



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### **Concluding observations on the second to fourth periodic reports of Guinea-Bissau, adopted by the Committee at its sixty-third session (27 May – 14 June 2013)**

1. The Committee considered the consolidated second, third and fourth periodic reports of Guinea-Bissau (CRC/C/GNB/2-4) at its 1804 and 1805 meetings (see CRC/C/SR.1804 and 1805), held on 7 June 2013, and adopted, at its 1815th meeting, held on 14 June 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the consolidated second, third, and fourth periodic reports of the State party (CRC/C/GNB/2-4) and the written replies to its list of issues (CRC/C/GNB/Q/2-4/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the delegation of the State party.

#### **II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee notes with appreciation the adoption of the following legislative measures:

(a) Act on Reproductive Health which raises the minimum age for marriage to 18 years, in March 2011;

(b) Law on Prevention and Fight Against Trafficking in Persons, Particularly Women and Children (Law no.12/2011), which incorporated most of the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;

(c) Law to Prevent, Fight and Suppress Female Genital Mutilation (Law no.14/2011), which prohibits and criminalizes the practice of female genital mutilation; and

(d) Law on Nationality, Law no.6/2010, which contains several provisions designed to prevent statelessness and protect stateless persons.

4. The Committee welcomes the ratification of, or accession to:

- (a) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in November 2012;
  - (b) The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (with Protocols I, II and III), in August 2008;
  - (c) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), in September 2007;
  - (d) The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, in May 2001;
  - (e) The ILO Convention No. 138 on the Minimum Age for Admission to Employment (specifying a minimum age of 14 years), in March 2009 ;
  - (f) The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in August 2008 ;
  - (g) The African Charter on the Rights and Welfare of the Child, in June 2008; and
  - (h) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), in December 2012.
5. The Committee welcomes the following institutional and policy measures:
- (a) Adoption of the National Action Plan on Birth Registration, 2010-2013;
  - (b) Creation of the National Committee on the prevention and fight against trafficking in persons in 2008, and adoption of the National Action Plan on Human Trafficking and Prevention, 2011-2013;
  - (c) The Adoption of the National Action Plan to Prevent Sexual Abuse and Exploitation, 2011-2013, to fight against abuse and sexual exploitation of minors;
  - (d) The Adoption of the National Action Plan to Combat FGM/C, 2010-2015;
  - (e) Creation of a cabinet responsible for Women and Children issues at the Ministry of Interior, and of Services devoted to their protection in Regional Police Commissariats.
6. The Committee notes as positive the invitation, for the first time, extended by the State party to United Nations special procedures on 7 May 2010.

### **III. Factors and difficulties impeding the implementation of the Convention**

7. The Committee takes note of the current political crisis in the State party and the effect this has on the development and implementation of relevant legislation, policy and programmes for children. The Committee acknowledges the political instability, insecurity, financial, human and capacity constraints, and weak law enforcement faced by the State party. The Committee reminds the State party that the rights under the Convention apply to all children at all times and that it is the primary responsibility of the State party to take all necessary measures to respect and ensure the rights set forth in the Convention, notably in the areas of health, education and protection, regardless of political or military unrest.

## IV. Main areas of concern and recommendations

### A. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)

#### The Committee's previous recommendations

8. While welcoming the State party's efforts to implement the Committee's concluding observations of 13 June 2002 on the State party's initial report (CRC/C/15/Add.177), the Committee notes with regret that some of the recommendations contained therein have not been fully addressed.

9. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations (CRC/C/15/Add.177) that have not been implemented or sufficiently implemented, and in particular recommends that the State party:**

- (a) **Prioritize budgetary allocations to ensure implementation of the rights of children to the maximum extent of available resources;**
- (b) **Significantly increase its expenditure on health and improve children's access to health services and to medication;**
- (c) **Intensify its combat against sexual abuse and exploitation of children.**

#### Legislation

10. The Committee is concerned at the lack of progress of the State party in harmonizing its legislation with the Convention on the Rights of the Child and related international standards. The Committee is concerned that many aspects of customary law still constitute an obstacle to the implementation of the Convention.

11. **The Committee recommends that the State party ensure that all existing domestic legislation relating to children is consistent and is brought into compliance with the Convention and that it accepts customary law only as long as it is compatible with the Convention. The State party should consider the adoption of a comprehensive Children's Code in order to incorporate the provisions of the Convention. Furthermore, the State party should promote awareness of domestic legislation, in particular among communities which apply customary law that affects children.**

#### Comprehensive policy and strategy

12. The Committee remains concerned that the State party does not have a comprehensive child rights policy to guide the implementation of the Convention. The Committee is further concerned that there is no plan to finalise and operationalize the National Social Protection Strategy for Vulnerable Children which makes important commitments in favour of children in the most vulnerable situations.

