

**REPUBLIC OF BENIN**



**COMBINED  
(INITIAL AND PERIODIC) REPORT  
OF BENIN  
ON THE IMPLEMENTATION  
OF THE AFRICAN CHARTER ON THE RIGHTS  
AND WELFARE OF THE CHILD**

**Period 1997 – 2015**

**JULY 2015:**

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<b>AWCY</b>	Association of Working Children and Youth
<b>ILO</b>	International Labour Office
<b>ILO-IPEC</b>	International Labour Office - International Program for the Elimination of Child Labour
<b>NB</b>	National Budget
<b>CCDE</b>	Communal Committee on the Rights of the Child
<b>CCNE</b>	National Advisory Council for Children
<b>CCDDE</b>	Departmental Committee on the Rights of the Child
<b>ECOWAS</b>	Economic Community of West African States
<b>ECCAS</b>	Economic Community of Central African States
<b>CHILDPRO</b>	Child Protection (database on vulnerable children)
<b>CRC:</b>	Convention on the Rights of the Child
<b>CNDE</b>	National Commission on the Rights of the Child
<b>CLOSE</b>	Liaison Committee of Organizations Working for the Defense of Child Rights
<b>CPS</b>	Social Promotion Center
<b>DANIDA</b>	Danish International Development Agency
<b>BCC</b>	Behaviour Change Communication
<b>DDFSN</b>	Direction Départementale de la Famille et de la Solidarité Nationale (Departmental Directorate for Family and National Solidarity)
<b>DEA</b>	Direction de l'Enfance et de l'Adolescence (Directorate for Childhood and Adolescence)
<b>DFEA</b>	Direction de la Famille, de l'Enfance et de l'Adolescence (Directorate for Family, Childhood and Adolescence)
<b>DCI</b>	Defense for Children International
<b>CR</b>	Children's rights
<b>DHAB</b>	Directorate of Basic Hygiene and Sanitation
<b>PRSP</b>	Poverty Reduction Strategy Paper
<b>DHS</b>	Demographic and Health Survey
<b>EFA</b>	Education for All
<b>ENTE</b>	Enquête Nationale sur le Travail des Enfants (National Survey on Child Labour)
<b>SDF</b>	Social Development Fund
<b>HAAC</b>	High Authority for Audiovisual and Communications
<b>IEC</b>	Information, Education and Communication
<b>INSAE</b>	National Institute of Statistics and Economic Analysis
<b>IPEC</b>	International Program for Elimination of Children Work
<b>STIs</b>	Sexually Transmitted Infections
<b>MAEP</b>	Ministère de l'Agriculture, de l'Élevage et de la Pêche (Ministry of Agriculture, Livestock, and Fisheries)
<b>WFC</b>	A World Fit for Children

<b>MECCAG-PDPE</b>	Ministry of State in charge of Coordinating Governmental Action, Prospective, Development and Promoting Employment
<b>MJ-CRI</b>	Ministry of Justice, in charge of Relations with Institutions
<b>MEPS</b>	Ministry of Primary and Secondary Education
<b>MEMP</b>	Ministry of Pre-school and Primary Education
<b>MFFE</b>	Ministry of Family, Women and Children
<b>MFASSNHPTA</b>	Ministry of Family, Social Affairs, National Solidarity, Disabled and Elderly
<b>MFPSS</b>	Ministry of Family, Social Protection and Solidarity
<b>FGM</b>	Female Genital Mutilation
<b>MTFPRAI</b>	Ministry of Labour, Civil Service and Administrative and Institutional Reform
<b>MJLDH</b>	Ministry of Justice, Legislation and Human Rights
<b>MISPC</b>	Ministry of Interior, Public Security and Religious Affairs
<b>MSP</b>	Ministry of Public Health
<b>OBISACOTE</b>	Inter-trade union observatory on the application of ILO conventions on child labour in Benin
<b>OCPM</b>	Central Office for the Protection of Minors
<b>OCS</b>	Observatory of Social Change
<b>CSO</b>	Civil Society Organization
<b>OVC</b>	Orphans and Vulnerable Children
<b>OFFE</b>	Observatory of the Family, Women and Children
<b>MDGs</b>	Millennium Development Goals
<b>WHO</b>	World Health Organization
<b>ONAPETET</b>	National Observatory for the Protection of Children against Trafficking and Exploitation at Work
<b>NGO</b>	Non-Governmental Organization
<b>UN</b>	United Nations
<b>ILO</b>	International Labor Organization
<b>OAU:</b>	Organization for African Unity.
<b>WFP</b>	World Food Program
<b>PANF</b>	The National Action Plan on the Family
<b>PDDSE</b>	Ten-Year Plan for the development of Education
<b>PNPF</b>	National Policy for the Promotion of Women
<b>PSNPS</b>	Policy Paper and National Strategy for Social Protection
<b>IMCI</b>	Integrated Management of Childhood Illness
<b>EPI</b>	Expanded Program on Immunization
<b>PNLP</b>	National Program to Combat Malaria
<b>PNLS</b>	National Program to Combat AIDS
<b>TFP</b>	Technical and Financial Partners
<b>PLWH</b>	People Living with the Human Immunodeficiency Virus

<b>RAVEC</b>	Administrative Census for Civil Registration
<b>RGPH3</b>	Third General Population and Housing Census (2002)
<b>RGPH4</b>	Fourth General Population and Housing Census (2012)
<b>SASM</b>	Social Affairs Offices of Townhall
<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>GRPS</b>	Growth and Poverty Reduction Strategy

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## **General Introduction:**

Benin ratified on 17 April 1997, the African Charter on the Rights and Welfare of the Child (ACRWC).

In accordance with Article 43 of the ACRWC " Every State Party to the present Charter shall undertake to submit to the Committee through the Secretary-General of the Organization of African Unity, reports on the measures they have adopted which give effect to the provisions of this Charter and on the progress made in the enjoyment of these rights"

The African Committee of Experts on the Rights and Welfare of the Child is an African Union mechanism responsible for the application and monitoring of these rights.

Since this ratification in April 1997, Benin has taken legislative, regulatory or other measures and developed programs to give effect to the provisions of the instrument. This report contains detailed information on the implementation of the Charter as well as the factors and difficulties that hinder compliance and covers the period from 1997 to 2015.

## **Report drafting methodology:**

The drafting of this report followed an inclusive and participatory process of national consultation where state structures, civil society actors and especially children, contributed to the collection of information. This process was supported by UNICEF.

The information and data compiled in this report have been produced by the Ministry of Justice in collaboration with other governmental and non-governmental structures within the Monitoring Committee for the Application of International Instruments on Human Rights.

This process took place in four phases:

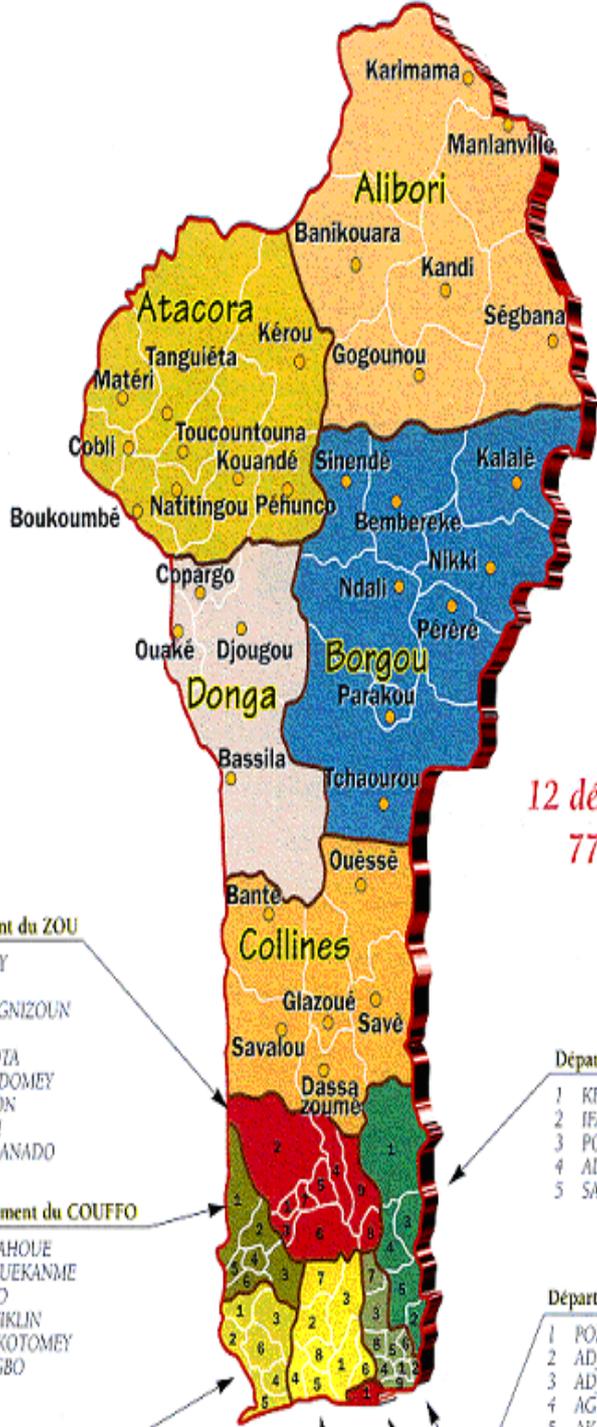
- The development of a collection protocol validated by a steering committee set up for this purpose;
- the collection of data;
- the writing of the preliminary draft report;
- the validation of the final report;

The collection operations led to the organization of four sectoral workshops, bringing together resource persons of the ministries and technical directorates, as well as civil society organizations according to the following lines of intervention:

- Justice and Security;
- Education and Health;
- Social protection;
- Communication, Work and Tourism.

These sector workshops have enriched the initial collection. A preliminary draft report was written and submitted for validation to the National Committee for the Application and Monitoring of International Instruments relating to Human Rights.

**CARTE ADMINISTRATIVE DU BÉNIN**



**12 départements  
77 communes**

- Département du ZOU**
- 1 ABOMEY
  - 2 DJIDJA
  - 3 AGBANGNIZOUN
  - 4 COVE
  - 5 ZA-KPOTA
  - 6 ZOGBODOMEY
  - 7 BOHICON
  - 8 OUINHI
  - 9 ZANGNANADO

- Département du COUFFO**
- 1 APLAHOUE
  - 2 KLOUEKANME
  - 3 LALO
  - 4 TOVIKLIN
  - 5 DJAKOTOMEY
  - 6 DOGBO

- Département du MONO**
- 1 LOKOSSA
  - 2 ATHIEME
  - 3 BOPA
  - 4 COME
  - 5 GRAND-POPO
  - 6 HOUEYOGBE

- Département de l'ATLANTIQUE**
- |                 |               |
|-----------------|---------------|
| 1 ABOMEY-CALAVI | 5 OUIDAH      |
| 2 ALLADA        | 6 SO-AVA      |
| 3 ZE            | 7 TOFFO       |
| 4 RPOMASSE      | 8 TORI-BOSITO |

- Département du PLATEAU**
- 1 KETOU
  - 2 IFANGNI
  - 3 POBE
  - 4 ADJA-OUERE
  - 5 SAKETE

- Département de l'OUÉMÉ**
- 1 PORTO NOVO
  - 2 ADJARA
  - 3 ADJOHOUN
  - 4 AGUEGUE
  - 5 AKPRO-MISSERETE
  - 6 AVRANKOU
  - 7 BONOU
  - 8 DANGBO
  - 9 SEME-KPODJI

- Département du LITTORAL**
- 1 COTONOU

## I. PRESENTATION OF THE COUNTRY

The Republic of Benin is located in the tropics between the equator and the Tropic of Cancer more precisely between the northern 6°30' and 12°30' parallels, on the one hand and the eastern 1° and 30°40' meridians, on the other hand. It is part of West Africa and is bounded by Niger in the north, Nigeria in the east, Atlantic Ocean in the south, Togo in the west and Burkina Faso in the northwest. The Republic of Benin stretches across 114 763 square kilometers<sup>1</sup>.

**1.2-** Benin's landscape is little rough. It has an average altitude of 200 meters. Only the Atacora chain, in the north-west of the country is hilly, with an altitude that varies between 400 and 700 meters.

In terms of hydrography, Benin is watered by numerous rivers belonging to three major basins: the Niger Basin, the Volta Basin and the coastal basin. Most of these rivers originate in the Atacora massif and supply the three basins. Located in the intertropical zone, Benin has a hot and humid climate.

**1.3** Benin attained international sovereignty on August 1, 1960. It experienced changes in political regimes following a series of coups, the most notable of which was that of October 26, 1972 with the advent of a military regime based on the Marxist-Leninist ideology.

Profiting from a conference of Living Forces of the Nation held from February 19 to 28 1990 in Cotonou, the Beninese opted sovereignly for a liberal democracy.

Thus, since 11 December 1990, Benin has a new constitution that provides for a presidential regime and a national assembly elected by universal suffrage.

Gradually, the country consolidates its democratic experience with, to its credit, the regular organization of presidential and legislative elections, the actual changeover of power, the separation between the legislative, executive and judicial powers, the progressive setting up of a legal and institutional framework conducive to the establishment of State of law and good governance.

The Republic of Benin is a party to various international and regional and sub-regional organization. Benin is thus a member of the United Nations (UN). It is also a founding member of the Council of the Entente, the West African Economic and Monetary Union (UEMOA), the Economic Community of West African States (ECOWAS) and the African Union (AU).

**1.4** The administrative and territorial organization in the Republic of Benin is based on Law No. 97-028 of January 15, 1999. This law defines the new territorial subdivisions of the country. Benin is subdivided into 12 departments that are: Alibori, Atacora, Atlantic, Borgou, Hills, Couffo, Donga, Littoral, Mono, Ouémé, Plateau and Zou. The departments are subdivided into 77 communes, three of which have a special status: Cotonou, Porto Novo and Parakou. The 77 communes are subdivided into 546 districts comprising 4,386 villages and city neighborhoods, the village being the smallest administrative unit in a rural district in the same way as the city neighborhood in an urban district.

The decentralization process for promoting grassroots democracy started in 2003 is continuing.

**1.5** The Beninese economy is essentially characterized by a primary sector reduced to extensive agriculture, an embryonic secondary sector and a weak and extroverted tertiary sector.

The economic activity remains dominated by agriculture, livestock and fisheries (49%), followed by trade (27%) and non-agricultural workers or artisans (17%).

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<sup>1</sup> RGPH4 2012

Agriculture is the basis of the economy, contributing 32.2% of the Gross Domestic Product (GDP)<sup>2</sup> ; its extensive nature explains why it is one of the main activity sectors where child labor is significantly used.

Involving scarcely 10% of the active population with a contribution to the GDP<sup>3</sup> ranging between 7% and 9% from 2000 to 2008, the industry sector is the weakest link in the national economy. The tertiary sector is booming.

These economic realities explain the overall development level of the country ranking 163rd out of 177 countries on the Human Development Index (HDI) list<sup>4</sup> .

Benin experienced an average annual growth of 3.7% in the last ten years.

**1.6** Demographically, according to the 2012 RGPH 4, the population of Benin was estimated at **9,983,884** inhabitants, more than half of whom (52.4%) is under 18 years of age. This same study reveals that the number of women is **5,115,704** or 51.2% of the total population. According to the third general population and housing census conducted in 2002, Benin is made up of various ethnic groups whose numerical importance is variable.

**1.7** The findings of the third general population and housing census suggest that the literacy rate in Benin is still low. It increased from 24.4% in 1992 to 37.7% in 2002. A gender imbalance in favour of men is noted. The literacy rate is 48.2% for men and 28.1% for women, i.e. a gender parity index of 0.58.

The percentage of illiterate population in 2002 was 57% for Benin as a whole (47.2% of men and 66% of women). But it should be noted that significant progress has been made over the last 10 years. The primary school enrollment rate improved the most between 1992 and 2002, with a decennial gain of 8.1 points against 5.1 points for secondary education and only 0.5 points for the higher education. The primary school enrollment rate increased the most between 1992 and 2002, rising up from 14% to 22.9%, against 11.8% to 14% between 1979 and 1992<sup>5</sup>.

## **II. GENERAL MEASURES OF APPLICATION OF THE ACRWC**

### **Implementing Measures in the legal system of Benin:**

1. Benin unreservedly signed the African Charter on the Rights and Welfare of the Child on February 27, 1992 and as such is one of the 15 countries required for its adoption. It ratified it on April 17, 1997 and filed the instruments of ratification on May 30, 1997. Indeed, according to the provisions of Article 147 of the Constitution of Benin, "Treaties or agreements lawfully ratified shall have, upon their publication, an authority superior to that of laws, without prejudice for each agreement or treaty in its application by the other party".
2. Thus, any action to implement the principles of the CRC helps, thereby, to embody the African Charter on the Rights and Welfare of the Child because of this similarity. For the Charter is ultimately a means of strengthening the application of the CRC as described in Article 46, where it is stated that "The Committee shall draw inspiration from International Law on Human Rights, particularly from the provisions of the African Charter on Human and Peoples' Rights, the Charter of the Organization of

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<sup>2</sup>INSAE, National Accounts

<sup>4</sup>See RNDH 2007/2008

<sup>5</sup> RGPH3

African Unity, the Universal Declaration on Human Rights, the International Convention on the Rights of the Child, and other instruments adopted by the United Nations and by African countries in the field of human rights, and from African values and traditions". Moreover, in the last paragraph of the preamble to the above mentioned Charter (ACRWC), particularly in its article 48, the state party reaffirms its adherence to the principles and rights enshrined in the CRC.

**Measures to harmonize the provisions of the ACRWC:**

3. From 1997 to date, new national and international laws and regulatory acts for child protection have come into effect. Benin has ratified various international agreements and conventions for the protection of children.

<b>International conventions ratified after the ACRWC</b>	<b>Date of ratification</b>
- The Optional protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution, and child pornography	ratified on February 28, 2005
- The Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict	ratified on February 28, 2005
- ILO Convention No. 138 on the Minimum Age for Admission to Employment	ratified by Benin on June 11, 2011
- ILO Convention No. 182 on Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour ;	ratified by Benin on November 11, 2001
- Convention on Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	ratified by Benin on Monday, August 30, 2004
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	ratified by Benin on August 30, 2004
- The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	ratified on September 20, 2006

- The Charter for Public Service in Africa	ratified on Monday, February 5, 2001
- UN Convention on combating corruption of September 2005	
- UN Convention on combating corruption of October 31, 2003	ratified on Thursday, October 14, 2004
- African Union Convention on Preventing and Combating Corruption	ratified on September 20, 2007
- The Convention on the Rights of Persons with Disabilities	ratified on July 5, 2012
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women	ratified on January 28, 2005
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	ratified on July 5, 2012
the Rome Statute of the International Criminal Court	ratified on Tuesday, January 22, 2002
The Protocol to the African Charter on Human and Peoples' Rights on the establishment of an African Court on Human and Peoples' Rights	ratified on September 2014
<b>At regional or sub-regional level in Africa</b>	
<b>The various bilateral and multilateral treaties and agreements concluded by Benin are :</b>	
<ul style="list-style-type: none"> <li>• The multilateral agreement on cooperation against child trafficking in West Africa signed between the ECOWAS member states in Abidjan, Côte d'Ivoire on July 27, 2005 between Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo.</li> </ul>	
<ul style="list-style-type: none"> <li>• The Agreement on Police Cooperation between the ECOWAS countries signed on December 19, 2003;</li> </ul>	
<ul style="list-style-type: none"> <li>• The ECOWAS/ECCAS Multilateral Agreement on Regional Cooperation to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa signed in Abuja, Nigeria on July 06, 2006.</li> </ul>	
The last two agreements resulted in an ECOWAS / ECCAS Joint Action Plan to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa	

adopted for the period 2006-2008. At the end of the agreement eight (8) areas of joint intervention are mentioned: prevention, repression, protection, repatriation, reunification, rehabilitation, reintegration and cooperation.

- The bilateral agreement finally entered into between Benin and Nigeria on the prevention, repression and suppression of Trafficking in persons, especially women and children, which was signed in Cotonou on June 09, 2005. It was accompanied by a memorandum of understanding also concluded between the two countries in the same year (2005). Under this memorandum, three (03) border surveillance brigades between the two countries were created.
- Benin-Congo Bilateral Agreement for Cooperation in the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, signed in September 2011, followed by an Action Plan signed in January 2012 by the two parties.

