Guinea-Bissau ratified the Convention on the Rights of the Child (CRC) on 20 August 1990. On 7 June 2013, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Guinea-Bissau. It was last examined on 30 May 2002.

Opening Comments

The delegation of Rwanda was led by Mr. Octavio Inocêncio Alves, Legal Advisor to the Ministry of Foreign Affairs, International Cooperation and Communities of Guinea Bissau. He was supported by a small delegation of representatives from the Institute for Women and Children.

Mr. Alves highlighted that there had been limited interaction between the international community and the State following the coup d’état in April 2012 and the sanctions that had been consequently imposed on the State. He stated that political elections had still not been held due to the lack of appropriate political conditions and that general elections would be held on 31st December 2013.

Mr. Alves noted that the State had made significant progress in protecting its children and had established mechanisms and institutions to tackle issues such as human trafficking and female excision. UNICEF and other civil society organisations had been instrumental in assisting the Institute for Women and Children, which was responsible for coordinating all actions for the protection of children and had developed a five-year action plan to uphold and protect children’s rights. Fees associated with birth registration had been removed, which had led to an increase in birth registration among children aged zero to seven. Mr. Alves reiterated the State’s commitment to protecting and promoting children’s rights.

Mr. Gúran, Country Rapporteur, stated that it was a pleasure to welcome the delegation given that the last meeting had occurred 11 years previously due to the political instability the State had suffered. Mr. Gúran noted that during this period, children’s rights in the State had
suffered as a result of political, economic and social developments. Mr Gúran highlighted that as the State report had been prepared three years previously, the Committee was interested in any new data which would shed light on the current situation of children’s rights within the State.

Ms Al-Shehail, the Co-Rapporteur, stated that although the state had enacted several legislative measures, there were several outstanding challenges pertaining to insufficient financial and human resources. She recommended that the State strengthen its cooperation with the international community to address these issues.

**General Measures of Implementation**

**Legislation**

The Committee noted that since the ratification of the CRC by the State in 1990, there still appeared to be no comprehensive law on that incorporated the CRC into national legislation, despite the Committee’s recommendations in 2002. The Committee asked the delegation to elaborate on the current situation regarding the law and whether there was any political will to address this issue. The Committee asked whether there was a draft bill on the protection of the family that was in line with the provisions of the CRC.

The Committee commended the State for ratifying a great number of international instruments and asked whether the State had any plans to ratify the Convention against Torture, the Convention on Migrant Workers and their Families, and the Hague Convention on International Cooperation in International Adoption and Protection of Children. The Committee expressed the hope that the State would soon ratify the CRC Optional Protocol on Children Involved in Armed Conflict.

The delegation stated that in order to comply with its CRC obligations, the State had conducted a diagnostic study on the Code on the Protection of Children to ensure that children’s rights were protected by law. The delegation highlighted that this had been a difficult process given the broad nature of the CRC, which had involved reorganising the Civil Code, and it hoped to submit the study to the competent authorities soon.

The study had drawn in expertise from the law faculty in 2005. In 2009, the Institute of Women and Children had requested UNICEF’s assistance in determining the measures that needed to be taken as follow-up. The study had concluded that a uniform code would be created for child rights, using a single instrument. Although the study had been finalised, the State was still in the process of drafting the code. Due to the lack of resources available, it was difficult to determine a precise timeline for its completion.

The delegation highlighted that a declaration of intent had been signed by the directors of the Child Protection Institute, which reaffirmed the State’s commitment to child protection.

**Customary law**

The Committee asked the delegation whether there was a hierarchy of law between positive law, customary law, civil law and Islamic law; and how issues regarding conflicts in terms of the legal age of marriage were resolved.

With regards to hierarchy, the delegation stated that positive legislation remained supreme and that judges were under the obligation to place the best interest of the child above all other considerations. The application of national legislation that was in compliance with the CRC did pose challenges in practice given the varied social and ethnic groups within the country. The delegation explained that where there was a conflict between the positive law and
customary law, positive law took precedence; however, the State did experience challenges in ensuring this in practice.

**National Action Plan for children**

The Committee highlighted that the State had lacked a uniform national action plan for children for many years and asked whether any progress had been made in this field. It noted that seven national action plans existed and asked the delegation to elaborate on these.