13. **The Committee encourages the State party to prepare a comprehensive child rights policy and, on the basis of the policy, develop a strategy for its implementation, which is provided with sufficient human, technical and financial resources. Such a strategy should be linked with the relevant sectorial plans of action on children's rights, including the plans on FGM/C, human trafficking, sexual abuse and exploitation, birth registration, and the National Social Protection Strategy for Vulnerable Children.**

### Coordination

14. The Committee notes with concern that there is no single government entity responsible for overall coordination of the policies, laws and programmes relating to children's rights. The Committee notes that the National Council for Childhood, which comprises officials from different ministries in order to coordinate children's rights issues and push them forward on the Government agenda, is in the process of being re-established. The Committee further notes that the capacity of the Institute for Women and Children (IMC), which is principally responsible for protecting children, to coordinate diverse actors in child protection is limited by budget constraints.

**15. The Committee urges the State party to identify an effective coordinating body with adequate authority and human, technical, and financial resources to carry out policy level and strategic coordination among the various ministries and between the national and local levels on child rights related issues.**

### Allocation of resources

16. The Committee notes with concern the information that less than 1% of the general budget of the State is allocated to women and children's issues and that the allocated resources are insufficient to effectively improve the implementation of children's rights, especially children in vulnerable situations. In particular, the Committee notes the large percentage of current aid going to Governance and Security Sector Reform, in contrast to allocations to health and education sectors.

**17. The Committee urges the State party to take into account the recommendations issued by the Committee following its day of general discussion held on 21 September 2007 on "Resources for the Rights of the Child - Responsibility of States", and in light of article 4 of the Convention, to:**

**(a) Prioritize and increase budgetary allocations for children at national, regional and local levels to improve the implementation of the rights of the child throughout the country;**

**b) Pay particular attention to the protection of the rights of children in vulnerable situations, including children with disabilities and children living in poverty and in remote and rural areas, whose budgetary allocations must be safeguarded even in times of crisis;**

**c) Adopt a child rights perspective in its budgeting process to ensure adequate and identifiable allocations for children in all relevant sectors and agencies, as well as specific indicators and a tracking system.**

### Data collection

18. The Committee takes note of the State party's efforts to improve data collection with the publication of the Multiple Indicator Cluster Survey (MICS) 2006 and 2010, but is concerned that routine data collection is still not systematic and quality needs improvement. Whereas data collection on education, health and groups of children in need of special protection has improved, data is still lacking on children in conflict with the law, children in contact with the justice system, the percentage of children with disabilities enrolled in school and substance abuse by children and children in street situations. The Committee is also concerned that those responsible for data collection, including the Ministry of Economy and Plan and the National Statistical Institute (INE), do not systematically use the indicators for child protection developed by the Ministry of Women, Family, Social Cohesion and the Fight against Poverty (MMFCSLP).

19. **The Committee recommends that the State party:**

(a) **Strengthen its data collection system, ensuring that child protection indicators are systematically included in surveys and studies conducted by the State party and improve collaboration among key actors in this regard;**

(b) **Improve the quality of data collection and train the staff;**

(c) **Systematically disaggregate data by age, sex, geographic location, ethnicity and socio-economic background to facilitate analysis of the situation of children, and regularly update the database;**

(d) **Analyse the data collected as a basis for assessing progress achieved in the realization of child rights; and**

(e) **Use the data collected to design policies and programmes and to facilitate monitoring and evaluation of the implementation of the Convention.**

#### **Independent monitoring**

20. The Committee reiterates its concern as stated in the previous concluding observations that there is no independent national human rights institution with a child focus to monitor the fulfilment of children's rights under the Convention.

21. **In light of its General Comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee recommends that the State party establish an independent national human rights institution in full compliance with the Paris Principles. Such an institution should have a mechanism accessible to children and be provided with an adequate mandate as well as human, technical and financial resources to receive, monitor and investigate complaints from or on behalf of children on violations of their rights and recommend remedies.**

#### **Dissemination and awareness-raising**

22. The Committee reiterates its concern that there is insufficient awareness of the Convention among children, professionals working with and for children, parents and the public at large. Furthermore, the Committee regrets that there is still no translation of the Convention into local languages.

23. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to disseminate the principles and provisions of the Convention and ensure that dissemination efforts reach, inter alia, parents, the public at large and children themselves;**

(b) **Involve local communities in its programmes in order to prevent and combat customs and traditions that impede the implementation of the Convention; undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children; and consider introducing human rights education, including on the rights of the child, into the curricular and extracurricular activities of all schools. The Committee recommends that the State party translate the Convention into local languages to make it more accessible.**

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

24. The Committee is concerned that discrimination against certain groups of children persists in the State party, in particular girls, children with disabilities and children living with HIV/AIDS. The Committee is particularly concerned that girls continue to be subjected to multiple gender-based discrimination, for instance with regard to practices like FGM/C, forced and child marriages, and enrolment in and completion of education. The Committee remains deeply concerned that no systematic efforts have been undertaken, including with religious leaders, opinion makers, and the mass media, to combat and change discriminatory attitudes and practices against children.

25. **The Committee calls upon the State party to:**

- (a) **Adopt specific legislation to prohibit discrimination against all children;**
- (b) **Increase measures to combat discrimination, in particular against girls, children with disabilities and children living with HIV/AIDS, through programmes and policies to combat inequalities in access to education, health and development, raise awareness of discrimination and foster an inclusive and tolerant environment in schools and other spaces for children;**
- (c) **Formulate a comprehensive strategy with a clear definition of targets and a monitoring mechanism, to modify and eliminate negative attitudes and practices that discriminate against girls;**
- (d) **Undertake efforts in coordination with a wide range of stakeholders, including children, and involve all sectors of society, so as to facilitate social and cultural change and the creation of an enabling environment that promotes equality; and**
- (e) **Monitor such efforts and regularly assess progress made towards elimination of discrimination and include an assessment of the results achieved in its next report.**

### **Best interests of the child**

26. The Committee is concerned that the right of the child to have his or her best interests taken into account as a primary consideration has still not been fully implemented by the State party or reflected in legislation, policy, programmes or activities, and that community and regional leaders do not have sufficient awareness about the provisions in the Convention on the best interests of the child.

27. **In light of General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee urges the State party to:**

- (a) **Strengthen its efforts to ensure that the best interests of the child are appropriately integrated and consistently taken into account as a primary consideration in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects relevant to and with an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate these to the public, courts of law, administrative authorities and legislative bodies; and**

(b) Undertake sensitization activities as well as dialogue with community and religious leaders on the need to recognize the notion of “best interests” of the child and ensure that it is a primary consideration in all actions affecting children.

#### **Right to life, survival and development**

28. The Committee notes with deep concern the reported cases of ritual murder of albinos, children with disabilities, twins and other children who were accused of practising witchcraft.

29. **The Committee strongly urges the State party to take all necessary measures to prevent the occurrence of such killings, to investigate and prosecute those that are suspected of committing these crimes and to strengthen efforts to raise awareness among the population at large of the need to eradicate such practices. The Committee further recommends that the State party monitor its efforts in this regard, and undertake a study on the extent and root causes of these killings to strengthen the advocacy and awareness.**

#### **Respect for the views of the child**

30. The Committee appreciates the establishment of the Children’s Parliament. However, it remains concerned that traditional attitudes towards children in society limit, and often prevent, children from expressing their views on a wide range of issues that affect them within the family, schools, institutions, judicial system and in society at large.

31. **In light of General Comment No. 12 (2010) on the right of the child to be heard, the Committee recommends that the State party ensure that children’s views are given due consideration, in accordance with article 12 of the Convention, in the family, in schools and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals and the promotion of specific activities in schools and in communities.**

### **C. Civil rights and freedom (arts.7,8,13-17, 19 and 37 (a) of the Convention)**

#### **Birth registration**

32. The Committee is deeply concerned that birth registration has declined from 39% in 2006 to 24% in 2010, and that 61,1% of children under 5 years of age are not registered. The Committee is concerned at the lack of access to functioning birth registration centres at the regional level; that civil registration authorities in the regions do not have adequate materials, workspace and transport to carry out their work; and that the cost of registration after 5 years of age is too expensive for many families.

33. **The Committee strongly urges the State party to promptly implement the Birth Registration National Action Plan, and to establish inter-sector collaboration within the government, eliminate fees and improve governance of Birth Registration Units, to ensure that all children born within the national territory, including those living in rural and remote areas, are registered. Furthermore, the Committee urges the State party to ensure that institutional structures at all levels are accessible in all regions and free of charge, and are adapted to local realities, especially with regards to internally displaced persons and children in refugee camps. The Committee further suggests the State party to explore possibilities with the Ministry of Justice to introduce birth registration in public, private and community schools.**