At national level

**The various existing legislative and regulatory acts are:**

- Law No. 90-32 establishing the Constitution of the Republic of Benin ;
- Law No. 98-004 of January 27, 1998 on the Labour Code in the Republic of Benin ;
- Law No. 2002-07 of August 24, 2004 on Personal and Family Code,
- Law No. 2003-03 of March 3, 2003 penalizing the practice of female genital mutilation;
- Law No. 2003-04 of March 3, 2003 on sexual and reproductive health published in the Official Gazette of March 15, 2003
- Law No. 2006 -04 of April 10, 2006 defining the conditions under which minors may travel and suppressing child trafficking in Benin ;
- Law No. 2006-19 of September 05, 2006 on the repression of sexual harassment and protection of victims in Benin ;
- Decree of May 6, 1877 called the BOUVENET CODE on the Criminal Code, in West Africa ;
- Law No. 2011- 26 of January 09, 2012 on the prevention and repression of violence against women in the Republic of Benin ;
- Law No. 2012-15 of March 30, 2012 setting out the Code of Criminal Procedure of the Republic of Benin ;
- Law 2005-31 of April 10, 2006 on the prevention, care and control of HIV/AIDS in the Republic of Benin published in the Official Gazette on September 1, 2006.

<ul style="list-style-type: none"> <li>• Decree No. 99-559 of November 22, 1999 on the Establishment, Responsibilities and Functioning of the National Commission on the Rights of the Child;</li> </ul>
<ul style="list-style-type: none"> <li>• Decree on the exemption of school fees for girls up to the fourth year of secondary education.</li> </ul>
<ul style="list-style-type: none"> <li>• Decree No. 2009-694 of 31 December 2009 on the specific conditions for entry of foreign children into the territory of the Republic of Benin;</li> </ul>
<ul style="list-style-type: none"> <li>• Decree No. 2009-695 of December 31, 2009 on the modalities for issuance of administrative authorization for the travel of children within the territory of the Republic of Benin ;</li> </ul>
<ul style="list-style-type: none"> <li>• Decree No. 2009-696 of December 31, 2009 on the modalities for issuance of administrative permit for the exit of children from the Republic of Benin.</li> </ul>
<ul style="list-style-type: none"> <li>• Decree relating to free cesarean section.</li> </ul>
<ul style="list-style-type: none"> <li>• Decree on free health care for under five children.</li> </ul>
<ul style="list-style-type: none"> <li>• Decree 2012-416 setting the norms and standards applicable in child reception and protection centers</li> </ul>
<ul style="list-style-type: none"> <li>• Decree on free primary education.</li> </ul>
<ul style="list-style-type: none"> <li>• Decree No. 2011-029 of January 31, 2011 fixing the list of hazardous and forbidden child labour in the Republic of Benin</li> </ul>
<ul style="list-style-type: none"> <li>• Decree of 2014 establishing integrated care centers for victims of gender-based violence ...</li> </ul>
<ul style="list-style-type: none"> <li>• Ministerial Order No. 503/MFPSS/ DC/SGM/ DEA/SPEA/SA of March 15, 2006 on the dismantling of the national child protection monitoring and coordination unit into departmental and communal child protection monitoring and coordination units.</li> </ul>
<ul style="list-style-type: none"> <li>• Order No. 331/MTFP/DC/SGM/DGT/DNT/SPT of July 10, 2007 n the responsibilities, structure and functioning of the General Directorate of Labour.</li> </ul>
<ul style="list-style-type: none"> <li>• The Charter of market users for the prevention and fight against the economic exploitation of children of October 10, 2014.</li> </ul>
<ul style="list-style-type: none"> <li>• The Memorandum of Agreement for the prevention and fight against the economic exploitation of children of October 10, 2014.</li> </ul>
<ul style="list-style-type: none"> <li>• The Charter of master craftsman...</li> </ul>
<ul style="list-style-type: none"> <li>• The Charter of artisanal miners...</li> </ul>

4. Finally, on January 26, 2015, the National Assembly of Benin adopted the Law No. 2015-08 on the code of the child in the Republic of Benin. This document is in the process of being promulgated. Other documents on child protection are under development or review/revision. These include:

- Criminal code;
  - Decree fixing the list of hazardous and forbidden child labour in the Republic of Benin;
  - Draft law on the promotion and protection of persons with disabilities
  - Law on prevention, care and control of HIV/AIDS in the Republic of Benin.
5. These various legislative and regulatory acts as well as the conventions and treaties signed complement or reinforce the legal framework and contribute to its harmonization with the provisions of the charter.
6. To operationalize the national child protection system, different institutions are also created to implement the child protection and promotion policy.

**a. Institutional arrangements for children**

7. In Benin, following structures are responsible for child protection :
- **The Ministry of Family, Social Affairs, National Solidarity, Disabled and Elderly**
8. It has a legal mandate to develop child policy, coordinate interventions for children as well as support and meet children with disabilities, including the disabled and orphans. It acts mainly through the Directorate for Family, Childhood and Adolescence (DFEA) and the Directorate of Social Affairs and National Solidarity.
9. There are also two other directorates in this ministry whose activities contribute to the implementation of children's rights at the central level: the Directorate for the Rehabilitation and Integration of People with Disabilities (DRIPH) and the Directorate for the Promotion of Woman and Gender. There is an Observatory for the Family, Women and Children (OFFE), a scientific institution that deals with the collection, analysis, processing and dissemination of statistical data. In addition to the technical departments, a Social Development Support Fund is put in place in this Ministry.
10. These directorates are represented at the departmental level by six (6) departmental directorates, managing under their supervision eighty-five (85) social promotion centers spread throughout Benin. This allows the ministry to ensure a comprehensive coverage of the country.
- The National Childcare Monitoring and Coordination Unit (CNSCPE) is another institution chaired by the Ministry of Family, this multisectoral unit coordinates child protection activities at the national and deconcentrated and community levels, through its various branches at departmental and communal levels.
  - The Ministry of Family Affairs is coordinating the activities of the National Consultative Council for Children.
  - **The Ministry of Justice, Legislation and Human Rights:**
11. The Ministry of Justice is the main government entity responsible for providing justice services to citizens and therefore to children. It is responsible for the administration of juvenile justice. It has for this purpose active structures such as:
- The Directorate for Legal Protection of Children and Youths (DPJEJ), responsible for coordinating the national policy on child justice on the one hand, and the supervision of the Child and Adolescent Protection Centers (CSEA).

- the Department of Penitentiary Administration and Social Assistance (DAPAS) responsible for the administration of prisons, involved in the custody of minors and in actions for the benefit of mothers imprisoned with their children;
- the Directorate of Civil and Criminal Affairs (DACP) which manages the functioning of the courts under the supervision of the Secretary General of the Ministry
- the Directorate on Human Rights (DDH) responsible for defining, implementing and coordinating the national policy for the promotion and protection of human rights.
- The National Commission on the Rights of the Child (NCRC)  
It should be noted that the government created by Decree No. 99-559 of 22 November 1999 the National Commission on the Rights of the Child whose role is to promote the Rights of the Child and ensure the safeguarding of its special interests through the implementation of the CRC. This multisectoral commission is chaired by the Minister of Justice.

- **The Ministry of Interior, Public Security and Religious Affairs**

12. It is responsible for the national security and has a number of structures in charge of providing justice services. These include the Central Office in charge of Protecting Minors and Family and Combating Human Trafficking (OCPMFRTEH) established in Cotonou but having a national competence; it also has a transit center for child victims or those under investigation. Other structures include police stations and gendarmerie brigades (made available to the Ministry of the Interior) spread throughout the country and involving judicial police officers (OPJ), who are responsible for judicial investigations.  
The General Directorate of Vital Records (DGEC).

- **The Ministry of Health**

13. It is responsible for the implementation of the National Health Policy and is involved, through its Directorate of Maternal and Child Health, in matters related to maternal and newborn health, family planning, nutrition as well as youth and adolescent health issues.

- **The Ministry of Pre-school and Primary Education**

14. It comprises two levels of education, namely the pre-school and primary education. The aim of pre-school education is essentially to awaken and stimulate the physical, psychological and mental functions of the child. Private kindergartens but also community-based preschool learning centers are created under its supervision. If pre-school education is optional, primary education is compulsory.

- **Ministry of Secondary Education in charge of Technical and Vocational Education, Retraining and Inclusion of Youths**

15. This ministry is in charge of general education and other specific forms of education which prepare young people for professional integration. It includes the Directorate of training and professional qualification that supports the reintegration of children in difficult situations through educational offers. The Accelerated Educational Alternative is also applied, as a system that consists in training during three years, children that are excluded from the formal system.

- **The Ministry of Higher Education and Scientific Research :**

16. Its mission is the design, implementation and monitoring of the state policy on higher education and scientific research, in accordance with international conventions, laws and regulations. This ministry is active in promoting and protecting the rights of the child (RC) through the training of trainers, working closely with the Ministry of family, it works for the setting up of social services on university campuses.

- **Ministry of Labour, Civil Service and Administrative and Institutional Reform**

17. It is in charge of the employment and occupational safety and health policy and therefore conducts all child protection actions related to the workplace. It has a General Labour Directorate, which through its Labour Standards Directorate provides the Secretariat of the National Steering Committee to combat child labor (CDN)

18. The National Steering Committee, created by Order No 435 MTFP/DC/SG/DGT/DNT/SPLTE of July 07, 2008, is in charge of:

- providing guidance for the development of policy and programs to combat child labour;
- coordinating and supervising the fight against child labor;
- approving any program for the fight against child labor;
- monitoring and evaluating activities to combat child labor;

19. This Multisectoral Committee is chaired by the Minister of Labour, Public Service, Administrative and Institutional Reform and works in close collaboration with the International Labor Organization.

20. Apart from the Ministry of Higher Education, the aforementioned ministries are those with concrete structures that effectively target childhood.

21. These main ministries are therefore responsible for the national child protection policy initiated and implemented through programs and projects.

**b. National childhood policies and programs:**

22. Following the UN special session on children in May 2002 in New York, each State Party to the convention was asked to draw up a national action plan. It is within this framework that the Beninese State has adopted:

- on October 09, 2007 the document of national child protection policies and strategies, 2008-2012
- the National Policy for the Development of the Justice Sector (PNDSJ) ratified in June 2014 and whose national implementation program was adopted.
- 

23. Various programs and projects from the government, civil society organizations and development partners were thus defined, but will unfortunately be implemented dispersedly without effective coordination.

24. Following the evaluation of this first edition, which expired since 2012, a new National Child Protection Policy was developed and adopted in October 2014. This new policy has the merit of redefining and re-specifying the various issues behind vulnerable childhood.

25. Unlike the first edition, the second states specific child protection action plans. The statement process is still ongoing.

26. Apart from these two policy documents, there are other planning documents for child protection. These include plans and programs aiming the same purpose of child protection.
- The National Policy and Strategy for Social Protection (PSNPS) carried out from 2004 to 2013 aimed at supporting vulnerable people, homes and communities, with a strategic focus for the protection of children;
  - The programs stemming from the Growth Strategy for Poverty Reduction, which in its intervention components from 2007 to 2009, and then from 2011 to 2015, included actions aimed at family promotion, child protection and development, particularly through the facilitation of access to care;
  - The Child Protection Policy and Strategies of November 2007 : through which strategic lines of action have been defined to better identify the types of vulnerabilities via efficiently coordinated actions and cooperation between partners and a more effective implementation of the laws, with a focus on prevention, and improved child participation;
  - The national policy for the promotion of gender, which is particularly aimed at promoting gender equality in schools and at reducing school drop-out, on the one hand, and on finding ways and means of combating early marriage ;
  - The policy of psycho-social care for people living with the human immunodeficiency virus (PLWHA) and orphans and vulnerable children (OVC) (July 2006);
  - The National Plan for the Fight against Child Trafficking (2008-2012), which aimed to identify and assess the situation of child exploitation in relation with child trafficking; and then identify and strengthen the institutional and organizational legal frameworks for the prevention, rehabilitation and reintegration of child victims of trafficking;
  - The National Action Plan on the Family (2009 to 2016) which analyzes the socio-economic reality of the family in Benin, then decline the strategic lines of action for building the economic capacities of families, improving access to social services, and the protection of families with special needs
  - The National Action Plan for the Elimination of the Worst Forms of Child Labour in Benin (PAN) 2012-2015;
  - The National Policy for the Development of Justice Sector (PNDSJ) 2015-2025

### **Coordination of the implementation of the ACRWC:**

27. The coordinated implementation of conventions and treaties relating to the rights of the child signed by Benin is attributed by decree to several structures. Firstly, the Commission on the Rights of the Child was created in 1999 to assume responsibility for the coordination, protection and promotion of child rights. Its mission is, inter alia, to ensure the implementation of the Convention on the Rights of the Child (Article No 2 of Decree No. 99-559 of November 22, 1999).
28. The DFEA is governed by Decree No. 1384/MFASSNHPTA/DC/SGM/DFEA/SA on Organization and Functioning. As such it is responsible for:
  - ensuring the popularization and effective application of legal texts in favor of the child.
  - contributing to the preservation of family cohesion
  - coordinating and monitoring the implementation of action plans on family and children.
  - coordinating the actions of NGOs in the field of child protection and the promotion of family values
  - following up programs and projects, resolutions and recommendations made during national and international meetings on children and family.
  - ensuring nutritional surveillance for children under 5 years old
29. In support of the DPJEJ, the coordination for the implementation of the ACRWC is ensured by the National Monitoring and Coordination Unit for Child Protection (CNSCPE), a melting pot for reflection and action composed of governmental structures, local and international NGOs and technical and financial partners for development.
30. The celebration of African Child Days in accordance with the themes and guidance notes of the Committee of Experts on the Rights and Welfare of the Child is a forum for all stakeholders to exchange and share information about the implementation of the ACRWC. However, Benin has not yet submitted to this committee a report on the practical organization of these days.

### **International assistance in the implementation of the ACRWC:**

31. In addition to the Beninese Government's efforts, the promotion and protection of the rights of the child is actively supported by Benin's technical and financial development partners.

The achievements in the intervention areas of the State supported by these technical and financial partners, contribute to making effective the rights enshrined by the ACRWC.
32. This assistance includes the following partners:

At multilateral level:

  - The European Union It supported the justice sector and initiated the first and second projects on the fight against child trafficking through the establishment of an operational entity, the Technical Assistance Office (TAO). The first project contributed to strengthening the intervention capabilities of the Brigade for the Protection of Minors and to raising awareness among the population, NGOs and media. The second project helped enhance the institutional framework to combat the trafficking and exploitation of children; reduce the structural causes, secure the living conditions of working children and enhance their professional skills.

At bilateral level:

- The French government, through its Embassy (FSD) and its agency for development (AFD);
- The Belgian cooperation with its intervention in the implementation of the support program for justice and civil registration;
- Swiss and Danish cooperation on violence against girls;
- The Embassy of Netherlands for reproductive health of adolescents and young people;
- Funding of programs for education and the fight against child trafficking by USAID;
- The Canadian government through the Canadian Fund of Local Initiatives (CFLI);
- The German government through micro-projects for the building of latrines in primary schools;
- The Japanese government through Japanese donations (construction of school infrastructure).

At the level of the United Nations agencies:

- The United Nations Children's Fund (UNICEF), a very active partner in the field of protection and promotion of child rights and technical, material and financial support to the government and NGOs involved in the defense of child rights. UNICEF provides support to street children, trafficking victims, orphans, beggars, placed workers, etc.
- The World Food Program (WFP), which implements canteen projects for schools and thus contributes to the maintenance of children in general and girls in particular at school.
- The International Labor Organization through the International Program to combat Trafficking in Children for Labor Exploitation (ILO / IPEC): IPEC is indeed an international program to combat child labor, and IPEC contributes to the understanding of child labor phenomenon, the institutional strengthening of partners for the implementation of effective actions, prevention and socio-economic rehabilitation of children victims of labor and trafficking. It assists technically and financially some thirty implementing agencies.

### **Participation of CSOs, NGOs and children to the implementation of the ACRWC**

33. Several international organizations and NGOs are also active in Benin, supporting government authorities in the field of child protection (see attached list)

#### **Participation of CSOs and Children**

34. Child reporters, children and young workers etc. are represented in consultation frameworks at local, departmental and national level where child-related decisions are made. An umbrella structure for all children's associations in Benin is existing since 2012. The National Advisory Council for Children includes branches at communal, departmental and national levels. They are regularly consulted at all levels in the development of policy documents, strategies and others:
- The abovementioned Law on the Child Code;
  - The national child protection policy;
  - SRAJ Peer Educators' Strategy Documents
  - The PNPE action plan under development
  - The drafting of this report

### **Existence of independent human rights institution:**

35. There is a national human rights institution in Benin. It is governed by Law 2012-36 of February 15, 2013 establishing the Benin Human Rights Commission (CBDH). The Article 4 of the law establishing the CBDH states that its role is "to promote and safeguard human rights in the Republic of Benin". With regard to promotion, the Commission may recommend the ratification of international human rights instruments, participate in the preparation of reports to be drafted by the Government for the various the United Nations entities and submit to the Government recommendations for it to "periodically report to the public authorities on its activities and invite them to implement the decisions of United Nations and OAU bodies or of any international governmental or non-governmental institutions engaged in human rights issues of man".

### **General measures to popularize the ACRWC**

36. Community awareness is widely used by the various actors and involves radio programs or mass awareness-raising and outreach sessions in communities. For this purpose, the actors intervene through the use of brochures or communication materials, the transmission of information and counseling methods (IEC). The aim is, among other things, to educate communities about children's rights as set by the CRC or the ACRWC.
37. This evolving dynamic of awareness is particularly enhanced within the Ministry in charge of the Family which has a mobilization and awareness communication plan implemented by social promotion centers (CPS).
38. Benin has encouraged several actions aimed at popularizing the ACRWC, particularly through:
- the organization in 2000 of the 28th session of the African Commission on Human and Peoples' Rights (ACHPR);
  - the organization in 2010 and 2014 of meetings on the abolition of the death penalty;
  - the organization in 2012 of the inter-parliamentary seminar on child trafficking between the National Assembly of Benin and the Inter-Parliamentary Union (Geneva)
  - the support for the candidacy in the election and appointment of Maître Reine ALAPINI GANSOU in 2007 and 2013 (member and chair of the commission);
  - the support for the candidacy in the election and appointment of Mr. Cyprien YANCLO to the African Committee of Experts on the Rights and Welfare of the Child in 2008 (member and first vice-president)
39. As part of the dissemination of legal instruments for children, several initiatives have been undertaken. But the predominance of the CRC does not favor a particular appropriation of the charter.

### **III. DEFINITION OF THE CHILD:**

40. Since November 20, 1989, the date of the adoption of the CRC, Benin has a new legal instrument which confers on the child the status of rights holder. Article 1 of the CRC and Article 2 of the ACRWC clearly define the child in a form of harmonization adopted by several laws in the Republic of Benin including:
- Law No. 2006-04 of April 10, 2006 defining the conditions under which minors may travel and suppressing child trafficking in Benin ;
  - Law No. 2002-07 of August 24, 2004 on Personal and Family Code, Article 459 of which defines a child as "every human being below the age of 18 years ...".
  - The Law on the Child Code in the Republic of Benin (Art. 2) pending promulgation.

## **V. GENERAL PRINCIPLES:**

41. The Charter is governed by the following five (5) main principles:
- The non-discrimination,
  - The best interests of the child,
  - The right to life, survival and development,
  - The respect for children's views,
  - Informing children and promoting their participation

### **Non-discrimination:**

42. The first constitutional guarantee of this principle is the direct integration of the African Charter on Human and Peoples' Rights into the Benin Constitution (art.2). In fact, the aforementioned charter requires that the full enjoyment of the rights it states is recognized and guaranteed to all without any discrimination.
43. Then, the second constitutional guarantee is enshrined in Article 8 of the Constitution, by the absolute obligation imposed on the State to ensure equal access to the various basic social services; but also to guarantee full development to the citizen whoever he may be.
44. This same principle is reaffirmed in Article 26 of the Constitution which states that men and women are equal in rights.
45. In addition to these constitutional standards, various other laws also reinforce the respect of the same principle.
46. For example, Law No. 2011- 26 of January 9, 2012 on violence against women, in its Article 5, provides that the fight for equality between men and women is a national priority.
47. To this end, principles and teachings for mutual respect between the sexes, learning to live together, rejection and condemnation of violence, development of critical thinking and analysis against violence and all gender inequalities will be taken into account in the curricula.
48. The concern of avoiding disparity in treatment, for whatever reason, is established as a guideline.
49. Law No. 2003-4 of March 3, 2003 on sexual health and reproduction, in its art 7, reiterates the respect of non-discrimination in the field of reproductive health care.
50. The effective application of the principle is, however, particularly difficult for girls (see below: (f): protection against abuse and ill-treatment).
51. The discrimination against girls in the family (early marriage), or at school (through various abuses), was a serious handicap for their education and development, that required specific programs to address it.
52. With regard to racist discrimination, the State organized two information days respectively in 2010 and 2011 to take action on the measures adopted at the World Conference on Racism, Discrimination, Xenophobia and Intolerance.
53. Finally, the Law N ° 2015-08 on Children's Code in the Republic of Benin, voted on January 26, 2015 and awaiting promulgation, enshrines the principle of non-discrimination in its article 7 which provides that : « Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed by this Law and is entitled to equal treatment in respect of services, goods or services without discrimination on the basis of race, ethnic group, social or national origin, sex, language, religion, political affiliation or other opinion, fortune, birth, disability, family

status or other status, irrespective of the same for his parents or family members or legal guardian " .

