



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-third session

Summary record of the 1804th meeting

Held at the Palais Wilson, Geneva, on Friday, 7 June 2013, at 10 a.m.

Chairperson: Ms. Sandberg

Contents

Consideration of reports of States parties (*continued*)

Second to fourth periodic reports of Guinea-Bissau

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

*Second to fourth periodic reports of Guinea-Bissau (CRC/C/GNB/2-4;
CRC/C/GNB/Q/2-4)*

1. *At the invitation of the Chairperson, the delegation of Guinea-Bissau took places at the Committee table.*

2. **Mr. Alves** (Guinea-Bissau) said that Guinea-Bissau currently had limited relations with the international community as a result of the sanctions imposed following the coup d'état of April 2012. Notwithstanding the coup, the parliament elected in 2008 had continued functioning, and new elections, including for the presidency, were now scheduled to take place in 2013. In the interim, attempts were being made to form a Government that would be as inclusive as possible for the remainder of the transitional period, with the aim of making it possible to lift the sanctions imposed following the coup.

3. Despite the constraints faced, significant progress had been made, in particular with the adoption in 2010 and 2011 of a series of new laws, decrees and other enactments to combat human trafficking, to stop the practice of female genital mutilation, to update the Code of Criminal Procedure, to provide regulations for detention centres, to introduce new rules for the enforcement of sentences and to waive the administrative fees for the birth registration of certain groups of children. State bodies working with children, including the Institute for Women and Children, worked closely with organizations engaged in child protection, including numerous domestic and international non-governmental organizations (NGOs) such as the AMIC Friends of Children's Association, SOS Children's Villages, RENLUV, REJE, SOS-Crianças Talibés, Juventude Islâmica, Casa Bambaram, Casa Emanuel, PLAN Guinea-Bissau, Portuguese Inter-cooperation, Aida and Tostan Guinea-Bissau. Their activities to protect and promote children's rights, to advance the cause of gender equity and to combat female genital mutilation and early or forced marriage were in large part financed and technically supported by United Nations agencies, specifically the United Nations Children's Fund (UNICEF). The delegation wished to express its gratitude to UNICEF also for making possible its participation in the Committee's discussion of the State party's periodic report.

4. **Mr. Gurán** (Country Rapporteur) noted that Guinea-Bissau had faced a host of problems since the Committee had considered its previous report and that the Committee thus welcomed the delegation's presence as an opportunity to receive updated information and to assist in the promotion and protection of children's rights. Noting that the country had still not adopted a comprehensive law for the implementation of the Convention, and notwithstanding the fact that it had carried out some preparatory work on the subject, he asked where that proposed legislation currently stood and whether there was sufficient political will to pass it. Guinea-Bissau also lacked a comprehensive national action plan for children, and he asked what steps were being taken to draw one up. The Government had on the other hand adopted numerous national action plans, each dealing partially with the rights of the child, almost all of which would be completed in 2013 or 2014. The delegation should inform the Committee of the results of such activities, in particular those targeting trafficking in children and child labour.

5. He pointed to the vulnerable situation of *meninos de criação*, or children entrusted to other family members or acquaintances who supposedly provided them with better living conditions. Many of those children had reportedly been sent to other countries such as Senegal or Gambia to work. The Committee was concerned about reports that many became victims of violence and exploitation. *Talibé* children, too, reportedly often became victims of violence and exploitation. Had the Government done anything to address those

issues? Noting the lack of financial and human resources at the Institute for Women and Children and other coordinating bodies, he asked whether any progress had been made in securing backing for them and whether there was a single body or ministry responsible for the coordination of all activities related to the rights of the child.

6. In the over 20 years since its accession, the State party had reportedly never had the Convention translated into local languages, and dissemination was further complicated by the fact that about 50 per cent of the population was illiterate. How was the Government raising awareness and spreading knowledge of the Convention and of children's rights? What tactics did it use to point out to traditional and local leaders convergences between the Convention and customary law or practice? The delegation should also describe how children's participation worked, including the procedures in place for the operation of the children's parliament, and inform the Committee whether the Government had any plans to establish an independent monitoring mechanism or a body capable of receiving complaints of or providing information about violations of the rights of children.

