including sexual abuse in school, in the family environment and in the workplace, as well as child prostitution and rape. It is concerned that sexual exploitation primarily affects girls under 14 years of age, particularly those residing in urban areas, children placed outside their families, such as the *vidomegons*, children living in single-parent families and child workers. The Committee is further concerned that few complaints are filed and that out-of-court settlements, retaliation in the case of complaints, withdrawal of complaints on account of threats, and the fact that the competent authorities do not fulfil their duty by pursuing the procedure all contribute to the impunity of offenders.

39. The Committee urges the State party to implement the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography without further delay (A/HRC/25/48/Add.3). It appeals to the State Party to combat impunity by establishing mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation, and by ensuring that the perpetrators of sexual abuse and sexual exploitation are brought to justice. The Committee also recommends that the State Party strengthen its efforts, including by providing adequate financial and human resources, to provide care and ensure the full physical and psychological recovery and social reintegration of child victims, and consider establishing structures for their recovery and social reintegration.

Harmful practices

40. While welcoming the fact that the law punishes all forms of female genital mutilation, the Committee is deeply concerned that this harmful practice persists and has even increased between 2011 and 2014, especially among girls from 0 to 14 years of age.

41. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee urges the State party to strengthen its efforts to prevent female genital mutilation, including:**

(a) **Through effectively enforcing the criminalization of female genital mutilation, ensuring that offenders are prosecuted and punished in accordance with the severity of the crime;**

(b) **Through adopting and implementing a national plan of action to prevent this harmful practice and allocating adequate resources for its implementation, in particular in rural areas;**

(c) **Through reinforcing public education and awareness-raising programmes, including campaigns, targeting both women and men, including officials at all levels, and traditional, community and religious leaders, to eliminate the practice;**

(d) **Through providing retraining, where appropriate, for practitioners of female genital mutilation and supporting them to find alternative sources of income.**

42. The Committee is concerned at the practice of sequestration of children, especially girls, in voodoo convents because of family traditions and beliefs. The Committee is particularly concerned that such children are deprived of education and contacts outside of the convents, and are subjected to ill treatment, including scarification rites and sexual abuse. The Committee is also concerned at the persistence of the traditional practice of *vidomegon* affecting girls and at the limited measures taken to eradicate it and to hold accountable those exploiting them.

43. **The Committee urges the State party to investigate and prosecute persons responsible for harmful practices against children, and urgently remove children from environments where such practices take place. The State party should work closely with traditional leaders and community-based organizations to raise awareness of the harmful effects of such practices and to eradicate them. The Committee also requests the State party to provide detailed information in its next report to the Committee on the concrete measures taken in this respect and on their outcome.**

44. The Committee is concerned that early and forced marriage of girls still persists and is practised on a large scale in rural areas and specific regions in the north of the State party, as the Personal and Family Code allows marriage between adolescents under the minimum age of 18 years, upon special dispensation.

45. **The Committee recommends that the State party take concrete measures to prevent and combat child and forced marriage of girls:**

(a) **By ensuring that the minimum age of marriage as set out in the Children's Act be strictly enforced;**

(b) **By developing awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls, targeting households, local authorities, religious leaders, judges and prosecutors;**

(c) **By establishing protection schemes for victims of child and forced marriage who file a complaint.**

E. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20-21, 25 and 27 (4))

Children deprived of a family environment

46. The Committee welcomes the fact that the Children's Act provides for social assistance for low-income parents and for the establishment of children's shelters, protection centres and foster care families. It is concerned however at the large number of children in need of alternative care, the insufficient capacity of alternative care facilities and the inadequacy of support for those structures. The Committee also expresses regret at the limited information and data on children who receive alternative care.

