



# Convention on the Rights of the Child

Distr.: General  
6 March 2013  
English  
Original: French

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## Committee on the Rights of the Child Thirty-sixth session

### Summary record of the 955th meeting

Held at the Palais Wilson, Geneva, on Monday, 24 May 2004, at 10 a.m.

*Chairperson:* Mr. Doek

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

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

*Initial report of Sao Tome and Principe (CRC/C/8/Add.49; CRC/C/Q/STP/1; CRC/C/RESP/59 (distributed at the meeting, in English only))*

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. Teixeira Pinto** (Sao Tome and Principe) said that Sao Tome and Principe, an island State, was among the world's least advanced countries. Its economy was heavily dependent on revenue from the export of cacao and the marked fall in cacao output explained why, economic and political efforts notwithstanding, growth was very weak and indebtedness high. Since 1997 the country had been pursuing a structural adjustment programme with support from the International Monetary Fund and the World Bank; it was also trying to reduce its foreign debt within the framework of the Heavily Indebted Poor Countries initiative. Since the early 1990s it had been a pluralist democracy with, as the preparations for the forthcoming National Unity Forum demonstrated, a focus on dialogue. The negotiations for the exploitation of oil reserves, particularly in cooperation with Nigeria, were opening up new economic prospects and a law on oil exploitation was being drafted.

3. Sao Tome and Principe had ratified the Convention on the Rights of the Child in 1991. A committee comprising representatives of the President, the National Assembly, the Ministry of Justice, the Ministry of Education and the Ministry of Foreign Affairs was responsible for promoting implementation of the Convention and had recently produced an illustrated brochure introducing the Convention to children and adults, thereby ensuring that the entire population was conversant with children's issues. That had led to the establishment, as members of an umbrella federation, of numerous non-governmental organizations that were cooperating with the Government in developing measures in support of children. A law establishing the legal framework for action by non-governmental organizations was under preparation.

4. Considerable progress had been made in the sphere of education. Schooling was compulsory until the age of 14 and the Government had undertaken an extensive reform of the education system aimed at ensuring full enrolment and reducing the dropout and repeat rates. Curricula and textbooks would be redesigned and measures would be taken to improve infrastructure and strengthen teacher training. Other noteworthy developments were the adoption of Law No. 2/2003 on the education system, the building of 40 classrooms and the establishment of an education grant programme for disadvantaged families.

5. With regard to health, a wide-reaching vaccination campaign had been undertaken, strategies had been developed against malaria and AIDS and a care and counselling centre had been established for persons affected by HIV/AIDS.

6. Malaria, acute respiratory infections and diarrhoeal diseases were the three main causes of child mortality. While an anti-malaria campaign had brought it down considerably in the 1980s, infant mortality had risen again in the early 1990s to settle at 60.8 per thousand live births in 2002. Vaccination coverage was very good, especially for BCG, but efforts were still needed with respect to measles. Under-five mortality was 101 per thousand live births, but the Government had set itself a target of bringing it down to 40 per thousand by 2015. For that, it would need to strengthen district-level health services, improve the training of health workers, generalize the measures against malaria,

improve water quality, extend vaccination coverage and intensify the efforts to combat AIDS.

7. A child-registration campaign begun in late 2003 had shown that 32 per cent of under-fives were not registered. The Children's Parliament, which had met three times, enabled children to share their concerns. The study of the situation of women and children made in 2001 in cooperation with UNICEF had been updated in 2004 with the help of NGOs. The Government intended to establish a counselling centre for minors and a juvenile and family court, to make birth registration free and to classify a number of acts contributing to HIV transmission as criminal offences.

8. The considerable progress notwithstanding, problems, particularly poor coordination and the absence of a development programme, remained.

9. **Ms. Sardenberg**, rapporteur for Sao Tome and Principe, remarked that the economic downturn of the 1980s had resulted in a considerable decline in the population's level of living. Some 40 per cent of households lived in extreme poverty and only 36 per cent of the population had access to drinking water. Indicators such as infant mortality and life expectancy showed how bad the situation was. The prospects for oil exploitation were, however, a cause for hope and the Government's structural reforms were bearing fruit, encouraging international donors to increase their assistance. In addition, the archipelago had strong tourism potential, which the Government had already begun developing.