7. **Mr. Gastaud** asked how civil society organizations had been involved in the drafting of the periodic report and in designing and carrying out policies related to children's rights and how the Government coordinated the activities of the numerous NGOs active in Guinea-Bissau so as to avoid gaps and overlapping. How were representatives selected for participation in the children's parliament, and what kind of follow-up was given to the parliament's deliberations? Noting that a radio programme existed for children, he asked whether there were also television programmes and press publications for them and how questions of interest to children such as those related to their specific health or education issues were presented. How were children able to exercise their right to freedom of association? While the periodic report referred to parts of the Constitution relating to religion, it offered little information on specific laws. What kind of legal guarantees of freedom of religion existed in the domestic law?

8. **Ms. Oviedo Fierro** said that civil society had evidently played a major role in ensuring participation by children. She asked what role the Government played and whether the children's parliament was the main body for ensuring their participation in political life. If that was the case, had similar bodies been set up at the regional and local levels? What resources had been allocated to support consultation of children and their participation in public life, and how did such consultation take place?

9. **Ms. Wijemanne**, noting that the country had adopted laws on various topics related to children's rights, asked if the delegation could assess the effectiveness of the mechanisms set up to date to combat trafficking, protect children's rights and fight poverty. The Committee had heard that less than 1 per cent of the State budget was allocated to activities related to services for women and children. What were the obstacles to the realization of children's rights? Had any effort been made to identify priorities and to channel resources towards cost-effective preventive measures to ensure the rights of the child?

10. **Ms. Aidoo**, noting that one of the bodies responsible for coordination of implementation of the Convention, the Institute for Women and Children, operated under a government ministry, asked how much authority the Institute had when it came to coordinating the actions of different government ministries and local authorities. Was it true that there had been a proposal to place the Institute under the authority of the Prime Minister? To what extent had resources been earmarked to areas related to children's rights under the poverty reduction strategy funded by development partners, and to what extent were resources available from the debt relief received by Guinea-Bissau after it had reached the completion point under the Heavily Indebted Poor Countries Initiative in 2010?

11. **Mr. Kotrane** asked whether the Government intended to ratify certain international instruments that helped to protect the rights of children, including the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, and whether it would accede to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. He encouraged the Government to ensure swift ratification of the Optional Protocol on the involvement of children in armed conflict.

12. Turning to the national legislation, he asked whether the minimum age for marriage had been increased to 18. What was the status of the initiative to introduce a comprehensive children's code? Lastly, he asked whether children had access to the justice system and whether their voices were heard in legal cases affecting them.

13. **Ms. Muhamad Shariff** expressed concern about the plight of children living with disabilities, who were a very disadvantaged group and suffered heavily from discrimination in the family setting, the community and the health and education systems. Apart from the lack of special facilities to accommodate people with disabilities in public transport and schools, the Committee had received reports of infanticide and of children with disabilities being abandoned alongside rivers, and the penalties for carrying out such acts were reportedly weak and rarely applied.

14. The rights of the girl child were also a matter of concern, as girls were often subjected to domestic violence, genital mutilation and forced marriage. They also had lower than average literacy and school attendance rates. Under the law of the State party, was it true that polygamy was still legal and that property could be passed down through inheritance only to male members of the family?

15. **Ms. Khazova** noted that marriage was generally viewed in Guinea-Bissau as a traditional institution practised according to local rules, and that it was an institution that differed among the various ethnic groups. Marriage under customary law and without a civil or legal ceremony was reportedly extremely widespread. What was the Government doing to raise the age of marriage not only in civil ceremonies, but also in traditional or customary ones, where early marriage was commonly accepted? While it was possible to annul a customary marriage, doing so raised many questions. The delegation should inform the Committee how such marriages were annulled, whether annulment carried any stigma and what measures could be taken to change attitudes in society to better protect the rights of women and children.

16. **Ms. Winter** asked whether the Government had undertaken any activities to raise awareness of the Convention and children's rights among leaders of tribal groups and to adapt tribal practices so that they took into consideration the best interests of the child.

17. **The Chairperson** said that studies and surveys had indicated that many children were exposed to sexual and physical violence in their homes and surroundings. The State party intended to submit a bill to the national parliament criminalizing corporal punishment. She enquired as to the current status of that bill. How did the State party disseminate the idea that corporal punishment was an unacceptable means of disciplining children? What steps had it taken to promote the use of alternative disciplinary measures? Were there programmes in place to combat physical and sexual violence against children?

18. The Committee had received reports that the births of hundreds of children were still not registered. She asked how children were registered at birth and what measures the State party had adopted to ensure that all births would be registered.

The meeting was suspended at 10.55 a.m. and resumed at 11.25 a.m.