The delegation explained that the State had made progress in terms of its National Action Plans for children and had implemented seven so far, with the financial assistance from its United Nations partners such as UNICEF and International Labour Organisation as well as civil society partner Plan International. National Action Plans had been created, for example, to address the civil registry, with the assistance of UNICEF, as well as for the prevention of trafficking with the assistance of the International Social Service and AMIC. The State had a multilateral agreement for the protection of its borders with Senegal, Gambia and Guinea.

**Coordination and monitoring**

The Committee noted that the Institute for Women and Children and the National Committee for the Child Protection were important bodies for the implementation of the CRC and asked the delegation to clarify which body was responsible for the overall coordination of children’s rights. The Committee asked if there had been any advocacy to place the coordinating body directly under the authority of the President. The delegation was also asked about the composition of the Institute for Women and Children and the level of training given to its staff.

The delegation stated that the Institute for Women and Children was the coordinating body for the implementation of all policies and programmes related to children. The Institute had previously been under the Ministry of Gender and Children; however it had now been placed under the Ministry of Women and Social Solidarity. Additionally, the Institute for Women and Children had administrative independence and autonomy.

In terms of its composition, the Institute for Women and Children had a total of 21 employees, including six social workers, a sociologist, a psychologist, a lawyer, an economist, a child assistant, a professional with a degree in child psychology and two accountants. It highlighted that all staff were highly educated and possessed higher education degrees. Due to a lack of resources it often had to rely on its external partners for the payment of staff, as well as interns.

**Dissemination and training**

The Committee observed that the CRC had still not been translated into the national languages of the State. It also highlighted that the State had a 50 per cent literacy rate and asked the delegation to elaborate on the measures the State had adopted to support the awareness of the population about the CRC, as a result.

**The role of non-governmental organisations**

The Committee asked about the extent to which the government cooperated with non-governmental organisations and inquired about how they had participated in the preparation of reports and policy formation. The Committee asked about how non-governmental organisation’s activities were monitored to ensure that there was no overlap between their various work mandates.
The delegation stated that various non-governmental organisations played a supplementary role and assisted where the State was unable to act. The work of non-governmental organisations was therefore visible in a range of different sectors.

**Allocation of resources**

The Committee appreciated the constraints that the State faced regarding resources and asked to what extent resources were consciously made available for the implementation of policies and programmes related to children’s rights. The Committee also observed that the State had two potential avenues to boost its available resources: the Poverty Reduction Strategy and the debt relief funds. The Committee asked whether either of these had been used to provide funding for children.

With regards to resources provided by the Poverty Reduction Strategy, the delegation stated that in practice, few resources could be unblocked and used for the purpose of protecting children and would be insufficient to address the range of areas the State was working on. In 2011, the State had received debt relief funds of one billion US dollars; however the delegation stated it was not in a position to elaborate on which sectors the funds had been allocated to.

**Definition of the Child**

The Committee asked whether the harmonisation of the age of marriage had been discussed within the State party.

**General Principles**

**Non-discrimination**

The Committee asked whether women and children had access to the justice system and had a right to be heard. The Committee was pleased to note the State’s efforts to address discrimination, but highlighted that children with disabilities remained marginalised and stigmatised within the State, particularly in terms of social protection.

The delegation explained that the principle of equality was enshrined in the Constitution and that discrimination was not permitted on any grounds.

**Best interest of the child**

The Committee noted that there appeared to be no infrastructure for children in terms of transportation and asked the delegation whether the State had undertaken consultations regarding the best interests of the child in respect of travel practice planning.

**Respect for the views of the child**

The Committee commended the State for the establishment of the Child Parliament but noted that recent studies indicated that only a limited number of children felt they had been consulted regarding their rights. The Committee requested further details about the competency of the Child Parliament and how issues raised were later followed up on. It also asked how children were encouraged to participate given the recent difficult period of political transition and inquired about whether the State had any plans to establish a system of independent monitoring.

The Committee noted that a radio broadcast existed for children and asked the delegation whether there were also any written means by which children could express their views. The Committee noted that civil society had been actively involved in promoting child participation and asked about the role of the State in the process. It also expressed concern...
about the lack of funding that had been dedicated to encouraging child participation and asked whether the State had any plans to enhance economic support for this area.

