



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.956
3 June 2004

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-sixth session

SUMMARY RECORD OF THE 956th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 24 May 2004, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Sao Tome and Principe (continued) (CRC/C/8/Add.49; CRC/C/Q/STP/1)

1. At the invitation of the Chairperson, Ms. Augusto Cruz, Ms. do Rosario Barros, Ms. dos Santos Lima, Mr. Mendes Saraiva de Jesus and Ms. Teixeira Pinto (Sao Tome and Principe) took places at the Committee table.
2. Ms. SARDENBERG requested information on mental health and suicide in Sao Tome and Principe. The delegation should comment on the lack of leisure and sports facilities for children. She requested clarification on the reference to the importance of the ideological component in education referred to in paragraph 47 of the report (CRC/C/8/Add.49).
3. Ms. CHUTIKUL asked what impact the shift system in schools had had on the quality and efficiency of education. It would be useful to know whether any programmes existed for children when they were not in school. She had learned that children as young as 5 were involved in domestic work, and she asked how the Government reconciled that situation with its policy of compulsory education. She wondered whether any type of informal education existed for working children or school dropouts.
4. Ms. AUGUSTO CRUZ (Sao Tome and Principe) said that malaria, acute respiratory infections and acute diarrhoeal diseases were the three main causes for high infant mortality rates. In 2000, the Government had adopted a national strategy to combat malaria; the strategy included awareness-raising campaigns in schools and communities and the distribution of mosquito nets. As of 2002, mosquito nets had been distributed free of charge to children under 5 and pregnant women. The Government was concerned at the high levels of resistance to traditional antimalarial drugs, and it was currently evaluating programmes for the free distribution of substitutes. Those measures, in conjunction with vector control, should substantially reduce malaria-related mortality rates. Acute respiratory infections were treated within the framework of integrated strategies, including vaccination campaigns, to combat childhood diseases.
5. Access to safe drinking water was crucial to the prevention of acute diarrhoeal diseases. With the assistance of external support organizations, the Government had taken steps to increase the availability of safe drinking water. Acute cases of diarrhoeal diseases were treated at health centres, which provided oral rehydration centres free of charge.
6. Maternal mortality had increased as a result of increasing pressure on central hospitals following the closure of a number of district hospitals. In recent years, the Government had invested substantially in health-care capacity-building at the district level. Traditionally, midwives had played an important role in providing maternal and child care, and measures had been taken to train midwives to provide such services in rural communities.

7. National legislation provided for the recovery of health-care expenses. Children under 5, pregnant women with pregnancy-related pathologies and persons with chronic illness were exempt from payment. However, those provisions were not always implemented in practice, and national funding programmes, mechanisms and enabling legislation to ensure implementation were currently under review.

8. The shortage of health-care professionals was a matter of concern. A national institute had been established to train nurses, midwives, laboratory technicians and nutritionists. Doctors and specialists were trained abroad in cooperation with international partners. In order to avoid a "brain drain", it was necessary to create favourable working conditions and guarantee competitive salaries for health-care professionals.

9. Poverty and malaria were among the primary causes of widespread nutritional deficiencies in children. Fifteen per cent of children were underweight at birth. Measures taken to improve children's nutrition included the promotion of breastfeeding up to the age of six months and the use of nutritional supplements.

10. Less than 1 per cent of the population was infected or affected by HIV/AIDS. Mother-to-child transmission was rare. The gender distribution for HIV/AIDS infection was almost the same for males and females; persons between the ages of 25 and 45 were most affected. Poverty, the influx of migrant workers from countries with high levels of HIV/AIDS, tourism and a rising number of sex workers increased the vulnerability of the population.

11. In 2004, a national strategy had been adopted to combat HIV/AIDS. A multisectoral working group composed of members of the community, government representatives and representatives of civil society cooperated in devising specific measures for implementing the strategy. It was difficult to determine the number of children affected by HIV/AIDS. A relevant study was currently being carried out by the United Nations Children's Fund (UNICEF), and an epidemiological surveillance system was to be established to improve the tracking of the disease.