19. **Mr. Alves** (Guinea-Bissau) said that his Government had tasked a group of experts with determining which issues should be addressed by a future child protection code. At present, different children's issues were covered by different laws. Harmonizing national law with customary law was problematic, as his country was home to a diverse range of social and ethnic groups, each with their own customs and traditions. In the event of a conflict between national law and customary law, each case had to be examined to determine whether customary law could be applied. The State did not officially recognize customary marriage, but it tolerated it. A marriage could only be recognized if it was entered in the civil registry.
20. **Ms. Khazova** asked whether the fact that customary marriage was merely tolerated by the State party meant that children born into such marriages had no inheritance rights.
21. **Mr. Alves** (Guinea-Bissau) said that since his country's independence, all children had enjoyed the same inheritance rights.
22. **Ms. Aidoo** asked whether there was a hierarchy of laws to determine which should prevail in cases of conflict between national and customary law.
23. **Mr. Gurán** said that the difficulties encountered by the State party in harmonizing national law with customary law should not prevent it from drafting legislation to ensure the full implementation of the Convention. He enquired as to the current status of the bill to establish a child protection code and asked whether the drafting process had actually begun.
24. **The Chairperson** said that it was preferable for the rights enshrined in the Convention to be encompassed in a single piece of legislation, as opposed to several. However, the latter option was also feasible, provided that all the rights were covered. She asked for more information on the mandate and activities of the group of experts.
25. **Mr. Alves** (Guinea-Bissau) said that the implementation of the Convention concerned many aspects of national and customary law, as well as sensitive issues such as marriage and family life. For that reason, the Government had sought the guidance of the group of experts in deciding whether to address those issues in a single piece of legislation or in several. Regardless of the format of the legislation, the fact that his Government had entrusted the group of experts with that task was a statement of its intent to implement the Convention fully in Guinea-Bissau.
26. **The Chairperson** asked whether there was a time frame for the work of the group of experts.
27. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that the group of experts had requested the assistance of UNICEF to help determine the issues to be addressed by the legislation. It had subsequently decided that a single piece of legislation would facilitate the task of those having to implement the law. The group of experts had completed its work, but the drafting process had not yet started, owing to a lack of resources. As a result, no deadline has been set for the adoption of the legislation.
28. **Mr. Alves** (Guinea-Bissau) said that, as minors, children had no legal capacity to establish or join associations, and they therefore required the support of NGOs and other competent bodies to do so. The Constitution of Guinea-Bissau guaranteed freedom of religion and the right to receive a religious or non-religious education. While there were no State-run schools exclusively for Muslims, there were a number of Koranic schools that provided a basic level of instruction in Koranic studies. However, those Koranic schools only provided religious instruction and were not part of the mainstream education system.
29. **Mr. Gastaud** asked whether children attended State-run and religious schools concurrently and, if so, whether they were able to absent themselves from one school to attend the other.

30. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that only State-run schools were officially recognized and that attendance was compulsory. Children could not absent themselves from a State-run school in order to attend a religious school.

31. **Ms. Có Mendes Sanha** (Guinea-Bissau) said that Guinea-Bissau was a secular State. The fact that *talibés*, or children who crossed the border to receive their education in Koranic schools, were often victims of trafficking remained a great cause of concern for her Government. In order to help those children, the Government was planning to adopt measures to better accommodate those schools. It had already established a mechanism for rehabilitating the victims of trafficking. It enrolled such victims in State-run schools with a view to facilitating their social reintegration and in Koranic schools so that they could continue their religious education.

32. **The Chairperson** asked whether children who attended Koranic schools did so after school hours.

33. **Ms. Có Mendes Sanha** (Guinea-Bissau) said that the normal practice was for those children to attend Koranic school in the evening, after official school hours had ended.

34. **Mr. Alves** (Guinea-Bissau) said that the same practice was observed in Catholic schools, where religious instruction was typically provided at the weekend and was not part of the regular curriculum taught during the week.

35. **Mr. Gurán** requested additional information on the general measures adopted by the State party to implement the Convention.

36. **Ms. Có Mendes Sanha** (Guinea-Bissau) said that the Institute for Women and Children was responsible for coordinating activities in the area of child protection. The Institute enjoyed financial and administrative autonomy and was not affected by changes in the Government. Within the Institute, the committee on the prevention of trafficking was responsible for coordinating the activities of public bodies and NGOs in that area. The committee also carried out visits to certain regions of Guinea-Bissau in order to ensure follow-up on the measures adopted to prevent trafficking. During those visits, they often met with traditional and religious leaders with the aim of raising their awareness about child protection and the rights enshrined in the Convention. The committee was sponsored by UNICEF. The other committees within the Institute were not operational, owing to a serious lack of resources.