**Nationality**

34. The Committee is concerned that the State party does not have any administrative policy designed to prevent statelessness and protect stateless children.
35. **The Committee recommends that the State party:**
- (a) **Adopt an administrative policy designed to prevent statelessness and protect stateless children;**
  - (b) **Improve the administrative practices relating to civil registration in order to reduce the risk of statelessness;**
  - (c) **Identify potential stateless children, and collect data on the number of cases of stateless children residing in the country;**
  - (d) **Accede to the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention); and**
  - (e) **Amend the Law of Nationality, Law n.6/2010, to bring it in line with the Conventions.**

**D. Violence against children (articles 19, 37 (a) and 39 of the Convention)**

**Corporal punishment**

36. The Committee notes that, although corporal punishment is prohibited in schools, it remains lawful in the home and alternative care settings. The Committee regrets that the State party report provides limited information on corporal punishment.
37. **Taking due note of the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party:**
- (a) **Consider enacting legislation to explicitly prohibit corporal punishment of children in all settings, including within the family and in alternative care settings;**
  - (b) **Ensure that laws prohibiting corporal punishment are effectively implemented and that legal proceedings are systematically initiated against those responsible for violence against children; and**
  - (c) **Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of child-rearing and education as alternative forms of discipline.**

**Sexual exploitation and abuse**

38. The Committee notes with appreciation the adoption of the National Plan of Action to Prevent Sexual Abuse and Exploitation 2011-2013, the development of a new law prohibiting domestic violence, and the conduct of a study on child abuse and sexual exploitation of children in December 2006. However, the Committee is concerned that the majority of instances of rape and other forms of sexual violence are not reported to the authorities, that in some cases girls are forced to marry the perpetrators of the abuse, or are sent back to homes or communities where the abuse occurred, subjecting them to additional social and psychological harm.
39. **The Committee urges the State party to take all necessary measures to combat sexual exploitation and abuse of children, including through:**



(a) Establishing a 24 hour three digit helpline and other reporting mechanisms which are accessible to children, and in doing so ask for assistance from civil society partners;

(b) Developing institutional response to sexual abuse and violence, including the establishment of protective shelters, ensuring sufficient coordination and funds to meet the needs of victims;

(c) Improving the capacity of the judicial system to provide adequate responses to reported cases;

(d) Reinforcing the capacities of the “Minors brigade” and the “Guardian Ad Litem”, who are both statutorily in charge of conducting investigations on crimes involving children, to assist and to protect victims;

(e) Strengthening the capacities of relevant government institutions and ensuring that law enforcement officers are trained in working with child victims of violence and abuse in a child sensitive manner;

(f) Strengthening availability of and access to social and educational treatment and restorative services, in addition to purely punitive judicial involvement, in particular in cases where perpetrators are primary caregivers.

40. The Committee further recommends that programmes and policies for the prevention, recovery and reintegration of child victims are in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro.

#### **Harmful practices**

41. The Committee welcomes the adoption of the Act of Reproductive Health of March 2011, which raises the minimum age for marriage to 18 years. However, the Committee is deeply concerned at the increased prevalence of forced and early marriage of girls, at times even before they reach the age of 15 years, particularly in poor rural areas.

42. The Committee recommends that the State party take concrete measures in order to combat and prevent forced and early marriage of girls by:

(a) Rigorously enforcing existing legislation, promoting increased school enrolment of girl children, and establishing a community level dialogue on gender and child protection issues;

(b) Establishing in regions of high prevalence of forced and early marriages a synergy among the education and the social protection sectors which will increase enrolment of girl children in schools;

(c) Developing an education grant scheme for girls in areas of high prevalence;

(d) Strengthening community based sensitization on the importance of education.

43. The Committee notes the steps taken by the State party to address the scourge of female genital mutilation, including the 2011 law prohibiting FGM/C and the related national plan of action, as well as the strengthening of the National Committee for the Abandonment of Harmful Practices. The Committee however remains extremely concerned at the increase of FGM/C prevalence, including among 0-14 years of age, and that this practice is highly prevalent in the Bafata and Gabu Regions.

44. **The Committee urges the State party to strengthen its efforts to prevent female genital mutilation, including through:**

(a) **Effectively enforcing the criminalization of FMG/C, ensuring that offenders are prosecuted and punished in accordance with the severity of this violation;**

(b) **Implementing the National Plan of Action in a comprehensive manner and that adequate resources be allocated for its implementation, in particular in rural areas;**

(c) **Reinforcing public education and awareness-raising programmes, including campaigns, targeting both women and men, including officials at all levels, and traditional, community and religious leaders, to eliminate this practice;**

(d) **Providing support to the National Committee Against Harmful Practices;**

(e) **Providing retraining, where appropriate, for practitioners of female genital mutilation and supporting them to find alternative sources of income.**

45. The Committee notes with concern the increasing prevalence of other harmful practices, including abandonment of children due to taboos surrounding children such as twins and children with disabilities.