47. **Drawing the State party's attention to the guidelines for the alternative care of children (General Assembly resolution 64/142, annex), the Committee emphasizes that financial and material poverty should never be the sole justification for removing a child from parental care, for receiving a child into alternative care or for preventing a child's social reintegration. The Committee recommends that the State party:**

(a) **Support and facilitate family-based care for children wherever possible, including for children in single-parent families, and strengthen its system of foster care for children who cannot stay with their families, with a view to reducing the institutionalization of children;**

(b) **Establish adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;**

(c) **Carry out periodic reviews of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(d) **Ensure the implementation of Decree No. 2012-416 of 6 November 2012 establishing the norms and standards applicable to children's shelters and protection centres, and that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate information management, data collection and the rehabilitation and social reintegration of children resident therein to the greatest extent possible.**

Adoption

48. While welcoming the initiation, in 2014, of the accession process to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Committee is concerned about the lack of information on legal regulation and data on formal and informal domestic adoptions. The Committee is also concerned that the process of accession is too slow.

49. **The Committee recommends that the State party regulate domestic adoption, including within the extended family and community, in accordance with the Convention, in order to strengthen the protection of adopted children. It also recommends that the State Party accelerate the accession process to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1-3) and 33)

Children with disabilities

50. The Committee is concerned about the very little information on children with disabilities and about measures taken for their inclusion in regular schools. The Committee is also concerned about their access to appropriate health services and care, and to social grants; about their social exclusion from many spheres of society; and about the level of stigma they suffer in both urban and rural areas.

51. **In the light of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:**

(a) **Organize the collection of data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;**

(b) **Set up comprehensive measures to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions and classes;**

(c) **Take immediate measures to ensure that children with disabilities have access to health care, including early detection and intervention programmes;**

(d) **Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.**

Health and health services

52. The Committee is deeply concerned that the infant, neonatal and maternal mortality rates remain very high and that 20 per cent of children under 5 years of age are underweight and 40 per cent suffer from moderate to severe stunting. It is also concerned about the high incidence of malaria and malnutrition in the State party, the limited access to clean water and adequate sanitation, and that the universal health insurance scheme is still not operational.

53. **The Committee draws the State party's attention to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and recommends that the State party:**

(a) **Implement and apply the OHCHR technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce and eliminate preventable mortality and morbidity of children under 5 years of age (A/HRC/27/31);**

(b) **Strengthen its efforts to further reduce infant and child mortality, focusing on prevention and treatment, including vaccination uptake, improving nutrition and sanitary conditions, increasing access to drinking water, especially in the rural areas and in schools, and fighting against communicable diseases, malnutrition and malaria;**

(c) **Make the universal health insurance scheme operational;**

(d) **Seek financial and technical assistance from UNICEF and the World Health Organization, among others, in this regard.**

HIV/AIDS

54. The Committee is concerned about the lack of information on children living with HIV/AIDS and whether relevant awareness-raising programmes and other measures concerning HIV/AIDS and sexually transmitted diseases are being carried out in schools.

55. The Committee recommends that the State Party take all measures necessary to capture statistics and disaggregated data in relation to children living with HIV/Aids, and introduce into schools awareness-raising and other programmes relating to the issue of sexually transmitted diseases and HIV/AIDS.

Adolescent health

56. The Committee is concerned at the very low contraceptive prevalence rates in the State Party for children between 15 and 18 years of age, and about the rate of early sexual activity for girls. It is also concerned at reports that 3 per cent of teenagers are pregnant before 15 years of age, and 15 per cent before 18 years of age. The Committee is further concerned about the criminalization of abortion, a situation which leads adolescent girls to resort to unsafe clandestine abortion at the risk of their lives.

57. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention, the Committee recommends that the State party:

(a) **Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections;**

(b) **Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men;**

(c) **Decriminalize abortion in all circumstances and review its legislation with a view to ensuring children's access to safe abortion and post-abortion care services; and ensure that the views of the pregnant girl are always heard and respected in abortion decisions.**

Breastfeeding

58. The Committee is concerned about the reported lack of systematic follow-up regarding breastfeeding and the nourishment of infants, which has had the effect of bringing down the exclusive breastfeeding rate of children under six months to 33 per cent. It is also concerned about the partial application of the regulation on breast milk substitutes. The Committee also notes that women working in the informal sector are not covered by maternity leave regulations.