The delegation stated that the Child Parliament had access to the same services that were available in the real National Assembly. The delegation stated that children’s views expressed in the Child Parliament were heard and taken into account and were taken further where the State was able to finance initiatives. Additionally, the State had dedicated a proportion of its budget for the Child Parliament, even though this remained relatively low due to financial constraints in the State.

**Civil Rights and Freedoms**

*Birth Registration and citizenship*

The Committee commended the State for its new legislation which enabled free birth registration for all, but noted that there were large numbers of unregistered children and asked the delegation to elaborate on the root causes of this. The Committee also observed that many challenges continued to exist in the State which acted as barriers such as corruption, improper registration and lack of access to birth registration offices. The Committee requested further information about whether there were any active measures to facilitate registration and if the delegation could provide any new data regarding this.

The delegation stated that a new office had been created for the registration of all births which would remain open for five months and would allow unregistered children to be registered. Furthermore nine units had been created to facilitate registration and the workload was distributed accordingly. When a birth was registered, all information was sent directly to the registries where such data was maintained.

The State had been making efforts to address birth registration; however the delegation explained that it had no available data on the current situation on birth registration. It highlighted that the improvements were noticeable in eight districts of the country where every birth was being registered. The State was committed to raising awareness regarding birth registration.

*Corporal Punishment*

The Committee noted that the State had been working on submitting a law to the National Assembly to ensure that corporal punishment was prohibited in all settings and asked what was being done in terms of raising public awareness. It also inquired about whether parents were being educated and encouraged to use alternative measures of discipline.

Furthermore, the Committee enquired about whether cases remained underreported due to the stigma attached to the victim.

*Freedom of association*

The Committee asked about whether children were able to freely set up associations and whether there were any restrictions on this such as age limits and also asked whether these were monitored by adults.

The delegation stated that since children lacked the legal capacity to set up associations, an adult was required to support such initiatives. Nevertheless, children had the capacity to take the initiative but simply required an adult for the purposes of registration of the association.

*Freedom of religion*

The Committee inquired about the teaching of religion and its place in education.
The delegation stated that freedom of religion had been enshrined in the State’s Constitution and that Qur’an and Catholic schools existed within the State, where children could attend in the evenings, supplementary to core education. The delegation stated that such schools focused only on the teaching of religion and did not include core subjects such as maths and science.

The delegation also highlighted that public schools and state schools also had the option to teach classes on morality and ethics. The State was a secular state and such schools had been made to accommodate the diverse ethnic groups that existed. Religious schools were designed as after-school evening activities.

**Family Environment and Alternative Care**

**Adoption**

The Committee noted that the process of domestic adoption had not been developed as a practice within the State party and requested further information as to why this was the case. The Committee also asked whether international adoption was widespread and if there were any mechanisms in place to monitor such adoptions. It also highlighted that failure to provide adequate adoption choices could lead to children without parents being alone and without protection as well as being subjected to exploitation. The Committee asked whether the State had any plans to ratify the Hague Convention on Inter-country Adoption.

The delegation stated that there were limited cases of domestic adoption within the State. The Hague Convention had not been ratified and the State was reluctant to ratify it due to the fact that the State did not possess the implementation mechanisms to introduce the adoption system. The delegation was unsure as to whether discussions had been held on this matter; however noted the Committee’s concerns and stated that it would reflect these back to the State.

With regards to its land and sea borders, the delegation acknowledged that these were not entirely secure. The delegation acknowledged that children without parental care could be exposed to risks; however it noted that there were very low numbers of such children in the State. The delegation stated that it had no objection to looking into this however highlighted that cultural practices remained prevalent within the State regarding this matter.

**Basic Health and Welfare**

**Health care**

The Committee asked about whether there were sufficient vaccines and medical supplies to treat conditions such as diarrhoea and respiratory infections.

The delegation highlighted that the State had demonstrated strong political will to improve the areas of health care. In particular, it had introduced a prevention plan against cholera for 2009 to 2013 and had developed a water and sanitation plan for 2012 to 2020. Furthermore, there were strategic plans to invest in infrastructure to accelerate the achievement of the Millennium Development Goals in terms of maternal and child health.

