



# Convention on the Rights of the Child

Distr.: General  
3 October 2013  
English  
Original: French

---

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

### Summary record of the 1805th meeting

Held at the Palais Wilson, Geneva, on Friday, 7 June 2013, at 3 p.m.

*Chairperson:* Ms. Sandberg

## Contents

Consideration of reports of States parties (*continued*)

*Combined second to fourth periodic reports of Guinea-Bissau* (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

*The meeting was called to order at 3.05 p.m.*

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

*Combined second to fourth periodic reports of Guinea-Bissau* (continued)  
(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 there was a degree of mistrust surrounding adoption and that orphans tended to be placed in the care of their extended families. The Government was not averse to ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, but that implied strengthening the adoption monitoring and regulatory system, which would take time.
3. **Mr. Kotrane**, supported by **Ms. Wijemanne**, expressed concern about the risk of trafficking linked to unregulated child placement. A judicial oversight body and social services should be established to follow up on children in alternative care and ensure that they were not exploited or mistreated.
4. **Mr. Alves** (Guinea-Bissau) agreed that such a body was necessary, but lamented that the fragility of public institutions, the permeability of borders and the lack of political will made it currently impossible to establish a reliable adoption oversight system. However, the Committee's recommendations would be closely examined by the relevant authorities. A family and children's court would be created with professional lawyers and other expert advisers, such as sociologists and psychologists, which should improve the administration of juvenile justice.
5. There was no conflict between customary law — in other words, local courts — and State justice, as they were very distinct systems. Local courts, in which traditional leaders were involved, had jurisdiction over minor disputes, while family disputes were heard by first-instance courts, which were part of the State justice system.
6. The age of criminal responsibility was 16 years, but there were as yet no institutions for minors in conflict with the law; their care was therefore often left to NGOs. The authorities were aware that the situation was not ideal and were attempting to remedy it.
7. Child rape unfortunately did not carry an exemplary sentence because it was subsumed under bodily harm. However, there were plans to impose tougher penalties on perpetrators of sexual violence against children as part of the reform of the criminal justice system begun in 2009 and aimed at reducing tolerance towards child rights violations.
8. In early 2013, some 200 Muslim religious leaders read out a fatwa before Parliament banning female genital mutilation, since when there had been a number of convictions. Although the problem was not entirely resolved, the fatwa was a huge step forward — the result of efforts by the Women and Children's Institute and several NGOs — that demonstrated a mindset change. Women who traditionally performed circumcision had recently committed to retraining in some other field, and the authorities would be helping them find alternative sources of income.
9. **Mr. Gastaud** asked whether the NGOs responsible for minors in conflict with law also handled their reintegration.
10. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that a centre for juvenile delinquents was planned for the near future. The authorities currently oversaw all activities undertaken by NGOs to reintegrate minors in conflict with the law. Sexual violence against children was prohibited under the Criminal Code, but the Government was aware that provisions were deficient and poorly enforced, leading to a bill on domestic violence now

under consideration. Once the law has been passed, its provisions would need to be broadly disseminated to encourage victims to claim compensation. That would nonetheless require a change in attitudes, given that the fear of stigma and reprisals often deterred victims from filing a complaint.

11. **Ms. Aidoo** asked whether awareness-raising and empowerment measures had been put in place for women to encourage them to claim their rights.

12. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) replied that a weekly radio programme addressed a number of issues regarding the empowerment of women, health and education. The Children's Parliament was a good way for children to express themselves on issues dear to their hearts. The selection of the 102 young deputies was school-based, with no restrictions based on social status or parents' income.

13. **The Chairperson** asked how the Children's Parliament was funded and to what extent children's opinions were taken into account in public policymaking.

14. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) replied that children elected to the Children's Parliament met at the National People's Assembly, where their opinions and concerns were heard and heeded. The Children's Parliament had its own budget, funded through that of the National People's Assembly.