54. The MICS 2015 reveals in accordance with the MDG 3.1 on the Gender Parity Index (primary level) that the primary school net (adjusted) attendance ratio of girls divided by the primary school net (adjusted) attendance ratio of boys is 0.9. For secondary education, the same survey reveals for this index that the secondary school net attendance ratio (adjusted) of girls divided by the secondary school net attendance ratio (adjusted) of boys is 0.8.

### **Best interests of the child:**

55. Several provisions of Benin's substantive law enshrine the best interests of the child.

- Regarding adoption:

Whether plenary or simple, it can only take place for proper reasons and if it is of great interest for the adopted child (article 336 of the Personal and Family Code)

- In the family environment and in case of institutional placement of the child:

Articles 425 et seq. authorize the delegation of parental authority in civil matters and the deprivation of parental authority in criminal matters where, through the misconduct of one or both parents or guardians, the family environment is no longer conducive to the harmonious development of the child.

- Regarding inheritance law:

A child simply conceived may succeed if he was born alive (Art 594 of the Personal and Family Code)

- Regarding criminal procedure:

Criminal and procedural provisions favorable to the respect of the best interests of the child include among others:

- The institution jurisdictional privilege for children suspected of perpetrators and co-infringers (Article 654 et seq. of the Code of Criminal Procedure);

- The institution of an obligatory requisition at the expense of competent health structures to carry out tests for the detection of HIV/AIDS and any other sexually transmissible infection on the victim and its author in order to appreciate the eventuality of a contamination that might create more harm to the victim of rape (article 14 of Law n ° 2011-26 of January 09, 2012, on the prevention and punishment of violence against women) ;

- Regarding the sentencing

The minority of the victim constitutes an aggravating circumstance for certain offenses, for example the aforementioned article 5 which provides that : when the genital mutilation is practiced on a minor under 18 years, the perpetrator shall be punished by a sentence of imprisonment of three (3) to five (5) years and a fine of up to three million (3000000) francs.

- 56 Similarly, the minority of the victim is a decisive criterion for the classification of certain offenses. Thus, according to the provisions of Law No. 2006-19 of September 05, 2006 on the punishment of sexual harassment and protection of victims in the Republic of Benin, the age of the victim is one of the criteria of vulnerability reflecting the constitution of the offense of sexual harassment (Article 3) and determining the

special assistance measures to be taken for the benefit of the harassed child (Articles 17 and 21).

- 57 Finally, the Child Code voted by the National Assembly on January 26th and awaiting promulgation provides in its Article 8 paragraph 2 that: "... the child's best interests refers to the primacy of safeguarding and privileging above all the rights of the child for its development, welfare, growth, and preparation to active, mature, and responsible citizenship "

### **Right to life, survival and development:**

- 58 This principle in Beninese law provides for following constitutional guarantees:
- The right of mothers and children to special protection measures (Article 8 of the Constitution);
  - the right to development and self-fulfillment of the person in its various dimensions (Art.9 of the constitution);
  - the right to be protected against torture, abuse or cruel, inhuman or degrading treatment. (Art.18 of the Constitution);
  - the right to be absolved of the duty of obedience when the order received shall constitute a serious and manifest infringement with respect to human rights and public liberties
  - Finally the right to a healthy environment (Art 27 of the Constitution) ;
- 59 Death penalty is abolished in Benin. Article 679 of Law No. 2012-15 of March 18, 2013 on the Code of Criminal Procedure provides that: "If a minor over fifteen (15) years is convicted, the court may either take one of the custody or rehabilitation measures provided for in articles 688, 690 and 692 to 694 of this Code or pronounce a criminal sentence with this reservation that the punishment cannot exceed the half of the sentence to which it could have been condemned if it had been eighteen (18) years ".

### **Respect for children's views**

- 60 It is observed in guardianship. The law entitles a 16 year-old minor to call a family council meeting (article 478 of the CPF) And the minor that completed 16 years of age may on a consultative basis, participate in a family council meeting (Article 481 of the Personal and Family Code).

### **Informing children and promoting their participation**

- 61 The "new" educational programs introduced since 1999 helped develop interactive teaching practices, leading children to work in mixed groups at school and thus seeking information in their home and community environments. These approaches promote children's active participation and strengthen their capacity to protect themselves.
- 62 Under the Benin-UNICEF cooperation program, there are various initiatives aimed at facilitating the participation of children, including peer educators, adolescent clubs for teenagers, Girls' initiatives for girls etc..:

- 63 The Children's Parliament of Benin, was set up in 2003 with the support of UNICEF and Plan-Benin but no longer exists. It was challenged by children's associations for its non-representativeness.
- 64 The Advisory Council is filling the gap and is working to ensure:
- The participation of children in studies, planning, research, evaluation and the consideration of their views during workshops for the presentation of the results of studies, researches and evaluations or during brainstorming workshops on children;
  - The involvement of children in the monitoring of Plan Benin's interventions within Project Management Committees of which they are ex-officio members;
  - Children's participation in mid-term evaluations as preferred targets and consideration of their views during the validation of results;
  - The promotion of several children's structures like (CVED, media clubs, sketch groups, children's governments, school committees);
  - The participation in projects to fight violence against children (use of frontline SMS, etc.);
  - The advocacy with the authorities timely issuance of birth certificates and the reduction of the costs related thereto;
  - The reporting of abuses against their peers to relevant authorities and sensitizing parents through their intervention on the use of impregnated mosquito nets;
  - The building of child capacities through education on plant and animal production in schools;
- 65 Finally, the principle of the right to participation is also expressly enshrined in Article 9 of Law No. 2015-08 on Children's Code in the Republic of Benin, which provides that: "In any judicial or administrative proceedings concerning a child, its views and opinion shall be heard, either directly or through a representative or by any other process determined by the competent authority and may be taken into account by the relevant authority".
- 66 It is in such a context that the celebration of the African Child's Day in 2009 and 2011 allowed selected children in all departments of Benin to directly ask questions to governments, civil society organizations and opinion leaders. They also questioned the Head of State at that time President-in-office of the African Union on their major concern.

## **V. CIVIL RIGHTS AND FREEDOMS:**

- 67 The charter entrusts the States Parties with the obligation to apply without limit the various rights enshrined in Article 1 of the ACRWC.
- 68 It is therefore required from the State to guarantee the various rights specific to the child, including those relating to its legal status, its civil status; namely its right to a name, home, nationality and to the protection of its identity.
- 69 These rights are necessary for its legal identification and for its participation in social life and legal trading.

- 70 The Vital Statistics Registrar shall provide the provision, as evidence, the documentary elements required for this purpose.
- 71 The new Children's Code, pending promulgation, recognizes these various children's rights listed in Articles 17 to 33.

a. **Right to a Name, a Nationality (Article 6 ACRWC):**

o **The Right to a Name:**

- 72 Law n°2002-07 of 24 August 2004 on the Personal and Family Code sets basic provisions related to the legal status of the person. It reminds in its Article 5 that any person identifies with one or many first names and one family name. It is also defined in this law, the conditions for granting a name to the child born in wedlock, as well as out of wedlock and the adopted child (Art.6); along with the child whose father and mother are unknown (Art 7).
- 73 The law requires, in any case, that the given name should neither damage the child's consideration nor that of another person (Art 7 and 8).
- 74 Personal and Family Code sets also the conditions and the procedures of amending or changing names (Art 9 and sec.)
- 75 The conditions for acquisition of a name by a child are thus perfectly guaranteed in Benin.
- 76 The above-mentioned new Child Code, currently being promulgated, recognizes in this regard to children in its Article 17, the Right to possess an identity including the Right to a Name and the guarantee of their protection.

o **.Right to a Nationality:**

- 77 In Benin, the Nationality Code sets the conditions for granting nationality by law n°65-17 of 11 April 1965 on Beninese Nationality Code. It is provided in its Art.9 that: "Is Dahomean, any individual born in Dahomey who cannot claim any other nationality of origin, either their parents are unknown or although well known, do not attach themselves to any nationality".
- 78 The Constitution of Benin protects strangers, by providing in its Article 39 that strangers have the same rights and freedoms as Beninese citizens, but in return they have the duty to comply with Constitutional laws and rules.
- 79 The above-mentioned new Child Code recognizes in its Article 17 (a and b), the right of children to identity protection including the guarantee of nationality.

o **The Right to Birth Registration:**

- 80 Personal and Family Code enshrines in its Article 34 the Right to Birth Registration and provides: "births, marriages and deaths are certified on registers in civil registry centers".
- 81 In addition, Article 33 of the same text specifies that the state of people is only established, and can only be proved by civil status documents, judgments or rulings establishing the date of birth, and exceptionally affidavits.
- 82 The new above-mentioned Child Code recognizes in its Article 17, the right of children to birth registration without fees.
- 83 However, credentials are actually lacking due to the absence of the civil status certificate.
- 84 According to several surveys, the average rate of birth registration hides important disparities according to the place of residence, the level of household incomes and the level of instruction of the household head.
- 85 Indeed, according to (DHSB-IV) 2011-2012, birth registration appears as follows:

**Table N°1: Birth Registration of under five children**

Percentage of under five children (by law) whose births have been registered to the registry center following some sociodemographic characteristics,

Sociodemographic characteristics	Percentage with certificate of birth	Percentage without certificate of birth	Percentage registered	Number of children
<b>Age</b>				
<2	<60.5	20.0	80.6	5,485
2-4	62.2	17.7	79.9	8,677
<b>Gender</b>				
M	62.1	18.5	80.6	7,250
F	61.0	18.7	79.7	6,912
<b>Place of Residence</b>				
Cotonou	78.3	16.7	95.1	1,496
Other Cities	68.1	15.9	83.9	4,064
Urban Complex	70.8	16.1	86.9	5,560
Rural	55.6	20.2	75.8	8,602
Alibori	37.4	4.9	42.3	978
Atacora	52.8	19.9	72.7	1,380
Atlantique	72.3	16.5	88.8	1,715
Borgou	56.0	10.9	66.8	1,200
Collines	55.6	29.7	85.2	890
Couffo	48.4	28.5	76.9	1,023
Donga	65.4	14.2	79.6	639
Littoral	78.3	16.7	95.1	1,496
Mono	62.4	28.7	91.0	741
Ouémé	70.7	18.7	89.4	1,843
Plateau	62.6	16.9	79.6	981
Zou	59.2	22.0	81.2	1,276
<b>Economic Welfare Quintiles</b>				
The Lowest	43.8	17.2	61.0	3,055
Second	52.9	21.3	74.2	2,957
Medium	63.2	20.3	83.5	2,806

Fourth	71.8	18.3	90.1	2,747
The Highest	79.8	15.7	95.4	2,596
Complex	61.6	18.6	80.2	14,162

Source: DHSB-IV Benin 2011-2012

- 86 It appears in this table that for eight out of ten under five children, births have been registered to the civil center, and 62% own birth certificates. In contrast, 19% do not. The ratio of children whose births have been registered does not vary practically following their age or gender.
- 87 Conversely, children whose births have been registered to the civil center are proportionally less numerous in the rural than urban area (76% versus 87%). At the departmental level, children's births in Alibori with a ratio of only four out of ten children (42 %) are the less declared to the civil center whereas more than nine out of ten births in the Littoral and Mono (respectively 95% and 91%) have been declared. In other departments, percentages vary between 67% in Borgou to 89% in Ouémé and Atlantique. Finally, it can be noticed that the ratio of registered births is all the more high that the level of the household economic welfare increases, going from 61% for children from the lowest economic welfare quintile households up to 95% for those of the highest quintile households.
- 88 The MICS 2015 reveals that the percentage of under five children whose births have been reported as registered are 88.8 of value.
- 89 Among the measures taken by Benin to facilitate birth registration, one can mention the RAVEC project.
- 90 Indeed, the Government has initiated the Civil Status-oriented Administrative Census (RAVEC) whose main objective has been to help any citizen to own their birth certificate. The operation has been launched on 10 October 2006 to solve the civil status issue for three million Beninese citizens.
- 91 The project's target is not children specifically, but it concerns also people reaching 15 years. It appears as a real opportunity for a sustainable solution to civil status issues of which an important part of the Beninese population is facing for decades.
- 92 In 2011, the results obtained appear as follows: 69 out of the 77 Beninese communes are covered by the operation. About 2,101,402 claimants of which 65,000 children in examination classes without birth certificates have received them freely or 88% of Beninese without birth certificate are identified.
- 93 However, during the operation, the project initiators faced some difficulties such as notably the delays in delivering birth certificates to claimants. In 2015, a major part of the Beninese population does not own yet all civil status documents. The civil status forum was held in 2012 after the creation of the National Civil Status Directorate (Ministry of the Interior). In this regard, strengthening mechanisms of birth registration system notably at the level of communes are planned.

**c. Freedom of Expression (Art.7 ACRWC):**

- 94 In Benin, freedom of expression is first guaranteed by the Constitution of the Republic in its Article 23. This provision is also strengthened by Article 9, Paragraph 2 of the

African Charter on Human and Peoples' Rights integrated directly to the Constitution of Benin.

Furthermore, an Information and Communication Code has been adopted but not promulgated yet. It plans to reinforce the constitutional principle set concerning expression and communication.

95 The new Child Code currently being promulgated recognizes also this child right in its Article 26.

96 Activities are undertaken with the existence of children clubs in schools as well as different committees (created by the government, UNICEF and DANIDA) where children are present and can express themselves.

**d. Freedom of Thought, Conscience and Religion (Art. 9 ACRWC):**

97 Benin has enshrined this freedom in Article 23 of the Constitution by requiring the respect of the State's secularism in religious worship and the expression of beliefs. Thus, the religious and philosophical communities' right to develop freely, and manage freely their business without any supervision of the State is recognized.

98 The new above-mentioned Child Code recognizes this child right in its Article 27.

**d. Freedom of Association and Peaceful Assembly (Art.8 ACRWC):**

99 Benin has enshrined and guaranteed this right in Article 25 of the Constitution of the Republic.

100 There are child associations such as the National Children's Advisory Council, Peer Educators, teen clubs for teenagers, Girls for Girls Initiatives etc.

101 The new above-mentioned Child Code recognizes this children's right in its Article 28.

**e. Protection of Privacy (Art.10 ACRWC):**

102 Children's legal home is that of their father or more exactly that of the holder of the parental authority on them. According to Article 14 of Personal and Family Code, "the person is domiciled at the place of his/her main establishment or, for his/her professional activity, at the place where he/she works".

103 The new above-mentioned Child Code, currently being promulgated recognizes this child right in its Article 22.

104 Benin, under Article 20 of the Constitution provides that the domicile is inviolable and specifies the restrictions admitted to this principle under the law.

105 Article 21 of the same instrument enshrines the protection of the secret of correspondence and communications under the guarantee of the law. Article 8 of the Constitution enshrines the inviolability of the person and the obligation of his/her protection.

106 The inviolability of the domicile is also guaranteed by the criminal law that punishes the offense of violation of the home, Art.184 of the Criminal Code.

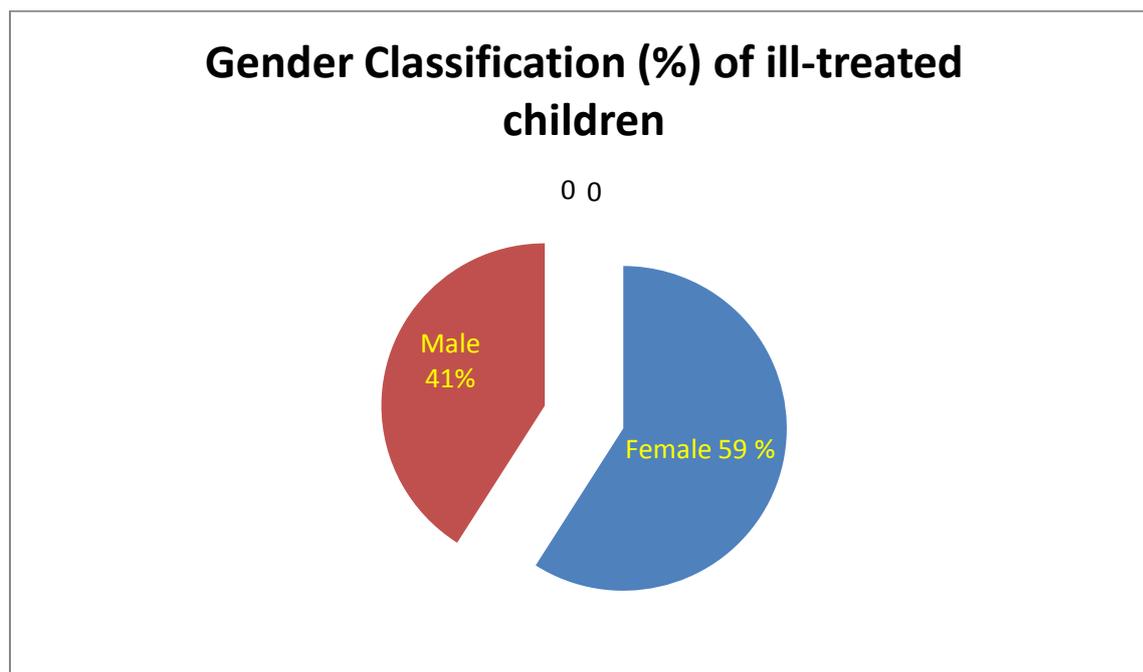
107 Finally, the protection of private life involves the respect of the principle of confidentiality that also protects children's private life in relation with the legal place, imposing the respect of non-publication of proceedings and prohibiting the dissemination of information taken from the file and legal proceedings on children, Art.672, 673 of the Code of Criminal Procedure.

f. **Protection against Abuse and Ill-treatment (Art.16 ACRWC):**

o **Institutional Framework**

- 108 The outreach intervention operating mode for the care of abused and ill-treated children revolves around Social Promotion Centers where other intervening actors are directed (actor in charge of health, security, justice, education, reception for institutional care etc.). Social Promotion Centers are decentralized organizations of the Ministry in charge of the Family. Each commune is provided with a Social Promotion Center.
- 109 In addition to specific social support, the State has also implemented specialized social services. Thus, one can distinguish social services for justice, health, education and garrison.
- 110 In order to improve the management of all these bodies, the State has created in 2012, with the technical support of the Terre des hommes NGO, the technical and financial support of UNICEF, reference tools for the efficient systemic and holistic management of some children's cases before the courts. The State has created reception establishments to reeducate and reintegrate children in conflict with the law and in moral danger.
- 111 So, medical centers and Social Promotion Centers are in charge of the health action and the caring of psychological aspects related to the issues of corporal punishments and violence and other forms of tortures or degrading ill-treatment on children.
- 112 For the social rehabilitation and reintegration of victims of corporal punishment, Legal Aid Centers, Social Promotion Centers, school-based social services of the Ministry of the Family and Non-Governmental Organizations are at the disposal of victims for a psychosocial assistance. The State has created, in this respect, a transit center for Children in Difficult Situation (ESD) led by par the OCPMFTEH.
- 113 In any case, all children whatever their social condition, including children with disabilities, children living in poverty, children born out of wedlock, asylum-seeking or refugee children and children belonging to indigenous groups and/or minorities, have the right to the same legal protection against any form of infringement to their physical integrity especially corporal punishments and can benefit from psychological assistance without discrimination.
- 114 Concerning legal matters, procedural guarantees are also provided for a good care (Art. 60, 654 and sec. of the CPC)
- 115 Article 425 of the Personal and Family Code entitles the Office of the Public Prosecutor and any other interested persons (father, mother, tutor or guardian) to refer to the President of the District Court of the domicile of minors with a written or verbal request to ask for the ordinance of educational assistance measures.
- 116 The free HIV/AIDS and any other sexually transmitted disease testing for the victim and the perpetrator of rape on a minor is implemented in order to efficiently manage the impact of rape on the victim's health and future.
- 117 Violent discipline has been recorded by the MICS for children of 1 to 14 years. The percentage of children of 1-14 years who have undergone psychological assault or corporal punishment during the last month is 91.1 of value. According to their importance, "any violent discipline" represents 91; psychological assaults 87; corporal punishments other than severe 52; severe corporal punishments 22. The discipline is non-violent only for a value of 4.

**Chart N°1: Gender Classification of Ill-treated Children.**



Source, TBS Dec 2013; Situation of Vulnerable Children; MFASSNHPTA

According to the gender of ill-treated children, the tendency shows the dominance of girls: 59% versus 41%. There is no big gender difference according to the type of ill-treatment.

