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CHILDREN'S RIGHTS IN BENIN

Report submitted by

Plan International, Right to Play, Terre des Hommes, CLOSE and ReSPESD

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I. Information about Plan International, Right To Play, Terre des Hommes, CLOSE and ReSPESD

1. **Plan International:** Plan is an international, non-profit, child-centered, rights-based development organization with a focus on gender perspective. It does not have any religious, political or governmental affiliation, and takes into account the social context where it operates. Plan International has been working in Benin since 1994; their actions in the country chiefly aim to promote an environment in which the duty-bearers better assume their responsibilities, and in which children are more capable of realizing their rights to survival, their rights to development, their rights to participation, and their rights to protection.
2. **Terre des hommes (*Tdh*):** Since its creation in 1960, the mission of Terre des hommes (Tdh) has been to come to the aid of children in need. It endeavors at all times to defend the rights of children, in times of war and natural disasters, or in less publicised situations of distress. It is the largest non-governmental organisation (NGO) for children's aid in Switzerland. Terre des hommes has been present in Benin since 1970.
3. **Right To Play:** In Benin since 2001, Right To Play is the leading international humanitarian and development organization using the transformative power of sport and play to build essential skills in children and youth, and thereby to drive social change in communities affected by war, poverty and disease. Right To Play not only creates a safe place for children and youth to learn and foster the hope that is essential for them to view and realize better future life. The United Nations Convention on the Rights of the Child always guides our work. The programs of Right To Play target the most marginalized individuals including girls, persons with disabilities, children affected by HIV/AIDS, children in street situations, former children's life activists and refugees, and seeks to improve their living conditions using the power of sport and play.
4. **ReSPESD:** is a joint organization and a network of 57 Structures providing Protection for Children in Difficult Situations present all over the country. These various structures receive children in difficult situations, protect them, and help reintegrate them. ReSPESD aims to protect all children, and to build up a society of peace, justice and development, in accordance with the Convention on the rights of the Children and the African charter of the rights and welfare of the child.
5. **CLOSE:** is a network created in 1998, and includes about forty NGOs. It fights in favor of an equitable and interdependent society in which children could live in a protective environment, an environment respectful of their right and favorable for their development.

II. Main aspects of the report

6. This report addresses the situation of girls, boys and adolescents in Benin for the period 2008 – 2012. It is submitted to inform the UN Human Rights Council’s UPR for Benin in October 2012, and identifies issues representing true challenges for the fulfillment of children’s rights. These include, *inter alia*: child trafficking, child labor, violence against children, including corporal punishment and birth registration. This report also suggests some recommendations aimed at increasing the implementation of children’s rights.

III. Methodology

7. The methodology for the drafting of this report has been participatory and included the following steps:
 - Preparatory step
 - Workshop with partners to collect their point of view and recommendations
 - Children consultations to have their point of view and their recommendations
8. At the preparation step, the country context was analysed, taking into account the past UPR recommendations (A/HRC/8/39 of 28 May 2008), as well as the previous Committee on the Rights of the Child’s concluding observations (CRC/C/BEN/CO/2 of 20 October 2006). According to the recommendations made as regards children’s rights in Benin, a work plan was organized and work distributed among the stakeholders participating in the coalition.
9. A workshop was organized among the partners on the functioning of the UPR and the NGO reporting process. Among the participants there were representatives of various UN agencies (including UNICEF, UNPD, and ILO) as well as representatives from international and local NGOs and the government.
10. In order to ensure children’s voices and opinions is expressed in this report, two workshops were organized with children in Cotonou and Calavi. With the children, Recommendations of the past UPR and the CRC Committee were shared and analysed with children, as well as information on the functioning of the UPR. . The issues addressed in this report reflect the issues that, according to children themselves, represent a challenge in the implementation of their rights. Their recommendations are integrated in this report accordingly.