10. The delegation should say how the economic situation was affecting children's lot, whether the country had ratified the African Charter on the Rights and Welfare of the Child and why it had yet to ratify most of the international human rights instruments that it had signed.

11. The Committee noted with pleasure that the report had been written in a frank, self-critical spirit, but regretted that it concentrated on legal matters at the expense of concrete information on the situation of children and the measures taken to protect their rights. The delegation should therefore make clear whether children and NGOs dealing with children had been involved in drafting the document. As the Government seemed to feel that it was for it to draft laws relating to children but for NGOs and international partners to put them into effect, she stressed that ensuring the implementation of legislation was first and foremost the duty of governments.

12. Regarding measures of general implementation, the delegation should say whether there was a national plan for implementation of the Convention and what was done to coordinate the child rights policies and programmes of bodies such as the National Child Rights Committee, the Youth Secretariat and the Youth Support Office.

13. The report stated that the marriageable age could in exceptional circumstances be lowered from 18 to 14 for girls and 15 for boys; similarly, while the minimum age for compulsory military service was 18, young men could enlist voluntarily at 17. It would be good to know whether the State party intended to keep to a uniform age limit of 18 or at least to set a single minimum age for marriage.

14. The percentage of large single-parent families headed by women seemed very high and the delegation should therefore say what the State party did to help such households.

15. It would be interesting to know the attitude of society in general and of parents in particular towards children and whether children were considered as holders of rights.

16. The delegation should give more information on the campaign to reduce the percentage of children who were not registered at birth and say what was done to combat corporal punishment of children, which seemed to be common practice both in families and in schools.

17. **Ms. Khattab** asked whether it was intended to use the country's oil revenues to combat extreme poverty and give all children free, high-quality education. It would be of interest in that regard to know whether human rights were taught in schools.

18. The report stated that sexual intercourse with a female under 16 was punishable by a year's imprisonment. The delegation should say whether the provision in question applied to boys under 16 and what was the situation with respect to minors aged from 16 to 18.

19. The delegation should also say what was done to apply the principle of the best interests of the child, which, according to the report, was enshrined in the country's political and legal order. While the Constitution guaranteed gender equality, girls fared less well than boys, particularly regarding access to education, because they had to perform household and farming duties. It would be good to know what the State party intended to do to correct that discrimination.

20. **Mr. Al-Sheddi** asked whether there was a system for collecting data and statistics and whether corruption absorbed part of the foreign aid intended for children.

21. **Ms. Lee** wished to know what percentage of the State budget was devoted to education, from what age children could testify before criminal courts, what was meant by the phrase "natural capacity" in paragraph 101 of the report and how the Civil Code regulated "religious observance by minors" (*ibid*, para. 165).

22. **Ms. Ouedraogo** asked whether it was intended to establish an independent body to monitor implementation of the Convention and whether there was a body with which children could file complaints. With reference to the statement in paragraph 146 of the report that children must bear the names of their mother and their father, she asked what happened if the father was unknown or refused to recognize the child.

23. No effort should be spared to remedy the absence, acknowledged in the report, of a government policy on using associations as partners to tackle social problems and to involve child rights organizations in the implementation of the Convention.

24. The delegation should say what it was intended to do to increase the number of radio and television broadcasts for children and to prevent minors from having access to pornographic films.

25. **Ms. Chutikul** requested more information on the mandate and membership of the National Child Rights Committee and on the measures taken to familiarize poor families with the Convention. She inquired whether there was a birth registration fee.

26. **Mr. Citarella** asked how large were the budget allocations for implementation of the Convention, particularly in the sphere of education, who had written the report, what was the Convention's status in domestic law and what was the age of criminal responsibility.

27. **Mr. Liwski** wished to know if debt servicing and the structural adjustment programme started in 1987 had hindered the efforts to protect child rights, especially in the areas of education and health, and could be held responsible for the increase in infant mortality.