46. **The Committee urges the State party to strengthen all measures to address harmful practices, including through working with traditional leaders and community based organisations to raise awareness of the harmful effects of these practices as well as pursue investigations and prosecutions of persons responsible for the violations of the rights of any children through such practises.**

#### **Freedom of the Child from all Forms of Violence**

47. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (CRC/C/GC/13, 2011), and in particular:**

(a) **Develop a comprehensive national strategy to prevent and address all forms of violence against children;**

(b) **Adopt a national coordinating framework to address all forms of violence against children;**

(c) **Pay particular attention to and address the gender dimension of violence;**

(d) **Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions.**

### **E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

#### **Children deprived of a family environment**

48. The Committee takes note of reports that in 2011 a total of 18.9% of children did not live with their parents, and the percentage increased to 24% for children between the ages of 10-14 and 30.2% for children between the ages of 15 and 17. The Committee further

notes that the percentage of children who have lost both their parents was 11% in 2010. The Committee is concerned that children deprived of their family environment are vulnerable to exploitation and abuse, including sexual abuse, and may be unable to attend school. The Committee is also concerned that there are not enough suitable centres and alternative care options for children deprived of a family environment and children in other vulnerable situations.

49. **The Committee recommends that the State party, while taking into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009, undertake the necessary measures to protect the rights of children deprived of a family environment and address their needs with a focus on, inter alia:**

(a) **Improved assistance and guidance to extended families and other community members who care for children that are deprived of their family environment and to child-headed households;**

(b) **Strengthening the monitoring of situations of children entrusted to the care of family members or friends, including training of social workers on identifying areas of need and detecting signs of abuse;**

(c) **Providing access to complaints mechanisms for the children in alternative care;**

(d) **Further promotion of and support for family type and community based forms of alternative care for children deprived of parental care;**

(e) **Continued contact with their birth families when appropriate for children receiving alternative care.**

**F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

50. The Committee is concerned about discrimination against and social exclusion of children with disabilities, who are faced with considerable difficulties within the family, the community and the social system, lack of respect for existing legislation and lack of specific legislation prohibiting discrimination against children with disabilities. The Committee is also concerned that there is no protection system to provide them with special support, and that hospitals and schools are not adequately prepared and equipped to receive children with disabilities.

51. **The Committee recommends that the State party urgently address the high level of discrimination against children with disabilities and take all available measures to ensure that the rights of such children are implemented in line with the Committee's general comment No. 9 (2006) on the rights of children with disabilities. In particular, the Committee recommends that the State party:**

(a) **Eradicate impunity for abuse of children with disabilities by ensuring investigation, prosecution and appropriate sentencing of perpetrators of such abuse;**

(b) **Expand and strengthen awareness-raising programmes, including campaigns, for the community at large, aimed at combating prejudice, superstitious beliefs and discrimination against children with disabilities;**

(c) **Strengthen the monitoring of situations of children with disabilities in the home, including by training social workers on detecting signs of sexual abuse, in particular in children with mental disabilities;**

(d) **Take all available measures to improve the access to education for all children with disabilities, and adopt and gradually implement programmes and policies on inclusive education to improve the numbers of children with disabilities who have access to education; and**

(e) **Increase access to appropriate health care for children with disabilities, including by providing training in relevant skills to health-care workers and encouraging families to access health-care services for children with disabilities.**

#### **Health and health services**

52. The Committee, while noting some improvements in relation to infant and child mortality, remains deeply concerned at the continued high rates of under-five mortality mostly due to preventable causes. Although in 2010 92 per 1000 children died before the age of one year and 116 per 1000 died before reaching five years, only 42 per cent of children under one year received all required immunizations. The Committee is therefore concerned regarding the following:

(a) The State party's annual budget allocation for health is below the Millennium Development Goals target of a 15 per cent allocation to health care;

(b) All leading causes of under-five mortality are preventable and also treatable. These include malaria, acute respiratory infections, acute respiratory infections, diarrhoea and the vaccine-preventable diseases;

(c) Malnutrition of children contributes to both child mortality and morbidity, and stunting is worryingly high, affecting one-third of children under five year of age;

(d) Health care services remain inaccessible for many families and children due to lack of access and costs of preventive measures, including universal child immunization and access to oral rehydration therapy, preventative measures against malaria and early treatment of acute respiratory; and

(e) There is a shortage of human resources in the health sector, particularly in the regions, as well as inadequate infrastructure and equipment.

