



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-fourth session

### Summary record of the 1818th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 17 September 2013, at 10 a.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports of States parties** *(continued)*

*Second to fourth periodic reports of Sao Tome and Principe on the Convention on the Rights of the Child* (continued) (CRC/C/STP/2-4; CRC/C/STP/Q/2-4; CRC/C/STP/Q/2-4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Sao Tome and Principe took places at the Committee table.*
2. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that the principle of the best interests of the child was recognized in article 52 of the Constitution and that Law No. 2/77 on the family also contained provisions in that regard. There was currently no juvenile court in Sao Tome and Principe.
3. No sanctions were imposed for the late birth registration if the child was 14 years old or less, the purpose being to encourage parents to declare their children's birth to the civil registry department. However, declaring the birth of a child above the age of 14 years was punishable by a fine of 150,000 dobras (approximately US\$ 5).
4. The new Penal Code of Sao Tome and Principe contained specific provisions on violence against children. Article 174 dealt with sexual abuse of children and article 179 with sexual exploitation. In addition, Laws Nos. 11 and 12 of 2008 included provisions on corporal punishment.
5. Child trafficking was dealt with indirectly in several articles of the Penal Code. She regretted that the legislative and regulatory texts in force included no provision on the care of child victims of that practice. Care of such children was currently provided on a case-by-case basis.
6. **Ms. Herczog** asked whether, instead of institutionalizing them, the public authorities envisaged placing such children in foster care or with members of their extended families.
7. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that her country had drawn up two laws on fostering and institutionalizing children. In the absence of comprehensive legislation on child trafficking, however, decisions had to be made on a case-by-case basis.
8. **The Chairperson**, speaking as a member of the Committee, applauded the efforts made by Sao Tome and Principe to identify targeted solutions for the care of such children in emergency situations and asked whether the State planned to establish a foster care system or to rely more heavily on members of the extended family.
9. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) explained that institutionalization was not a practice rooted in the culture of Sao Tome and Principe and that, in any event, it was not the first resort. In general, the extended family volunteered to take in the child.
10. **Ms. Aidoo** (Country Rapporteur) recommended that a foster care system should be set up within the social security system, as well as a support structure for poor families and for the extended family, thus enabling beneficiaries to meet the needs of the children in their care, with due regard to the culture of Sao Tome and Principe.
11. **The Chairperson** enquired about measures taken by the State party to prevent families' sale or abandonment of children, as well as child abuse and neglect.
12. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) endorsing Ms. Aidoo's opinion, added that the family was the ultimate foundation of society. Child trafficking was a poverty-related structural problem. Laws, therefore, did not suffice. Measures were also needed to combat poverty and raise awareness. She highlighted the efforts made by the State party in that regard.

13. **Ms. Herczog** said that investing in prevention, social services and family support would help to avoid child institutionalization.

14. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that the authorities of Sao Tome and Principe were doing their utmost to reintegrate child victims of trafficking in their families, but that circumstances dictated the need for different solutions to be envisaged, including institutionalization.

15. In respect of child labour, Sao Tome and Principe had acceded to International Labour Organization (ILO) Night Work of Young Persons (Industry) Convention, 1919 (No. 6), Forced Labour Convention, 1930 (No. 29), Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182) but implementation of those instruments was still inadequate. It was important not to confuse child labour with children's participation in household chores. A national strategic plan against the worst forms of child labour had been drawn up by the Government, in partnership with the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and ILO.

16. **Ms. Aidoo** asked whether children were used in cacao plantations.

17. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that, to her knowledge, there were no children working in cacao plantations.

18. **Ms. Oviedo Fierro** (Country Rapporteur) said that, according to the statistics in the State party's report, child labour appeared to be extremely rare. She would like to know how the State party defined child labour and would appreciate further information on the chores performed by children from poor families, and the time they devoted to them, particularly in the fields. She would also like to know whether children had to interrupt their studies in order to carry out those chores.

19. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) noted that the new Penal Code contained provisions prohibiting excessive child labour and the use of children in tasks that were unsuitable or detrimental to their health or mental development. Sao Tome and Principe had no effective system for the production of statistics, but there was indeed a need for further information on child labour. Community awareness-raising would serve to explain to parents the difference between children's participation in household chores and child labour.

20. Regarding the family nucleus, family ties were extremely fragile and unstable, mainly because marriage was not common practice, although it did constitute the structure most conducive to a child's development. The State was endeavouring to alert the communities to the importance of family environment and shared child-rearing responsibility.

21. On the issue of corporal punishment, she cited article 152 of the Penal Code, which contained clear provisions on the subject.

22. **The Chairperson**, speaking as a member of the Committee, asked whether that article expressly prohibited all corporal punishment in all circumstances.

23. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that, under article 152 of the Penal Code, physical violence and cruelty towards children was punishable with a 4-year prison sentence and was applied to any person in charge of a child. However, to her knowledge, no case of corporal punishment had been brought before the courts, given that culturally, judicial proceedings were envisaged only as a last resort. Work must be done to raise awareness in that regard.

24. **Mr. Cardona Llorens**, noting that the Penal Code prohibited only excessive violence, and not all forms of violence against children and that in Sao Tome and Principe

domestic violence was considered a private matter, asked what measures were taken to encourage the population to alert the authorities to cases of domestic violence. He would also like to know whether the Ministry of Education had issued clear instructions expressly forbidding the use of mental and physical violence in schools.

25. **Ms. Herczog** asked whether, since the adoption of the Act under which corporal punishment was prohibited, the State provided counselling for parents on positive parenting practices.

26. **Ms. Oviedo Fierro** asked for details on 1977 Law No. 2/77, article 86, which authorized moderate use of corporal punishment by parents.

27. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) pointed out that the Law was due for a complete revision. Responding to Mr. Cardona Llorens's comments, she said that the notion of "excessive violence" did not feature in the provision in question, which referred to corporal punishment. It was difficult to carry out activities to raise awareness of domestic violence in the remote areas of the country.

28. **Ms. Aidoo** asked whether the country had sufficient social workers, especially since the Ministry of Social Affairs and the Ministry of Health had been merged. She would like to know who was responsible for informing the population of amendments to the legislation and the need to change certain cultural practices. To what extent did awareness-raising activities target boys and men? And were pupils taught about the rights of the child?

29. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that the State lacked staff qualified to sensitize children and parents of those delicate topics. She nevertheless applauded the volunteer work carried out by various religious associations, coordinated by the Ministry of Justice. More measures needed to be taken to capture men's attention.

30. Regarding children's freedom of expression, several bodies had been set up, particularly by NGOs, associations and UNICEF, to enable children to express their views.

31. **Ms. Aidoo** asked whether the Children's Parliament, which had met only twice in all, was a viable body.

32. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that some thought needed to be given to its future. Several solutions might be considered, such as the holding of regular meetings.

33. **The Chairperson**, speaking as a member of the Committee, asked whether children could express their opinion within their families and whether they were consulted about decisions that concerned them.

34. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that children could express themselves freely within their family but that the quality of the discussions depended on their parents' sociocultural level.

35. The series of bills that would shortly be submitted to Parliament for approval would enshrine the principle of the best interests of the child and would enable a legal framework to be set up for the application of those laws.

36. All citizens had access to the judicial system. In practice, however, given the country's size, the people of Sao Tome and Principe usually submitted their complaints directly to the Ministry of Justice rather than approach the courts. As for children, bodies needed to be established to represent them in court and defend their interests. That was one of the objectives of recent series of bills.

37. **Ms. Aldoseri** asked for details on the mechanism for reporting sexual violence, which would be put in place to give effect to the provisions of the new Penal Code regarding the sexual exploitation of children. She would also like to know whether children

who were subjected to prostitution were considered victims or whether they were liable to criminal sanctions.

38. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that the new Penal Code contained a provision to ensure protection of child victims of sexual violence. However, awareness-raising efforts also had to be made to fight against stigmatization and encourage victims to submit complaints.

39. **Ms. Winter**, noting that, according to certain reports, incest rates were high in Sao Tome and Principe, asked whether the Ministry of Justice was aware of any such cases.

40. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that, to her knowledge, no criminal procedure had been initiated for cases of incest but that, where the Ministry of Justice was aware of such cases, it did not secure evidence from children.

41. **Ms. Wijemanne**, supported by **Ms. Aidoo**, said that cases of sexual violence and incest could only be documented through the establishment of a mechanism which guaranteed confidentiality and was staffed by professionals qualified to receive children's testimonies.

42. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that children under the age of 16 who had committed a crime could not receive a prison sentence. In general, they were kept for some time at the national police headquarters, primarily to protect them from potential retaliation from the victim's family.

43. The new series of bills which would soon be considered by Parliament provided for the establishment of specialized institutions, and the implementation of measures for the rehabilitation and reintegration of young offenders.

44. Children over 18 years were detained with adults, which should not be the case. Sao Tome and Principe, however, had only one prison, which had been built over 70 years before and had exceeded its capacity. The youngest detainees were entitled to a more flexible prison regime than other prisoners, including an open prison system. The construction of a new prison, which would seem the best solution, was the primary project of the Ministry of Justice, but its attainment depended on funds from the country's development partners.

45. **The Chairperson**, speaking as a member of the Committee, asked whether children were heard by a juvenile court judge and whether there were alternative measures to court procedures and to deprivation of liberty for children.

46. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that there were currently no juvenile courts in Sao Tome and Principe. The next series of bills to be adopted would provide for their establishment and that of other specialized courts.

47. In addition to the construction of a new prison, the reform of the judicial system was the other main project of the Ministry of Justice. It was a lengthy and challenging undertaking since a prior evaluation of the whole system needed to be performed, a process which sometimes met with resistance from judges.

48. **Mr. Gastaud** asked whether there were plans to build a penitentiary establishment reserved exclusively for children. He would also like details on the alternative measures to deprivation of liberty envisaged for children under 16 years of age and on the envisaged reintegration measures. Would the measures in question be implemented by specialized staff?

49. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) replied that there would be an area reserved for young people in the new prison. Regarding measures taken to facilitate their

reintegration, juvenile detainees attended classes in prison and a workshop for vocational training had been set up.

50. The Ministry of Education's disciplinary regulations prohibited girls who were over three months pregnant from attending classes during the day and obliged them to follow evening courses. The Ministries of Education and Justice were convinced of the need to amend such discriminatory regulations, but came up against strong opposition from pupils' parents.

51. **Ms. Lima** (Sao Tome and Principe) said that primary school was free and compulsory up to year six, thereby enabling all students to receive a basic education. Parents paid the equivalent of €8 a month to register with crèches or State-run nursery schools, but the State planned to progressively reduce those fees.

52. Given the absence of a juvenile justice system per se, juvenile cases were heard by courts of first instance, in accordance with the rules and principles that applied to juvenile justice, but the imminent establishment of a genuine juvenile justice system was planned. Children in conflict with the law were not subjected to any form of torture or degrading treatment, which was prohibited by law.

53. Preventive and awareness-raising campaigns had been organized in schools to reduce the rate of teenage pregnancy, and condoms were distributed free of charge to young people.

54. **Ms. Aidoo** asked whether the Church's influence played a part in dissuading adolescents from using contraception.

