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UNIVERSAL PERIODIC REVIEW

Written statement* submitted by Franciscans International (FI), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2009]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Follow-up to the Universal Periodic Review: rights of the Child in Benin and Zambia¹

BENIN

1. Whilst the government of Benin has been very cooperative throughout its human rights review under the Universal Periodic Review (UPR) mechanism, Franciscans International (FI) continues to be extremely concerned about the infanticide of the so-called “witch children” in Northern Benin and by the lack of concrete measures to tackle the issue. The children labelled as “witch children” are those who are born with their feet first, are born with teeth, develop upper teeth before lower teeth or lose their mother during birth. Approximately 60% of these children are killed. Even if the child is not killed during childhood, he/she will continue to suffer discrimination, stigmatisation and even death when he/she becomes a teenager.
2. Despite grave violations of the right to life, violations against the full and harmonious development of the child and the ongoing use of practices against his/her best interest, the phenomenon has not been taken seriously by the government or other stakeholders.
3. Various UN human rights mechanisms, including the Committee on Economic, Social and Cultural Rights (E/C.12/BEN/CO/2, 2008, § 19 and 40), the Committee Against Torture (CAT/BEN/CO/2, 2007, § 22) and the Committee on the Rights of the Child (CRC/C/BEN/CO/2, 2006, § 30 and 31), have urged the government of Benin to eradicate the phenomenon. Moreover, the UPR mechanism raised the issue and formulated recommendations that were accepted by Benin (A/HRC/WG.6/2/L.5, 2008), § 19 and 22 and Recommendations 11). Although the authorities have pledged and committed to intensify efforts towards the eradication of the phenomenon (A/HRC/8/L.10/Rev.1, 2008, § 726), children remain under threat without any effective protection measure.
4. **The Human Rights Council should urge the government of Benin to prioritise and implement tangible political, legislative, educational, social and awareness raising actions to eradicate practices that breach the most basic human rights principles and prevent the child from enjoying fully its rights under the Convention of the Rights of the Child to which Benin is party. A Plan of Action focusing on prevention (sensitisation and education), protection and repression is urgently required;**
5. **FI believes that international organisations including UNICEF should immediately and effectively address this issue;**
6. **In order to fulfil the objectives of the UPR mechanism contained in the Institutional Building Package (Resolution 5/1), FI urges the Council to hold a discussion on the issue under Item 4 of its 11th session and call relevant mechanisms to visit and/or monitor the witch children phenomenon in Benin.**

¹ Edmund Rice International (ERI) also share(s) the views expressed in this statement.

ZAMBIA

HIV and AIDS

7. Zambia has fully cooperated with the UPR mechanism and accepted most of the recommendations in relation to, *inter alia*, the situation of street children, their right to education and the negative impact of the HIV/AIDS pandemic on children.
8. The Committee on the Rights of the Child acknowledged that the full implementation of the Convention of the Child has been impeded by many factors. This includes the HIV and AIDS pandemic, which has had a negative impact on the institutions and behavioural patterns within the society and on children's lives in particular, especially children belonging to the most vulnerable groups (CRC/C/15/Add.206, 2003, § 4). Despite the involvement and measures taken by the Zambian government in combating the pandemic, there are more than 600,000 orphans due to HIV/AIDS (UNAIDS Country Resources, Zambia 2008). The vulnerability of orphan children is worsening due to the fact that most of them live either with grandparents who often have a very low income or on their own, heading households (CRC/C/15/Add.206, 2003, 36-37) without any outside support.
9. **Franciscans International (FI) and Edmund Rice International (ERI) urge the Council to call upon the government of Zambia to continue considering ways to minimise the impact upon children of HIV/AIDS-related deaths of parents, regarding family life, adoption, emotional care and education (CRC/C/15/Add.206, 2003, 51 b).**