37. The Institute exchanged information with NGOs and other bodies that were part of the child protection network by holding periodic meetings with them. The network allowed the Institute to reach out to vulnerable groups more easily. Moreover, agreements had been signed with the relevant government ministries with a view to protecting such vulnerable groups and guaranteeing them access to justice. Thanks to those agreements, victims of domestic violence also received free medical treatment.

38. With financial support from UNICEF, ILO, international NGOs and other bodies, her Government was currently implementing several national action plans aimed at protecting children from phenomena such as exploitation and trafficking. In addition, the Governments of four African countries, including Guinea-Bissau, had recently met with a view to signing a multilateral agreement to prevent cross-border trafficking, and a declaration of intent to undertake initiatives in that area had been signed.

39. **The Chairperson** enquired as to the body responsible for coordinating the different national action plans and asked whether those plans covered all the issues affecting children in the State party. Did the Institute for Women and Children have an oversight and coordination role in respect of the different national action plans, or was each plan run independently of the others? With seven distinct plans in place, there was a risk that their focus might be too restricted and that certain children's issues might fall through the cracks.

40. **Ms. Aidoo** asked which State body was responsible for addressing shortcomings in the provision of services or a failure to meet obligations under the Convention. Specifically, was it the Institute for Women and Children or the government ministry to which it reported that requested remedial action when local or national government bodies failed to provide services?

41. **Mr. Gurán** requested more detailed information about the personnel of the Institute for Women and Children, their specializations and the conditions in which they worked. He also sought information about cooperation with neighbouring countries, including any attempts to identify and apply positive experiences and good practice in drafting legislation to improve implementation of the Convention.

42. **Mr. Nogueira Neto** expressed concern about the barriers to implementation of positive law and the lack of sufficient child protection provisions in national legislation. He feared that community-based judges might have a tendency to apply customary norms, to the detriment of positive, international law. If that was the case, were mechanisms in place that allowed for corrections to be made when the State party's international legal obligations were not respected?

43. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that a lack of resources often prevented the Institute for Women and Children from implementing and coordinating plans and programmes as efficiently as it might wish. However, all agencies involved in children's issues submitted periodic reports to the Institute and were represented on the Institute's committee, which provided a forum for discussion, debate and exchange of experience that resulted in better coordination and recommendations for improvements. Through the relevant ministry, some of those recommendations were subsequently submitted to the Cabinet for consideration.

44. The Institute's staff included six social workers, a psychologist and a sociologist, as well as legal and financial experts. Unfortunately, the State was not always able to fund the salaries of specialist staff, owing to budget constraints, and the Institute was forced to turn to its partners for financial support.

45. The experiences of neighbouring countries had been highly instructive and, if the resources were available, the Institute would welcome the opportunity to enter into broader regional and subregional information-sharing initiatives. Despite all the constraints, it was doing its utmost to comply with international norms and commitments. It worked very closely with its United Nations partners and the international community to that end.

46. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that various other committees not directly linked to the Institute for Women and Children also played a part in cooperation and information sharing.

47. Customary law was sometimes applied in local courts, provided that it was not contrary to the best interests of the injured party, but where customary norms were in conflict with positive law, the latter always took precedence. The judges assigned to local courts were junior judges who were not permitted to hear criminal cases involving minors below a certain age and did not have the authority to administer fines above a certain amount.

48. The Government had opened a number of law clinics that provided legal advice and assistance to persons unable to pay for a lawyer. Although some regions were still not covered, there was a clear and express will to extend coverage. Unfortunately, despite the progress achieved, a lack of resources continued to block the improvement of the judicial system and had even forced the closure of a number of courts.

49. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that, although there were no State-run outreach or reception centres for vulnerable children and orphans, the Government worked

closely with shelters run by national NGOs such as SOS Children's Villages, Casa Bambaram and Casa Emanuel. Whenever a child was identified as being orphaned or without family support, the Government arranged temporary care and protection with one of those partners. SOS-Crianças Talibés, for example, provided temporary shelter for child victims of trafficking and forced marriage until they could be reunited with their families.

50. **The Chairperson** asked whether the delegation could provide any information about independent oversight and monitoring mechanisms.