59. The Committee recommends that the State party adopt measures to accelerate adequate nourishment of children and breastfeeding, by sensitizing society through awareness-raising campaigns, capacity-building for health professionals, supporting breastfeeding mothers with specialists and revitalizing the "baby-friendly hospitals" initiative. It also recommends widening the scope of maternity leave regulations to include mothers working in the informal sector.

G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education

60. While commending the State party's efforts in education, in particular in terms of the numbers of children attending school, the Committee is concerned at the insufficient budget allocations for primary and secondary education. It is concerned at the high illiteracy rate in the State Party, the large number of dropouts, in particular among girls, the low transition rate to secondary education, and at problems of violence and sexual harassment in schools. It is also concerned at disparities in access to school, at the inadequate number of competent teachers, and at the indirect costs incurred by families such as for school supplies, school uniforms and the associated opportunity costs, which can prevent children from poor families from going to school.

61. **The Committee recommends that the State Party, in the light of its general comment No. 1 (2001) on the aims of education:**

(a) **Take all necessary measures to guarantee free primary education, including both direct and indirect costs, and take measures to ensure that children do not drop out of primary education;**

(b) **Pay special attention to the socioeconomic and regional disparities in access to education, in particular by adopting specific measures to prevent children from economically disadvantaged households from being excluded, and ensure equal opportunities;**

(c) **Take preventive measures against corporal punishment, violence and sexual harassment in schools;**

(d) **Establish new schools and increase access, particularly in rural areas, and raise the number of qualified teachers, particularly female teachers;**

(e) **Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development.**

H. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Economic exploitation, including child labour

62. Although the State party has adopted its National Plan of Action to Eliminate the Worst Forms of Child Labour, the Committee is deeply concerned about the prevalence of child labour among children under 14 years of age, including the worst forms of child labour, the distortion of the traditional practice of *vidomegon* into forced labour, and about the increasing number of children working in the informal sector despite the legal prohibition on work under 14 years of age. It is concerned that no complaints or formal penalties have been recorded against persons requiring children under 14 years of age to work. The Committee is also concerned that there is no information on measures taken to punish persons who exploit children, on whether the decisions taken by the national steering committee to combat child labour are being implemented, and whether the latter has been allocated sufficient resources. The Committee is also concerned at the fact that the minimum age for employment is set at 14 years of age, despite the declared intention to extend the minimum age for completion of compulsory education to 15.

63. **The Committee urges the State party:**

(a) **To ensure implementation of the provisions concerning children of the Labour Code, of Decree 2011-029 of 31 January 2011 listing the types of work considered as hazardous for children and of the National Plan of Action to Eliminate the Worst Forms of Child Labour;**

(b) **To urgently remove *vidomegon* children from their situations of economic exploitation;**

(c) **To strengthen community-based mechanisms to prevent and combat domestic child trafficking and economic exploitation of children, especially in the informal sector, and to take preventive action to improve living conditions and economic opportunities for families in rural areas and in high-risk zones, paying particular attention to the most disadvantaged families;**

(d) **To undertake surveys throughout the territory to determine, among other things, the number of children working, their age, the jobs they hold, how many hours of work they do and the remuneration they receive;**

(e) **To continue cooperation with the International Programme on the Elimination of Child Labour of the International Labour Organization (ILO/IPEC) and to consider raising the minimum age for admission to employment or work to 15 years of age with a view to aligning it with the age for completion of compulsory education.**

Children in street situations

64. The Committee notes the studies undertaken by the State party on *talibés* and other children begging in the streets, but is deeply concerned about the weak enforcement of legislation with regard to such children, as evidenced by the absence of prosecutions or convictions of religious leaders and parents who send children to beg in the streets. The Committee is also concerned about the lack of programmes to meet the needs of such children and to protect them. The Committee is further concerned that street children do not enjoy parental protection and face enormous subsistence challenges.

