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Committee on the Rights of the Child

Concluding observations on the report submitted by Benin under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography[[1]](#footnote-1)\*

I. Introduction

1. The Committee considered the report of Benin (CRC/C/OPSC/BEN/1) at its 2325th and 2326th meetings (see CRC/C/SR.2325 and 2326), held on 26 September 2018, and adopted the present concluding observations at its 2340th meeting, held on 5 October 2018.

2. The Committee welcomes the submission of the report of the State party and the written replies to the list of issues (CRC/C/OPSC/BEN/Q/1/Add.1). The Committee expresses appreciation for the constructive dialogue held with the high-level delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third to fifth periodic reports submitted by the State party under the Convention (CRC/C/NER/CO/3-5), adopted on 5 October 2018.

The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/GEO/CO/1), adopted on 27 September 2019.

The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the combined third to fifth periodic reports submitted by the State party under the Convention (CRC/C/BEN/CO/3-5), adopted on 29 January 2016, and on the report of the State party submitted under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/BEN/CO/1), adopted on 5 October 2018.

II. General observations

Positive aspects

4. The Committee notes with appreciation the accession or ratification by the State party of:

(a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2016;

(b) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in 2014;

(c) The Council of Europe Convention on Cybercrime, in 2012;

(d) The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, in 2017.

5. The Committee welcomes the various measures taken by the State party in areas relevant to the implementation of the Optional Protocol, including the adoption of:

6. Furthermore, the Committee notes with appreciation the progress achieved in the establishment of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including:

III. Factors and difficulties impeding the implementation of the Optional Protocol

IV. Data

Data collection

7. The Committee recommends that the State party:

(a) **Develop and implement a comprehensive, coordinated and effective system of data collection, analysis, monitoring and impact assessment for all areas covered by the Optional Protocol, including child prostitution, child pornography and sexual exploitation of children in the context of travel and tourism, with agreed child indicators;**

(b) **Disaggregate data by, inter alia, sex, age, nationality and ethnic origin, region and socioeconomic status;**

(c) **Integrate the data-collection system into the existing national information systems on child protection issues;**

(d) **Utilize the information collected for evidence-based programming, policy, law, decision-making, impact assessments and the monitoring of progress on the implementation of the Optional Protocol, including to inform decisions on budget allocation；**

(e) **Collect data on how children access and use digital and social media, the impact of digital and social media on children’s lives and safety and factors that affect children’s resilience to online risks as they access and use information and communications technology;**

(f) **Collect data on the number of cases reported, prosecutions and convictions and the redress provided to child victims, disaggregated by the type of offence, including with regard to online and offline activity, details regarding the perpetrator and the sex, age, nationality and ethnic origin, geographic location and socioeconomic status of the victims;**

(g) **Give due respect to children’s right to privacy in collecting, analysing and storing data;**

(h) **Analyse the data collected and use it as a basis for designing policies and strategies to implement the Optional Protocol while assessing progress achieved towards that objective.**

V. General measures of implementation

Legislation

8. **The Committee recommends that the State party ensure that all acts and activities referred to in the Optional Protocol are fully covered under its criminal law, including all forms of the sale of children.**

Comprehensive policy and strategy

9. **The Committee recommends that the State party ensure that its strategy and national plans of action on human rights include measures for specifically addressing all issues covered under the Optional Protocol and that adequate human and financial resources are provided for their implementation.**

10. **With reference to its concluding observations on the Convention (see CRC/C/AGO/CO/5-7, para. 7), the Committee recommends that the State party:**

(a) **Carry out a study to analyse and evaluate the nature, extent, root causes, and consequences on children of the commission of the offences covered by the Optional Protocol in the State party;**

(b) **Develop a comprehensive strategy aimed at specifically addressing all issues covered under the Optional Protocol;**

(c) **Provide adequate human, technical and financial resources for the implementation of that strategy;**

(d) **In doing so, pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the outcomes of the world congresses against commercial sexual exploitation of children.**

Coordination and evaluation

11. **The Committee recommends that the State party ensure effective coordination among the various agencies and commissions working on developing and implementing child rights policies, and designate a single body capable of providing leadership and effective general oversight for the monitoring and evaluation of activities under the Convention, the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict across sectoral ministries and at all levels of government, from the central to the local level.**

Dissemination, awareness-raising and training

12. **The Committee recommends that the State party take measures to strengthen its training and dissemination activities. In that regard, the State party should ensure that such activities are systematic and multidisciplinary, cover all areas under the Optional Protocol and are provided to all relevant professionals working with and for children, including judges, law enforcement officers, prosecutors, social workers, investigators and immigration officials, and also to employees of the travel and tourism industry.**

13. **The Committee recommends that the State party:**

(a) **Disseminate more widely information on the offences covered by the Optional Protocol and on prevention measures among government officials and the general public, particularly among children in vulnerable situations, parents, caregivers and all relevant professional groups and community and religious leaders, especially by involving the media in awareness-raising activities;**

(b) **Swiftly adopt a national strategy for human rights education, as recommended in the framework of the World Programme for Human Rights Education, and ensure that the principles and provisions of the Optional Protocol are prominently featured.**

Allocation of resources

14. **With reference to its 2016 concluding observations under the Convention (CRC/C/BEN/CO/3-5, para. 14), the Committee recommends that the State party ensure that sufficient and targeted resources are allocated for the effective implementation of all areas of the Optional Protocol, including by increasing the financial resources allocated to the sectors responsible for child protection and ensuring the equal distribution of national resources to protect children who are especially vulnerable to the offences covered by the Optional Protocol.**

VI. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

**Measures adopted to prevent offences prohibited under the Optional Protocol**

**Sexual exploitation of children in travel and tourism**

15. **The Committee urges the State party to continue to conduct advocacy with the tourism industry on the harmful effects of the sexual exploitation of children in travel and tourism, widely disseminate the Global Code of Ethics for Tourism of the United Nations World Tourism Organization among travel agents and tourism agencies, and encourage operators in the travel and tourism industry to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism. The Committee also urges the State party to impose appropriate penalties on the perpetrators of child sexual exploitation in travel and tourism.**

**Measures to prevent and address online child sexual exploitation and abuse**

VII. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2) and (3) and 5-7)

**Criminal or penal laws and regulations in force**

**Impunity**

**Liability of legal persons**

**Extraterritorial jurisdiction and extradition**

VIII. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

**Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

**Recovery and reintegration of victims**

**Helpline**

IX. International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements

16. **In the light of article 10 (1) of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures and mechanisms for coordinating the implementation of such arrangements, with a view to making progress in respect of the prevention of offences covered by the Optional Protocol and the detection, investigation, prosecution and punishment of those responsible for any such offences.**

X. Ratification of the Optional Protocol on a communications procedure

17. **The Committee recommends that, in order to further strengthen the fulfilment of children’s rights, the State party ratify the Optional Protocol on a communications procedure.**

XI. Implementation and reporting

A. Follow-up and dissemination

18. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented, including by transmitting them to relevant government ministries, the parliament and the national and local authorities for appropriate consideration and further action.**

19. **The Committee recommends that the report and the written replies to the list of issues submitted by the State party and the present concluding observations be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.**

B. Next periodic report

20. **In accordance with article 12 (2) of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report to be submitted in accordance with article 44 of the Convention.**

1. \* Adopted by the Committee at its seventy-ninth session (17 September–5 October 2018). [↑](#footnote-ref-1)