12. Budgetary allocations for health care had gradually increased. In 2003, 16 per cent of the national budget had been allocated to the health sector, and the Government's 20/20 Initiative aimed at allocating 20 per cent of its overall budget to health care and 20 per cent to education. A considerable part of the State budget was currently being used to finance secondary and tertiary health care. Increased investment in quality primary health-care facilities, such as district health centres, was needed to relieve the burden on hospitals and improve the quality of their services.

13. The CHAIRPERSON requested information on mental health and substance abuse programmes for adolescents.

14. Ms. AUGUSTO CRUZ (Sao Tome and Principe) said that Sao Tome and Principe had not yet prepared a national mental health strategy. However, awareness-raising campaigns had been conducted to alert adolescents to the dangers of tobacco and alcohol abuse. A number of non-governmental organizations (NGOs) were active in those areas, and the National Centre for

Health Education coordinated public information and education programmes. Sao Tome and Principe had not enacted any legislation to control alcohol and tobacco use. Alcohol consumption was prohibited in educational and health establishments, and smoking was not permitted in certain public places, including discotheques.

15. Mr. MENDES SARAIVA de JESUS (Sao Tome and Principe) said that one university in Sao Tome and Principe functioned primarily as a teacher training college, and two secondary schools offered instruction up to the twelfth grade. According to the Framework Law on the Education System, primary school was compulsory up to the sixth grade. In 2001, the country's literacy rate had been 70 per cent. An adult literacy campaign had been conducted, and some 2,000 persons had been taught to read and write.

16. The system of teaching children in shifts meant that children were in school for only three hours a day. In keeping with the Government's decision to extend compulsory education to the sixth grade, efforts were currently under way to build 40 new classrooms and 3 new primary schools. Steps would have to be taken to update curricula and train teachers and administrators. The Government had made progress towards achieving its goal of allocating 20 per cent of the State budget to education, since 17 per cent of the budget had been allocated to education in 2004.

17. Owing to insufficient resources, there were few sports and recreational facilities in Sao Tome and Principe. This was because the Government was focusing on its top priority: the construction of schools and classrooms.

18. The CHAIRPERSON asked whether education was free of charge, or whether pupils had to pay for certain items, such as school uniforms. He enquired how children occupied their time after school.

19. Ms. LEE asked how much of the State budget the Government planned to allocate to education and health. She enquired whether some of the Government's oil revenues would be used to finance the Government's 20/20 Initiative.

20. The CHAIRPERSON said that, since Sao Tome and Principe had recently qualified for debt service relief, there was some pressure on the Government to apply its expected US\$ 300 million in oil revenues to repaying its debt. He asked how the Government planned to manage those revenues.

21. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that the part of the oil revenues that was not used to repay the State's external debt was placed in a special fund managed by a national commission that submitted regular reports to the International Monetary Fund (IMF). In spending its oil revenues, the Government would give priority to infrastructure, education, health and the environment.

22. Sao Tome and Principe had lived under colonial rule for centuries and had only recently emerged as an independent nation. It had been relatively isolated for much of its history and had only recently begun to change as a result of globalization. Suicides were a manifestation of the profound changes that were affecting the country and were most often motivated by romantic love.

23. Ms. SARDENBERG requested information concerning the incidence of suicide among persons under 18.
24. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that there were no suicides among persons under 18. There had been 30 cases of suicide in 2003, all of which had involved persons between the ages of 20 and 50.
25. Mr. FILALI said that suicides in his country were not related to globalization but rather to poverty, lack of security and despair.
26. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that, while the Government was pursuing a poverty-reduction strategy that would perhaps help to prevent some suicides, the vast majority of suicides in Sao Tome and Principe did not appear to be motivated by poverty.
27. Mr. MENDES SARAIVA de JESUS (Sao Tome and Principe) said that basic education was compulsory and cost-free. There were no fees for registration or tuition, and the Government had begun distributing uniforms and school kits to the poorest children. There were a few teaching materials for which parents were expected to pay.
28. With regard to the high repeat rate, he said that efforts to enhance pupils' performance would require improvements in the quality of teaching. A review of school programmes and curricula was currently under way. The Government aimed to complete its reform of the education system by 2015.
29. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that Sao Tome and Principe's natural environment provided children with an excellent playground. Although no formal system had been set up to occupy schoolchildren's free time. After school, children went home, did their homework or played with friends in the neighbourhood. A few associations offered creative activities, and a national library had recently been opened. During the summer, there were well-organized camps for children and a scouting organization in which they could participate.
30. Ms. SMITH enquired whether there were any adult literacy programmes.
31. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that a literacy campaign for adults had successfully trained 2,750 persons to read and write.
32. The CHAIRPERSON asked whether the pre-school programme had been reintroduced.
33. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that there were pre-school classes in all districts, including in rural areas. Pre-school began at age 3 and an aptitude test was administered to children before they began first grade.
34. The initial report of Sao Tome and Principe and the Convention had been widely circulated, including in schools, and had also been the subject of radio broadcasts. A number of pertinent questions derived from those documents had been discussed at the Children's Parliament, which enabled children to address their concerns directly to legislators.