53. **In light of General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party prioritize the adequate allocation of human, financial and technical resources to the health Sector. This must be undertaken to ensure access to quality health services by all children, particularly children living in the most disadvantaged and remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children and, in particular:**

(a) **Increase the portion of State party's annual budget for health in accordance with the Millennium Development Goals target of 15%; increase quantity and quality of human resources including availability of trained primary health care workers; and adopt a strategy to fund the Health Sector, identifying necessary resources from the State and other interested donors;**

(b) **Expand the immunization coverage of all infants and preschool children, which includes obtaining adequate quantities of vaccines, establishing a cold chain for vaccines, and developing outreach programmes to access all children. This needs to be accompanied by educational programmes to mothers and families on the importance**

of immunization and on oral rehydration therapy to respond to diarrhoea. Interventions on malaria control should outreach to all families with children, particularly very young children;

(c) Introduce targeted interventions to prevent the undernourishment of infants and preschool children, including the promotion of proper infant and young child feeding practices; the promotion of exclusive breast-feeding for 6 months and of continued breast-feeding with other complementary local foods; and also the availability of micronutrients such as vitamin A and D and other supplements in situations of anaemia in pregnancy. This also needs a system to monitor weight gain in early childhood and in pregnancy;

(d) Continue to ensure the provision of necessary medical assistance and health-care access to all children, with emphasis on the development of primary health care, which should include a focus on pregnant women, infants and preschool children; the availability of required drugs; and services to respond to diarrhoea and acute respiratory infections. Free access for children and families in the most vulnerable situations should also be ensured;

(e) Plan and develop a programme to provide a “continuum of care” for mothers, new-borns and children, including ante-natal care during pregnancy; trained care at birth including access to Emergency Obstetric Care; care for the new-born; and a package of Infant and young child care;

(f) Fully implement the “Plano Nacional Desenvolvimento da Saude” (PNDS) and POPEN – Mortality Reduction strategy;

(g) Seek financial and technical assistance from, inter alia, UNICEF and the World Health Organization (WHO), among others, in this regard.

#### **Adolescent health**

54. The Committee notes with concern the increase in underage pregnancies and sexually transmitted infections among adolescents with particular emphasis on HIV/SIDS as well as the prevalence of substance abuse.

55. In light of its general comment No. 4 (2003) on adolescent health, the Committee recommends the State party to:

(a) Strengthen reproductive health education, including sex education for adolescents, by, inter alia, making health education part of school curricula, and improve knowledge and availability of reproductive health care services with a view to preventing HIV/AIDS and other sexually transmitted infections and reducing teenage pregnancies;

(b) Provide access to adolescent-sensitive and confidential counselling and care services, which also include access to contraceptive services;

(c) Undertake awareness programmes on the consequences of substance abuse, particularly alcohol, tobacco and drugs. This should include the conduct of educational programmes on life skills education in schools in addition to peer education programmes.

#### **HIV/AIDS**

56. The Committee takes note of the efforts made by the State party to address HIV/AIDS, including through the National Strategic Plan on HIV/AIDS 2007-2011, and of the improvement made in the proportion of individuals needing antiretroviral treatment who

received it. However, it notes the challenges involved in ensuring antiretroviral treatment accessibility to all those who need it. The Committee is concerned that:

(a) The prevalence of HIV is one of the highest in the West African region, and is increasing, and notes that children, and in particular adolescent girls, are highly vulnerable to contracting HIV/AIDS;

(b) Prevention of mother to child transmission (PMTCT) services are not decentralised to sites outside of the capital Bissau, that testing is insufficient, and early infant HIV diagnosis is not available in the State party; and

(c) There is a shortage of trained health workers.

57. **In light of its general comment No. 3 (CRC/GC/2003/4, 2003), the Committee recommends the State party to:**

**(a) Ensure the full and effective implementation of the National Strategic Plan on HIV/AIDS 2007-2011 with adequate targeting of areas and groups that are the most vulnerable;**

**(b) Strengthen its efforts to reduce the incidence of HIV/AIDS, including through awareness raising programmes, and campaigns;**

**(c) Ensure access to child-sensitive and confidential testing and counselling, without the need for parental consent;**

**(d) Strengthen and expand its efforts and services to prevent mother-to-child transmission of HIV. This should include initiatives to provide education and services to adolescents on reproductive health with information on preventing HIV/AIDS and STIs;**

**(e) Seek technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS (UNAIDS) and UNICEF.**

#### **Breastfeeding**

58. The Committee takes note of the improvements in breastfeeding rates. However, it is concerned that only 67.2% of children under 6 months of age are exclusively breastfed, contributing to the high infant mortality in the country.