55. **Ms. Lima** (Sao Tome and Principe) said that the distribution of free condoms, while controversial, met a need, but that the ideal would be to encourage adolescents to delay their first sexual relationship. To that end, sex education classes were provided at school, and preventive campaigns were held with support from NGOs. Pregnant women, regardless of their age, received prenatal care and free medical check-ups. Free HIV/AIDS screening was systematically carried out on all pregnant women, and where the future mother was HIV-positive, she received sociomedical support and prophylactic treatment.

56. **Ms. Wijemanne** asked whether adolescents received life skills training and whether preschool education was guaranteed in rural areas.

57. **Ms. Nogueira Neto** asked whether the State party had taken measures to prevent transmission of HIV/AIDS from mother to child.

58. **Ms. Aidoo**, concerned at the high rate of maternal mortality, enquired about the quality of screening for high-risk pregnancies.

59. **Ms. Lima** (Sao Tome and Principe) said that over 85 per cent of women received medical check-ups during their pregnancy and that HIV-positive women received appropriate treatment. The Ministry of Health was aware that much remained to be done to reduce the numbers of teenage pregnancies and increase the rate of professionally assisted home deliveries.

60. **Ms. Parsi di Lodrone** asked the delegation to indicate whether measures were taken to prevent abandonment of children born outside marriage and to place them in foster care.

61. **Ms. Lima** (Sao Tome and Principe) said that the school dropout rate had been falling steadily since 2009, thanks to the adoption of measures that included free distribution of school supplies and uniforms to children from disadvantaged families, provision of free school meals, and longer school hours.

62. **Ms. Wijemanne** asked whether the State party had taken measures to provide safe drinking water and sanitation facilities to all households in the country.

63. **Ms. Lima** (Sao Tome and Principe) said that, while family planning services were available to women, such women rarely came forward for advice and support and often ended up destitute and forced to abandon a child born outside marriage. It was not rare for a man to have several partners and to be unable to meet all his children's needs, leaving the mother in charge of supporting and bringing up the children. The State, with assistance from NGOs, did its utmost to support those women.

64. **Ms. Herczog** asked whether the State party had envisaged setting up a foster care system and phasing out the institutionalization of children.

65. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) said that a bill on foster care for abandoned children was under consideration.

66. **Ms. Lima** (Sao Tome and Principe) said that the Ministry of Education, in partnership with specialized NGOs and international doctors, had launched a specific programme for children with disabilities, in particular children with visual or hearing impairments, which provided for special arrangements in classes, teaching materials in Braille, and participation in plastic arts workshops. Provisions had also been made to train teachers to care for those children, who were currently educated within the mainstream education system. Information campaigns had been organized to combat stigmatization of children with disabilities, but much work remained to be done to change attitudes.

67. Sao Tome and Principe was party to the Convention on Psychotropic Substances, 1971, the Single Convention on Narcotic Drugs, 196, and the World Health Organization Framework Convention on Tobacco Control. Using and trafficking psychotropic substances was sanctioned by the Penal Code and punishable with prison sentences of 4 to 15 years. Law No. 3/2012 governed the admittance of minors to establishments selling alcohol in order to protect them from excessive consumption. In addition, Law No. 12/2012 governed the trafficking, use and possession of drugs. In order to combat substance abuse, in 2013 the State had launched a campaign against drug use, designed to inform young people of the risks of using illegal substances. Discussions had also been organized on that topic on television, radio and in universities.

68. **Ms. Aidoo** commended the progress made by the State party in the area of legislation, and in the areas of health and education, given the difficulties — especially financial — that it faced. Efforts still needed to be made by the State party to improve the implementation of laws and policies, but also to change the attitudes of men and boys. Those issues would be developed in the concluding observations, which would focus mainly on the measures required to combat discrimination against vulnerable children, establish a national human rights institution, provide care for victims of sexual violence, data-collection, the fight against early marriage, and the administration of juvenile justice.

69. **Ms. Da Costa Ten Jua** (Sao Tome and Principe) thanked Committee members for their comments and assured them that their recommendations would be taken into consideration.

*The meeting rose at 1 p.m.*