15. Since 2000, birth certificates could be issued for children aged 0 to 7. In 2013, a central registrar's office had been established to facilitate the registration of children within five months of birth. In addition, the regional branches set up in all nine regions had made it easier for parents to declare their children's birth, hence the spike in the number of registered children.

16. **Mr. Gurán** (Country Rapporteur) said that he had been informed that the birth registration rate had declined sharply in recent years. Could the delegation shed any light?

17. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that he did not have specific statistics, but would ensure that the Committee received them in due course.

18. The Criminal Code did not explicitly define paedophilia because the problem had scarcely been recognized when it had been drafted. Although infanticide was prohibited under article 110 of the Code, it still occurred in certain communities, particularly in the case of children with disabilities. The Government had not conducted any studies to determine the number of victims, but such a study was certainly necessary to better fight the problem.

19. **The Chairperson**, taking it that, in cases of infanticide, a child's disability could constitute a mitigating circumstance, requested further information. She asked to whom child victims of sexual violence could turn, especially in rural areas.

20. **Mr. Alves** (Guinea-Bissau) said that the law did not provide for any mitigating circumstances. Perpetrators of infanticide were convicted whenever cases were brought to the authorities' attention. The problem was that infanticide was rarely reported.

21. There had been some convictions for sexual violence. One case had made the headlines because the accused was a famous television journalist. His special status had not prevented him from being convicted. The trial had not been public because the victim had been a minor at the time of the incident.

22. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that victims of sexual violence needed to file complaints with the police or could first approach a children's NGO, such as the Network of Children Friendly Journalists, which was well known for its educational work. In any event, there were very few complaints, owing to social pressures and the difficulty of producing evidence.

23. The situation was even more difficult in isolated villages, where the only people victims could turn to were teachers and missionaries, who were encouraged to pass on any reports they received.
24. **Mr. Gurán** stressed that emergency helplines were the best way of guaranteeing accessibility, confidentiality, professionalism and objectivity – unlike NGOs or religious movements, which lacked the same independence.
25. **Ms. C6 Mendes Sanha** (Guinea-Bissau) pointed out that even the mobile network did not cover the entire country. However, the Government was well aware that a helpline would be very useful. A number of treaty bodies had already made similar recommendations, which had not been implemented for lack of resources.
26. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that children aged 14 or over were permitted to work a maximum of four hours per day, provided that the work did not jeopardize their physical development or their education. The National Commission for the Abolition of Child Labour, a tripartite body on which the Ministry of Labour, trade unions and civil society were represented, was mapping child labour with a view to formulating a strategy targeting the regions and types of employment where the problem was most acute.
27. In the capital, measures had been taken in conjunction with a Muslim association to locate the families of the many foreign children sent to Guinea-Bissau to receive a Koranic education and ended up begging on the streets.
28. **Ms. Wijemanne** commended the State party for ratifying International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and ILO Minimum Age Convention, 1973 (No. 138). She would be interested to learn what was being done to improve education, especially the education of girls, which was one of the most effective ways of combating child labour.
29. **Mr. Gastaud** asked whether there was a State body to monitor respect for labour law.
30. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) replied that that task came within the purview of the labour inspection offices.
31. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that primary education was free and that the Government was not aware of any payment of unofficial fees. The Government was making massive investments in school infrastructure, which was currently inadequate. All newly built schools had running water and main drainage and could accommodate children with disabilities. The school meal programmes put in place had had a noticeable impact on the enrolment of girls. Scholarships were also awarded to keep girls with disabilities and good academic records in school. There was no strategic document on early marriage, but NGOs and the Women and Children's Institute were raising awareness of the issue among the general public, and community leaders in particular.
32. Pursuant to the Human Development Plan (2008–2017), a range of strategies designed to combat malaria, HIV/AIDS and cholera, increase water supply services and improve hygiene had been formulated and implemented. In order to achieve the Millennium Development Goals, the focus had been placed on promoting breastfeeding and reducing maternal and infant mortality.
33. Reproductive health services, including prenatal counselling and check-ups, were free. As part of information dissemination campaigns, radio shows discussed sexuality, pregnancy and HIV transmission, and activities were also conducted in schools and paediatric and primary health-care facilities.
34. **The Chairperson** asked whether minors had access to contraceptives, whether sex education was provided in schools and whether abortion was legal.

35. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that sex education was not a subject in its own right, but that contraception issues were dealt with in biology classes. Abortion was legal, provided that it was carried out in hospitals by trained personnel.
36. The Government had adopted a national poverty plan with the intention of allocating resources to child protection, but did not have the funds needed to roll it out.
37. **Ms. Aidoo** asked whether the debt relief undertaken as part of the Heavily Indebted Poor Countries Initiative had made it possible to allocate funds to social protection in general, and child protection more specifically.
38. **Ms. Al-Shehail** (Country Rapporteur) asked whether the State party had adopted a law prohibiting discrimination against children with disabilities and what measures had been taken to alert the population to the issue.
39. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that Parliament would be considering the matter of ratifying the Convention on the Rights of Persons with Disabilities at its June 2013 session. There was no law prohibiting discrimination against children with disabilities, but the Constitution guaranteed equality for all. Specialized schools for deaf-mute children had been established in cooperation with the Portuguese Ministry of Social Solidarity and the Guinea-Bissau Ministry of Labour and Social Solidarity. Unfortunately, the schools were located only in large cities. A mechanism had also been set up to promote equal opportunities for persons with disabilities.
40. **Ms. Winter** asked whether children with disabilities were still accused of witchcraft and consequently killed, and if so, what the Government was doing to abolish such occurrences.
41. **Mr. Cardona Llorens** wished to know whether the State party intended to encourage the inclusion of children with disabilities in mainstream schools.
42. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that the Government had made the inclusion of children with disabilities in schools one of its priorities, but lacked both the human and financial resources to put it into practice, which explained why they were still placed in specialized institutions.
43. **Mr. Correia Gomes Fernandes** (Guinea-Bissau) said that funds to support associations for persons with disabilities were also lacking.
44. The State party had not undertaken a detailed study of the murder of children accused of witchcraft, but infanticide was explicitly prohibited under article 110 of the Criminal Code.
45. **Mr. Alves** (Guinea-Bissau) said that the 2011 negotiations with the World Bank and the International Monetary Fund had resulted in 1 billion dollars in debt relief, but that relations with the Bretton Woods institutions had been suspended since the 2012 coup d'état. He could not say toward what the savings had been put, although the Government was prioritizing health and education.
46. **Ms. Aidoo** proposed that, once relations with those institutions were re-established, the State party should focus on child protection, an area often overlooked in social policies.
47. **Mr. Alves** (Guinea-Bissau) assured the Committee that the proposal would be conveyed to the relevant authorities.
48. Under customary law, widows were sometimes considered part of the inheritance and were hence entrusted to the deceased husband's heir. In cities, such cases were brought before the courts; however, it was different in rural areas, where women were unaware that they could file suit. The courts had enforced civil law over customary law whenever they

had adjudicated such cases. It was therefore crucial that they were systematically brought before the courts so that the customary practice could be eventually abandoned altogether.

49. **Ms. C6 Mendes Sanha** (Guinea-Bissau) said that the Civil Code prohibited all discrimination in inheritance matters between legitimate children and children born out of wedlock, but that discrimination was still pronounced in rural areas, where State presence was relatively weak.

50. **Mr. Alves** (Guinea-Bissau) expressed satisfaction with the resumption of dialogue with the Committee after nine years, and said that its concluding observations would be conveyed to the relevant authorities.

51. **Ms. Al-Shehail** welcomed the measures taken by the State party in several areas, such as combating human trafficking and harmful traditional practices, but stressed that the lack of human and financial resources remained a barrier to the implementation of the Convention. The Committee would be recommending that the State party should strengthen its cooperation with the United Nations specialized agencies so as better to fulfil children's rights.

*The meeting rose at 5.55 p.m.*