Street children

10. The Committee on the Rights of the Child expressed concerns regarding the high number of street children in 2003 (CRC/C/15/Add.206, 2003, § 68-69). In 2005, the Committee on Economic, Social and Cultural Rights restated the same issue adding that street children are "particularly exposed to physical and sexual abuse, prostitution, and a high risk of being infected with HIV/AIDS (E/C.12/1/Add.106, 2005, § 24). During the UPR review of Zambia, many stakeholders, including the Netherlands (A/HRC/8/43, 2008, § 22) urged Zambia to pay due attention to the street children deprived of a family environment.
11. Along with these stakeholders, FI and ERI raised concerns about the limited or lack of access to social services and education, especially education regarding the HIV/AIDS pandemic. In addition, FI and ERI cited the exposure to "various risks such as child trafficking, child labour, child abuse, including sexual mistreatment and exploitation" and called the government for appropriate actions. Notwithstanding the legislative audit and the National Plan of Action for Children on the Street (A/HRC/8/43, 2008, § 55), the street children phenomenon remains a serious issue of concern since nothing has concretely changed on the ground.
12. Zambia has committed through its voluntary pledges to undertake human rights programmes to promote and protect, *inter alia*, specific rights of vulnerable groups including children and persons with disabilities (A/62/838, 12, III). In connection with the recommendations of the Zambia UPR outcome document, the government should, therefore, give appropriate

attention to the precarious situation of orphans and vulnerable children, especially those heading households with no income.

13. With regard to Recommendation 11 (A/HRC/8/43, 2008, §58, 11) endorsed by Zambia, FI and ERI believe that the Council should urge the government to:

- **Develop a strategy of assistance and prevention for street children in order to protect and guarantee their rights; with the involvement of community-based associations and other civil society organisations, including faith-based organisations;**
- **Allocate sufficient resources (financial, human and logistical) for the effectiveness of the National Plan of Action for Children on the Street which must ensure that street children are provided with: preventive and rehabilitative services for physical, sexual and substance abuse, protection from police brutality and services for reconciliation with their families. Those responsible for violence against street children should be prosecuted and punished.**

14. Finally, it is essential that Zambia addresses extreme poverty, which is one of the major roots causes for denial of the human rights of children. In this regard, Franciscans International urges Zambia to **devote all necessary efforts to address extreme poverty by using a human rights based approach that specifically targets vulnerable groups such as street children and HIV/AIDS orphans**. The recommendations and principles developed in the latest report of the Independent Expert on human rights and extreme poverty, regarding in particular Cash Transfer Programs (A/HRC/11/9), could be used as guidelines.

Education

15. The consideration of Zambia under the UPR mechanism has pointed out some concerns regarding the education system (A/HRC/8/43, 2008, § 11, 15, 20, 24, 32, 33, 34, 42 and 54).

16. In 2002, the Committee on the Elimination of Discrimination Against Women (CEDAW) expressed concern about the low rate of female literacy, the low enrolment of girls in schools in rural and urban areas and the high drop-out rate of girls due to pregnancy. The CEDAW acknowledged that these negative factors are reinforced by stereotyped images of men and women in textbooks and noted that education is the key to the emancipation of women and that the low level of education of women and girls remains one of the most serious obstacles to full enjoyment of their human rights” (A/57/38, § 246).

17. FI and ERI have urged the government to engage in a constructive dialogue with all stakeholders, including faith-based organizations, to ensure that the Education Bill (2008) addresses, *inter alia*, the challenges of community schools in poorer urban and rural areas - which work with the most vulnerable-, and provides appropriate support in compliance with the *Educating Our Future* policy.

18. Our organisations also call again for the development of a strategic platform that supports a permanent and genuine dialogue between all the stakeholders of the education system. Skills

Training Centres should be promoted and should be exempted from rates imposed by Local Councils. Whilst commending Zambia for its effort to ensure education for all, our two organizations remain concerned and, in line with Recommendations 13 and 14, call upon the Council to urge the government of Zambia to:

- **Remove all government impediments and disincentives in relation to the development of technical and vocational schools;**
- **Exempt these schools of rates, as they are an unnecessary burden;**
- **Provide support to community schools in the most under-privileged regions in terms of resources allocation and provision of both teachers and teaching supplies.**

19. Furthermore, to comply with its pledges and Recommendation 9, Zambia should **ratify the Convention on the Rights of Persons with Disabilities and its Protocol.**