**Children with a disability**

The Committee stated that there were many outstanding difficulties regarding children with a disability both within family and community settings and highlighted that they continued to suffer high levels of discrimination. The Committee was asked whether legislation to prohibit such discrimination existed and requested additional data regarding the extent of this problem.
Due to the lack of available care, children with disabilities were often abandoned in rivers or subjected to infanticide and the Committee highlighted that sanctions were weak for these violations in the State. Given the high levels of illiteracy, the delegation was also asked how society was being educated on such issues. Furthermore, the State had not sufficiently invested in facilities for persons with disabilities in terms of public transport and the infrastructure of buildings.

The delegation stated that the State was considering the ratification of the Convention on the Rights of Persons with Disabilities. The Ministry of Labour had been working with authorities in Portugal on a school for children with a hearing impairment. Additionally, there was a non-governmental organisation which had created an educational programme for children with a visual impairment. Although the State had made efforts to improve the situation for children with a disability and hoped to mainstream inclusive education for them in the long-term, the delegation highlighted that resources were limited and therefore insufficient to provide for all such children.

The State had focused on awareness-raising campaigns through increased national coverage and by promoting the involvement of children with a disability in sports such as volleyball and basketball. The delegation agreed that new infrastructure was required in the State to facilitate access for children with a disability.

**Infanticide**

The Committee noted that recently there had been over 100 children reported as being subjected to infanticide and asked whether the reported cases had been taken to court and sentences handed down.

The delegation highlighted that infanticide was a punishable offence under Article 110 of the Criminal Code. It also explained that certain practices, although not justified, inherently stemmed from cultural beliefs and lack of understanding, particularly regarding children with disabilities. The delegation stated that it had not conducted a qualitative study on the issue of infanticide.

**Violence against children**

The Committee stated that studies had indicated that physical and sexual violence remained widespread throughout the country due to cultural attitudes and traditions towards children. The Committee asked how this issue was being addressed by the State.

The delegation stated that there was no direct legal sentence against sexual violence itself; however sentences existed for the crime of rape, which drew in elements relating to sexual violence. The delegation highlighted that it was considering increasing sentences for offences against minors and acknowledged that the Criminal Code did not meet all the needs of children.

The State had drafted a law on domestic violence, which would have a special chapter dedicated to children. Cases of violence were generally regarded as a private matter and the State had been trying to encourage reporting and address the lack of cultural awareness. The delegation stated that citizens were often scared of reprisals if they filed complaints and it remained difficult to hold offenders accountable for acts of violence.

**Sexual exploitation**

The Committee commended the State on its efforts to address sexual exploitation however highlighted that girl victims continued to be stigmatised within the community which led to underreporting by families. The Committee inquired about whether child friendly services existed in this regard and about the measures that had been taken to ensure that police and
investigative authorities controlled these issues. The delegation was also asked about the extent to which paedophilia existed within the State, particularly as this was a common trend amongst Western African countries that were associated with drug trade.

The delegation stated that paedophilia had not been categorised as a stand-alone crime. It highlighted a case of a reputable journalist who had recently been sentenced for acts of paedophilia against his daughter over many years. Despite there being no legal category for paedophilia, he was still prosecuted under legislation on rape. It also highlighted that possession of inappropriate images could be used as motivation for an arrest and such cases would be tried in closed door proceedings in coordination with non-governmental organisations.

The delegation explained that such cases were often difficult to discover and prosecute due to the fact that they often occurred in private spaces, were not reported in a timely manner and were therefore difficult to prove. Additionally, many mothers were hesitant about filing reports against their spouse due to the stigmatisation and great social pressure they were subsequently subjected to. Where complaints were made, non-governmental organisations offered assistance to victims.

**Helpline**

The Committee asked if any helpline had been established in the State to enable children to reach out for help.

The delegation acknowledged the need for a hotline, however explained that although mobile telephony existed in the State there was not enough coverage to ensure access for children in remote locations. The delegation wished to make a commitment to establishing a helpline, however highlighted that it had insufficient resources to do so.

**Vulnerable children**

The delegation stated that it had been working in close cooperation with various sectors throughout the country to ensure that vulnerable children were identified. An SOS Children’s Village had been created and temporary shelters had been created for Taleb children as well as for victims of trafficking and early forced marriages in the Gabu region.

