



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 1183rd MEETING (Chamber A)

Held at the Palais Wilson, Geneva, on Wednesday, 20 September 2006, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES (agenda item 4) (*continued*)

Second periodic report of Benin ((CRC/C/BEN/2); list of issues (CRC/C/BEN/Q/2); replies of the State party to the list of issues (CRC/C/BEN/Q/2/Add.1))
(*continued*)

1. *At the invitation of the Chairperson, the Beninese delegation resumed places at the Committee table.*
2. Mr. ZINZINDOHOUE (Benin) reported that the State allocated almost one third of its budget to education. It was true that the official figures showed a large number of school dropouts, but that was partly because many students pursuing vocational training at apprenticeship centres were not counted in the statistics. Classes were over-crowded because the structural adjustment programmes imposed on Benin had resulted in a freeze on civil service recruitment and thus in a decline in the number of teachers. Nursery schools existed but there were not enough of them, for the same reasons.
3. Labour inspectors were responsible for verifying, in particular by visits to factories, that employers respected the minimum age of employment. Failure to do so could result not only in fines but also in closing of the work site. However, admittedly there were not enough labour inspectors. Children were not the only ones responsible for the sale of counterfeit objects in markets. In any case, the activity was becoming less frequent among both adults and children. Similarly, forced labour by “Vidomegon” children was declining sharply. The mobilization of non-governmental and international organizations had been a great help. Those organizations had done important awareness-raising work, with the result that the practice was increasingly reported. In order for the phenomenon to be completely eradicated, alternative solutions had to be found for working parents, whose young children were traditionally looked after by “Vidomegon” children. Accordingly, the Government was working on providing day-care centres, starting on 1 October 2006. A pilot centre currently existed in Cotonou. If the experiment was successful, it would be extended to other regions.
4. Although there were only two professional juvenile court judges in Cotonou, within each jurisdiction the presiding officer of the tribunal acted as juvenile court judge, so there could be said to be national coverage. There was no specific legislation prohibiting torture, but persons guilty of torture could be prosecuted, for example for assault and battery. Capital punishment no longer existed in practice. A moratorium was being studied in Parliament but Benin intended to move towards abolition in a concerted and synchronized manner with other countries of the subregion: if it were the only country to abolish the death penalty, it might attract hardened criminals from neighbouring countries to its territory.
5. The income differential (1 to 20, compared with 1 to 5 in European countries) was a fact of which the State was fully aware, as evidenced by regular consideration of the problem in the Council of Ministers. The high mortality rate was also being tackled: an extensive anti-malaria programme and vaccination campaigns were being conducted; “focal points” had been designated in all ministries and in various regions, since the issue was a cross-cutting one; telethon-type activities were

regularly organized to combat the most deadly diseases. There were no statistics on suicide, but strong family ties in Beninese society meant suicide was not common. Current legislation prescribed no minimum age of consent to sexual relations but, if the Committee considered that one was needed, its observations would be duly taken into account. The State paid close attention to the situation of refugees and was doing everything possible to cooperate with the Office of the United Nations High Commissioner for Refugees. There was a military college for boys and a military college for girls; there was no link between those establishments and refugee children or children in an emergency situation.

6. Lastly, he explained that sexual exploitation of children was not dealt with in the first poverty reduction strategy paper but would be covered in the second; that begging by *talabah* children was not widespread and the beggars were usually visiting children; and that provision would shortly be made in legislation for the accreditation of Koranic schools by the Ministry of Education.

7. Ms. ZINKPE (Benin) said that simple and full adoptions were governed by the Personal and Family Code and in future would be pronounced only by a court decision. Similarly, the amount of maintenance for a child was fixed in judicial proceedings. The judge established the amount, in consultation with the two parents if they were in agreement or, if they were not, on his own on the basis of objective criteria.

8. Children in conflict with the law and children in moral danger must be protected and looked after by the State. They could be sent to a rehabilitation or placement centre, depending on the circumstances. At present, in the absence of specific provisions on sanctions applicable to minors, the Code of Criminal Procedure applied. However, judges were instructed to give preference to measures other than deprivation of liberty at all stages of proceedings. A workshop had recently been organized to draft guidelines on the treatment of minors in conflict with the law. The principle of the primacy of educational measures over punitive measures had been reaffirmed on that occasion. Pamphlets on the topic would shortly be published and circulated throughout the judicial system.