35. The entire country had been involved in the campaign to raise awareness of children's rights. Thanks to the overwhelming success of the awareness campaign, parents now understood certain basic concepts, such as the importance of birth registration.

36. Mr. KOTRANE asked whether the pre-school programme prepared children to enter primary school or whether it functioned as a crèche.

37. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that, regardless of whether children were in crèches or kindergartens, the final year in those institutions constituted the pre-school period, at the end of which children were given an aptitude test and received a certificate if they passed.

38. Mr. KOTRANE asked whether children were held back if they did not pass the test.

39. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that there were two types of institutions at the pre-primary level: kindergartens and crèches. Kindergartens were usually located in urban areas, and children were prepared over the course of three years, beginning at age 3, to enter primary school. Crèches, found mainly in rural areas, looked after children between the ages of 0 to 5. Pre-school training was provided only in the year before primary school.

40. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that the Government had focused attention on children with disabilities only in recent years. In the past, several NGOs had cared for persons with disabilities; a government department was currently responsible for providing support for such persons. Moreover, a 2003 Framework Law for Education provided for special education for children with disabilities. There was, however, no law to protect persons with physical disabilities.

41. In the case of parental separation or the dissolution of de facto unions, the courts were responsible for deciding which parent obtained custody of the children. Children over 7 had the right to state which parent they preferred to live with. Measures had been taken to protect children from being subjected to pressure during the judicial process.

42. There were many female heads of household of all ages in Sao Tome and Principe. It was common for grandparents to take responsibility for children whose parents had emigrated.

43. Ms. SARDENBERG asked about the incidence of domestic violence and whether any surveys or programmes had been conducted to combat that phenomenon.

44. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that a study of domestic violence had been completed in 2000, and the results of the study would be reviewed with assistance from UNICEF. The recommendations based on those results would be implemented when a centre for victims of domestic violence was opened. Several associations active in the field of domestic violence had protected victims and taken steps to ensure that the perpetrators did not take reprisals.

45. Adoption had not been common in Sao Tome and Principe. Only in the past 10 years had the courts been involved in decisions concerning adoption. Children were usually raised by their extended family when their parents were unable to provide care; only in extreme cases were they placed in an institution, such as the Caritas centre in Sao Tome. A small number of adoption applications had been received, and the State recognized both full and simple adoption. Simple adoption meant that the child lived with an adoptive family while maintaining links with his or her biological parents. It was common practice for children to live with a family that was more affluent than their biological family. Under such arrangements, which were not regarded as adoption, children acquired a second family that sponsored their education and with which they lived until adulthood.

46. Ms. dos SANTOS LIMA (Sao Tome and Principe) said that cases of violence against children had been infrequent and generally occurred in the most poorly educated families. The Government had conducted awareness-raising campaigns and preventive programmes, and judicial measures had been taken in some cases of ill-treatment of children.

The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

47. The CHAIRPERSON asked how corporal punishment in the family, at school and in other institutions was perceived.

48. Ms. dos SANTOS LIMA (Sao Tome and Principe) said that, while corporal punishment had been common in schools during the colonial period, it had now been abolished. Any teacher found guilty of such an offence was dismissed. Corporal punishment was unusual in families; although it was more common in rural areas, it was rarely applied with the intention of injuring the child. Corporal punishment of children was a criminal offence; in a few cases, legal action had been taken against persons who used such punishment. Act No. 2/77, which regulated parental authority over their children, was out of date and would be reviewed.