**Reproductive health services**

The Committee enquired about whether children and young adults were able to access free and confidential reproductive health services outside the school setting. The Committee enquired about HIV/AIDS health services for adolescents and asked whether they could receive services available for all sexually transmitted infections. The Committee asked whether abortions were permissible in the State.

The delegation stated that the National Secretariat for the Fight against AIDS had been responsible for coordinating all services for young people in relation to HIV/AIDS. Furthermore, civil society organisations provided assistance for HIV and AIDS.

In terms of reproductive health care, there was a free programme which included prenatal healthcare and counselling for pregnant women. Paediatric consultations were also available. Reproductive health was not directly included in the educational system as a separate subject; however areas of reproductive health such as the female menstrual cycle were incorporated in subjects such as biology and natural sciences.

The delegation explained that abortion was not prohibited by law; however it had to be administered by a trained technical practitioner within a hospital setting. Non-governmental organisations had also been raising awareness regarding contraception.
**Access to health services**

The Committee commended the State on its progress regarding mortality rates for children under the age of five, as well as mothers. There were outstanding issues regarding the quality and capacity of health services offered to mothers and young children. Services remained difficult to access and the Committee asked whether the State planned to expand access throughout the country. The Committee also inquired about whether there were any financial barriers to accessing child and maternal health care.

The delegation highlighted that the State had been making efforts to have a broader reach in terms of health care. Where it was not possible to have a doctor present at a birth or to attend a Mother or young child, two midwives would be sent instead.

**Forced marriage**

The Committee noted that while some progress had been made regarding forced child marriage the practice had slightly increased from 27 per cent to 29 per cent in 2010. The Committee stated that there may be insufficient awareness raising and expressed concern that little work had been done to address forced marriage. It also asked whether mediation councils existed to deal with this problem.

The Committee highlighted that in addition to civil marriages, traditional marriages continued to be widely practiced amongst various ethnic groups. The Committee asked about the measures that had been introduced to address forced marriages on the basis of tradition.

Although annulment of under-aged marriages was possible under customary law, the Committee expressed concern about the potential stigma attached to such proceedings. The Committee asked how the State planned to overcome such long-standing traditions and raise awareness about the harm of such practices. The Committee inquired about whether children born out of traditional marriages had equal legal rights, particularly in relation to inheritance.

The delegation highlighted that it was important to distinguish that informal marriages were not recognised by law, but were nevertheless tolerated within certain ethnic groups. According to law 64/66, children born of traditional marriages had the same rights as children born from legal marriages and shared the same inheritance rights. The delegation acknowledged that issues regarding inheritance were prevalent in rural areas and could often lead to situations such as widows being inherited by another male member of the family of the deceased.

In terms of forced marriage of girls, the delegation explained that there was no specific law regarding this but highlighted that projects had been undertaken to discourage early marriage. Such projects included awareness raising campaigns which addressed the fact that girls were not physically prepared for pregnancy. The Institute of Women and Children was trying to develop support programmes for women and girls using a victim’s rights approach.

**Female genital mutilation**

The Committee noted that although the State had taken some positive steps regarding female genital mutilation (FGM), there had been insufficient awareness-raising carried out. The Committee inquired about whether any complaints mechanism existed to report cases of FGM and if so, how Staff members receiving complaints were trained to address such cases.

The Committee expressed concern that harmful practices such as FGM increased the chance of maternal mortality and asked what measures had been taken through both education and legislation to increase understanding of the issue so as to change cultural practices.

The delegation highlighted that between 2009 and 2011 there had been an increase in legislation produced to address the prohibition of FGM. A fatwa had been introduced by the
Muslim community prohibiting the entire ritual and practice of FGM in the State. Nevertheless, the prohibition of FGM was not a straightforward process and the delegation highlighted that although many women who carried out such practices had supported the abolition of FGM they needed alternative options to make a living. The State was making efforts to support such women in this regard.

**Education, Leisure and Cultural Activities**

**Girls and education**

The Committee expressed concern that young girls were more likely to be involved in labour, particularly domestic work, rather than attend school. Furthermore, girls exhibited lower rates of literacy and political participation. The Committee asked the delegation what had been done to address this issue.

**Education budget and quality of education**

The Committee inquired about the budget that had been allocated to the education sector and asked how the budget affected the quality of education in terms of the standard of teaching offered by teachers. The Committee expressed concern that only 40 per cent of schools had been reported as having acceptable infrastructure, which raised concerns about the remaining schools in the State being potentially hazardous for children.