**Table N°2: Classification (%) of ill-treated children according to the type of ill-treatment**

Type of ill-treatment	Ratio (%) of children answering yes
Corporal punishment	66.3
Deprivation of Food	23.9
Threat of Expulsion	21.8
Burn marks	7.8
Other types of Ill-treatment	14.5

Source, TBS Dec 2013; Situation of Vulnerable Children; MFASSNHPTA

Corporal punishment comes at the top with a ratio higher than 50%. Other forms of significant ill-treatments are affronts and or daily insults and curses for every misconduct, threats of beatings. Among 573 children victims of ill-treatment, 308 or 53.8% are pupils/students.

118 Under the preventive action on violence in school, and in the framework of implementation of the Basic Quality School defined in 2008, norms are implicitly or explicitly set to favor the promotion of the culture of non-violence in schools by implementing a mechanism of protection of students against all forms of school violence", to secure the work environment for students and teachers, to manage efficiently school time, to collaborate with parents of students and other actors of the community. Thus, awareness-raising campaigns are undertaken for a behavioral change regarding the bad effects of corporal punishment.

119 Equally, with UNICEF and the NGO Plan Benin, the Ministry of Pre-school and Primary Education has launched a "Learn without Fear" campaign. Awareness-raising

sessions, programs and messages broadcast on radio-stations and television channels draw the attention of teachers regarding the dangers of training under beatings. Child supervision and training techniques are taught there in order to provide learning without fear and with the participation of children.

- 120 There are other types of intervention for fighting discrimination such as the promotion of education for capacity building in self-protection of children and the implementation of non-discrimination measures favoring girls so as to restore institutional discrimination.
- 121 It is an inciting policy promoting girls' schooling that has been implemented by the Beninese government. Concretely, it appears as a reinforcement of outreach activities with the involvement of teachers, local elected representatives, women's groups and NGOs.
- 122 In this regard, the State has developed a national policy for the education and training of girls targeting parity between girls and boys concerning education and training by 2015.
- 123 These actions have been undertaken in collaboration with basic school actors, especially Parent-Teacher Associations (PTA) in sensitizing on the registration of children in schools, the development of micro-projects for the delivery of civil status documents to children, the creation of alternative schools.

## VI. FAMILY ENVIRONMENT, CUSTODY AND REPLACEMENT OF THE FAMILY LINK:

### a. Parental Supervision (Art.20 ACRWC):

- 124 According to the Personal and Family Code, a reference document on this matter, the institution of marriage creates the family (Article 158).
- 125 The Beninese legislator recognizes the essential role of the family. This recognition is reflected in Article 26 of the Beninese Constitution and in Article 18 of the African Charter for Human and People's Rights which provides that "family is a natural and moral base of the human community. It is placed under the protection of the State".
- Article 155 of the Personal and Family Code reminds, in this regard, to spouses that they "ensure together the moral and material direction of the family. They provide for the education of children and prepare their future. »
  - Article 159 and 160 and sec. set the terms of contributions of the spouses to the household expenses.
  - Articles 264 to 270 determine all the provisions related to child-care after the dissolution of marriage, ensuring scrupulous respect of the strict interest of the child.
- 126 The new above-mentioned Child Code recognizes in its Article 21 this right of children to a family environment.
- 127 In a practical way, the Ministry of the Family has initiated actions promoting family values and welfare of all the members. Model Families are honored and presented in this respect within their community to serve as examples. A parental education document has been elaborated with modules on the parent-child dialogue. The Ministry of the Family communicates regularly on radio and television channels about family values and the responsibility of parents. Broadcasts in this sense are still encouraged: "Unis pour toujours" of Civo and Civa. Other initiatives in the sense of awakening and parental conscience are developed through family reinforcement programs by SOS Children's Villages, Plan Benin, BØRNE-Fonden, Terres des hommes etc.

**b. Parental Responsibilities (Art.20.1 ACRWC):**

- 128 Articles 406 to 410 of the Personal and Family Code enshrine parental authority defined in its content and terms of exercise.
- 129 Parents' failure to exercise this authority on children can generate a risk of removal of parental authority whose conditions of implementation are provided in Articles 438 to 443 of the Personal and Family Code.
- 130 The new above-mentioned Child Code recognizes the right to a family environment in its Article 21. It institutes precise duties of parents as that of feeding children (Art.35), educating children (Art.36), giving them advice (Art.38); but recognizes to them the ability to administrate the family discipline (Art.39) subject to certain limits (respect of physical integrity, prohibition of torture and ill-treatments).

**c. Protection in Case of Separation between Parents (Art.19.2 & 3, 25 ACRWC):**

- 131 According to the third general census of the population and housing in Benin, more than one child out of ten under 15 years do not live with their biological parents.
- 132 Generally, the majority of children under 15 years (69.6%) live with their biological parents and 12.3% do not live with any of their parents whereas 12.7% live with their mother and 5.4% with their father.
- 133 Boys live with the two parents (71.4%) more than girls (67.7%) while girls stay with their single mother (12.9%) more than boys (12.5%) and fathers prefer keeping boys with them (6.3% versus 4.5% of girls).
- 134 Taking into account the place of residence, children in urban areas live with their two biological parents (72.4%) more than those of rural areas (64.3).
- 135 Statistics informing about the State's action in matters of protection of those children are not yet centralized.
- 136 Article 425 of the Personal and Family Code entitles child parents or guardians and the Office of the Public Prosecutor the ability to make a request to the relevant President of the District Court for the ordinance of educational assistance measures in favor of the non-emancipated minor whose health, security, morality are jeopardized or if their educational conditions are really compromised, or still if children by their misconduct or prodigality puts people in charge of parental authority or the guardian in the incapacity to exercise their prerogatives of direction and care.
- 137 The protection of foreign or isolated children from their families is also taken into account and often needs a joint intervention of the Ministry in charge of the Family, the Ministry of Foreign Affairs and the Ministry of the Interior through OCPMFTEH. As stipulated in bilateral and multilateral agreements concerning child trade. Altogether, any foreign child found in the Beninese territory benefits from the same care until contact is established with the parents in the country of origin. Ministries of Family, Justice and Foreign Affairs organize then the repatriation.
- 138 But recently, the International Social Service (ISS) was experiencing a care program for this category of children by the intra-national and international collaboration between civil society organizations and government actors in all western African countries. In Benin, the NGO ESAM is the national coordinator of the Western Africa Network (RAO) for the protection of children implemented by the International Social Service (ISS).
- 139 Benin has participated in various above-mentioned bilateral or multilateral agreements and in relation with child trade that often specify the obligations of collaboration when children from other countries are found in the others' territory.
- 140 The new above-mentioned Child Code recognizes in its Article 31 the right of children to be informed about the situation of their family that promote the obligation of always

keeping the family link. The same applies in Article 32 that recognizes also the right to family reunification.

**d. Family Reunification:**

- 141 The new Child Code recognizes in its Article 32, the right of children to benefit from a guarantee of family reunification and its Article 11 imposes respect by the authority in their decisions on the priority of the family environment. However, the retention in the family environment is a priority (Art.11 of PFC) in any decision related to children.
- 142 To meet this care in a purely family framework, innovative initiatives were developed these last years for the care of children temporarily deprived of their family environment. Under these initiatives, one can mention the Family-Host Approach undertaken by the NGO Terre des hommes in collaboration with the Ministry of the Family and UNICEF.
- 143 This approach consists in ensuring to children temporarily isolated from their usual family environment for a given cause benefit from a stay of about three weeks in a foster family for rehabilitation, while the search of their parents is undertaken.
- 144 As soon as parents are found, and according to their best interest, children are reintegrated in the family. A life project is developed with their participation and that of their families.
- 145 The family is then given enough responsibility to implement a life project, with, if necessary, a financial support and the facilitation of a social worker. From 2011 to 2014, 44 host families were selected and fostered 747 children including 396 girls and 351 boys in difficult situation in Cotonou, Abomey-Calavi, Abomey, Bohichon and Zakpota.
- 146 Family reunification is a process resulting in the strategy of institutional alternative care. Thus, in collaboration with centers for the reception and protection of children, Centers for the Protection of Children and Adolescents (CSEA), Social Promotion Centers put children temporarily separated from their family environment, for one reason or another, in transit centers with a care order of the President of the territorially competent court. In this institution, children benefit from a comprehensive care. At the same time, social assistants seek and negotiate the return of children to the family. Once an agreement is set, SPCs proceed to the family reintegration and reunification of children.

**e. Child maintenance:**

- 147 The legal regime of the right of children to care and protection by parents is deeply rooted in Law N°2002\_07 of 24 August 2004 on Personal and Family Code in its articles 407 and sec. According to these provisions, the Beninese legislator imposes parents and tutors the duty of ensuring children's security, health, their full development and their morality (Art. 407). In case of failure, concerned parents or tutors are subject to a total or partial removal of parental authority that can be pronounced against them.
- 148 The best interest of children determines the decisions concerning his care in case of separation between parents.
- 149 The new Child Code recognizes the right of children to a family environment in its Article 21. It institutes in charge of parents precise duties such as that of feeding them (Art.35) educating them (Art 36), giving them advice (Art. 38).
- 150 In Benin, households' purchasing power reinforcement programs are developed. Their impact is the improvement of parents' childcare. It is about a program of micro-

credits for the poorest people, of the national assistance program to indigenous people and the social nets program for the poorest households.

#### **f. Adoption:**

- 151 In this area, there are no centralized data enabling a comprehensive assessment in Benin. It is also difficult to estimate exactly the number of adopted children and the evolution of adoption since the ratification of the ACRWC in Benin.
- 152 The Beninese legislation is favorable to adoption provided in Articles 336 and sec. of the Law N°2002-07 of 24 August 2004 on Personal and Family Code.
- 153 The new above-mentioned Child Code, voted by the National Assembly on 26 January 2015 and waiting to be promulgated is also favorable to adoption and recalls conditions, procedures and effects of adoption (Art.62 to 111); this in the sense of integrating provisions of the Hague Convention on Inter-country Adoption that is currently being ratified by Benin.
- 154 The current law on Personal and Family Code adopts the following main guarantees:
- Authorization of two types of adoption: full adoption and simple adoption.
  - The best interest of children is the prior consideration to authorize adoption whatever the form and remains a last resort solution for the welfare and development of adopted children.
  - There is a mechanism by the action of legal authorities entitled to make a decision authorizing or prohibiting any case of adoption, that permits then to supervise the guarantee of the well-being of children on the basis of analysis of the file and in compliance with legal and administrative procedures provided by the Personal and Family Code;
  - The consent of fathers and mothers, parents and legal representatives is required for the pronouncement of the decision of adoption by the judge.
  - A compulsory age of consent of concerned children is set to more than 12 years for simple adoption (Art. 367 PFC) and to more than 15 years for full adoption (Art. 341 PFC).
- From 2001 to 2013, 96 children were adopted. (Cyrille table)

**g. Abuse and Negligence (Art.16 and 27 ACRWC):**

**o Overview on Ill-treatment of Children:**

- 155 The following remarks result from a survey on the issue:  
✓ Survey on violence on child school-based violence in Benin (MEPS/UNICEF-2009)
- 156 This survey is mostly focused on sexual harassment and sexual violence on children. In school environment, 9.3% of children are victims of sexual violence such as sexual harassment, female genital mutilations and induced abortions.
- ✓ The social log-book on the situation of vulnerable children
- 157 This document was published in September 2010 and counted out of 10,440 children registered during the survey by the Social Promotion Centers of the Ministry in charge of the Family 14 children (girls entirely) who were victims of sexual abuse. Departments of the Littoral, Ouémé and Borgou (3 children respectively) are the places where sexual abuse has been more declared.
- 158 The survey has determined the characteristics of children victims of sexual abuses and the consequences. Sexual abuses concern girls less than 10 to 18 years among whom there are 5 pupils or students, 4 school dropouts, 4 uneducated and 1 female apprentice. Among educated girls, 4 managed to be at the fourth-grade level (6 years of primary level) and 2 are at the lower secondary school level. The majority of the actions are committed without any protection that is to say without the use of condoms and result in pregnancies (3 cases declared out of 14), abortion (1 case), and sexually transmitted infection (1 case). The age of the perpetrators, who are generally males, varies between 20 and 35 years but those of 35 years assault girls the more.
- ✓ Reports of the Listening and Assistance Service for women and girls victims of violence
- 159 According to the first performance report of reception, listening and advice services for women and girls victims of violence installed in forty-nine Social Promotion Centers forty-nine (49) communes out of the seventy-seven (77) of Benin), 1942 cases or about 1/3 of victims of violence have been reported to these services in 2012. The types of violence children are victims are: ill-treatment (assault and battery in terms of corporal punishment), trade, neglect and abandonment, forced marriage, rape, harassment,
- 160 More recent surveys have been carried out and their results are being expected.
- 161 Benin reinforces progressively and significantly its legal and institutional framework of child protection against abuses.

**o Legal Framework of Child Protection against Ill-treatments:**

**- Constitutional Guarantees:**

- 162 The Basic Law N°90-32 of 11 December 1990 on the Constitution of the Republic of Benin enshrines sacrality and inviolability of the human being.
- 163 In its Article 8, the Constitution prescribes the right of mothers and children to social protection measures.
- 164 Also, in its Articles 18 and 19, the Constitution prohibits any action of torture or inhuman or degrading treatment against anybody including children.
- 165 These constitutional guarantees result in other regulatory Laws and Acts subject to the criminal, civil and administrative frameworks as well.

- **Criminal Framework:**

166 Article 312 of the Criminal Code punishes any infringement to the physical integrity of people and considers as aggravating circumstances the exercise of violence on children less than 15 years in any form it may be. Voluntary assault and battery leaving or not after-effects on children are thus prohibited.

167 Specific laws are adopted to reinforce the Criminal Code. Among them, there are:

- The law 2003-03 of 03 March 2003 on the punishment of female genital mutilations (Art.4 to 9);

- Law 2003-04 of 03 March 2003 on the sexual health and reproduction (Art. 19);

- Law N°2006-19 of 5 September 2006 on punishment of sexual harassment and protection of victims in the Republic of Benin (Articles 3, 4, 6, 7, 12, 16, 17, 20). This law protects minors against sexual harassments and organizes its punishment. This law takes into account the particular vulnerability of victims specially minors, in situation or not of professional training and schooling;

- Law 2011-09 of 26 January 2012 on prevention and punishment of violence against women.

- **Civil Framework:**

168 The Personal and Family Code is the reference law in this domain. Articles 438 and 439 of the Personal and Family Code provide the removal of parental authority when parents are criminally condemned for committing a crime or an offense on their children, and when parents put in danger the security, health and morality of their children "with ill-treatments, examples of pernicious daily drunkenness, remarkable misconduct or criminality, a lack of care or direction".

- **Administrative Framework:**

169 Corporal punishment is especially governed by the Circular N°100/MEN of 15 March 1962 on corporal punishment in schools.

170 Sexual violence in schools and general, technical, vocational, public and private secondary educational institutions are subject to disciplinary sanctions provided by the Ministerial Decree n°16/MEPS/METFP/CAB/SGM/SA/-2003) of 1st October 2003 on sanctions, in the administrative framework, to perpetrators of sexual violence in schools, especially in primary schools, in junior schools, in general, technical, vocational, public and private secondary educational schools and institutions, in public and private high schools.

171 These administrative sanctions are applied independently of any criminal proceeding against the authors.

172 The new Child Code creates a new legal framework regarding abuses and ill-treatments on children: prohibition of sexual abuses (Art.190, 191, 203, 378), prohibition of early marriage (Art. 181), punishment of infant prostitution (Art.383 to 386), prohibition of corporal punishments (Art. 119), punishment of torture and inhuman ill-treatments (Art. 342 to 344), prohibition of child exploitation (Art. 203, 210) of sexual exploitation and defilement (Art. 378 to 382), finally punishment of rape (Art. 345 to 348).

## VII. BASIC HEALTH AND WELFARE

### a. Survival and Development (Art. 5 ACRWC): cf. above general principles:

- 173 The struggle against infanticide is reinforced with the new national policy for children's protection.
- 174 Articles 339 to 341 of the new Child Code define the criminal process of infanticide in general and ritual infanticide.
- 175 And while waiting for the promulgation of that new Child Code, Article 302 of the current Criminal Code governs the repression of infanticide and targets particularly the mother author or accomplice of infanticide. In this case, she is subject to life imprisonment with forced labor when she is the author or accomplice of the murder of their children. In case of murder, she is subject to temporal forced labor (5 to 20 years).
- 176 The new Child Code currently being promulgated, addresses this principle in its Article 16, then in Articles 168 and sec., and provides for the protection of children in difficult situation, and finally in its Article 169 retains the child called "witch" as a category of children in a difficult situation.

### b. Protection of Children with disabilities:

#### o State of play of Children with disabilities in Benin:

- 177 According to RGPH 3-2002 census, the total population of people with disabilities is up to 172,870 individuals. Children with disabilities under 10 years represent 11.6% and those with disabilities under 15 years represent 18% of the whole population of people with disabilities living in Benin.
- 178 Disabilities found in this population of children less than 15 years are: lower limb paralysis (16.5%), deafness (13.8%) and visual disorders (11.9%).
- 179 Relatively to the main disabilities affecting children under 15 years, one can note that more than three quarters affected by lower limb paralysis are 5 years of age or more versus 23.1% for those less than 5 years. This allows concluding of the relative efficiency to the Polio mass immunization campaign of children under 5 years established for about five years.
- 180 Conversely, concerning blindness, children under five years seem more affected than those beyond five years.
- 181 According to the social log-book, the situation of disability analyzed in 2013 is outlined in the following table:

**Table N°3 Classification of children with disabilities according to characteristics**

Type of disability	Number <sup>6</sup>	Ratio <sup>7</sup>
Lower limb disability	242	58.2%
Upper limb disability	153	36.8%
Visual Disability	98	23.6%
Hearing Disability	109	26.2%
Neurological Disability	132	31.7%
Mental Disability	108	26.0%
Mutilated	111	26.7
Others	38	9.1

**Source TBS December 2013**

**Out of 416 children with disabilities, at least 6 have civil status certificates (63%). School attendance is effective for 37.7%. Those who are not enrolled in school are particularly those suffering from upper limb disability, neurological and mental disabilities.**

o **Legal Framework of Protection of children with disabilities in Benin:**

182 The protection of children with disabilities is entitled to some legal and regulatory guarantees.

183 In fact, Article 8 of the Constitution that enshrines the right of children to a special protection integrates the protection of children with disabilities. In addition, non-discrimination principles imposed by the Constitution reinforce legal guarantees for the establishment of protection measures. Furthermore, joining directly the African Charter on Human and Peoples' Rights (Article 7), the constitution makes directly applicable that Article 18 of the Charter, Paragraph 4 providing that: "elders or people with disabilities have equally the right to specific measures of protection relatively to their physical and mental state".

184 Indirectly, all current legal provisions in Benin advocating the non-discrimination principle in its general conception or defining specific protection measures due to physical and or mental vulnerability are applicable to the protection of children with disabilities.

185 This is the case, for instance, of Law N°2006-19 of September 2006 on the repression of sexual harassment and protection of victims in the Republic of Benin providing in its Article 3 that the situation of vulnerability qualifying the sexual harassment offense can be related to "the physical or mental state of the victim".

- Article 23 reinforces the foregoing provision by prescribing that the maximum sentence, either the payment of one million CFA francs fine and or a two-year imprisonment, must be applied if the sexual harassment is committed on a minor or a person particularly vulnerable "...due to physical or mental disability or deficiency".
- The Labor Code also recalls in its Article 31 that people with disabilities must not be subject to any discrimination in matters job".
- Better, Article 33 of the same Code encourages employers to hire people with disabilities giving them the benefit of exemption from the employer's share of the progressive tax on treatments, salaries, pensions and annuities.