49. Ms. SARDENBERG asked if there had been any cases of intercountry adoption. She enquired whether any surveys of the number of street children had been conducted, and what was included in the mandate of the committee that had been set up to help those children. Information on legislation regarding juvenile offenders, including street children and child beggars, should be provided. She commended the Government on its ratification of International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment, and encouraged the State party to work with ILO and the International Programme on the Elimination of Child Labour (IPEC).

50. She requested further information on disappeared children. She asked whether Sao Tome and Principe intended to ratify the optional protocols to the Convention on children in armed conflict, and on the sale of children, child prostitution and child pornography. The delegation should explain whether or not special juvenile courts had been established, and the origin and purpose of the rehabilitation centres for juveniles. She wondered whether there were any plans to review the existing law regarding juveniles, and what procedures applied to juvenile offenders under 16 and to those between the ages of 16 and 18.

51. Mr. KOTRANE asked whether any campaigns had been conducted to raise awareness of the fact that child labour contributed to poverty, as had been demonstrated in a recent ILO study. He enquired whether the State party planned to abolish child labour.

52. Mr. CITARELLA requested additional information on the status of the Convention in domestic legislation. It was unclear whether children between the ages of 16 and 18 years were considered adults under the law. Further information on protective measures for children under 16 should be provided.

53. Mr. LIWSKI requested additional information on the incidence of pre-trial custody. He wished to know what type of custody centres were used and whether there was a programme for monitoring the treatment of adolescents who had been deprived of their liberty.

54. The CHAIRPERSON asked what would happen to a 15-year-old who had been caught in the act of burglary, arrested and taken to a police station. It was unclear whether criminal law applied to 16- and 17-year-olds. The delegation should provide additional information on disappeared children. He wondered whether there was a link between missing children and the use of children in the sex trade.

55. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that formal education was completely regulated by legislation. There had been no cases of intercountry adoption in Sao Tome and Principe.

56. Official figures indicated that there were some 50 street children, although they spent the night in shelters. An NGO centre had been set up to provide street children with an education and to teach them a trade. No specific body had been established to address the problem of street children because the relatively low number of such children did not warrant it.

57. Turning to the issue of child labour, she said that children from poor families were frequently obliged to work in order to contribute to household finances. In addition, in most families, children - particularly girls - were expected to perform household chores. Such work was not considered exploitation. It was hoped that the forthcoming educational reforms would contribute to reducing the number of working children.

58. She was surprised that the Committee had raised the question of disappeared children. Sao Tome and Principe was a small island State and it was virtually impossible for anyone to be "disappeared". As far as she knew, there had never been any cases of disappearances.

59. The CHAIRPERSON said that, in its report, the State party acknowledged that the problem of sexual exploitation appeared to be worsening as a result of permissive behaviour and that there was a trend towards the sexual exploitation of children for financial gain. According to paragraph 406 of the report, cases of missing children were "announced almost every day on national radio", and he believed that there was an urgent need to set up an effective mechanism to monitor, record and follow up the situation of children at risk.

60. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that paragraph 406 was rather misleading. The radio announcements were made to locate children who had gone missing for a short time, and not those involved in commercial sexual exploitation.

61. Although Sao Tome and Principe had no juvenile courts, the Lower Court was competent to hear criminal cases involving juveniles. Legislation was currently being considered with a view to establishing a juvenile court with specialized juvenile judges. Other legislation in the field of juvenile justice would be reviewed in the near future. All juvenile cases heard by the Lower Court were dealt with in camera.

62. The age of criminal responsibility was 16. Children under that age who committed an offence were taken to a police station and their parents were contacted. Minors between the ages of 16 and 18 who committed an offence were subject to a special procedure. Most of the offences committed by juveniles did not carry a specific penalty. Since 2001, the courts had tended to place minors on probation or to prescribe a period of community service. Under no circumstances were minors imprisoned.