IV. Part One: Progress in the promotion and protection of children's rights

1. Legislative framework

11. Benin adopted a new Constitution in December 11, 1990 which stipulates at Article 8 that "The State has the absolute obligation to respect and protect the human person. It shall guarantee him a full development [...]".
12. Seeking to fulfill its obligations to promote and to protect children's rights, Benin ratified and adopted several international and national acts, such as, *inter alia*: the African Charter on the Rights and the welfare of the child adopted in 1997, the United Nations Convention on the Rights of the Child adopted in August 1990 as well as its additional protocols, and the ILO Conventions n°138 and n°182. In addition, multilateral Agreements of cooperation related to the fight against child trafficking in Africa have been signed between Benin and Nigeria and between Benin and Congo.
13. At the national level, Benin took specific measures in order to enforce those international human rights instruments, including by adopting the April 10, 2006 Law, related to children trafficking in the Republic of Benin, the law n°2002-07 of June 14, 2004, related to the People and the Family Code that stipulates in article 54 that the first copy of the birth certificate is free of charge, and the law 2006 -19 of September 5, 2006 which forbids and sexual harassment in schools. In addition, circulars exist, forbidding corporal punishments in schools.
14. The Government has also facilitated the creation of some structures for the promotion of children's rights such as: The National Commission of Children's Rights (CNDE) responsible for the follow-up of legal instruments in favor of children. The CNDE is mandated to produce the periodic report on United Nations Convention on the Rights, as well as to put in place a mechanism for the implementation of national and international children's rights instruments. The CNDE holds two sessions per year, involving the main actors working on children protection. During the sessions, the situation of children in the country is discussed, and recommendations are addressed to the Government. The National Cell of Follow-up and Coordination for child Protection (CNSCPE) established by decree 2002 n°03/030/PDM/SG-SASC of May 10 2002 is responsible for the coordination and follow-up of the actions of promotion of children's rights at the national level, while its regional branches ensure monitoring of children's rights at the local level.

2. Legal framework

15. Despite the existence of a solid legal framework on human rights and children's rights in Benin, some challenges persist for the effective implementation of children's rights. The effective promotion and protection of children's rights in Benin is far from being achieved. This is caused by, *inter alia*: lack of knowledge on existing complaint mechanisms by children and families; e

lack of information and awareness on existing legislation by the population; and socio-cultural obstacles. In addition, it is important to note that there is no specific legislation prohibiting and punishing violence against children in Benin, and compliance with existing legislation is weak.

V. Part Two: Pending Issues and Recommendations

1. Child trafficking

16. Although legislation has been adopted as regards child trafficking (Law No. 2006-04 on travel conditions of minors and suppression of trafficking in children in Benin), the phenomenon of child trafficking persists. Benin is considered as a supplier, as a country of transit, and as a country of destination for children victims of trafficking. The number of children aged 6-17 years victims of child trafficking residing in Benin has been estimated at 40,317¹ representing 2% of children in that age range. A study on child trafficking conducted in 2008 by the Ministry of Family², showed that 86.0% of children who are trafficked are girls.
17. The National investigation on Child Labor (ENTE) carried out in 2008 showed that some children victims of trafficking are touched not only by phenomena as mortality, early marriage, sexually transmittable diseases and HIV/AIDS, but also and especially by economic exploitation and child labor.
18. In General, child victims of trafficking are from poor families. Most of them have never gone to school (70.7%) or (29.3%)³ with an average three years of schooling completed. The main activities trafficked children engage in are: domestic work, agriculture and trade. Trafficked children often work all days (24/7) of the week, and 1 out of 2 sleeps in the workplace. The main cause of this phenomenon is poverty which leads families to send their children to work, instead of sending them to school.
19. The high prevalence of denial of education to girls constitutes a great factor of risk for them to become victims of trafficking. To encourage girl's access to school, the government took the measure to exempt girls from the payment of school fees as a preventive strategy to fight child trafficking. However, the phenomenon persists due to poverty, persistence of *de facto* school-related fees, as well as traditional gender role discriminatory perceptions often lead parents not to send girls to school, while giving preference to the education of boys.