65. **The Committee calls on the State party:**

(a) **To enforce the legislation in place for the protection of children from all forms of exploitation and to actively investigate those cases and prosecute and sanction all offenders, with a view to strengthening the deterrent effect of its existing legislation;**

(b) **To develop and implement, with the active involvement of street children themselves, a comprehensive policy to address the root causes of the situation, in order to prevent it or reduce the scale thereof;**

(c) **To provide, in coordination with non-governmental organizations, children in street situations with the necessary protection and accommodation, adequate health services, education and other social services, according to their needs;**

(d) **To support family reunification if that is in the best interest of the child.**

Sale, trafficking and abduction

66. Although the State party has set up the Central Office for the Protection of Minors and Families and for the Prevention of Human Trafficking, the Committee is concerned at the number of children who fall victim to internal trafficking for the purpose of domestic work, subsistence farming or trade, or, particularly in the case of adolescent girls, to

transnational trafficking for sexual exploitation and domestic labour in other countries. The Committee is also concerned that the tradition of *vidomegon* children could be feeding sale and trafficking networks.

67. **The Committee recommends that the State party put into operation the action plan for implementing the recommendations of the Special Rapporteur on the sale of children, child prostitution and child pornography, providing for a strategic framework for the protection of children, combating impunity and establishing a system for identifying children. It also recommends the adoption of the draft bill on the exploitation of persons.**

Administration of juvenile justice

68. While noting with satisfaction the provisions of the Children's Act to restrict periods of detention at police stations and the duration of pretrial detention, and the two pilot child friendly courts established in the jurisdictions of Abomey-Calavi and Abomey, the Committee is concerned about inhumane and degrading detention conditions for juveniles, especially in the Abomey-Calavi prison, and about a number of practices in contravention of the Convention, including: children without a lawyer undergoing long periods of preventive detention; the fact that there is no separation of children from adults in detention; long periods of confinement, especially at night, in cells that are often overcrowded; in some cases, more than 12 hours of incarceration; the use of physical and psychological violence, including the use of force, threats and corporal punishment, especially at the time of arrest; and the use of containment cells. The Committee is also concerned at the insufficient number of juvenile judges in the country and at the lack of alternative measures to deprivation of liberty.

69. **In the light of its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party to bring its juvenile justice system fully into line with the Convention and other relevant standards. In particular, the Committee urges the State party:**

(a) **To guarantee the provision of qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;**

(b) **To promote alternative measures to detention, such as diversion, probation, mediation, counselling or community service, wherever possible, and ensure that detention is used as a last resort and for the shortest possible period of time, and that it is reviewed on a regular basis with a view to revoking it;**

(c) **To investigate all allegations of torture or ill-treatment, and prosecute and punish law enforcement officers responsible for such abuses against children deprived of liberty;**

(d) **To create and establish a torture prevention mechanism (observatory for the prevention of torture) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In particular, ensure that prison authorities facilitate individual private interviews with detained children and staff during visits by representatives from independent bodies such as non-governmental organizations;**

(e) **In cases where detention is unavoidable, to ensure that children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services.**

70. The Committee recommends that the State party make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, OHCHR and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

I. Ratification of the Optional Protocol on a communications procedure

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

J. Ratification of international human rights instruments

72. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

73. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, the reports of which are both overdue as of 2007.

K. Cooperation with regional bodies

74. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of the Child of the African Union on the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

IV. Implementation and reporting

A. Follow-up and dissemination

75. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to fifth periodic report, the written replies to the list of issues of the State party and the present concluding observations be made widely available in the languages of the country.

B. Next report

76. The Committee invites the State party to submit its combined sixth and seventh periodic reports by 1 March 2021 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January

2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

77. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and General Assembly resolution 68/268 (para. 16).