28. **Ms. Smith** asked how the economic situation affected vulnerable children, especially poorly educated girls in single-parent families, and whether children had a say in decisions affecting them in school, the courts or the family.

*The meeting was suspended at 11.33 a.m. and resumed at 11.53 a.m.*

29. **Ms. Teixeira Pinto** (Sao Tome and Principe) said that the work of the National Child Rights Committee, which had been established in 2003, was coordinated by the Ministry of Justice. The Committee, whose mandate was not yet fully defined, met once a

month and also held special meetings to deal with urgent matters. Its activities covered all districts, including the autonomous region of Principe. It cooperated regularly with NGOs for purposes including the widest possible dissemination of the Convention. It had played an active part in organizing the latest Children's Parliament and the recent birth registration campaign. It was not empowered to receive complaints from minors or to represent them in court.

30. In the first phase of the child registration campaign, conducted in July 2003, a total of 8,300 children on Sao Tome Island had been added to the civil status register. The second phase, on Principe and in the remoter districts of Sao Tome, which it had not been possible to cover initially, had just begun. The Ministry of Justice and the Ministry of Health were currently studying a protocol for establishment of a new registration system based on the presence in every hospital, maternity clinic and district of an official responsible for the systematic registration of births. Apart from during the registration campaign, which was entirely free, families were normally requested to pay a very modest fee, of the order of 13,000 dobras, for the issue of a birth certificate. The goal was gradually to make all registration free of charge through reliance on permanent local arrangements. Families whose children had not been registered at birth could apply directly to the competent administrative authorities to regularize the situation; there was no need for judicial proceedings.

31. The law authorized mothers of children who were not recognized by their fathers to make a declaration giving the father's name. The presumed father then had a specified time within which he could contest the attribution of paternity. In the event of dispute, the public prosecutor's office made an investigation. Needy mothers often preferred not to reveal their children's fathers' names in order not to lose child benefits.

32. The age of majority was 18, but boys could be emancipated at 17 to undertake voluntary military service. Parents could also request the emancipation of their children for the purpose of marriage, from the age of 16 for boys and 14 for girls. Sexual intercourse with a girl less than 14 years old was a crime. On emancipation, children legally became adults and lost their entitlement to the protection and services for minors.

33. The figures for single mothers included both women who had concluded customary marriages not recognized by law and lone women who headed households. The high proportion, 32 per cent, of lone-mother households was a reflection of a decline in moral values and a weakening of family structures. Such households were among the most vulnerable population groups, and the Government had therefore adopted a number of measures to help single mothers aimed in particular at facilitating the education of their children.

34. **Ms. Chutikul** asked what was done to encourage men to act responsibly by informing them about sexual and reproductive health and about their duties to their families.

35. **Ms. Al-Thani** wished to know how far emigration had contributed to the increase in the number of single mothers.

36. **Ms. Sardenberg** asked whether or not children born out of wedlock were, in practice, victims of discrimination.

37. **Ms. Augusto Cruz** (Sao Tome and Principe) said that, whether provided by the health services, the media or the formal education system, sexual and reproductive health education was addressed as much to men as to women. The information campaigns organized in that sphere by and for young people were also intended for both sexes. Much remained to be done, however, to improve the dissemination of information.

38. **Ms. Teixeira Pinto** (Sao Tome and Principe) said that emigration had aggravated the problem of single mothers. Not only did most male emigrants leave a family behind them; they often founded families abroad and eventually stopped sending aid to their wives and children in Sao Tome and Principe.

39. Act No. 2/77 on the family established the principle of non-discrimination against children born out of wedlock. That principle was fully observed, including with regard to inheritance. The small proportion of married couples was attributable to the prevalence of customary marriage. That de facto form of union could, however, be legally recognized and have legal consequences similar to those of marriage. For that, proof was needed that the relationship was exclusive and of long standing. As polygamy was still widespread, relatively few couples met those criteria.

40. The African Charter on the Rights and Welfare of the Child had been submitted to the National Assembly for ratification and was still under study. The process was also still under way regarding the international instruments that the country had signed but not yet ratified. The country had, however, ratified the Convention on the Elimination of Discrimination against Women in June 2003 and the International Labour Organization (ILO) Minimum Age Convention, 1973, (No. 138) in February 2004.