¹ *Etude nationale sur la traite des enfants*, Ministry of Family, 2008

² *Ibid.*

³ *Ibid.*

RECOMMENDATIONS

We recommend the Government of Benin to:

20. **Ensure awareness raising and information among the population and children at risk, of the existing legislation against child trafficking; implement existing legislation in this regard, including the Law No. 2006-04 on travel conditions of minors and suppression of trafficking in children in Benin Republic; and ensure that those responsible for child trafficking are promptly brought to justice.**
21. **Strengthen its efforts to continue promoting girls access to quality primary and secondary education, and to ensure economic empowerment of families, with a focus on women, to contribute to the fight against child trafficking;**
22. **Raise awareness among the population, including society at large, families, teachers, law enforcement and security officials, health professionals, social workers, and children themselves on children's rights, with a focus on child trafficking, as a strategy to prevent such phenomenon.**
23. **Promote the involvement of the children themselves in the decision-making processes concerning them, notably decisions concerning their protection against child trafficking, and ensure that protection mechanisms against child trafficking are accessible and available for all children, in particular for children at risk.**

2. Child labor

24. In order to fight against the economic exploitation of children, and in line with Article 4 of the ILO Convention n.182, the government of Benin worked out a list of dangerous work-activities through the decree n 2011-029 of 31 January 2011 in the Republic of Benin and designed an action plan after the studies that have been carried out on child labor. In addition, since the previous State report to the UPR (2008), the government of Benin has managed to provide resources to social services in order to enable them to better intervene, and to protect children in general and girls in particular.
25. The National investigation on Child Labour (ENTE) carried out in 2008 and published in 2010 revealed that:
 - 664,537⁴ children aged 5-17 years are occupied economically, that corresponding to about 1 child out of 3 in Benin;
 - child labor is most prevalent in rural areas (42.3% against 18,4%⁵ in urban areas); the majority of children work in the agricultural sector (64.5%)⁶ and in the services

⁴Enquête Nationale sur la Travail des Enfants réalisée par le BIT en 2008 au Benin et publié en 2010

⁵ *Ibid.*

sector (28.7%). 82,8 % of children who work are engaged in unpaid domestic work. 90.1% of children who work (representing a concerning 30.7% of the whole children population) are compelled to do hazardous work.

26. Children working in the agricultural sector are those who are more openly compelled to do prohibited work. The 70.2% of children aged 5-11 years, and the 54.7% of children aged 14-17 years who are engaged in forced hazardous labor work in the agricultural sector.
27. Some children are on the move and often work in the street. Even though the percentage of children working on the streets appears low, their situation is an issue of deep concern, for the enormous risks they incur as regards their health and their safety. During the consultations, children raised the concern that one of the main causes of migration towards urban centers lies in the fact that some communities and villages lack basic social services, especially in remote areas. Children therefore tend to seek better social opportunities in cities, thus often ending up to live and work on the street and therefore at very high risk of becoming victims of trafficking and exploitation.

RECOMMENDATIONS

We suggest that the Government of Benin:

28. **Promote the involvement of the children themselves in the decision-making processes concerning them, notably decisions concerning their protection against economic exploitation of children and child labor, and ensure that protection mechanisms against child economic exploitation are accessible and available for all children, in particular for children at risk.**
29. **Strengthen its efforts to ensure access to schools to all children. In particular, waive school fees to include secondary education, so as to strengthen the strategies for maintaining children in schools, as a measure to better prevent the phenomenon of child economic exploitation and child labor;**
30. **Strengthen its efforts to improve the provision of social and protection services throughout the whole country, including education, health services, drinking water, and social aid to prevent children from remote areas to move to urban centers as a result of the lack of such services, and therefore preventing their likelihood of becoming children in street situations, exposed to vulnerability.**

