

Impact of engaging with the UN human rights system

Combating ritual infanticide

Country: Benin

Theme: Ritual infanticide

Human rights mechanism or body: Committee on Economic, Social and Cultural Rights, Human Rights Committee, Committee on the Rights of the Child, Universal Periodic Review and Special Rapporteurs on the sale of children and on albinism

Timeline: 2007-2018

1. Issue being addressed and objective:

Ritual infanticide goes against two of the most basic rights of the CRC, the right to life, survival and development (article 6) and the right to non-discrimination (article 2) as well as other relevant treaties. Yet in 11 communes of northern Benin, children continue to be killed on the basis of accusations of witchcraft in four tribes, namely the Bariba, Peuhl, Yom and Nagot. It concerns children born in circumstances which are considered outside the norm, such as certain birth positions (e.g. breach), mothers dying during birth, children born prematurely or born with a perceived abnormality (e.g. signs of teeth at birth or malformations) or twins. Older children are also concerned, for instance if their teeth do not grow in a certain order. These children are believed to bring bad luck to the family or the community and as a result, may be victims of ritual infanticide, abandonment or exorcism.

Ritual infanticide was not openly discussed in Benin and the extent of the phenomenon was largely unknown. There were no official statistics of the number of children affected, as these children were usually born at home and their births were never registered (nor their deaths). They therefore never existed legally.

Following in the footsteps of Father Pierre Bio Sanou, members of the Franciscans order saved these children and looked after them in their shelters. They advocated for this practice to be stopped and made punishable by law. However, the government did not do address the issue despite the gravity of the violation.

Two Franciscan friars from Benin took part in a number of trainings organised by Franciscans International (FI) in Geneva, Benin and at sub-regional level. These training opened the doors to international advocacy, which they carried out with a number of UN bodies and mechanisms.

2. Strategy and its implementation:

Building capacity: During the trainings, the Franciscans learnt about the UN human rights system and how it could be used to put pressure on the State to address violations, such as infanticide. The trainings strengthened their national advocacy and enabled them to advocate for the issue at international level. It also led to the creation of the NGO Franciscans-Benin in 2012 to assist children in difficult situations, especially those accused of witchcraft.

Incorporating reporting opportunities into their advocacy strategy: These Franciscans, with the assistance of FI, identified the upcoming UPR and treaty body examinations of Benin and made submissions to UPR (2008, 2012 and 2017), the Committee on Economic, Social, and Cultural Rights (2008), the Human Rights Committee (2015) and the Committee on the Rights of the Child (2016). They also made oral and written statements and organised side events at the Human Rights Council.

Adapting reports to the mechanism: The first two submissions under UPR (2008 and 2012) and the CRC (2016) were brief and only focused on issues directly related to ritual infanticide. The first UPR submission focused on northern Benin and issues surrounding witchcraft, ritual infanticide and the

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right to health of women in rural areas, especially reproductive health. The 2012 report focused on ritual infanticide and analysed the follow-up to previous UPR recommendations. Meanwhile, the submission on the CRC focused on birth registration as well as infanticide.

Information on the issue was also included in reports prepared as part of a group/coalition for the Human Rights Committee (2015) and the third cycle of UPR (2017). These joint reports also focused on broader issues, such as the amendment of the Penal Code, which was also useful for Franciscan Benin's advocacy. All the reports led to recommendations on the issue.

Reporting through an NGO with ECOSOC status: Reports were officially submitted by Franciscans International in cooperation with Franciscans Benin, as the former have ECOSOC status and are recognised by States and treaty bodies for their work on children's rights in Geneva. This collaboration with Franciscans International strengthened the credibility of these national advocates, especially before they had officially set up their own NGO. It also helped gain access to relevant pre-sessions and to advocate informally in Geneva.

Support from influential partners: UNICEF Benin and the French Embassy in Benin provided technical and financial support for the Franciscans from Benin to advocate against ritual infanticide.

Referring to previous reports and follow-up: As Franciscans Benin advanced their advocacy, their reports built on previous UN recommendations, and provided information on any steps which had been taken and the further follow-up which was required.

Use recommendations in national advocacy: The recommendations from the UN human rights bodies and mechanisms were used in Franciscan Benin's national advocacy with the State. Advocacy was also conducted with the community leaders/chiefs, as changes in traditional practices require their authorisation and approval.

Conduct awareness raising campaigns: Since 2012, Franciscans Benin have conducted awareness raising campaigns amongst the most affected communes. The issue of differences at birth are explained as health issues. This has been done through community leaders, midwives, the radio as well as health centres.

3. Results:

Ritual infanticide, which received limited attention by the government in Benin, was one of the child rights issues which received the most attention during Benin's UPR examination in 2012.

Country-specific recommendations: Recommendations on witchcraft and ritual infanticide were made under UPR as well as by the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Rights of the Child. The issue got considerable attention during the three cycles of UPR with nine recommendations made on infanticide and three on "witch children". The State accepted all of them, with the exception of one which covered issues related to voodoo.

Mobilising key actors to implement recommendations: In 2015, Franciscans Benin organised a roundtable with UN entities, the EU, CSOs and the government to raise awareness on the issue, and highlight the treaty bodies and UPR recommendation. Panellists included a member of the Committee on the Rights of the Child, UNICEF, the French Ambassador, the Minister of Justice, Franciscans International and Franciscans Benin. They came up with recommendations to mobilise and sensitise traditional chiefs, local officials, healthcare providers, the media and the general population; set up a committee of female leaders to sensitise girls on pregnancy; provide literacy to the population and information on infanticide; get midwives and other health professionals involved and set up a

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protection system for these children in collaboration with the ministry in charge of family and social affairs.