59. **The Committee recommends that the State party:**

**(a) Strengthen its efforts to ensure that families and all segments of the society, with special attention to pregnant women, are informed about the advantages of exclusive breastfeeding for children up to 6 months of age, as well as support of breastfeeding soon after birth, and control of the use of infant formula;**

**(b) Accelerate efforts to adopt the national nutritional policy that includes a national breastfeeding policy, implement and monitor it;**

**(c) Implement the WHO International Code of Marketing of Breast-milk Substitutes, and the relevant World Health Assembly Resolutions, including revitalizing the Breastfeeding Friendly Hospitals Initiative, and take steps to ratify the ILO Convention concerning the revision of the Maternity Protection Convention (Revised), 1952 (No.183); and**

**(d) Seek technical cooperation from UNICEF and WHO.**

**Standard of living**

60. The Committee, while noting that child deprivations declined since 2006 from 54 per cent to 37 per cent, remains deeply concerned that 4 in 10 children live in absolute poverty. The Committee is also concerned that about 44 per cent of the population of the State party has no access to safe drinking water, and 82 per cent has no access to adequate sanitation facilities, proportions that significantly increase in rural areas.

61. **The Committee urges the State party to:**

(a) **Take immediate and effective measures to ensure the right to an adequate standard of living for all children, as provided under article 27 of the Convention;**

(b) **Provide parents and families, especially in rural areas, with material assistance and support programmes, particularly with regard to nutrition, clothing, housing, immunization, and access to safe drinking water and adequate sanitation;**

(c) **Undertake a study on the situation with a view to monitoring trends as well as to designing policies and programmes to address it; and**

(d) **Seek the technical and financial assistance of, inter alia, the United Nations offices, agencies and programmes.**

**G. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)**

**Education, including vocational training and guidance**

62. The Committee takes note of the progress in access to education with a Net Attendance Ratio (NAR) that increased by 26 percentage points between 2002 and 2010. Nevertheless, the Committee is concerned that:

(a) Only 13 % of the State party's annual budget is dedicated to education;

(b) Only 67% of children eligible for primary school are attending school;

(c) Gender parity in education has worsened between 2006 and 2010, as girls have a lower Net Attendance Ratio than boys, especially in rural areas, and this distinction increases as the child's age increases to a 12% difference in the NAR of boys and girls at age 12;

(d) There is a lack of trained and qualified teachers, especially female teachers, which may increase girls' vulnerability to violence and abuse in schools;

(e) There are cases of corporal punishment and bullying in schools;

(f) Disparities persist between urban and rural areas, with 83% attendance in urban areas against 57% in rural areas; and

(g) Only 16% of schools go up to 6th grade.

63. **The Committee recommends that the State party:**

(a) **Seek resources to enforce the law on the Organisation of the Education System and continue to increase funding for education up to 20% as a long term goal;**

(b) **Ensure access to education for all children, reduce school drop outs who could be vulnerable to child labour, sexual exploitation as well as trafficking, and provide specific support for girls to remain in school;**

(c) Establish synergy among the Education and Social protection sectors to develop social mobilization and community-based mechanisms to overcome gender disparities in access to education and completion;

(d) Increase the number of female teachers who would also serve as role models for girls;

(e) Improve the educational infrastructure and the overall quality of education. Quality assessments should be instituted on a regular basis to identify relevant gaps;

(f) Initiate regulations banning all forms of violence in schools, and establish a complaints mechanism to report incidents of corporal punishment as well as bullying, peer violence and harassment, and introduce nonviolent forms of discipline as an alternative to corporal punishment; and

(g) Enforce compulsory education in rural areas.

## **H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

### **Economic exploitation, including child labour**

64. While noting the creation of the National Commission for the Abolition of Child Labour, and the ratification of the ILO Conventions 138 and 182 by the State party to combat child labour, including its worst forms, the Committee is concerned at the increase in child labour between 2006-2010 and at the high number of children, particularly the “meninos de criação”, who are economically active, particularly in commerce, domestic service and agriculture. The Committee is also concerned that a large number of those children do not go to school, and as a result of these activities are exposed to, dangerous work and long working hours, maltreatment as well as abuse and sexual violence, particularly against girls. The Committee also expresses concern about the lack of information on any investigation or prosecution of persons who may be responsible for child labour.