9. Mr. KOTRANE was pleased that the delegation had drawn a distinction between children in conflict with the law and children in moral danger, who had committed no offence and were victims in need of protection. He had therefore been surprised to read, in the Government's written replies, that they were accommodated in the same centre. Social workers undoubtedly disapproved of that situation, since they knew from experience that minors in conflict with the law could have a bad influence on children in moral danger, who were already psychologically fragile.

10. Ms. ZINKPE (Benin) said that there were other centres, as well as the National Centre for the Protection of Children and Adolescents, which had been mentioned and that it was planned to construct additional ones. Efforts were thus being made to separate minors in conflict with the law from children in moral danger, while ensuring that they were all well supervised and given proper counselling. Currently, the National Centre for the Protection of Children and Adolescents received only children for whom a placement order had been issued.

11. Ms. DJIVOH-ATCHADE (Benin) explained that judges issued placement orders only for minors in conflict with the law. Thus, the only children in moral danger placed in the Centre in question were both in moral danger as well as in

conflict with the law. Those who were only in moral danger were monitored in open facilities or in a placement centre.

12. Ms. OUEDRAOGO said that the Committee had received reports of deplorable conditions of detention in minors' blocks and asked what the State party intended to do to improve the situation. The Committee was also concerned by a report of March 2006 on a visit to Beninese prisons, which mentioned 37 detainees between 12 and 17 years of age. It should be explained how children aged 12 could be in prison and whether it was planned to release them.

13. Ms. ORTIZ stressed that, instead of considering the creation of new institutions for children in conflict with the law and children in moral danger, the State party could consider the possibility of making other arrangements to care for such children.

14. Mr. SIDDIQUI said that he would like information about the results of the poverty reduction strategy paper.

15. Ms. DJIVOH-ATCHADE (Benin) explained that, with one exception, all detention facilities had a block reserved for minors, where they could participate in recreational activities and training workshops.

16. With World Food Programme (WFP) assistance and the help of social workers, measures had been taken to ensure that child detainees received a second meal each day. Everything possible was done to enable them to stay in contact with their families. Unfortunately, there were not enough social workers dealing with child detainees.

17. It was true that 12-year-old children were sometimes placed in detention, often as a protective measure. That was the case, in particular, in the north of Benin. They were generally children who had killed other children and who, if not protected, might be killed themselves by the victim's relatives. In that region, institutions for minors in difficulty were not safe enough to accommodate such children. Judge therefore preferred to place them in prison, where they were safe and suitably supervised. The Commission on the Rights of the Child visited them regularly.

18. Ms. OUEDRAOGO asked how long such children were incarcerated in prison blocks for minors.

19. Ms. DJIVOH-ATCHADE (Benin) replied that detention usually did not last more than two or three years, depending on the risk of revenge on the part of the victim's family.

20. Mr. HOUNNOUVI (Benin) explained that a child protection programme had been set up for the period 2004-2008 and was currently being reviewed.

21. HIV/AIDS was no longer considered a public health problem but a development problem. Responsibility for initiatives in that area therefore lay with the Ministry of Development and Planning, in cooperation with other ministries. The Ministry of Health dealt with health aspects, and the Ministry for the Family and Women's and Children's Affairs was responsible for the psychological and social welfare of persons living with HIV/AIDS and orphans and vulnerable children.

22. As regards trafficking in children, training sessions had been organized for all stakeholders, with UNICEF support. Guidelines on the care of children who had been victims of trafficking had also been prepared.

23. As part of the programme to combat malaria, insecticide-treated mosquito nets would be provided for the entire population.

24. He confirmed that malnutrition had increased in 2004-2005. The national food and nutrition programme, implemented until 2003, had reduced the problem but the non-governmental organization (NGO) which had been supporting the programme had withdrawn from the project and malnutrition had increased as a result. Benin had designed a new programme entitled "Grassroots nutrition promotion programme", which was awaiting approval, following which, fundraising efforts would be undertaken to implement the project.

25. In the public sector, preschool education, previously widespread, had suffered setbacks. However it was still included in programmes of the Ministry of Primary and Secondary Education.

26. With regard to social infrastructure, the Government had commissioned a standard-setting document, which was awaiting approval. Placement centres and orphanages would then have to meet the standards set.

27. In connection with the strengthening of family ties, a regional action plan for the promotion of the family had been prepared in 2004. Each participating country had then prepared its national plan. The document drawn up by Benin covered various assistance provided to families in difficulty. For example, loans were given to women, who were more affected by poverty, so that they could engage in revenue-generating activities. In addition, Benin had drafted a charter for the promotion of the family, which was to be adopted by the National Assembly.