<sup>6</sup> 416 children with disabilities have been registered in the database

<sup>7</sup> The percentage has been calculated from the total of 416 children with disabilities

186 Finally, Benin is also a party to the United Nations Convention on the Protection of  
People with Disabilities.  
187 The new above-mentioned Child Code recognizes to children with disabilities a legal  
statute of protection in its Articles 175 to 178.  
188 Furthermore, the newly built infrastructures in universities and courts take these  
standards into account.

o **Institutional Measures for children with disabilities:**

189 The protection of children with disabilities is expressly addressed by the Ministry in  
charge of the Family, Social Affairs, people with disabilities and elders.  
190 In fact, this Ministry shelters the specialized directorate for the protection of people  
with disabilities: the Directorate for Rehabilitation and Reintegration of People with  
Disabilities (DRIPH) on which are related the following services:

- Social Promotion Center for Blind People (CPSA) of Segbeya,
- Social Promotion Center for Blind People (CPSA) of Parakou,
- Vocational Training Center for People with Disabilities (CFPPH) of Parakou;
- Vocational Training Center for People with Disabilities (CFPPH) of Peporiayakou;
- Community-based Rehabilitation National Program (PNRBC);
- Support Fund for the Rehabilitation of People with Disabilities (FARIPH).

o **Programmatic Measures:**

191 The protection of people with disabilities is addressed in various social policy  
documents, but the Community-based Rehabilitation Program is special for the  
protection of people with disabilities.  
192 It has been initiated since 1989 to provide specific care to disabled people.  
193 Every year, 600 disabled people benefit from the program on the whole national  
territory.  
194 The provided care consists in teaching rehabilitation skills to people with disabilities  
and the provision of adequate means to increase disabled people's autonomy and  
facilitate their social reintegration.  
195 Benin has experienced the Integrated School from 1997-1999 in collaboration with  
the Federation of Associations for People with Disabilities (FAPH) and the Integrated  
Private School, Les Hibiscus. Other non-national programs have been implemented,  
in the Zou region notably to promote and facilitate the schooling of people with  
disabilities in the ordinary school system. Those programs should expand all over the  
Beninese territory with the collaboration of many NGOs, the Community-based  
Rehabilitation National Program and technical and financial partners such as  
DANIDA.  
196 Civil Society Organizations (such as the NGO Handicap International), in  
collaboration with Equilibre Benin, help any person in vulnerable situation, whatever  
the origins of deficiencies (congenital or prenatal problems, diseases, accidents,  
physical or traumatological violence, malnutrition) and whatever their nature (physical,  
sensory or intellectual).  
197 In the same area, the State also benefits from the support of development partners  
such as the World Health Organization (WHO).  
198 Apart from the customized services provided to people with disabilities, the impact of  
this synergy of action is also evidenced by the building of five (5) specialized schools  
for the deaf and hearing impaired with a total capacity of 300 students for all primary  
classrooms. There are also four places for juniors with a total capacity of 250 places  
in all primary and secondary classrooms.

- 199 In contrast, there is only one faith-based facility for the reception and care of victims of severe and multiple disabilities abandoned by their parents. Conversely, there is no institution, facility or school adapted to the mentally handicapped. Likewise, speech-language pathology services for the reeducation of language difficulties and the testing of hearing disorders are almost non-existent.
- 200 Furthermore, the Community-based Rehabilitation Program suffers from a lack of material and human resources and covers barely 35% of the communes (or 27 out of 77 communes).

**c. The Right to Health and Health Services (Art. 14 ACRWC)**

- 201 The Child Code recognizes this right and has provided in this regard, a set of legal provisions for child protection. Thus, Article 20 guarantees the right to health and Article 24, the right to welfare. Article 154 guarantees the access to basic health care, then Article 150 establishes the protection against child diseases and finally Article 151 protects against insane practices. Article 357 punishes the refusal to vaccination and Article 358, the refusal to treatment and care. Finally Article 153 prescribes the State's responsibility in the protection of mothers and children's health.

o **Brief Presentation of General Epidemiological Characteristics Affecting Child Health in Benin:**

- 202 Malaria and acute respiratory infections remain the most frequent pathologies as reasons for medical consultation in 2012 (social log-book). Furthermore, in 2012, an increase of the prevalence rate of HIV/AIDS was recorded from sentinel sites all over the country going from 1.7% in 2011 to 1.9% in 2012. The situation remains worrying in some departments such as Littoral (3.1%), Couffo (2.9%), and Ouémé (2.5%). The following table outlines the evolution of some epidemiological indicators able to affect, in a way or another, directly or indirectly, the health state of populations.

➤ **Table N°4: Evolution of Some Epidemiological Indicators:**

Indicators	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Percentage of reasons for consultation of the main three pathologies (%)	61	60	60	57	60.1	62.2	61.3	66.3	72.8	63	60.2
Malaria	37	37	37	36	39.7	40.5	39.6	43.1	48.3	42.8	41.4
Acute Respiratory Infections	16	15	16	14	13.8	15.2	14.9	13.9	18.0	13.5	12.3
Gastrointestinal Disorders	8	8	7	7	6.6	6.5	6.8	9.3	6.5	6.7	6.5
Tuberculosis Cure Rate (%)	80	80	81	83	86	74.8	79.1	80.6	80.4		ND
Tuberculosis Therapeutic Success Rate (%)	80	81	83	86.7	86.1	87.5	89.2	86.4	86.1	91	90
Number of Cases of Leprosy Tested	392	377	453	397	404	345	298	248	227	448	243
Simple Malaria Incidence Rate for 1000 Inhabitants (in %)	117	118	119	108	109.9	118	121	131	138	13.2	146
Severe Malaria Fatality Rate for 1000 cases	7	11.6	13.5	14	6.2	5.3	5	7.8	5	7.7	10
AIDS Prevalence Rate of Pregnant Women (%)	2	2.2	2	2.1	2	1.7	ND	2	2	1.7	1.90

- o **Source : DPP/MSP**

From 2010 to 2013, the most frequent illnesses encountered with children are: malaria, anemia, diarrhea, malnutrition, acute respiratory infections and traumas. Malaria remains at the top and confirms the evolution of epidemiological data on the 2003-2013 decade.

**Table N°5: Classification of Encountered Illnesses during Consultation of Children under five Years according to Gender in Decreasing Order from 2010 to 2013**

Year	2010			2011 <sup>8</sup>			2012			2013		
	M	F	T	M	F	T	M	F	T	M	F	T
<b>Malaria</b>	31105	280606	591665	20569	17815	38384	349371	313945	663316	349425	322302	671727
<b>Anemia</b>	60797	53604	114401	10923	9371	20294	64730	59002	123732	63925	57893	121818
<b>Diarrheas</b>	31045	26932	57977	1761	1448	3209	32838	28794	61632	38033	33710	71743
<b>Malnutrition</b>	4814	4994	9808	980	961	1941	4799	5194	9993	5430	5658	11088
<b>ARI<sup>9</sup></b>	11591	104925	220843	934	870	1804	134395	123292	257687	140906	129710	270616
<b>Traumas</b>	8099	6660	14759	359	279	638	8680	7200	15880	7599	5818	13417
<b>Other illnesses</b>	70351	101450	216298	13381	10827	24208	143147	90463	286767	172320	156144	101152
<b>Total</b>	<b>64657</b>	<b>579171</b>	<b>1225745</b>	<b>48907</b>	<b>41571</b>	<b>90478</b>	<b>737960</b>	<b>666755</b>	<b>1404715</b>	<b>777638</b>	<b>711235</b>	<b>148887</b>

Source: Health Statistics Yearbook from 2010 to 2013

o **Child Mortality:**

203 Generally, child mortality rate remains high even if it decreases constantly. According to the Demographic and Health Survey (DHS) 2001-2012, the level of infant/child mortality in Benin goes on decreasing regularly for the last twenty years. One can mention:

- Overall, one child out of fourteen (70‰) does not reach his/her fifth birthday versus one child out of six (160‰) in 2001 and one out of eight (125‰) in 2006.
- Out of one thousand male births, 79 die between 0 to 5 years versus 71‰ of girls. The Infant/child mortality rate is clearly higher in rural than in urban areas (83‰ versus 62‰ for the urban complex and 59‰ in Cotonou, the country's main city).
- According to departments, Alibori (111‰) and Zou (104‰) register the highest levels of infant/child mortality; in contrast, Plateau (53‰) and Mono (56‰) register the lowest levels.
- Children whose mother is uneducated are running 1.3 times the risk of death between 0-5 years than those whose mother has a primary or junior level (80‰ versus 61‰).

204 According to SITAN 2012,

<sup>8</sup> Children met during consultation and hospitalization unlike other years of which data concern only consultations

<sup>9</sup> Acute Respiratory Infections

"These issues remain a major concern for the government considering its key role in the economic and social development of a nation and refer to the third operational phase of the Growth and Poverty Reduction Strategy (SCRP 2011-2015) entitled: "Building Human Capital". In addition, in a perspective of vision 2025 of Benin as an emerging country, it is clear that children under 5 years of today are the backbone of the nation of tomorrow and singularly the productive portion of the country. High child mortality is not only a violation of their right to a life, but also would compromise the evolution toward this vision and beyond. This path to progress that would need certainly more commitment and efficiency in the health sector management, is not that corresponding to the central scenario (the most optimistic) defined in the SCRP III whose term matches that of the MDGs. Indeed, according to the central scenario of SCRP III, budget resources allocated to the health sector on the period 2011-2015 would represent an average of 13.4% of the global budget. This allocation could help to reach an infant/child mortality rate of 74.3‰, versus 65‰ which is the MDGs' target.

The situation of 2013 presented by the Health Statistics Yearbook:

**Table N°6: Perinatal Mortality by Health Zone in 2013**

Department/Health Zone	Living Births	Stillborn babies	Early Neonatal Deaths (Infant deaths <7 days)				
			Nb	More Stillborn babies	Rate for 1000 LBS	Ratio for 1000 LBS	Ratio for 1000 LBS and Stillborn babies
Alibori	26,080	633	139	772	5.3	29.6	28.9
Atacora	<b>27,097</b>	<b>548</b>	<b>115</b>	<b>663</b>	<b>4.2</b>	<b>24.5</b>	<b>24.0</b>
Atlantique	<b>35,905</b>	<b>630</b>	<b>173</b>	<b>803</b>	<b>4.8</b>	<b>22.4</b>	<b>22.0</b>
Borgou	<b>38,839</b>	<b>853</b>	<b>362</b>	<b>1,215</b>	<b>9.3</b>	<b>31.3</b>	<b>30.6</b>
Collines	<b>20,286</b>	<b>481</b>	<b>109</b>	<b>590</b>	<b>5.4</b>	<b>29.1</b>	<b>28.4</b>
Couffo	18,075	425	128	553	7.1	30.6	29.9
Donga	17,627	276	73	349	4.1	19.8	19.5
Littoral	33,326	1,042	432	1,474	13.0	44.2	42.9
Mono	16,386	493	120	613	7.3	37.4	36.3
Ouémé	34,982	842	366	1,208	10.5	34.5	33.7
Plateau	<b>14,846</b>	<b>508</b>	<b>66</b>	<b>574</b>	<b>4.4</b>	<b>38.7</b>	<b>37.4</b>
Zou	<b>25,373</b>	<b>398</b>	<b>129</b>	<b>527</b>	<b>5.1</b>	<b>20.8</b>	<b>20.4</b>
Benin	<b>308,822</b>	<b>7,129</b>	<b>2,212</b>	<b>9,341</b>	<b>7.2</b>	<b>30.2</b>	<b>29.6</b>

Source: SGSI/MS, 2013, \*Children of 0 to 7 bygone days, dead the day mentioned at maternity hospital

**The Multiple Indicator Cluster Survey (MICS) 2014 has analyzed the child mortality situation according to MDGs' indicators:**

**Table N°7: Infant/Child Mortality**

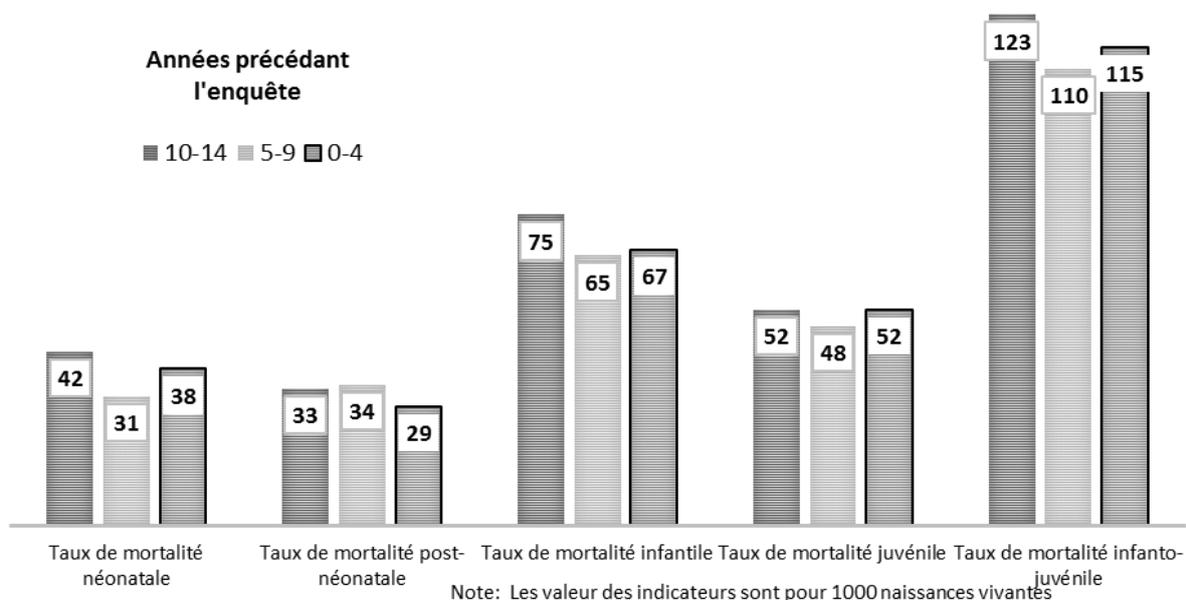
Early Childhood Mortality			
MICS Indicator	Indicator	Description	Value <sup>A</sup>
1.1	Neonatal Mortality Rate	Probability of death within the first month of life	37.8
1.2	<b>MDGs 4.2</b> Infant Mortality Rate	Probability of death between birth and first birthday	66.5
1.3	Post-Neonatal Mortality Rate	Difference between Infant and Neonatal Mortality Rates	28.8
1.4	Child Mortality Rate	Probability of death between first and fifth birthday	52.1
1.5	<b>MDGs 4.1</b> Infant/Child Mortality Rate	Probability of death between birth and fifth birthday	115.2

<sup>A</sup> The indicator's value is expressed for 1000 living births and refers to the period of 5 years before the survey

**Graph: Early Childhood Mortality<sup>10</sup>**

**MICS5, 2014**

<sup>10</sup>The indicator's value is expressed for 1000 living births and refers to the period of 5 years before the survey



o **Vaccination Coverage Benefitting Children:**

- 205 According to the Demographic and Health Survey of 2012, the vaccination coverage is not homogeneous. Indeed, in rural areas, 46% of children from 12-23 months are completely vaccinated versus 56% in Cotonou. In departments, the ratio of children having received all recommended vaccinations varies from a maximum of 66% in the Collines to a minimum of 26% in Alibori.
- 206 The same survey reveals tendency to the improvement of the vaccination coverage with the increase of the mother's instruction level and the socio-economic status of the household: thus, one can notice rates of 59% among children from a mother of high school or more, of 54% among those whose mother has a primary level, and only 44% among children whose mother is uneducated. According to the economic welfare level, one can notice that in the lowest quintile households, only 36% of children are completely vaccinated versus 52% in medium quintile households and 57% in highest quintile ones.
- 207 For years, Benin has been implementing an Expanded Program of Immunization but visibly, vaccination coverage does not know any improvement since 2006 and struggles to find again the level of 2001 (59%) (DHS, 2012).
- 208 In more details, BCG coverage remains almost stable since 2001 (90% in 2001 versus 88% in 2006 and in 2011-2012) but DTC0q 3 vaccination coverage has improved (67% in 2006 versus 74% in 2011-2012).
- 209 However, the ratio of children without any vaccination, which was constant (7%) from 2001 to 2006 has increased of 3 points of percentage in 2011-2012; in other words that ratio has gone from 7% in 2006 to 10% in 2011-2012.
- 210 According to analyses, this counter performance could be explained by the fact that children's mothers no longer bring spontaneously their children to health centers for routine vaccination but wait for health agents to come, going door-to-door as it happens during National Immunization Days (NIDs).

Vaccination Coverage in 2013 (Statistics Yearbook)

**Table N°8: Vaccination Coverage by Antigen and by Department in 2013<sup>11</sup>**

Department	Population 0-11	B.C.G.		PENTA 1		PENTA 2		PENTA 3		VAR	
		Doses	TCV								
Alibori	29,778	36,168	121.5	34,298	115.2	33,052	111.0	32,804	110.2	33,297	111.8
Atacora	31,396	34,602	110.2	33,195	105.7	32,484	103.5	32,172	102.5	30,992	98.7
Atlantique	45,812	55,477	121.1	53,282	116.3	49,650	108.4	48,918	106.8	45,897	100.2
Borgou	41,382	52,014	125.7	49,047	118.5	46,460	112.3	45,309	109.5	42,725	103.2
Collines	30,625	30,587	99.9	31,211	101.9	30,423	99.3	30,560	99.8	29,863	97.5
Couffo	29,977	29,278	97.7	29,896	99.7	28,441	94.9	28,211	94.1	27,620	92.1
Donga	20,004	23,163	115.8	22,657	113.3	21,883	109.4	21,475	107.4	20,044	100.2
Littoral	38,007	45,592	120.0	36,953	97.2	34,252	90.1	34,654	91.2	32,364	85.2
Mono	20,574	18,428	89.6	18,926	92.0	18,562	90.2	18,291	88.9	18,196	88.4
Ouémé	41,760	49,473	118.5	46,788	112.0	43,687	104.6	43,633	104.5	39,565	94.7
Plateau	23,264	22,527	96.8	21,751	93.3	19,692	84.6	19,015	81.7	18,024	77.5
Zou	34,284	38,158	111.3	37,140	108.3	35,805	104.4	35,632	103.9	33,050	96.4
Benin	386,864	435,467	112.6	415,144	107.3	394,391	101.9	390,674	101.0	371,637	96.1

**The Multiple Indicator Cluster Survey (MICS) 2014 has analyzed Child Vaccination Coverage according to MDGs' indicators in the following table:**

**Table N°9: Vaccination Coverage (MICS 2014)**

Vaccinations			
MICS Indicator	Indicator	Description	Value
3.1	Tuberculosis Vaccination Coverage	Percentage of children of 12-23 months having received BCG vaccination before their first birthday	89.4

<sup>11</sup> Source of Table N°8: GSI/DPP/MS 2013

Vaccinations			
MICS Indicator	Indicator	Description	Value
3.2	Polio Vaccination Coverage	Percentage of children of 12-23 months having received the third dose of Polio vaccination (Polio 3) before their first birthday	62.3
3.3	Pentavalent Vaccination Coverage (PENTA 3)	Percentage of children under 12-23 months having received the third dose of Pentavalent (DTcoq+HepB+Hib 3) before their first birthday	71.0
3.4	<b>MDGs 4.3</b> Measles Vaccination Coverage	Percentage of children under 12-23 months having received Measles vaccination before their first birthday	65.1
3.5	Hepatitis B Vaccination Coverage	Percentage of children under 12-23 months having received the third dose of Hepatitis B vaccination (HepB3) before their first birthday	71.0
3.6	Haemophilus Influenzae type B (Hib) Vaccination Coverage	Percentage of children under 12-23 months having received the third dose of Haemophilus Influenzae type B vaccination (Hib3) before their first birthday	71.0
3.7	Yellow Fever Vaccination Coverage	Percentage of children under 12-23 months having received Yellow Fever vaccination before their first birthday	63.7
3.8	Complete Vaccination Coverage	Percentage of children under 12-23 months having received all vaccinations recommended by the national program of vaccination before their first birthday (Measles before the first birthday)	41.6

o **What about Breast-Feeding and the Struggle against Malnutrition?**

- 211 In Benin, almost all children born between 2011 and 2012 have been breast-fed (94%). Yet, only a third of children less than six months have been exclusively breast-fed (33%). In 2012, it had been registered that more than the half of children of 6-59 months (58%) are affected by anemia: 26% in a mild form, 29% in a moderate form and 3% are affected by severe anemia.
- 212 However, compared to 2006, anemia prevalence among children of 6-59 months has decreased going from 78% to 58%.
- 213 The ratio of women with a state of chronic energy deficiency has also decreased going from 11% in 2001 to 9% in 2006 then from 6% in 2011-2012. Almost two out of five women are affected by anemia (41%): 32% in a mild form, 9 % in a moderate form and 0.5 % are in a severe form. Anemia prevalence has decreased since 2006 going from 61% to 41%.

**According to the Multiple Indicator Cluster Survey 2014, the breast-feeding situation is presented as the following table:**

**Table N°10: Breast-Feeding**

Child Breast-Feeding and food			
MICS Indicator	Indicator	Description	Value

Child Breast-Feeding and food			
MICS Indicator	Indicator	Description	Value
2.5	Breast-fed Children	Percentage of women having had living birth in the 2 years preceding the survey and having breast-fed their last living child at any time	97.2
2.6	Early initiation to breast-feeding	Percentage of women having had a living birth in the last 2 years having breast-fed their last born child in the first hour after birth	46.6
2.7	Exclusive Breast-Feeding of Children under 6 months	Percentage of babies under 6 months being exclusively breast-fed <sup>ii</sup>	41.4
2.8	Prevailing Breast-Feeding of Children under 6 months	Percentage of babies under 6 months fed with breast milk as a prevailing source of food the preceding day <sup>iii</sup>	76.4
2.9	Ongoing Breast-feeding for 1 year	Percentage of children of 12-15 months being breast-fed the preceding day	95.8
2.10	Ongoing Breast-feeding for 2 years	Percentage of children of 20-23 months being breast-fed the preceding day	45.5
2.11	Median Duration of Breast-feeding	Age in months in which 50% of children of 0-35 months have not been breast-fed the preceding day.	21.2
2.12	Adequate Breast-feeding According to Age	Percentage of children of 0-23 months being adequately fed <sup>iv</sup> the preceding day	65.8

Source: MICS 2014

<sup>i</sup> Complete Vaccination including the following: BCG, POLIO (0, 1, 2 and 3), PENTA (DTCoq + HepB + Hib, 1, 2 and 3), PCV 13 (1, 2 and 3), Measles (Before the age of 12 months) and Yellow Fever.