41. **Ms. Sardenberg** urged Sao Tome and Principe to modify its data collection system so as to produce statistics on persons under 18, in keeping with the definition of the child in the Convention and almost every State's practice, and not, as at present, on persons under 19. The delegation should say whether it was true that ill-treatment was not legally defined and, if so, why and should also say whether there were policies and programmes against such treatment.

42. The flexibility of family structures was partly the legacy of the slavery and the accompanying ban on marriage of the country's colonial past. The result was a situation where women often had to assume far more parental responsibility than men and sometimes to devolve part of that responsibility onto their extended families, an aspect of the culture that warranted more detailed explanation.

43. Details were also needed of the types of institution available to care for children in need of assistance. The references in the report to abandoned children, orphans and juvenile offenders were all too brief. It was also striking that there was no mention anywhere of any structure or policy for aiding children with disabilities.

44. **Ms. Al-Thani** enquired whether the State party intended to take serious measures in support of children with disabilities.

45. She expressed concern at the renewed rising trends in infant mortality and the prevalence of diseases such as malaria. The maternal mortality rate was unknown, but the need to train village midwives was obvious from the number of deliveries taking place otherwise than in medical facilities.

46. There was no information on the rate of, or measures to promote breastfeeding. The information provided on health care was contradictory, since it was stated in the written replies that such care was free, whereas it appeared from the report that that was the case only for certain specific categories of people. Outside sources of information gave the impression of a health system where everything, from equipment through key personnel to medicines, was cruelly lacking.

47. Adolescents were consuming more and more psychotropic substances. That raised the question what counselling, prevention and mental health services were available for them.

48. The delegation should indicate whether progress had been made regarding sanitation and access to drinking water. It should say in particular how far the UNICEF sanitation project had advanced and whether it had the support of the authorities.

49. **Ms. Vuckovic-Sahovic**, observing that there was no mention in the report of the existence of any tertiary education establishment, asked whether secondary education graduates were forced to go abroad to study.

50. **Mr. Citarella** expressed surprise that, while the law authorized parents to correct their children in an appropriate fashion, there was no legislation banning ill-treatment. He would like the delegation to explain the difference between “education funding” and “capital spending” in the budget estimates on page 7 of the written replies.

51. **Ms. Lee** wished to know more about the goals of education as seen by the Government, which she invited to think about ways of including the concepts of respect for others and of human rights in curricula, as well as about the reasons for the very worrying repeat and dropout rates.

52. **Ms. Ouedraogo** drew attention to the practice in some West African countries of celebrating group marriages in order to officialize de facto unions. Sao Tome and Principe could take example from that to register marriages after the event, as it already did for births. The legal framework of marriage was the one that provided the best protection for children.

53. The loss of family reference points, together with the economic crisis, was leading to more and more cases of sexual exploitation of girls and street children, two problems that the Government must tackle urgently. The same was true of child labour, which seemed culturally acceptable and which, according to some sources, began as early as at age 5. She wondered whether there were any relevant regulations and, if so, who monitored their application.

54. **Mr. Liwski** said that it would be helpful to know what percentages of the total budget allocations went to the health-care systems in central and outlying areas respectively. As he understood it, the difference between the supply of, and demand for help at the local level was leading to the overloading of the central services. If that was the case, it would be helpful to know if the authorities were considering reorganization and whether there was a strategy for initial and in-service training of community health professionals, who were best placed to carry out preventive work.

55. **Ms. Smith** asked whether it was true that in-service training of teachers had been suspended, whether the pilot literacy projects mentioned in the written replies were still running and what was meant by the term “orphan” in Sao Tome and Principe.

56. **Mr. Filali** wished to know if the authorities had analysed the consequences of abolishing the pre-primary class, if they intended to reinstate it and, more generally, if there were parents’ associations to defend schoolchildren’s interests. He also wished to know if there was a statute defining teachers’ rights and duties and whether most teachers had tenure or were contract workers.

*The meeting rose at 1 p.m.*