28. In 2005, a technical department to deal with disabled children had been created in the Ministry for the Family and Women's and Children's Affairs. The Government had also launched a policy of rehabilitation and integration of disabled persons. In addition to private centres, there were vocational training centres for disabled persons, a social welfare centre for persons suffering from blindness and amblyopia, a sports institute for the disabled, and orthopaedic and rehabilitation centres. Disabled persons could apply to the social welfare centre for assistance.

29. Ms. ZINKPE (Benin), reverting to the conditions of detention in juvenile blocks, said that the Department of Penitentiary Administration and Social Affairs conducted regular inspections of civilian prisons. If it discovered irregularities, such as detention of 12-year-olds, it requested the judge in charge of the case to take a decision complying with the legislation in force.

30. In the context of judicial reform, the State recruited 40 new members of the judiciary each year to reduce the staff shortage and was establishing new courts. There should therefore be a reduction in the length of preventive detentions. In addition, priority would be given to penalties other than imprisonment, even after judgement had been pronounced.

31. Mr. ZINZINDOHOUE (Benin) acknowledged that the poverty reduction strategy paper had not produced the expected results. Much of the population was still below the poverty line. The drafting of poverty reduction strategy papers must therefore be improved, to better reflect the needs of beneficiaries.

32. The CHAIRPERSON asked whether the \$9.1 million granted to the State party by the World Bank for the period 2005-2007 was taken into account in the poverty reduction strategy paper.

33. Mr. ZINZINDOHOUE (Benin) said that the amount in question was debt relief, not money that could be used directly for activities. Benin now had to take advantage of the savings thus made. The Ministry Delegate for Finance, responsible for microfinancing small and medium-sized enterprises, wanted to create a microcredit fund. A Government seminar had been held on the subject, followed by an awareness-raising week, to familiarize stakeholders with the project.

34. The CHAIRPERSON noted from the report (para. 254) that 900,000 children required special measures of protection in the State party. Yet according to the written replies (pp. 15-16), only 1,000 of them had been placed in institutions or with foster or adoptive families. He therefore asked whether the Beninese Government and UNICEF had developed a programme to meet the needs of the remaining 899,000 children and, if so, how many children benefited from the programme, what its budget was and whether it was being phased in.

35. Ms. OUEDRAOGO asked whether the high dropout rate was due to the poor quality of education. She also asked whether the goal set in the Constitution of gradual introduction of free education had been attained and whether measures had been taken to improve the training of teachers working in community schools. While she welcomed the measures adopted to steer practitioners of female circumcision to other professions, she asked whether the State party was monitoring the situation to ensure that the women did not resume their previous activity.

36. Mr. KRAPPMANN asked how the State party ensured that children who dropped out of school and became apprentices were not exploited by their employers and received general instruction as part of their apprenticeship.

37. Mr. ZINZINDOHOUE (Benin) said that legislation making school attendance compulsory until the age of 14 had recently been drafted. When adopted, that law should help to reduce the number of dropouts. Young apprentices were not left to their own devices: either they continued to work for their employer or their family or they joined together to form a small enterprise, which entitled them to receive microcredit.

38. The quality of education was currently under study by the competent authorities, who were organizing meetings with stakeholders to identify weaknesses in the education system and to find solutions before the start of the next school year.

39. Mr. HOUNNOUVI (Benin) said that the World Bank was giving the Beninese Government assistance to promote the abolition of female circumcision and that Benin and neighbouring countries were working together to prevent practitioners from circumventing the prohibition in Benin by going to practise circumcision in neighbouring countries.

40. UNICEF and the Beninese authorities had a joint programme for the protection of children, which covered justice, education and survival of the child. There was also a UNICEF HIV/AIDS project, one component of which concerned the integrated development of young children.

41. The CHAIRPERSON asked whether there was a specific programme to guarantee that HIV-positive children had access to antiretroviral drugs.

42. Mr. HOUNNOUVI (Benin) said that, because in Benin AIDS was considered a shameful disease and because anything to do with sex was taboo, persons who were or could be affected by HIV/AIDS were reluctant to visit screening centres. Thus the

problem was not so much access to antiretroviral drugs, as the stigmatization of HIV-infected persons.

43. The CHAIRPERSON emphasized that HIV/AIDS screening should be provided without charge and confidentially and that it should be performed at a health centre not specializing in HIV/AIDS, so that people who wished to be tested could do so discreetly.