<sup>ii</sup> Babies fed with breast milk and not receiving other liquids or food except Oral Rehydration Solutions, vitamins, minerals or medicines

<sup>iii</sup> Babies receiving breast milk and some liquids (water, water-based drinks, fruit juice, ritualistic liquids, Oral Rehydration Solutions, drops, vitamins, minerals and medicines) but don't receive anything else (in particular animal milk and liquid food).

<sup>iv</sup> Babies of 0-5 months exclusively breast-fed and children of 6-23 months breast-fed and eating solid, semi-solid or soft food

### **Education to disease prevention and family planning:**

214 Populations' education to disease prevention and family planning is provided through public awareness activities organised by public structures as well as civil society organisation. In primary health care centres (district health care centres, community health care centres) and social promotion centres, animation curricula are built upon several themes (malnutrition, cooking demonstrations, breastfeeding, family planning and contraceptive methods, hygiene) as well as diseases (diarrhoea, cholera, Guinea worm, sexually transmitted diseases and HIV/AIDS, avian influenza, malaria, tuberculosis, Ebola, etc.).

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- 215 At the central level, the Government strengthens media awareness particularly in the event of outbreaks of new and dreadful diseases threatening, as avian influenza and Ebola haemorrhagic fever).
- 216 Youth (from 10 to 24) represents 33% of the population. Among teenagers under 15, 13% are sexually active. Among youth aged from 15 to 19, 15% have a child and 21% have an unwanted pregnancy. This results from a high number of unsafe abortions (which contributes to a high maternal mortality) and girls dropping out of school 12.
- 217 According to MICS 2014, modern family planning methods represent 12.4%; and traditional methods represent 4.8%. The percentage of the population which does not use contraceptive method is 82%, percentage of the population who use any contraceptive method is 17.2%.
- 218 According to the 2012 DHS, 53% of the current family planning users have been informed by a health care or family planning officer about the side effects or the issues related to this method.
- 219 The following key documents encompass strong options in favour of family planning in Benin :
- 220 The law N° 2003-04 of March 3, 2003, relating to reproductive health which enables women to have access to family planning:
- Universal right to reproductive health
  - Right to information and education on family planning;
  - Right to access to health care and health services for family planning;
  - Right to non-discrimination in the provision of services
  - Government regulation on the quality of contraceptive products and circumstances of voluntary termination of pregnancy (abortion)
- 221 --The National Health Development Plan 2009-2018 (PNDS) which has also set as priority the promotion of family planning in an attempt to "Reduce maternal and neonatal mortality" (Sub-program against maternal and neonatal mortality), with the objective to bring the Contraceptive Prevalence Rate to 15% in 2016.
- 222 The National Strategy for Securing the Products of Reproductive Health 2006-2015;

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- The Multi-sectoral National Strategy of Young People Sexual Health and Reproduction Document (2010-2020).

- 223 Theoretically, Family planning services are integrated in all health facilities having a maternity hospital but only 46% and 68% of health facilities in Benin offer primary family planning services (pills/injectable/preservatives). According to the SARA survey of 2013, long-term methods are offered respectively in 40% of health facilities for the intrauterine contraceptive device (DIU) and 39% for implants.

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224 National Budgeted Action Plan for the Repositioning of Family Planning has planned the targeting by department of 1,143,000 (total numbers for the country) women aged from 15 to 49 years recently using family planning from 2014 to 2018. Actions are under way to reach this objective.

- **Integration of basic health programs in the national development plans:**

225 The Health sector is visibly the one where the State set up the most programs. Strong incidence disease or even neglected or little-known diseases are very often the subject of a national program. Therefore, we can mention the national program against AIDS, the national program against malaria, the national program against tuberculosis, the program on non-transmitted diseases, the expanded immunisation program, etc.

226 Health programs are addressed in the various national or local development policy papers. It is the case especially of long term national prospective studies such as Benin 2025 Alafia or in the various poverty reduction strategy papers and in community development plans.

- **Mobilization of sectors of society for disease prevention measures and child health**

227 The community-based approach is more and more used in health-care centres and social promotion centres which are directed at all levels of society (parents, community leaders, community agents) and give information about the use of food knowledge for child health and nutrition, knowledge of breastfeeding benefits, hygiene care of the environment and domestic accident prevention (for instance, food poisoning).

228 Moreover, some NGOs perform community-based awareness during weighing and cooking demonstrations within communities including remote villages.

229 Civil society organisations are also active. Thus, NGOs, local communities and beneficiary populations take part to the planning and management of basic health care programs. For instance, the selection of management committees is more and more customary (water point or health care centre management committee).

- **Resource mobilisation by the Government for local governments**

230 In the framework of decentralisation, the law N°97-029 of January 15, 1999, relating to the organisation of the communes in the Republic of Benin, stipulates in its article 100, that the commune is in charge at the level of the district, village or city district, of the building, equipment, and maintenance of public health care and social promotion centres, of public cultural youth infrastructure, of sports and leisure. It ensures besides, the maintenance of these centres and infrastructure. To this end, the Government provides with necessary resources.

231 In this respect, the communes establish five-year development plans in which health issues are always taken into account.

232 The Government contributes to the establishment of Commune Development Plans (PDC) thanks to the Support Fund for Communes Development (FADEC) established a few years ago.

○ **Resources deployed by the Government and their impact**

233 Despite the continued challenges, the improvement of health condition is appreciable and also linked to the strengthening of measures taken by the Government and its development partners within the context of achieving the Millennium Development Goals (MDG). These measures include:

- The strengthening of the health system by the construction of health-care centres and generally by providing health-care centres with staff and equipment;
- Institution of free caesarean section;
- Institution of free care for under five children suffering from malaria;
- Improvement of the prevention of mother-to-child HIV transmission;
- Improvement of girls and women accessibility to education and literacy;

234 In Benin, the rate of health coverage is low but improves gradually. Indeed, the availability of the medical staff remains low for the number of inhabitants per doctor is 5,849 in 2012 against 8,411 in 2011. The number of inhabitants per nurse has decreased between 2011 and 2012, going from 3,856 inhabitants per nurse in 2011 against 1,823 inhabitants per nurse in 2012. However, the number of women in childbearing age per midwife presents a switchback increase. After the decrease observed between 2006 and 2007, it is noticed an increase of the number of women in childbearing age per midwife in 2009, that is to say 1,563 women in childbearing age per midwife<sup>iv[13]</sup>.

235 The following table shows the evolution of some indicators for medical activities and maternal and child health care.

➤ **Table N°11: Evolution of some indicators for medical activities and maternal and child health care.**

Indicators	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Health care centres attendance rate (%)	38	39	37	44	46	45.2	46.5	46.5	45.4	51.4
Coverage rate for prenatal consultation (%)	91.2	92.3	91	91	96	94	92.9	93.4	97.2	101
Coverage rate for postnatal consultation (%)	40.7	40.5	41	41	43	41	37	36.5	38.9	41.1

Coverage rate for healthy children aged from 0 to 11 months consultations (%)	86.2	77	112	83	88	75.6	68.2	68.6	70.4	77.4
Coverage rate for healthy children aged from 12 to 35 months consultations (%)	6	5	5	5	5.5	4.8	4.4	3.7	3.6	3.4
Coverage rate for assisted deliveries (%)	76	76	76	76	82	82	79.1	81.3	94.4	93.8
Maternal deaths for 100,000 live births	224	193	230	397	179	140	195	196.2	220.7	205.6
Early neonatal mortality rate for 1000 live births	9	7.7	7.6	7.2	6.2	5.7	6.5	7.2	6.6	6

○ Source : DPP/MSP

236 Concerning the national system of health coverage, it is modelled on the administrative division and is built around three administrative levels.

237 At the central level, the management of the system is handled by the Ministry of Health which is in charge of implementing the policy laid down by the Government in the area of health. To this end, it initiates the health action, plans its implementation, coordinates and supervises the execution of the identified tasks.

238 Benin has a National University Hospital Centre (CNHU) and a specialised centre in women and child health, Hôpital de la Mère et de l'Enfant Lagune (HOMEL).

239 At the intermediary level, the handover of the national health policy is assumed by the departmental health directorate whose actions are in line with the strategy adopted at the central level.

240 At the departmental level, the technical system of health care is assumed by the departmental hospital centres. There are five departmental hospital centres (CHD) one in each of the following departments, Ouémé, Borgou, Atacora, Zou and Mono. In the Littoral, the CNHU serves as CHD-Littoral in addition to its national function.

241 At the periphery, there are health zones which represent the most decentralised operational entities of the health system in Benin. The Health zone is composed by a network of first-aid services from the village level, provided by the village health units through district health care centres and communal health care centres.

242 In 2012, 27 health zones have their referral hospitals among which 12 fully perform their function among the operational 34, created further to the health basis shuffle in Benin.

243 This strategy enables to make sustainable and effective the quality of services provided, while favouring decentralisation, community-based involvement, and partnership of the public and the private sectors.

244 The following table shows the evolution of the indicators for health care infrastructure and staff coverage, which illustrates to what extent the programs and projects implemented by the government have contributed to improving populations' access to health care services from 2002 to 2012.

➤ **Table N° 12: indicators for health care facilities and medical staff coverage**

Indicators	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of inhabitants per doctor	7210	7153	7135	7377	7006	7472	7511	7979	7979	8,411	5,849
Number of inhabitants per nurse	2528	3259	2648	2446	1920	2045	2245	2469	2469	2,447	1,823
Number of women in childbearing age per midwife	1555	1591	1705	1451	1725	1510	1345	1563	1563	1,712	1,524

○ Source : DPP/MSP

245 Naturally, the improvement of health coverage in medical staff must rely on the provision of medical assistance and health care necessary for all children while focusing on the development of primary health care.

246 The following table shows the evolution but also the expectations for the improvement of medical activities.

247 According to the statistical yearbook, there are 571 complete health centres, 118 free clinics, and 113 maternity hospitals. There are 27 zone hospitals that are operational but 6 remain to be built.

248 Concerning human resources: total number of doctors, 1,507 that is to say 1.6 for 10,000 inhabitants; total number of nurses, 4,821, that is to say 2.5 for 5,000 inhabitants; total number of midwives, 1,415 that is to say 3 for 10,000 inhabitants; 802 laboratory technicians and 206 radiologists.

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**d. Social welfare (art. 20.2 ACRWC):**

249 Regarding social welfare, we can mention:

- Traditional aid by in kind and/or cash donations to triplets' families by the Ministry of Family;
- Psychological accompaniment and counselling for families facing diverse distress situations provided by the social promotion centres (SPC) and the specialised social services (SSS);
- Institution of free primary education;
- Institution of free caesarean section;
- Popularisations of family planning methods.

250 Medical services and social promotion centres are also in charge of the health action and the assumption of psychological aspects related to the issue of corporal punishment and violence or other forms of torture or degrading treatments against children.

251 For the readjustment and social rehabilitation of corporal punishment victims, the legal aid centre, the social promotion centres, schools social services by the Ministry of Family, and the NGOs are at the victims' disposal for a psychosocial assistance.

252 In any event, all children, regardless of their social condition, including children with disabilities, children living in poverty, children born out of wedlock, asylum seekers or refugee children and children belonging to indigenous and/or minority groups, have the right to the equal legal protection against all forms of assault to their physical integrity, particularly corporal punishments and may enjoy a psychological assistance without any discrimination.

**e. Protection of orphans:**

253 From 2007 to 2010, 13,278 orphans among which 6,137 girls and 7,141 boys, as well as other vulnerable children received help from the structures active in the field of child protection. (7% of the total number of identified vulnerable children). There are 3,184 OVC because of AIDS, (48.7% of girls and 51.3% of boys) and they represent 24% of the OVC.

254 The program « Cellule Cœur d'Espoir (CCE)" of the Ministry of Family supports the OVC [\[LG1\]](#) in the country through the social promotion centres.

255 Therefore, the concept OVC (orphan and vulnerable child) is almost coined in the context of the social intervention especially in the framework of the protection of children affected by the HIV/AIDS pandemic. The Ministry of Family has adopted, based on its experience, a vulnerability model of children likely to enjoy the protection of orphan children. The support includes school, health and nutritional assistance as

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well as psychosocial accompaniment. This initiative has enabled to federate all the other actors around a consensus approach.

- 256 In addition to the role of public authorities, it is worth mentioning the action of SOS Children's Village which is an international NGO operating in Benin for the management and rehabilitation of orphans. The NGO is establishing several agencies in all the regions of the country for a community-based intervention.
- 257 Some local NGO like the centre of PAIX de Natitingou, also follows the model of care of SOS Children's Village.
- 258 However, the Republic of Benin has adopted since 2012 an order which addresses from then on the care of children in reception centres.
- 259 According to MDG 6.4 (school attendance ratio of orphans compared to non-orphans), the MICS shows that the proportion of children attending school, aged from 10 to 14, who have lost both parents divided by the proportion attending school, aged from 10 to 14 and whose both parents are alive, and who live with one or both of their parents, is 0.78.

#### **VIII. EDUCATION, RECREATION AND CULTURAL ACTIVITIES:**

- **Regulation of the child right to education in Benin**

#### **The MDG N°1 to 6 and particularly the MDG N° 2 to 6 are dedicated to education.**

- 260 Under the legal regulation, the right to education is provided by articles 12 to 14 of the constitution.
- 261 This constitutional guarantee is strengthened by other laws among which, the law N°2003-17 of November 2003 relating to the orientation of the national education in the Republic of Benin. By this law, the Government shows it is willing to make school accessible for all.
- 262 In the article 14 of the law, three levels of education are acknowledged which are pre-primary and primary education, general secondary and technical and vocational secondary education for youth retraining and integration, and Higher Education and Scientific Research.
- 263 The new Child Code which acknowledges in its article 112 the responsibility of the Government in schooling, institutes, on the one hand, compulsory schooling for the child at the care of the parent (art 113) and, on the other hand, completion of the fourth year in primary school (art 116), strengthening of free services as already implemented by the Government for public pre-primary and primary education and finally, prohibition to demand a contribution to the parents (art 115). However, at the level of the public secondary schooling, exemption school fees apply to girls until fourth form.

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- **Effectiveness of the child right to education in Benin:**

- 264 According to the third general census, though primary education is made compulsory by the constitution for children aged from 6 to 14 in Benin, it is far from being generalised. Indeed, in 2002 in Benin, slightly more (51.31%) of school age children (aged from 6 to 14) attend primary school, 4.4% are in high school, 3.6% have already dropped and 38.8% have never attended school. Presently, there are fewer girls who attend school compared to boys (45.3% of girls aged from 6 to 14 years against 56.9 % of boys aged from 6 to 14 years). The situation is better in the major cities (Cotonou, Porto-Novo and Parakou). The gross and net enrolment rates presented below shows an obvious under-schooling.
- 265 However, during the past few years, significant efforts have been deployed to ensure the application of this right. In 2014, the enrolment rate has increased, the gross enrolment rate is 122% and the net enrolment rate is 98%. Gross enrolment rate for girls increased from 84.26% in 2004 to 118.71 % in 2014.
- 266 Indeed, the Government of Benin has submitted on March 29, 2007, a funding request for the FAST-TRACK initiative catalytic fund, which has been approved. Four other technical and financial partners namely the French Development Agency (AFD), the Danish Cooperation (DANIDA), the German Development Bank (KfW) and the Kingdom of the Netherlands have provided a complementary funding in the form of budget support. Therefore, these four technical and financial partners and the World Bank have signed with the Government of Benin a common funding arrangement on April 18, 2008, for the setting-up of the Budgetary Common Fund.
- 267 Generally, the fund is aimed at ensuring Education for All (EFA) by 2015, and includes the activities deemed essential of the Ten-Year Plan for the Development of Education (PDDSE) through 3 components: (i) improvement of the access, equity and retention (ii) improvement of the quality of teaching and literacy and (iii) improvement of the management of the sector.
- 268 The Government of Benin has negotiated and mobilised its Technical and Financial Partners (TFPs) of the FTI-FCB program covering the period from 2008 to 2013, the funding for a global cost of eighty-eight billion six hundred and one million four hundred and forty-one (88 601 441 000) francs CFA. The respective contribution for each partner to the Common Fund is: FTI (World Bank): 37 365 956 000 F CFA, AFD: 9 574 204 000 F CFA, DANIDA : 17 143 098 000 F CFA, KfW : 13 694 892 000 F CFA and Netherlands : 10 823 291 000 F CFA.
- 269 The resources awarded by the Technical and Financial Partners (PTF) of the FTI-FCB program are a sector-based budgetary support and complement the resources mobilised by the Government and have enabled to fund particularly activities of subsectors of pre-primary and primary education, of literacy and secondary and technical education during the period 2008-2013.
- 270 During this period, the major activities realised by the FTI-FCB program, for each component, are:

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➤ **Improvement of the access, equity and retention:**

- **Construction of schools and administrative facilities: 35 128 761 288 francs CFA**

**Ministry of Pre-primary and Primary Education (MEMP):**

- ✓ Construction of 2, 834 classrooms, 26 school districts, 16 administrative residents in the four (4) ENI (Abomey : 4, Allada : 4, Dogbo : 4 and Kandi : 4), 4 dormitories of 150 beds for the IENI of Dogbo (2) and the ENI of Allada (2) ;
- ✓ 63 toilets with 2 cubicles and 473 toilets with 4 cubicles;
- ✓ Rehabilitation of 54 classrooms;
- ✓ Provision of 4,500 tables and stools, 64, 881 tables and benches and 2,208 teaching furniture;

**NB: see below<sup>iv[4]</sup>**

**Ministry in charge of Secondary Education, Vocational and Technical Training, and Youth Rehabilitation and Integration (MESFTPRIJ):**

- ✓ Construction of 956 classrooms, 3 dormitories with 100 beds each, in the technical high school of Ouidah (1), INA (1) and technical agricultural school of Adja-Ouèrè (1) ;
- ✓ Provision of 23,800 tables and benches and 952 teaching furniture;

**Ministry of Culture, Literacy, Crafts and Tourism (MCAAT) :**

- ✓ Construction of 45 literacy training centres and 45 toilets with 2 cubicles;
- ✓ Provision of 1,125 tables and chairs
- ✓ Training of 34,000 literate persons

**Cafeterias:**

- ✓ Support for functioning of 855 cafeterias with 484,649 served during at least 120 days.

**- Direct support to schools for the assumption of operating costs:**

- ✓ Assumption of operation costs of pre-primary and primary schools for the academic years 2008-2009 and 2009-2010: 9,100,000 000 francs CFA;
- ✓ Acquisition of teaching materials for collective use for 8,059 pre-primary and primary public schools: 4,029,500 000 francs CFA;
- ✓ Support for free costs for 509,559 girls in secondary schools and high schools: 2,251,536 400 francs CFA.

➤ **Improvement of teaching and literacy education quality:**

**- Improvement in the qualifications of teachers:**

- ✓ Publishing of 294,000 of pedagogical documents: 291 940 143 francs CFA;
- ✓ Support for skills training of 35 primary schools inspectors and 97 middle secondary school teachers (BAPES): 162 945 531 francs CFA;

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- ✓ Support for skills training of 13,244 community teachers and primary school contract teachers: 1 428 090 578 francs CFA;
  - ✓ Support for skills training of 10,435 local contract teachers from secondary: 3 836 939 960 francs CFA;
  - ✓ Training of 46,196 teachers on the implementation of corrective measures from CE1 (third year of primary school) to CM2 (sixth year of primary school), and more than 43,000 teachers on the implementation of corrective measures to the teaching curricula in ES, EST, EA and EPS (4 days): 2 057 622 577 francs CFA;
  - ✓ Training of 1,593 hosts and 1,213 pre-primary teachers for the spread of the curricula of early stimulation activities and pedagogical strategy t pre-primary teaching (10 days): 296 487 682 francs CFA;
  - ✓ Training of 14,000 contract teachers of middle secondary schools on the implementation of the competence-based approach (5 days) and 22,422 teachers on the assessment principles in the context of the competence-based approach (5 days): 735 715 710 francs CFA ;
  - ✓ Training of 653 technical education teachers (5 days): 37 418 710 francs CFA;
  - ✓ Increase of inspections and class visits: 1 273 389 000 francs CFA.