3. Violence Against Children, including Corporal Punishment

⁶ *Ibid.*

31. Seeking to fulfill its commitments made at the last time report of the universal periodic review in 2008, the government of Benin, through the Ministry of Infant and Primary Education (MEMP) , carried out an investigation on violence in schools in order to find out about the size and the consequences of the phenomenon. After that investigation, the government took advantage of the "Learn without fear" campaign organized by Plan International and its partners, to elaborate a sensitization program for the actors of the formal education system. They also elaborated a document on the alternative measures of punishment and train teachers in order to reduce the phenomenon of the corporal punishment in the school.
32. Although these actions have brought about, and awareness has been raised within the formal education system, children continue to suffer from corporal punishment in schools, in families, in apprenticeship centers, and in institutions.
33. Corporal punishment in the families continues to be a reality in spite of the quality of legal framework on child protection. Schools constitute the second place where violence against children is in practiced. Teachers use physical violence as disciplinary method of the children.
34. As demonstrated by the investigation⁷ carried out by the Ministry of Infant and Primary Education in 2008, violence against the children is still widespread in all public and private schools. More than 89% of the children in schools are victims of a form of violence, and 55% of schoolchildren are victims of corporal punishment in school. Children are hit with the help of *chicotte* or *thong* (in 47.6% of the cases), whereas outside schools, 30% of children are children are beaten, slapped or punched.
35. The most affected by corporal punishments in schools are children aged 6 to 7 years, and those of 10-11 years. More precisely, 76.6% of the children aged 6 to 7 years and 70% of the children aged 10 -11 years are victims of corporal punishments⁸.
36. The types of violence used on girls are especially beatings (88.1%); girls who are not in school (79%), and children who abandoned school (79%) also undergo violence, which is prevalent in apprentice shops and in institutions (ex: the religious school and convents), and includes also children in conflict with the law. .
37. Given the high vulnerability of children with disabilities as well as Orphans and Vulnerable Children (OVCs), they are most likely to be victims of violence. The particular vulnerabilities of these groups of children are compounded by a general lack of education, traditional perceptions that promote and support the use of violence against children, including corporal punishment, as the main disciplinary measure, and poverty.

⁷ *Etude sur les violences contre les enfants en milieu scolaire au Bénin/MEMP, 2008*

⁸ *Ibid.*

38. Studies conducted by Plan-Benin have revealed other causes of child violence not commonly cited in development literature, such as: the destruction of family unity, the weakening of traditional solidarity, and the non-participation of children in the decision-making process, as well as growing importance of money in social and interpersonal relationships.
39. Moreover, the government resources allocated to child protection services are inadequate and not well managed at the state level. This is further compounded by a wide-spread unfamiliarity of laws and regulations and a lack of laws, specifically children protection against violence and corporal punishment at school, in family and community, etc. Most of key actors, including NGOs who support children's rights, are largely unaware of the quality standards and the government's commitments with the international community.

RECOMMENDATIONS

We recommend the Government to:

40. **Strengthen its efforts to raise awareness among children, families, communities, as well as teachers and all professionals working with children on the harm caused by corporal punishment and promote an alternative, non-violent forms of discipline, as enshrined in Art.28(2) of the CRC.**
41. **Openly prohibit by law all forms of violence against children as well as corporal punishment in the families, in the schools, and in the other institutions ; and ensure perpetrators of violence against children are brought to justice**
42. **Develop an educational program to fight against violence against children and *corporal punishment*, based on children's rights and focusing on the psychological and social aspects of the phenomenon, and ensure rehabilitation and social reintegration of all children victims of violence.**

4. Birth Registration

43. The Code of the People and the Family (CPF) in Benin specifies the modalities for birth registration and provisions of birth certificates⁹. In this regard, the government carried out various activities with other partners. In particular awareness-raising and information on birth registration procedures has been provided to midwives and local authorities, and training has been provided to health-care workers, teachers, social promotion center chief-executives and the judiciary staff.
44. In spite of all this activities, a great number of children are still not registered at birth and do not have their birth certificates. Existing data from the Demographic and Health investigation (EDS)