The delegation acknowledged that some schools were in poor condition but highlighted that partner organisations were aiding the State in remedying this by building new schools which were structurally sound and provided safe and sanitary conditions. Schools were also being designed to accommodate children with physical disabilities.

**School enrolment and attendance**

The Committee noted that although school fees had been abolished, hidden fees may continue to exist.

The delegation stated that all basic primary schools were free and there were no associated fees in any schools to its knowledge. The delegation explained that in some villages a self-management system had been adopted amongst parents and the community to ensure that no financial discrimination existed towards children attending school. Furthermore, mechanisms existed to enable children belonging to vulnerable families to access education and school feeding programmes existed to incentivise parents to let their children attend school.

**Special Protection Measures**

**Children in street situations**

The Committee expressed concern about the high proportion of Taleb children involved in begging and asked the delegation to provide details regarding the results of the National Action Plan that had addressed this issue.

The delegation stated that children working in the street remained a sensitive issue in the State and explained that there was a youth representative body to address such issues. In order to improve the situation for children in street situations, who seemed to be predominantly from the Muslim community, the State had approached members of the Muslim community to address this issue. The delegation highlighted that resources had been set aside for children in street situations and explained that alternative care, including shelter and food, was available, until their families could be identified.
**Child labour**

The Committee highlighted that 60 per cent of children were reportedly working children and noted that there appeared to be higher rates of child labour in the rural areas of the State. The Committee asked the delegation about the measures that had been taken to provide sufficient protection for working children. The delegation was also asked about the measures it had taken to encourage children to stay in school instead of engaging in labour. The Committee inquired whether there were any protective measures preventing children engaging in work in hazardous conditions in line with its obligations under ILO Conventions 138 and 182.

With regards to child labour, the delegation stated that a National Commission had been established to address this area, which included the Ministry of Labour and civil society organisations. The delegation clarified that although the minimum age for children engaging in labour had been set at 14, children were only allowed to spend a total of four hours a day working so as to ensure that their educational and health needs were not jeopardised. The State was undertaking a mapping project in all localities to establish accurate figures regarding the number of children involved in labour. It was also assessing if involvement in such work had affected their psychosocial development.

**Juvenile justice**

The Committee observed that the age of criminal majority had been set at 16 and enquired about what happened where children under the age of 16 committed misdemeanours. It also asked whether these children were held in alternative forms of detention using a restorative justice approach. The Committee asked whether judges were specialised in adjudicating cases involving children or whether they dealt with both adult and child offences.

The delegation stated that it did not have judicial chiefs within the country and that its judicial courts had been designed based on the model of Brazil. The delegation highlighted that no judge could be appointed unless they possessed a law degree and had legal training.

With regards to children in conflict with the law, the delegation stated that the criminal age of responsibility had been set at 16. Furthermore, the delegation clarified that young people aged between 16 and 20 were not detained in the same way as adults.

The delegation regretted that there was no official institution to care for vulnerable children under the age of 16; however it noted that non-governmental organisations often assisted with such cases and that the State would follow up on these. Although the State had no rehabilitative services for these children, the State hoped to establish a centre for young offenders to support their rehabilitation and reintegration.

**Child trafficking**

The Committee asked the delegation to elaborate on the National Action Plan in relation to child trafficking.

The delegation stated that a Committee for the Prevention of Human Trafficking had been established, funded by UNICEF. The delegation highlighted that it dealt with a wide range of issues and collaborated with 20 organisations, including national non-governmental organisations and government bodies. It met every two months and regular visits were made throughout the country to assess what had been achieved through these coordinated efforts in terms of preventing child trafficking. It also met with religious and traditional leaders to raise awareness regarding the rights of the child in this regard.

**Concluding Remarks**
Mr Gúran, the Country Rapporteur, thanked the delegation for the dialogue, noting that it had been a good opportunity for the Committee and the government of Guinea-Bissau after the 11 year gap between reviews. The Rapporteur commended the delegation for its efforts to answer as many questions as possible and hoped that the delegation would communicate the Committee’s feedback to the State.

Mr Alves thanked the Committee for the interesting dialogue and reiterated the State’s commitment to improving the situation of the rights of children in the State party.