**NB: Training of 4,000 primary school teachers through the Francophone Initiative for Distance Training of Teachers (IFADEM) funded by the AFD under the Project EPT1 (except FCB)**

**Other progress reported in the pre-primary and primary education further to the implementation of projects set from the MDG indicators, are recapitulated in the table "access quality and progress" annexed to this report.**

**Improvement of the sector management:**

**- Strengthening of response capacities: 3 412 667 763francs CFA**

- ✓ Provision of 119 pickup cars: 2 910 902 403 francs CFA;
- ✓ Provision of 373 desktop computers, 74 laptop computers, 23 printers, 5 photocopiers, 8 scanners, 25 video projectors, 378 inverters 2000 VA and 378 voltage regulators: 313 665 360 francs CFA ;
- ✓ Provision of 400 motorbikes for pedagogic advisers, inspectors and literacy teaching community coordinators: 188 100 000 francs CFA;

**Capacity building of the 3 Ministries' administrative staff:**

- ✓ Training of more than 500 agents in administration, finance, education planning, computer science, public procurement, etc.

271 Presently, Benin also benefits from the resources of the Global Partnership for Education (GPE) for an amount of 42 million dollars. This program which is also part of the FCB promotes the core points of the PDDSE and gives special attention on the quality and retention of girls to school. It is implemented in the 25 communes which have the lowest rate of completion.

272 In addition, the AFD continues to support the sector but focuses more its work in the secondary since 2010 and has just granted 10 million euro as subsidy to a project supporting this sub-sector.

273 As a consequence of these different actions implemented by the Government, the enrolment rates and retention of children at school have gradually improved.

The following table synthesises this gradual improvement from 2003 to 2014.

➤ **Table 13: Primary education indicators**

Indicators	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
<b>Gross admission rate</b>	<b>104.2</b>	<b>105.7</b>	<b>99.0</b>	<b>109</b>	119.32	142.96	140.01	132.18	130.73	143.62
Boys	114.8	115	101.9	113.6	123.7	146.86	141.96	133.71	133.71	145.86
Girls	93.2	96.1	109.0	104	114.66	138.79	137.94	130.5	127.54	141.22
<b>Completion rate<sup>IVIS</sup></b>	<b>49.1</b>	<b>49.5</b>	<b>66.0</b>	<b>65</b>	66.32	60.6	72.58	64.07	67.86	71.49
Boys	61.1	61.6	77.5	75.6	75.85	68.37	56.83	70.35	73.15	76.8
Girls	36.1	36.6	54.0	54	56.05	52.24	65	57.30	73.15	65.77
<b>Gross enrolment rate</b>	<b>94.1</b>	<b>95.9</b>	<b>94.8</b>	<b>92.99</b>	<b>98.48</b>	<b>104.27</b>	<b>109.13</b>	<b>110.58</b>	<b>112.62</b>	<b>119.72</b>
Boys	107.1	107.8	105.22	99.59	104.33	109.42	113.46	114.02	115.93	122.45
Girls	80.5	83.6	84.09	85.88	92.17	98.71	104.46	106.86	109.05	116.78
<b>Promotion rate (%)</b>	<b>70.8</b>	<b>69.7</b>	<b>69.1</b>	<b>80.40</b>	<b>79.43</b>	<b>72.37</b>	<b>75.89</b>	<b>75.89</b>	<b>72.32</b>	<b>74.76</b>
Boys	71.9	70.4	70.1	80.64	80.14	72.95	76.59	76.59	73.08	75.2
Girls	69.1	68.7	67.8	80.09	78.53	71.64	75.04	75.04	71.46	74.25
<b>Grade-repeating rate (%)</b>	<b>26.7</b>	<b>25.5</b>	<b>17</b>	<b>7.92</b>	<b>11.35</b>	<b>16.31</b>	<b>13.4</b>	<b>13.4</b>	<b>13.27</b>	<b>11.9</b>
Boys	20.4	24.3	16.7	8.03	11.13	16.08	13.23	13.23	13.30	11.8
Girls	21.8	24.2	17.4	7.92	11.67	16.6	13.59	13.59	13.23	11.88
<b>Dropping out rate (%)</b>	<b>8.3</b>	<b>6</b>	<b>13.9</b>	<b>11.08</b>	<b>9.22</b>	<b>11.32</b>	<b>10.72</b>	<b>10.72</b>	<b>14.41</b>	<b>13.39</b>
Boys	7.7	5.3	13.3	11.53	8.76	10.96	10.18	10.18	13.63	12.97
Girls	9.2	7.1	14.8	11.88	9.8	11.76	11.36	11.36	15.31	13.86
<b>Seats per student</b>	<b>0.71</b>	<b>0.74</b>	<b>0.84</b>	<b>0.88</b>	<b>0.82</b>	<b>0.76</b>	<b>0.71</b>		<b>0.794</b>	
<b>Ratio students/teacher</b>	<b>55.7</b>	<b>53.2</b>	<b>46.8</b>	<b>43.6</b>	<b>43.8</b>	<b>44.6</b>	<b>44.87</b>	<b>44.4</b>	<b>44.2</b>	<b>44.1</b>

○ Source : DPP/MEMP

**According to the MICS 2014, the percentage of children aged from 36 to 59 months, attending a pre-primary instruction curriculum is 13.1%;**

- 274 The objectives set for school in Benin are defined at the article 4 of the law N°2003-17 of November 11, 2003, on the orientation of national education providing that: "School must provide to all, the possibility to grasp the modern world and to transform the environment thanks to national cultural values, endogenous knowledge, skills and interpersonal skills and the universal scientific heritage. It must enable at all the levels, a permanent education and training, favour specialisations through a judicious guidance which takes into account individual capacities and the needs of the Nation. It is opened to all positive and useful innovations and must take into account civic instruction and ethics, education for peace and human rights, population and family life education, environmental education, health and citizenship education and education for development in line with the article 40 of the Constitution".
- 275 Nowadays, education in Benin is trying out several teaching approaches. Therefore, at the primary and secondary level, new teaching curricula, called competence-based approach has replaced the former curricula in primary education whereas in higher education, the approach of the BMD system (Bachelor-Master-Doctorate) is widely adopted in all the private and public universities.
- 276 Finally, it should be noted that pre-primary education enjoys a growing interest with a high participation of the private sector. The following table shows the presence of the private sector in pre-primary teaching based on departments.

**i. Table N°14: Schools and pre-primary education enrolments in 2010**

Departments	Public schools	Private schools	Total of schools	Number of pupils			% of the number of pupils in private schools
				Boys	Girls	Total	
Atacora	44	7	51	1,910	1,980	3,890	8%
Donga	84	3	87	4,379	4,474	8,853	4%
Atlantic	129	80	209	6,537	6,558	13,095	21%
Littoral	30	116	146	6,614	6,638	13,252	66%
Borgou	81	36	117	4,758	4,770	9,528	20%
Alibori	33	11	44	2,054	1,991	4,045	11%

Mono	78	11	89	3,110	3,257	6,367	7%
Couffo	60	5	65	2,315	2,200	4,515	3%
Ouémé	105	63	168	6,544	7,562	14,106	47%
Plateau	61	5	66	3,001	2,861	5,862	25%
Zou	86	8	94	3,379	3,302	6,681	5%
Collines	81	13	94	3,508	3,631	7,139	10%
<b>Benin</b>	<b>1,230</b>	<b>358</b>	<b>1,588</b>	<b>59,531</b>	<b>62,109</b>	<b>121,640</b>	<b>20%</b>

- Source: Statistic yearbooks MEMP, 2009-2010 \* this concerns schools of which the opening was authorised.

- **Right to leisure, recreational and cultural activities:**

277 The Government of Benin attaches importance to culture and cultural works, this attachment is reflected by the adoption of the law N°2007-20 of August 23, 2007, on the protection of cultural heritage and natural cultural heritage in the Republic of Benin.

278 The new Child Code acknowledges to the Child the right to entertainment (art 124) and the right to enjoy rest (art 125).

279 However, the general situation of the right to leisure remains characterised by a weak recognition of its foundation in the collective mentality despite the constant efforts deployed by the Government and NGOs for children to take advantage of the effectiveness of the right.

280 The response of the Government for the implementation of this right is characterised by a two-fold organisation: at the central level, the Ministry of youth, leisure and sports and at the level of the communes, territorial authorities' competence has been instituted for promoting social services and leisure; and therefore, leisure centres are then created in almost every commune.

281 Therefore, leisure is part and parcel of public services provided by the Government.

282 In the same time, the institutional development of this sector has gradually increased particularly at the basis. For instance, we can mention the setting up of following bodies for that purpose:

- 
- II. The Union of cultural and sports associations of the Primary Education (UASEP);
  - III. The Union of cultural and sports associations of the Secondary Education (UASES);
  - IV. The Benin Office of School and University Sports (OBSSU).

283 The effective implementation of the right to leisure rests on the organisation of school championship in various disciplines such as soccer, basketball, volleyball, handball, budding genius, epistolary tournaments organised by the Benin office of Posts and telecommunications, canoe races, caravans, recreational days, national holidays, several recreational and entertaining or traditional activities organised in the framework of Christmas and New Year festivities, etc.

284 In the field of Sports, school championships are organised by the Union sports associations of the Primary Education (for more than 2,500 children aged from 10 to 14 in 2009) and the Union of sports associations of the Secondary Education (for more than 2,000 children aged from 15 to 17 in 2009); they are organised for youth at the departmental level in order to favour mixture of youth, competitiveness and to scout for new talents. They include:

- V. National youth/junior championships of Table tennis;
- VI. National Juniors championship of outdoors archery;
- VII. Organisation of the international youth tournament of Tennis;
- VIII. Participation of 40 youths to the first games of CENSAD in Niger in 2009;
- IX. Participation of two children at the African championship in Morocco;
- X. Participation of two children at the African Youth Championship of table tennis, volleyball, karate, boxing, handball, and at the world championship in Germany;
- XI. Festival of School Sports (FESCO) for youth aged from 15 to 17.
- XII. Festacep, Artistic and Cultural Festival.

285 Moreover, various training and awareness programmes are also developed by governmental and nongovernmental actors, for children, particularly in markets or other hearing and reception places for children from teachers, guardian and other persons in charge of them; this could emphasise the importance of this right and improve living conditions of children.

286 International days such as June 12, (International Day against Child Labour), June 16 (Day of the African Child) and December 23 (Day of the Beninese Child) represent the occasion for a special manifestation for the benefit of children. The Government and its partners accompany the children so that they can take over the organisation of the commemoration of these events. In order to raise public awareness on the Child's rights, an educative theme is selected for each Day. In 2015, the theme of the Day of the African Child was: 25 years after the adoption of the African Charter of Child' Rights and Well-being: Let us redouble our efforts to eradicate child marriage in Africa."

## **IX. SPECIAL PROTECTIVE MEASURES**

287 The ACRWC advocates for general protection to all children but gives special protection to certain categories of children. This special protection required is justified.



<b>Number</b>	847	857	<b>1704</b>	865	904	<b>1769</b>	869	884	<b>1753</b>	5713	5905	<b>11,618</b>	1959	2075	<b>4034</b>
<b>o f C h i l d r e n  a g e d  f r o m  0  t o  1 7</b>															

- Source: HCR, 2007 – Strategy and social protection documents for child protection, page 32.

Caption G: girls; B: boys

291 The SITAN report gives information on refugee children living in urban and rural environment as of December 31, 2009.

292 In rural environment, namely in the camps established by the Government in Kpomasse (department of Atlantic) and in Agame (department of Mono), children represent 43% of the population living in the camps, that is to say 1,327 children who include: 413 children aged from 0 to 4 (13%) and 914 children (30%) aged from 5 to 17.

293 In urban environment, namely in Cotonou, Porto-Novo and surroundings, they represent 31% of the refugee population, that is to say 1,348 children with 10% of children aged from 0 to 4 (436 children) and 21%, that is to say 912 children aged from 5 to 17<sup>iv[6]</sup>.

294 The situation in CAR since 2013, has led to an influx of refugees including children. In order to combat the outbreak of separated and non-accompanied children, the UNHCR has set up with Ministry of Interior, the management of these cases through the National Coordination for Refugees Assistance.

295 In 2015, the refugee children integration process into the Government formal management system has started. The UNHCR supports the capacity building of

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decision makers (social services, NGOs, judges) on the determination of the best interests of the child.

296 The Child code adopted by the National Assembly includes provisions on the management organisation of this category of children (art.205).

○ **Protection of children against armed conflicts:**

297 Presently, there are no children enlisted in the Armed Forces of Benin.

The legal framework of Benin -in no way favours the enlistment of children in the military or paramilitary forces. These guarantees are laid down in the constitution of Benin and in the different laws governing the armed forces.

298 Benin is also party to the majority of conventions governing armed conflicts. They include inter alia:

- The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949) came into force on October 21, 1950; Declaration of succession of Benin as of December 12, 1961.
- The Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949), came into force on October 21, 1950; Declaration of succession of Benin as of December 12, 1961.
- The Geneva Convention relative to the Treatment of Prisoners of War (1949), came into force on October 21, 1950; Declaration of succession of Benin as of December 12, 1961.
- The Geneva Convention relative to the Protection of Civilian persons in Time of War (1949) came into force on October 21, 1950; Declaration of succession of Benin as of December 12, 1961.
- Additional Protocol to the Geneva Conventions of August 12, 1949, relative to the Protection of Victims of International Armed Conflicts (1977); came into force on December 7, 1978.
- The Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflicts adopted on February 22, 2001, ratified by Benin on February 28, 2005.

299 The Child code adopted by the National Assembly includes provisions prohibiting the involvement of children in armed conflicts (art.204).

**b. Children in conflict with the law:**

300 The judgment of infractions committed by children is governed by the articles 615 to 720 of the Criminal Procedure Code.

- 301 This procedure established, guaranties the basic principles of the respect of the right to a fair trial (presumption of innocence, adversarial principle, two-stage procedures, right to be defended, right to an interpreter), and defines the age of criminal responsibility, makes compulsory the presence of the parents, the study of the personality before any sentence, all this in line with the respect of the principle of confidentiality which prohibits open court proceedings and the violation of the aforementioned principle.
- 302 The special jurisdiction for children is relevant for judging all minors under 13 accused of offence; however the minor under 13 has an exemption of penalties and must be subjected only to supervisory and educative measures: article 655 of the Criminal Procedure Code.
- 303 The conditions of detention of a minor are laid down in the articles 656 and the followings, which confirm its exceptional character. Alternative measures to incarceration are favoured, articles 686 to 720 Criminal Procedure Code.
- 304 Minor offenders are installed in areas for minors in accordance with the required separation.
- 305 However, efforts need to be made in order to fully apply the reform.

The new Child Code adopted by the National Assembly strengthens all these special provisions in favour of minors in conflict with the law, through its articles 208 to 319.

- 306 Here are the following actions undertaken in the context of justice for minors:
- Appointment of 11 judges for minors;
  - Training of actors of justice for minors (OPJ judges, clerks);
  - Appointment of social assistants in all the jurisdictions for minors;
  - Creation of juvenile courts in two jurisdictions (Abomey and Abomey-Calavi).

307 The following table shows the situation of children in conflict with the law in 2013:

**Table N° 16: Distribution of children in conflict with the law according to the residence status after the offence**

Residence status after the offence	Boys		Girls		Total	
	Number	Proportion (%)	Number	Proportion (%)	Number	Proportion (%)
Prison: areas for minors	21	28.2	0	0.0	20	17.7
Prison : together with adults	11	14.8	11	28.2	22	19.5

In non-specialised institution	4	5.4	1	2.6	5	4.4
In host family	1	1.3	0	0.0	2	1.8
Non specified residence	37	50.2	27	69.2	64	56.6
Total	74	100	39	100	113	100

Source: TBS December 2013

308 Considering the table above, the accompaniment of children in conflict with the law includes schooling, health care namely body, psychological and hygienic care, guidance for vocational training and health consultations.

309 Children will enjoy training in joinery, dressmaking, hairdressing, and some of them will enjoy school reintegration.

### c. Children of imprisoned mothers

310 The new Child Code acknowledges in its articles 320 to 323 a new legal framework of this category of child management: by defining first the right of the child born in jail (art 320); the time limit of the child presence during the detention of the mother (art 321). The rights of the pregnant women deprived of freedom are also clarified (art 322); finally, the article 323 clarifies the necessary infrastructure accommodations for female offenders.

311 However, pending the application of the above-mentioned rules, specific measures are provided for the enforcement of the penalty regardless of the status of the mother with the infant but based on the sex and the pregnancy. Therefore, the article 16 of the criminal code provides that "penalty of women and girls sentenced to forced labour will be enforced only inside the prison. The article 27 provides that pregnant woman sentenced to death penalty shall not be executed until after delivery. But this article has fallen into desuetude since Benin has ratified on July 5, 2012, [the Optional Protocol](#) to the International Covenant relative to Civic and Political rights, aiming at the abolition of death penalty.

312 However, in Benin, presence of children living with incarcerated mothers is effective in the prisons. The following table shows the number of these children in three (Cotonou, Porto-Novo and Abomey) of the country's nine civil prisons.

o **Table N° 17: Number of children living with their mother as of March 31, 2015**

Civil	Defendants	Accused	Convicted	Total		

	M <sup>iv</sup> [7]	W	B&G	T	M	W	B&G	T	M	W	B&G	T	M	W	B&G	T	Reception capacity	NCL
Cotonou	571	37	2	610	357	15	14	386	326	14	0	340	1254	66	16	1336	500	10
Porto-	132	10	1	143	310	29	10	349	260	3	2	265	702	42	13	757	500	8
Abomey	254	18	8	280	396	49	0	445	232	5	2	239	882	72	10	964	250	12
Total	957	65	11	1033	1063	93	24	1180	818	22	4	844	2838	180	39	3057	-	30

o Source :DAPAS Prison situation as of March 31, 2015

It should be noted that areas for women and children are maintained under safe and hygienic conditions.

**d. Children under financial exploitation:**

**i. Protection against financial exploitation:**

313 The survey on Child Labour in Benin, made by the ILO in 2008, showed that 664,537 children aged from 5 to 17 were financially exploited and 67 437 would be potential victims of trafficking.

314 In 2014, the multiple indicator cluster survey (MICS) made by the INSAE, showed that 52.5% of children aged from 5 to 17 are concerned by child labour.

315 According to the results of a national survey on child labour made in 2008, about 1 child out of three (34%) is working in Benin. This result does not take into account disparities based on the department and place of residence. The departments of Donga and the Hills are those with the highest rates of child labourers with respectively 76.1% and 70.2% against 9.8% and 10.2% respectively in the Littoral and the Atlantic.

316 Child labour is a predominantly rural phenomenon (42.3% against 18.4% in rural area). The majority of these children work in the farm sector (64.5%) and in services (28.7%). Despite its alarming level, child labour is not considered as an issue by the great majority of Beninese people. To make a child work or to make him do housework is seen as a means of socialising him and teaching him to take care of him in life. The situation is even worst for it interferes in child schooling and is also detrimental to child health. Indeed, children are often obliged in the best case, to combine school and work and at the worst case to exclusively work. In that matter, the data of ENTE shows that 19.2% of children combine school and work and around 15% of children exclusively work. Concerning non-revenue activities, they are almost

general, 88.7% of children do housework at home. Their number increases with the age of the child and vary from 67.8% for children under 5 years to 97.2% for children under 17.

317 For most of the cases, the children work in hazardous conditions. Child labourers work an average of 23.6 hours per week. Among them, 90.1% are forced to labour which should be prohibited and 69.3% do hazardous works that is to say 30.7% and 23.6% of the total number of children. Works that should be prohibited including hazardous works constitute the forms of works prohibited by the texts in the context of child labour. Only 3.3% of children do light works considered as activities accepted both morally and socially.

318 According to the study carried out in the three markets of Dantokpa, Ouando and Arzékè, children aged from 4 to 17 do works in the markets in Benin<sup>iv[8]</sup>. They work and are exploited in various sectors and suffer several abuses.