44. Mr. KOTRANE said that the State party should base strategies for children directly or indirectly affected by HIV/AIDS on the Committee's general comment on HIV/AIDS and the rights of the child (CRC/GC/2003/3).

45. Ms. ZINKPE (Benin) said that, in Benin, testing for HIV/AIDS was automatically performed during a medical examination, for instance in connection with pregnancy or blood donation, and that the results were sent to the competent medical services so that they could treat persons found to be HIV-positive and take measures to protect or treat the spouse or children.

46. Ms. AL-THANI asked whether the test was performed with or without the patient's consent. In view of the stigma attached to HIV/AIDS in Benin, it would be best for the testing to be on a strictly voluntary basis.

47. Ms. ZINKPE (Benin) said that, since very few people asked to be tested and since it was essential to halt the pandemic and take care of the HIV-positive and their families, testing was automatic.

48. Ms. OUEDRAOGO noted that, in that case, measures should be taken to guarantee confidentiality: a person who had reason to fear that test results could be made public might refuse to undergo medical examinations. There must be a major effort to increase awareness among the population in order to change mindsets. In addition, strategies that took into account the cultural taboo surrounding sex should be found to encourage the population to be tested voluntarily.

49. The law making school attendance compulsory up to the age of 14 should not have the effect of increasing class size or have negative repercussions on education quality, if children who were failing school dragged down the level of the class.

50. The CHAIRPERSON asked what stage in the adoption process had been reached by the Charter for the Promotion of the Family and what it contained, what was the main thrust of the Personal and Family Code and what principles were covered by the Code of Juvenile Justice. Lastly, he asked what the State party was doing to combat corruption.

51. Mr. HOUNNOUVI (Benin) said that the Children's Code, which reflected the principles of child protection, including measures to combat trafficking, infanticide and sexual violence, was an instrument for the promotion of the rights of the child. It was not simply a compilation of existing texts but a codification of Benin's good practices in that regard and of new aspects of child protection. The text, drafted by Benin with UNICEF support, was currently before the National Assembly for review.

52. Mr. ZINZINDOHOUE (Benin) said that, at the time, Benin had considered whether it was methodologically preferable to incorporate all legislation on children in the Personal and Family Code, by including in it a section specifically devoted to children so that legal practitioners had only one instrument to consult.

53. A distinction should be drawn between a charter, expressing the desire of the parties to espouse values and principles of an ethical and moral nature in which they believed, and a code, which governed a specific issue. The Charter for the Promotion of the Family and the Personal and Family Code would therefore not serve the same purpose.

54. Following the arrival in power of the new President in the spring of 2006 and the installation of a new Government team, a seminar attended by all ministers and development partners had been organized on the topic of corruption, with the goal of abolishing that evil and the culture of impunity. To that end, an audit of all ministerial departments and all large public enterprises had been conducted with complete transparency, in order to punish those guilty of corruption. The punishments took various forms, depending on the circumstances, ranging from a simple disciplinary measure to judicial proceedings. In some cases, an amicable solution could be envisaged, when the guilty official was willing to return funds used for personal ends. Thus the goal was not to organize a witch hunt but rather to combat the evil of corruption and impunity, while guaranteeing a fair trial, if necessary, to the accused.

55. Ms. OUEDRAOGO welcomed the dialogue conducted with the State party, particularly the delegation's transparency in acknowledging a number of shortcomings. She commended the efforts made and the legislation to be adopted, including the Children's Code and the Charter for the Promotion of the Family, the revised Criminal Code and Code of Criminal Procedure, the poverty reduction strategy papers and the national action plan for children.

56. She was concerned that the National Advisory Council on Human Rights was neither independent nor compliant with the Paris Principles and that it was not competent to hear individual complaints. She also stressed the need to set an age of consent to sexual relations in order to combat sexual exploitation of young girls, to organize a birth registration system free of charge so that all undeclared children under 18 years of age could make themselves known to the civil registration authorities, to provide alternative penalties to avoid imprisonment of minors and to establish coordination with bordering countries to prevent practitioners of female circumcision from practising on the other side of the frontiers. In addition, care should be taken to ensure that pupils attending Koranic schools did not receive a strictly religious education, that refugee children were not subjected to violence and that children in general were not forced to work in the informal sector. Lastly, HIV/AIDS screening tests should always be performed with the consent of the persons concerned.

57. Mr. ZINZINDOHOUÉ (Benin) took careful note of all comments by the Committee and assured it that his country would spare no effort to improve the situation of Beninese children.

The meeting rose at 5.10 p.m.