51. **Mr. Alves** (Guinea-Bissau) said that in 2006 the Government and a number of neighbouring countries had entered into a multilateral agreement for a joint initiative against trafficking in human beings. It had also begun developing legislation for bilateral cooperation and reciprocity with Gambia, Senegal and Guinea that should help foster a more concerted and holistic approach to the care and protection of displaced children.

52. **Ms. Al-Shehail** (Country Rapporteur) asked for details of the new free birth registration procedure and up-to-date registration figures. She expressed concern about the limited geographical reach of the mobile registration facility, the restricted opening hours of registration centres and the inadequate human resources that perpetuated the risk of error and fraud in the registration process. Forced and early marriages were another source of continuing concern. Reports indicated that young girls who refused marriage were often forced to flee. She would like information about any mediation mechanisms that facilitated family reintegration and about the care alternatives available to girls for whom reintegration was not an option.

53. Noting that sexual and reproductive health education covering HIV/AIDS and sexually transmitted infections focused on in-school children only, she asked what support measures were in place for out-of-school children and what steps had been taken to ensure consistent and harmonized strategies for changing behavioural patterns and attitudes. The budget allocated to education was still considerably below the recommended level of 20 per cent of State allocations and "hidden" school fees were apparently still being charged, despite their official abolition. What was the Ministry of Education doing to address those shortcomings and to improve the quality of the curriculum, to raise the level of teachers' pay and to ensure the upkeep of school infrastructures, which had often become hazardous.

54. She had heard alarming reports of an increase in female genital mutilation in certain areas, despite some progress made in combating the practice and the passing of the 2011 law which prohibited it. Were any support and complaints mechanisms available for girls who were at risk of female genital mutilation? Had any steps been taken to improve the prevention, detection and monitoring of the practice?

55. The Committee had received reports indicating that children living with disabilities were excluded from family and community life, were frequently regarded as a burden and were generally accorded insufficient resources and attention. Had specific legislation been enacted to prevent discrimination against them? What were the authorities doing to raise awareness of the plight of such children and undermine harmful traditional beliefs and taboos? Reports also indicated that children with disabilities were sometimes abandoned next to rivers. What was the extent of that problem and what was being done to eliminate it? How many people had been prosecuted for infanticide of children with disabilities? What was being done to increase the severity of punishments?

56. **Ms. Wijemanne** said that the mortality rates for mothers, infants and children under 5 years old remained extremely high. She sought information about plans to improve the quality and quantity of care, to expand the outreach of health services to remote, rural areas, to provide specialist training in childbirth for health-care professionals, to make emergency obstetric care available to all and to remove the cost, transportation and cultural barriers that impeded access to health care in general. She also wished to know whether the State

party had sufficient supplies of vaccines for controlling diarrhoea and common respiratory infections and, in view of the high rates of HIV/AIDS and sexually transmitted infections and the frequency of underage marriages and pregnancies, whether youth-friendly reproductive health and contraception services were available. Lastly, she asked what was being done to combat female genital mutilation both through education and through legislation.

57. **Mr. Gastaud** asked what alternative forms of detention and punishment were available for young offenders under the age of criminal responsibility, which was 16 years; whether cases involving children were heard by specialized juvenile judges or by the same judges who heard adult cases, applying the same rules of form and procedure in both cases; and what the Government was doing to ensure that the official State system of justice was not in competition with traditional forms of justice. A progress update on the national justice system reform programme would also be appreciated.

58. **Ms. Aidoo**, noting that victims of rape and sexual assault reportedly often received blame rather than support, asked what the authorities were doing to ensure that police investigations were child-friendly, that the penalties for perpetrators were commensurate with the offence and that social stigma did not deter girls and their families from reporting assaults. The delegation should comment on reports that paedophilia — and specifically paedophile acts associated with the drug trade — was a considerable problem in Guinea-Bissau, as in other West African countries. What was being done to address the shortcomings in the justice system? What was the Government doing to ensure the long-term sustainability of its programmes?

59. **Ms. Aldoseri**, noting reports of an increase in child labour, particularly in rural areas, and the perilous conditions in which some children were forced to work, asked what the authorities were doing to ensure that children remained in school, to identify and integrate out-of-school children, to provide sufficient protection for working children, and to eliminate the worst forms of child labour, in line with ILO Conventions Nos. 138 and 182, which the State party had ratified.

60. **Ms. Khazova** asked why, in view of the high level of child poverty and the frequent cases of child abandonment, the State party did not have a more developed adoption system. What was preventing the establishment of such a system? Was international adoption permitted, and, if so, did the authorities monitor the situation of adopted children who were taken abroad?

The meeting rose at 1 p.m.