63. Mr. FILALI asked the delegation to explain what special procedures applied to minors who committed such serious crimes as premeditated murder.

64. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that, since the penal system in Sao Tome and Principe was ill-equipped to accommodate children, minors who had committed serious crimes usually received suspended sentences. In one case, a minor who had been found guilty of committing a triple murder would be sent to prison as soon as he reached the age of majority.

65. The CHAIRPERSON said that he was surprised to learn that minors who had committed serious crimes could be sent to prison when they reached the age of majority. A suspended sentence usually entailed a probationary period after which the penalty would be waived if the defendant demonstrated good behaviour.

66. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that minors who committed serious crimes were always given some form of probationary sentence. It was worth noting that court decisions involving minors were never definitive in Sao Tome and Principe and that judges could review individual cases when they deemed such action to be opportune. Judges always took into account the minor's level of discernment at the time of the offence. Fortunately, there had been very few cases involving serious offences by juveniles.

67. The CHAIRPERSON said that, in its written replies, the State party had indicated that data collected in 2001 from the central prison revealed that two minors had entered Sao Tome and Principe's penal establishment, one for theft and the other for murder. It further indicated that in 2002 there had been five cases of theft and one of rape and that in 2003 there had been several cases of theft, two of rape against minors, two of corporal abuse and one of rape. The delegation should clarify whether the minors responsible for the offences committed in 2002 and 2003 had been sent to prison.

68. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that the minors in question were not in prison. Two had been placed in preventive detention but had since been released.

69. The CHAIRPERSON said that, in its written replies, the State party had indicated that a juvenile and family court was being created, together with a rehabilitation centre for juveniles. He wondered whether the establishment of those institutions required the adoption of relevant legislation.

70. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that, unlike the juvenile and family court, the creation of the rehabilitation centre for juveniles did not require the adoption of legislation.

71. The tourist industry in Sao Tome and Principe was still in its early stages of development. It was hoped that the growth of tourism would not lead to the commercial sexual exploitation of minors. Nevertheless, there had been a visible rise in prostitution over the past decade as a result of poverty and the decline of moral and social values. Although the situation was not yet a cause for concern, there appeared to be a trend towards the prostitution and sexual exploitation of children.

72. Children in certain rural and fishing communities tended to marry at a very young age. Such unions were approved by the parents and involved a customary exchange of gifts. They were not civil marriages and were therefore not recognized by law. The communities in question claimed that such marriages were part of their culture and traditions. It would therefore take time to change people's attitudes towards early marriage.

73. Like all international treaties, the Convention took precedence over domestic laws. Its provisions would soon be incorporated into the Constitution and into domestic legislation. With the support of UNICEF, the Government had introduced a programme to bring national legislation into line with the provisions of the Convention.

74. There was no customary law in Sao Tome and Principe. The country's legal framework was based on the Portuguese legal system. However, a number of laws recognized customary practices.

75. Ms. SARDENBERG said that the Government seemed to be fully aware of the measures needed to improve the situation of children in Sao Tome and Principe. She welcomed the efforts that had been made to promote birth registration. She also welcomed the introduction of a programme to assist women heads of household; the ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment; the efforts to control malaria; the steps taken to design a strategy to reduce malnutrition; and the commitment to HIV/AIDS prevention.

76. However, despite those developments, further efforts were needed. The main challenge faced by Sao Tome and Principe lay in the enforcement of child-related legislation. The State party should focus on raising awareness of the provisions of the Convention, and on training and

dissemination activities. An independent monitoring mechanism should be established and improvements should be made in the system of data collection. She encouraged the Government to continue its work with NGOs and other civil society organizations in the country and to pursue greater cooperation with United Nations specialized agencies. The Government should devote priority attention to poverty-reduction strategies and make a stronger political commitment to implementing the provisions of the Convention. The Convention was an important political tool and should be used to change attitudes towards children.

77. Ms. TEIXEIRA PINTO (Sao Tome and Principe) said that her Government was committed to promoting children's rights and was counting on continuing cooperation with UNICEF.

The meeting rose at 6 p.m.