Researching the extent of the practice: Franciscans Benin received funding to fill the knowledge gap regarding witchcraft and ritual infanticide. In a survey conducted in 2017-18 in these communes, out of 8312 children in 1132 households, 914 were brandished as witches. It could concern up to 21.84% of the children.

Legislative reform: As a result of Franciscans Benin and UNICEF's advocacy, the Children's Code included articles specifically on infanticide. The Code was adopted in December 2015 prior to the country's review under the CRC. The Code guarantees the right to life, survival and development protection from abuse, violence, exploitation and harmful traditional practices. Ten articles of the Code are relevant to child witchcraft, including a specific section on infanticide. According to the Code, a person committing infanticide can be sentenced five to 20 years of prison and between CFA 500'000 and 1'000'000.

NGOs, including FI and Franciscans Benin, reported on the need to amend and adopt the new Penal Code to the Human Rights Committee and UPR. Nine recommendations were made to Benin to this effect and they were used by the NGOs for national level advocacy. The new Penal Code, which was adopted in June 2018, includes two articles which specifically mention infanticide.

These legal reforms were a major breakthrough, which Franciscans Benin believe would not have come about without international scrutiny, recommendations and pressure.

Raising awareness of the Code: Franciscans Benin are raising awareness of the Children's and Penal Codes and highlighting the illegality and the sanctions for ritual infanticide. They are working together with community leaders, mid-wives, other people of influence and the general population, as the practice is more likely to be stopped through sensitising the population rather than denouncing perpetrators to the police.

Decrease numbers of cases of infanticide: Franciscans Benin have noted a reduction in the number of cases of infanticide. Children who are considered to be witches are increasingly being abandoned rather than killed. They are abandoned either by their mothers or saved by others at the time of the killing. Meanwhile, older children or adolescents run away from home. The increasing replacement of infanticide by abandonment is believed to be the result of the work of Franciscans Benin. While abandonment brings its own problems, it signals a change in perception of infanticide in the communities and allows for interventions to be put in place to support abandoned children.

Increase birth registration: Thanks to the awareness raising campaign of Franciscans Benin, midwives have been sensitised to tell parents to register their children. Birth registration has increased in the north of Benin.

4. Challenges, success factors and lessons learnt:

Challenges:

Limited interest or action by the State: Despite the many recommendations which Benin received, State institutions have done very little to implement them. Franciscans Benin continue to lead the work on ritual infanticide in the country.

Traditional ritual: Considerable challenges remain in obtaining data and involving the affected community as a positive force. As it's a traditional ritual, practiced by many and often conducted in

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secret in the communities concerned, it makes it difficult for people to denounce those who conduct infanticide.

Awareness of the law: The new Penal Code is not well known including by legal professionals. In the previous Penal Code, there were no specific provisions on ritual infanticide. Thus, judges did not consider this a specific offence and many remain unaware of the need to focus on ritual infanticide as a specific crime under the new Penal Code.

Changing mind-sets: It requires changing mind-sets of parents and communities towards children who are currently considered 'outside the norm' in terms of their birth or physical development. While the number of killings of children has decreased, the stigma which lead to infanticide remains, and most parents do not keep these children, leaving them abandoned with many serious challenges as result.

Keeping the issue visible: It can take a long time to address a human rights issue deeply rooted in community beliefs and practices. However, it can be hard to keep the same issue on the international agenda. States or members of treaty bodies might not be willing to continuously raise the issue and will require ongoing information in order to continue making this a priority. There are particular challenges under UPR given the limited number of recommendations that states make on each country.

Success factors:

High ratification rate: The State has ratified the core international human rights treaties and most of the optional protocols, which provides a number of opportunities to raise the issue at international level and maintain the pressure on the State, in addition to UPR and its regular schedule.

Support from influential partners: The support of UNICEF and the French Embassy were important not only for the technical and financial support, but to show the importance/validity of the issue. Being trained by Franciscans International and receiving guidance and support to report were essential.

Using many bodies and mechanisms: By raising the issue under all the relevant processes, Franciscans Benin made the issue very visible at international level, making it harder for the government to ignore.

Lessons learnt:

Providing the means to those who have the knowledge: National and local NGOs have the knowledge of the problems and potential domestic solutions which are needed, but they often do not know about the existence or how to use the relevant mechanisms at international level that will best support them. They often depend on UNICEF, INGOs and/or Geneva-based NGOs to be trained or supported on how to conduct international advocacy, the most relevant human rights mechanisms and bodies to engage with and how to use them strategically to advance their advocacy priorities.

5. Related links

- **Franciscans International (2012)** [L'Examen Périodique Universel \(EPU\) du Bénin](#)
- **Franciscans International, Franciscains-Bénin, Caritas Bénin, Changement Social Bénin**
- **Enfants Solidaires d'Afrique et du Monde et Plan Bénin (2017)** [L'Examen Périodique Universel \(EPU\) du Bénin](#)
- **Franciscans International et Franciscans Bénin (2016)** [Rapport alternatif conjoint présenté par Franciscans International et Franciscans Bénin](#)
- **Franciscains Bénin (2018)** [Etat des lieux des enfants dits « sorciers » et du phénomène de l'infanticide rituel dans les communes de Nikki, N'Dali, Perere, Kalale, Bembereke, Kandi, Gogounou, Segbana, Sinende, Kerou et Djougou](#), Avec le soutien d'UNICEF et de l'Ambassade de France