65. **The Committee recommends that the State party:**

(a) **Develops programmes to implement the ILO Conventions No. 138 and 187 and address child labour, in particular through ensuring respect for the minimum age of employment, efficient inspection, investigation and prosecution of persons responsible, and making every effort to ensure that children who work continue to have access to education. This should include inspections of work situations in the informal sector where children are present;**

(b) **Effectively monitor the living conditions of “meninos de criação” placed in host families and address cases of economic exploitation of those children, notably by bringing those responsible for such exploitation to justice;**

(c) **Ensure that working children above the age of 14 benefit from adequate and full protection, including with regard to conditions of work and pay, and seek technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office in this regard.**

### **Sale, trafficking and abduction**

66. While the Committee notes the adoption of the Act on Trafficking in Persons, Particularly Women and Children, and of the National Action Plan on Human Trafficking



and Prevention, as well as the creation of the National Committee on the prevention and fight against trafficking in persons, the Committee is concerned about:

- (a) The increasing number of children leaving their communities who may be at risk of being involved in begging, exploitation, sex trade, or living in precarious conditions;
- (b) Trafficking for sexual exploitation inside and outside the country;
- (c) That the Act on Trafficking is not sufficiently implemented and, in particular, that the law has not resulted in any known convictions to date.

67. **The Committee urges the State party to:**

- (a) **Conduct an in-depth study on the nature and extent of the sale and abduction of children and internal trafficking in order to address those issues;**
- (b) **Ensure the effective enforcement of relevant legislation, policy and programmes to combat sale and trafficking in children;**
- (c) **Ensure systematic investigation and prosecution of perpetrators of trafficking in, and sale of children and to impose penalties that are commensurate to their crimes and dissuasive enough, as already recommended by the ILO Committee of Experts on the Application of Conventions and Recommendations in 2011;**
- (d) **Ensure the allocation of sufficient human and financial resources for the effective implementation of the national action plan to address trafficking;**
- (e) **Ensure that the judiciary, prosecutors, law enforcement officials, social workers, and other relevant professionals receive specialised training in combating trafficking in, and sale of children;**
- (f) **Strengthen collaboration among Border Police, Customs and Social workers to coordinate support to victims of trafficking and other children in vulnerable situation on the move;**
- (g) **Strengthen awareness-raising programmes, including campaigns on trafficking, in particular targeting vulnerable communities where children are most at risk, including rural areas and areas of poverty;**
- (h) **Take steps to conclude bilateral cooperation agreements with neighbour countries to combat efficiently child trafficking;**
- (i) **Ensure protection of children who have been victims of trafficking and sale, including a formal determination of the best interests of the child; the adoption of child-specific protection measures, such as the appointment of guardians; the gathering of information on the role parents might have played in the trafficking situation of their children; the observance of specific safeguards in cases of the repatriation of unaccompanied or separated children; and rehabilitation and social integration of child victims;**
- (j) **Address the root causes of trafficking, sale and exploitation by increasing its efforts to both improve as well as expand access to education for both girls and boys, so that children are not vulnerable to child labour and sexual exploitation as well as trafficking. This also includes the importance of enforcing child labour laws.**

#### **Administration of juvenile justice**

68. The Committee is concerned at the number of children in adult jails and ill-treatment of children in custody by police, including in pre-trial detention, and the absence of penal procedural rules during their trial. The Committee is equally concerned about the lack of

information on the measures taken to prevent children from coming into conflict with the law.

69. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards including the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on the rights of the child in juvenile justice. The Committee further recommends that the State party seek technical assistance from the United Nations Country Team, including UNICEF, as well as from the Office of the High Commissioner for Human Rights (OHCHR) in the implementation of the above recommendations.

#### **I. Ratification of international human rights instruments**

70. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, the Optional Protocol on a Communication Procedure, the Convention Against Torture, the Convention on Migrant Workers, the Convention on the Rights of Persons with Disabilities, and the Convention on Enforced Disappearances.

71. The Committee invites the State party to submit its report under the Optional Protocol on the sale of children, child prostitution and child pornography which was due in December 2012.

#### **J. Cooperation with regional and international bodies**

72. The Committee recommends that the State party cooperate with the African Committee of Experts on the Rights and Welfare of Children of the African Union towards the implementation of the Convention and other human rights instruments, both in the State party and in other African Union member States.

#### **K. Follow-up and dissemination**

73. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, *inter alia*, transmitting them to the Head of State, National People's Assembly, relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

74. The Committee further recommends that the combined second, third and fourth periodic report and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring.

## L. Next report

75. The Committee invites the State party to submit its next 5th and 6th consolidated report by 18 March 2019 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In accordance with General Assembly resolution 67/167 of 20 December 2012, in the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, translation of the report for purposes of examination of the treaty body cannot be guaranteed.

76. The Committee also invites the State party to submit an update core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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