⁹Benin Republic (2004), Law N°2002-07 of 24 august 2004 on the code of person and Families, Title II (developing civil affairs)

national study show a worrisome decrease in the rate of registration of births, which lowered from 71% in 2001 to 60% in 2006. The lowest rates of un-registration (much below the national average) are found in the Atacora (43%), in the Alibori (45%), and in the Borgou (48%), northern regions of Benin. According to UNICEF, the rate of registration of births is 68% in urban areas and 56% in rural areas, corresponding to an average of 62% on national level between year 2000 and year 2009.

45. On the basis of the Ministry of Interior and Public Security's report on the Concrete Situation of the Civil Status in Benin issued in 2011¹⁰, it appears that offices of civil registration services (mainly in the townships, in the districts) are characterized by the insufficient number of skilled staff available. The 49% of these offices have only one worker in office, 21% have two workers, and only 1/3 of the townships and districts have between four and nine workers in office. The qualification of the staff of civil status services has true implications on the quality of the services provided to the population, and on the speed at which they deliver the civil status certificates.
46. The results of the report¹¹ concerning registration of births show a positive interrelationship between the child's place of birth (either the home place or a health care center) and the possibility for the child to be registered as well as his or her likelihood to obtain the birth certificate. 68% of the children born in a health-care center have their birth certificate issued, while 8 out of 10 children who are born at home do not possess any birth certificate.
47. In addition, and contrarily to the provisions of the Code of People and Family which stipulates that the first copy of the birth certificate is issued free of charge, some health-care centers and some civil status services in the townships /districts ask for payment in order to provide people their birth certificate cards. According to the same investigation, 14% of mothers leave the hospital without birth certificate of their child because they are asked to pay for such documentation.
48. The 10 days period fixed by law to declare a child's birth seems to pose problems related to particular socio-cultural realities present in some areas of the country. According to the report¹² concerning registration of birth: while the 46%¹³ of parents give their child a name child at the moment of birth, 43% of parents do so after 7 days, according to customs. Parents following this customs, therefore, find themselves to have only three days available to register their child birth. In case of late registration (i.e. after 10 days) parents have to go to court and pay the costs of regulation that can go up to 18 500 F CFA (= US\$ 37.15 USD¹⁴).

¹⁰ *Etat des lieux sur les faits d'état civil au Bénin* / - Ministère de l'Intérieur et de la Sécurité Publique, March 2011

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ 1 US\$ = 498.084 CFA. Source: XE, universal currency converter.

49. Parents have also difficulties to access the civil registry centers to take away the births certificates because the centers are too far away from where they live.
50. As for the system of storage of birth documentation, the services of the civil status present troubling weaknesses: only 15% among them have some reserved rooms for the storage of the registers and the stumps of birth certificates. The system also lacks proper storage protection, as well as efficient computerization of data.

RECOMMENDATIONS

We call on the Government of Benin to:

51. **Effectively implement legislation ensuring the provision of free birth registration, including by strengthening the supervision of structures and staff responsible for issuing birth certificates, and ensure effective coordination between the involved ministries;**
52. **Raise awareness on the importance of birth registration among mothers, families, and communities, as well as among social workers, health-care and professionals who are responsible for providing birth registration and birth certificates.**
53. **Ensure that legislation that ensures the issuing of a free of charge birth certificate is enforced and effectively implemented everywhere throughout the country, and that parents are properly informed.**
54. **Bring the centers of civil status closer to the places of residence of the populations, including by establishing and ensuring full functioning of secondary centers for civil status services as prescribed by the Code of the People and the Family throughout the whole territory of the country.**
55. **Reinforce the capacities of civil registration services by providing sufficient human, technical and financial resources to fulfill their activities; and reinforce the mechanism of follow-up and management of the birth certificates (declaration, establishment, withdrawal and storage).**