**Table N° 18: Distribution of child labourers by age**

Age	Market							
	Dantokpa		Ouando		Arzéké		Total	
	Number	%	Size	%	Size	%	Size	%
5 to 9	620	13.3	296	13.8	112	10.6	1,028	13.0
10 to 13	1859	39.7	988	46.0	373	35.3	3,220	40.9
14 to 17	2181	46.6	865	40.3	569	53.9	3,615	45.9
Not précised	17	0.4	0	0.0	2	0.2	19	0.2
<b>Total</b>	<b>4677</b>	<b>100.0</b>	<b>2149</b>	<b>100.0</b>	<b>1056</b>	<b>100.0</b>	<b>7,882</b>	<b>100.0</b>
Average age		13.4		13.1		14.4		13.5
Average age		14.0		13.0		15.0		14.0
Minimum age		6		6		7		6
Maximum age		17		17		17		17

Source: INSAE, REM - March 2013

**Table N° 19: Distribution of child labourers by line of activity**

Activity	Market							
	Dantokpa		Ouando		Arzéké		Total	
	Nber	%	Nber	%	Nber	%	Nber	%
Retail and wholesale trade	3,441	73.6	1,575	73.3	706	66.9	5,722	72.6
Transport	33	0.7	20	0.9	1	0.1	54	0.7
Craft	189	4.0	72	3.4	78	7.4	339	4.3
Catering	862	18.4	457	21.3	256	24.2	1,575	20.0
Other services	94	2.0	24	1.1	12	1.1	130	1.7
Unspecified activity	58	1.2	1	0.1	3	0.3	62	0.8
<b>Total</b>	<b>4,677</b>	<b>100.0</b>	<b>2,149</b>	<b>100.0</b>	<b>1,056</b>	<b>100.0</b>	<b>7,882</b>	<b>100.0</b>

Source: INSAE, REM - March 2013

○ **Actions undertaken against child labour:**

319 Faced with the scale of child labour, the Government of Benin sets up progressively a legal and institutional framework with the support of development partners and civil society organisation.

○ **Strengthening of the legal framework:**

320 Benin is party to most of the international conventions governing child labour namely the conventions of the International Labour Office (ILO). Bilateral or multilateral agreements and treaties ratified by Benin and aiming at combating Child trafficking are also in line with the above conventions.

321 In short, several instruments and regulatory acts above mentioned govern child labour.

○ **Strengthening of the institutional framework:**

322 There is a plan to create promotional services against child labour at the level of Department Directorates accordingly with the new decree on attributions, organisation and functioning of these directorates. It is also set up at the level of these directorates, Labour inspection services instituted by the Labour code.

323 These structures make sure that laws on labour are generally complied with and they are also authorised to hail any owner of any business who does not comply with child rights accordingly with the article 169 which provides that: "The labour inspector may demand that women and young workers be examined by a certified doctor in order to check if the work they have to perform is not beyond their capacity. The interested parties have the right to ask for that requisition. Woman or young workers may not be retained for such work recognised being beyond of their capacities and must be

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appointed for another work acceptable. If this is not possible, the contract must be terminated with compensation as in the event of a normal termination of the contract".

324 Other ministries also help the Ministry of Labour in the combat against child labour.

325 Indeed, the response of the Government is characterised by a universal and concerted action including referencing in order to provide holistic care for children. The other main ministries helping in the combat against child labour are the Ministry of Family and the Ministry of the Interior. In order to promote a coordinated ministerial action, a national steering<sup>iv[9]</sup> committee has been set up for the combat against child labour.

326 The action of the Government for child protection against drugs and psychotropic substances is mainly characterised by awareness programs. In this sense, several awareness workshops have been organised. Training workshops have been organised as well for relevant actors.

The area deemed dangerous in Cotonou (Zohoungo district) for the consumption of drugs by children in a group with adults has been prepared and transformed in an amusement park called "blue zone"

The MICS study showed that children under 15, drink alcohol and that the percentage of people aged from 15 to 49 years who drank at least one alcoholic drink before 15 is 25.5% for women and 43.7% for men.

### **iii. Abuse and torture:**

#### **o Sexual exploitation:**

327 A survey on child sexual exploitation in Cotonou, Porto-Novo, Bohicon, Abomey, and Parakou and surroundings has been carried out by the UNICEF and the MFFE/UNICEF in June 2002.

328 The survey showed that the phenomenon affects mainly girls under 14 living in urban environment, children living in host family, children living in single-parent family and children labourers (street peddlers, apprentices, waitresses in bars/hotels/restaurants...)

329 In a descending order, the scale of the phenomenon is reflected more seriously in the Department of Zou (Abomey, Bohicon and Za-kpota), in the department of the Oueme (Porto-Novo and surroundings) and in the department of Borgou (especially in the rural area and in N'Dali), in the department of the Littoral and in the department of the Atlantic.

330 The worst forms of violence, abuse and sexual exploitation listed in Cotonou, Porto-Novo and Parakou are respectively:

- Forced and early weddings under their various forms;
- Sexual abuse at school;
- Sexual abuse in the neighbourhood of the families (friends, employees) ;
- Sexual abuse in family;

- Sexual abuse at work (including domestic work);
- Child prostitution;
- Rapes and sexual abuse by strangers in the street;
- Rape and sexual abuse, incitement to lewd behaviour by friends or fellows of the victims.

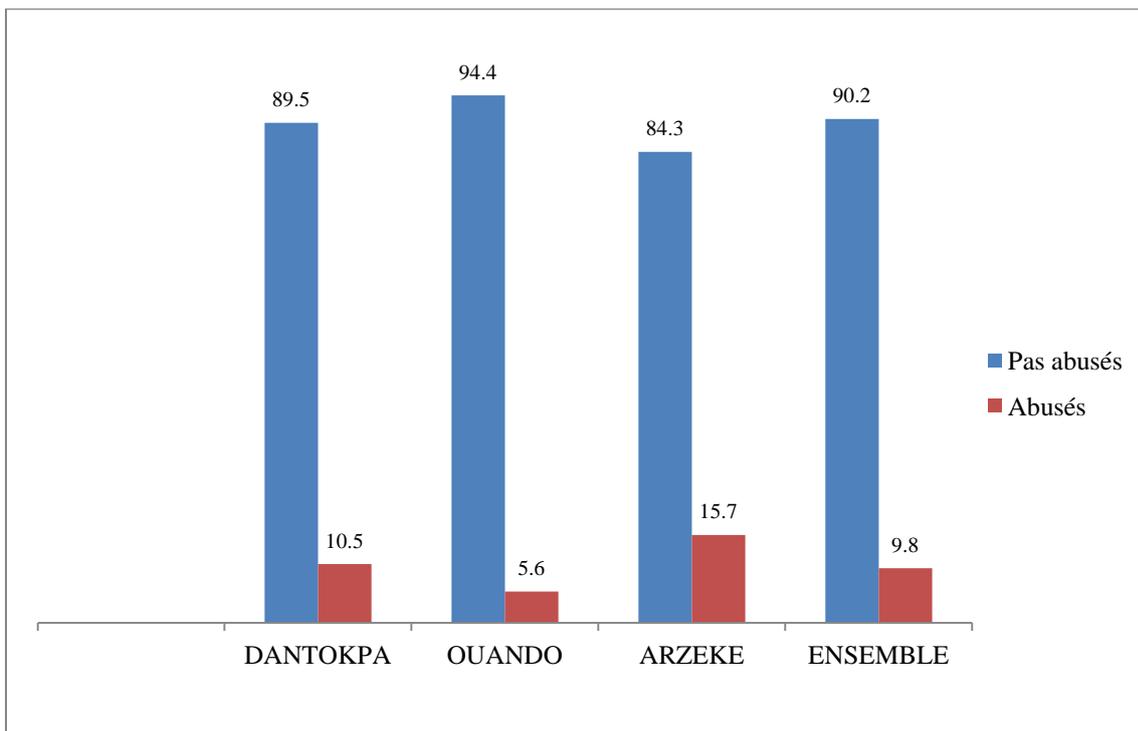
331 According to the same survey, sexual abuse at school might represent a quarter of the victims' declarations. In 85% of the cases, perpetrators are teachers and boys fellows in 15% of the cases.

332 In the main secondary establishment of Cotonou, Porto-Novo and Parakou, 75% of students interviewed declared having partners who provided them with material, financial and moral assistance.

- The phenomenon of child sexual exploitation in Benin has been admitted by all the actors met by the United Nations NAJAT Special Rapporteur, although she has not been given numbers. There is consensus that the phenomenon existed but was hidden, indeed "disguised"<sup>iv[10]</sup>.

Child sexual exploitation in the three principal markets of Benin has been revealed<sup>iv[11]</sup> :

**Graph 2: Distribution (%) of children based on whether they have been abused or not.**



- **Other forms of exploitation:**

- 333 They include early pregnancies that are observed among 0.31% of girls aged from 10 to 14 and among 5% of girls aged from 15 to 17 (see the above mentioned study on sexual exploitation). They are listed mainly in the rural environment and cause induce abortions which lead to fatal complications, girls at school represent 79 % of the cases.
- 334 The above mentioned Child Code not yet in force presents interesting provisions on this issue (art.331 to332), which will contribute to the strengthening of the existing legal framework; and the new policy of child protection considers all these practices as vulnerability factors to be eliminated for the child full blossoming.

**iv. Protection against the sale, trafficking, abduction and begging:**

- 345 The latest national survey on child trafficking dates from 2008. This was the national survey on child labour. Child labour implies child trafficking. According to the destination of the victim in Benin or outside Benin, there is internal trafficking and external trafficking. Internal child trafficking in Benin has a significant impact. According to that survey 57,437 children aged 5 to 17 are likely to be in a situation of trafficking. Trafficking concerns more girls than boys. Indeed, out of more than 10 children suffering from trafficking, 6 are girls (meaning 63%). This would explain the fact that girls are more compelled to perform domestic chores, to hawking of goods, in addition to works involving the use of children. The youngest and eldest children are more victims of trafficking, but with a greater concentration of children in situation of trafficking in the group of children aged 14 to 17 who account for 44% of the concerned children. The greatest proportion (72%) of children victims of trafficking in Benin live in rural areas. It must be said that activities in rural areas build more and more on child labour force and tend to expose children to harsh working and subsistence conditions.
- 346 As regards external trafficking, Benin can be considered as a hub since the Etiréno vessel case. It was about a vessel coming from Gabon, carrying victims of trafficking, mostly Beninese boys and girls.
- 347 Besides, following this scandal which occurred in 2001, hundreds of Beninese children were also discovered in the gravel quarries of Abeokuta, in the West of Nigeria nearly 100 kilometres of the border with Benin-Nigeria. Those children revealed they were exploited in those quarries, working more than 8 hours per day, 5 to 6 days per week.
- 348 Starting from these facts, some analysts have concluded about the existence of the sale of children in Benin. But the phenomenon of child sale remains to be investigated. Indeed, studies have revealed that Beninese companies are used to a tradition of child placement strongly enshrined in cultures as a symbol of solidarity. But modernization has ended by transforming those solidarity relations into highly interested relations at the expense of children who are used as human resources, in households, assigned to domestic tasks or to business activities in markets and to farming activities in plantations.

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- 349 Child abduction is above all linked to practices of forced marriage, under the form of kidnapping. Traditionally, in some regions, abduction is culturally perceived as a sign of impatience linked to the feeling of uncontrolled love of the man for the abducted woman, so much so that he cannot wait for the undertakings of the normal marriage.
- 350 According to the Najat report: "The Special Rapporteur has noted with concern the persistence, namely in some rural areas, of early marriage, which is sometimes considered as a survival strategy of the family. According to the DHSB-IV, 8% of girls aged less than 15 and 34% of girls aged less than 18 years are married in Benin<sup>iv</sup>. According to the Family Departmental Directorate, there were in Parakou, in 2012, 54 cases of early/forced marriages and 172 cases between January and September in 2013.»<sup>iv</sup>
- 351 As regards begging, a study was carried out in April 2001 by the World Bank on talibés (children studying in Koranic schools) <sup>iv</sup> in the North-Benin especially in locations such as Djougou, Ouaké, Sèmèrè, Badjoudè et Copargo, Parakou, Tourou, Gorobani, Tourou-Peulh and Baka); Malanville, Guéné, Bodjécali, Garoutédji and Sendé).
- 352 Overall, 466 koranic schools are registered distributed in three departments and nearly 5,000 talibés. But this study has revealed that children are not necessarily koranic students although the talibé means "child place in a Koranic master's house" for teachings they must receive from him. koranic master accommodates the child and teaches the Koran but in return the child is bound to work for his master and seek alms and fully give the daily collection to the master, what may be a source of exploitation.
- 353 Concerning measures taken by Benin to combat child sale, trafficking, abduction and begging; it is worth noting that each of these practices is today punished in Benin, at first generally by the criminal code and / or specifically by an adhoc legislation and regulation or drawn from international conventions ratified by Benin.
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- 354 The child code contains several provisions on the theme, namely: prohibition, sanction against child trafficking, sale, pledging, servitude, abduction (articles: 200, 201, 391 à 402, 202,307 à 389) prohibition and sanction against begging (art. 179,338).
- 356 « The sale of children in Benin was not depicted as a major phenomenon during the visit, although sometimes difficult to distinguish it from the alarming phenomenon of child trafficking, recognized as a scourge in the country. As concerns trafficking for purposes of international abduction, the Ministry of Justice said that international adoptions were suspended until the adoption of the Hague convention on the protection of children and cooperation in international adoption of 1993 as well as the compliance of the national legislation with international standards in this regard<sup>iv</sup>. »<sup>iv</sup>
- 357 In terms of response, Benin and its partners have taken several measures. ECOWAS Action Plan was adopted by the Heads of State at ECOWAS 25th session in Dakar in December 2001. This plan implies the signature and ratification of the United Nations protocol on organized transnational crime and the additional protocol to Child Right Convention. Additionally, State parties undertook to take specific measures including the criminalization of human trafficking, the protection of victims, awareness activities, cooperation between border control agencies, information sharing between ECOWAS countries and the United Nations.

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- 358 Then, the anti-child trafficking project: to secure child labourers and value their skills:
- Indeed, as part of the fight against child trafficking in Benin, one first project was funded by the Beninese government and the European Commission in 2002 and 2005. It allowed undertaking awareness campaigns and providing support to the Minors' Protection Brigade and to reception and reintegration facilities.
  - The 2nd anti-child trafficking project was launched in 2007 and ensures the continuity of the 1st project. Its main intervention components are as follows: strengthening of the institutional system combating child trafficking and exploitation, the reduction of the structural causes of child trafficking and exploitation, the securitization of the living conditions of child labourers and the valuation of their professional skills in the markets of Dantokpa in Cotonou, of Arzéké in Parakou and in the market of Malanville.
- 359 Swisscontact undertook to implement the 3rd component of this project which consists in developing educational tools for the implementation of a vocational training in four (4) businesses (bakery, soap works, cheap restaurant management : outreach catering and business) to build the capacity of children, create for them opportunities for a better future and promote their installation in the labour market.
- The anti-child trafficking national plan (2008 to 2012) which aimed at making an inventory and evaluation of the situation related to child trafficking; and then determine and strengthen the legal and organizational institutional frameworks meant to ensure the prevention, readaptation and reintegration of children victims of trafficking.

**e. Protection against negative social and cultural practices :**

- 360 The negative social and cultural practices identified in Benin are: female genital mutilations, widowhood rites, early and / or forced marriage, the begging of talibés, ritual infanticide, children in voodoo initiation convents. Those practices are henceforth punished by the criminal code and specific provisions.
- 361 In December 2013, the Childpro database revealed in the GER that 15 children including 12 girls came very close to being victims of infanticide<sup>iv</sup>.
- 362 According to the MICS 2014, the percentage of girls aged between 0 and 14 who were victims of any form of FGM as reported by mothers of 15-49 years is 21.1.
- 363 The general population and housing census in 2002 informed about this issue.
- 364 This census removed the veil on the persistence of early and / or forced marriage practices, despite the various awareness actions.
- 365 Thus, according to the census of 2002, the total early marriage rate stands at 37% including 25% in urban areas against 45% in rural areas: 1.2% of children aged between 10 and 14 are married (1.8% of girls and 0.6% of boys) and 10% of girls aged between 15 and 17 are married.
- 366 In terms of fight against negative social and cultural practices several programs are developed by state services (DFEA, OFFE) and CSOs with the support of technical and financial partners.

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- 367 In terms of response, the government and its partners welcome and support the actions of CSOs such as the NGO PIED which works for the moral and school rehabilitation of talibés in Djougou, Parakou and Malanville. The Minister of the Family maintains the contact with Imams and other koranic masters for a better supervision of children in the formal education system.
- 368 The child code contains interesting provisions on this point allowing to strengthen the existing legislative framework, and the new child protection policy addresses all the practices as vulnerability factors to be eliminated for the full fulfilment of the child.
- 369 Still about the new child code, the provisions, other than those already quoted are as follows: prohibition and sanction of harmful traditional practices (art.184, 376 à 377), genital mutilations (art.185 to 188).

**f. Children from minority groups:**

- 370 All the children whatever their social condition, including children with disabilities, children living in poverty, children born out of wedlock, asylum-seeking children and children belonging to indigenous and/or minority groups have all the right to the same legal protection, against all forms of violation of their physical integrity, and can benefit from assistance without discrimination.

**g. The right of children to health in the face of the HIV pandemic :**

- 371 According to estimates, there were 4,786 HIV positive children in 2010. But in reality, one cannot dissociate the analysis of HIV among the child with the one of its parents, i.e the mother. In 2012, an increase of the HIV/AIDS prevalence rate was noted from 1.7 in 2011 to 1.9 in 2012 from sentinel sites in the whole country. The situation in some departments remains a source of concern, such as Littoral (3.1%), Couffo (2.9%) and Ouémé (2.5%).
- 372 Awareness measures are increased and knowledge, aptitudes and practices in front of HIV/AIDS are improving.
- 373 Studies also reveal, the percentage of people exposed to sexual risks is higher among boys than girls.
- 374 As regards Prevention of Mother To Child Transmission (thanks to prenatal consultation), 49% of maternities in 2010 offer Prevention of Mother To Child Transmission (PMCT).
- 375 Until end of 2009, early diagnosis difficulties did not promote assistance to children born with HIV positive parents. Indeed, screening was performed with rapid tests and confirmation of the serological status of the child was only possible at the age of 18 months. Yet, generally, more than 30% of infected children - if they are not under ARV-die before the age of 12 months and 50% before 2 years.
- 376 So, many children die before the confirmation of their serological status and the start of the ARV treatment.
- 377 In this regard, the State has provided the resources for the experimentation of the early diagnostic of children born from HIV positive mothers, through ABBOTT qualitative PCR method (polymerase chain reaction). This experimentation started in 30 pilot PMCT sites in November 2009. The country has since end of 2009 5 PCR (2 in Cotonou, 1 in Porto Novo, 1 à=in Abomey and 1 in Parakou).

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- 378 To guarantee equity in taking in charge cases, one often resorts to a blotting paper to carry samples from remote areas to the ones sheltering a PCR. In 2010, 1,500 cases out of 3,666 of exposed children had their PCR to confirm their serological status and 225 identified HIV positive persons were under ARV treatment before the age of 12 months, what allows reducing their mortality risk.
- 379 At national level, the number of children aged less than 15 years under ARV had risen, from 350 in 2006 to 770 in 2008, 1084 in 2009 and 1300 in 2010 out of an estimated total of 4,786 HIV positive children including 1,635 who needed ARV in 2010, meaning a 79% coverage.

#### **X. RESPONSIBILITIES OF THE CHILD:**

- 380 The responsibility of the child is established in some provisions of Benin legal framework. Indeed, article 31 of the ACRWC which sets the principle is a summary of the reminder of duties established by articles 27, 28 and 29 of the African Charter on Human and Peoples' Rights which provisions are part and parcel of Benin Constitution.
- 381 In addition to that, civic duties are also prescribed in the same constitution of Benin in articles 32 and seq: thus, article 36 provides that "each Benin citizen has the duty to respect and consider his fellow man without any discrimination and maintain
- 382 with others relationships allowing to safeguard, strengthen and promote respect, dialogue and reciprocal tolerance to achieve peace and national cohesion». This foreshadows the progress framework designed for the child, both vis-à-vis parents and other national community members.
- 383 Respecting the requirement, the people's and family code (art.405) establishes also very specially the responsibility of the child to respect and honour its father and mother.
- 384 The child code adopted by the National Assembly but not yet promulgated contains in addition provisions specifying one the one hand the duties of the child (art.44) and on the other hand the following requirements for the child namely : (a) the duty of obedience, of respect of parents, elders, elderly people, of the reputation and honour of others; (b) respect also of national values, of the living environment, of laws and regulations, of public order, (c) the obligation to work also for its full development, to cohesion of its family, of its community, of the State in complying with human rights and child rights; (d) the duty to preserve national independence, the unity of its country, to promote peace, tolerance, democratic civic values and those of the African culture, thus contributing to African Unity.

#### **XI Specific reporting provisions**

The Republic of Benin has to submit its 1st and 2nd periodic consolidated reports on April 20, 2005. The human rights committee has reviewed the second periodic report of Benin (CRC/C/BEN/2) at its 1181th and 1183th sessions held on September 20, 2006 which final observations were adopted by the committee at its 1199th session on September 29, 2006.

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385 In return, the government of Benin has submitted its written responses to observations which were received by the committee on August 10, 2006. The responses are appended to this report.

With the progress in child rights' protection, several concerns raised by the committee were cleared, namely: the gap in statistical data, the weaknesses in the dissemination of principles and provisions of the convention, the lack of a pro-child national plan and issues related to ritual infanticide and corporal punishments.