



**Republic of Guinea-Bissau
Ministry of Public Health, Family and Social Cohesion
Institute for Women and Children**

**1st Implementation Report of the African Charter on the Rights and
Welfare of the Child
(2008 - 2018)**

Bissau, October

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List of Acronyms and Abbreviations

ADRA	Adventist Association for Development, Resources and Assistance
ALANSAR	Islamic NGO
ALTERNAG	Guinean Association of Studies and alternatives
AMAE	Women Association for Economic Activity
AMIC	Children’s Friends Association
ANP	National People’s Assembly
BO	Official Gazette

ACRWC	African Charter on the Rights and Welfare of the Child
CAJ	Access to Justice Center
CRC	Convention on the Rights of the Child
CEDAW	Forms of Discrimination Against Women.
CC	Civil Code
CNAPT	National Committee for Abandonment of Harmful Traditional Practices
CP	Penal Code
CPC	Code of Civil Procedure
CPP	Code of Criminal Procedure
CRGB	Constitution of the Republic of Guinea-Bissau
DENARP	National Poverty Reduction Strategy Paper.
DGAE	Directorate-General for Extrajudicial Administration
EAJM	Statute of Legal Assistance to Foreign Children
EOPJ	Organic Statute of the Judiciary Police
EPT	Education for All
FCFA	Franc of the African Financial Community
FAPD	Associations Federation of People with Disabilities
GEIOJ	Office of Study, Information and Legal Counseling
GICJU	Office of Information and Legal Advice
HIPD	Human International Partnership for Development
HDI	Human Development Index
ILAP	Slight Poverty Assessment Survey
IMC	Institute for Women and Children
INDE	Inter cooperation and Development
INE	National Institute for Statistics
INEP	National Institute for Studies and Research.
JT	Traditional Justice
LGDH	Guinean Human Rights League
LOMP	Organic Law for the Public Prosecution Service
LOPOP	Organic Law of the Public Order Police

LOT	Organic Law of the Courts
FGM / E	Female Genital Mutilation / Excision
MICS	Multiple Indicators Survey
MINSAP	Ministry of Public Health
MP Public	Public Prosecution Service
MSSFLP	Ministry for Social Solidarity, Family and Fight against Poverty
OA	Bar Association
ONG	Non Governmental Organization
AU	African Union.
WFP	World Food Program
PGR	Attorney General
GDP	Gross Domestic Product
PJ	Judiciary Police
PNIEG	National Policy on Gender Equality
PNIEG	National Policy on Gender Equality and Equity
UNDP	United Nations Development Program
POP	Public Order Police
RGPH	General Population and Housing Census
SAB	Bissau Autonomous Sector
SEJ	State System of Justice
SJT	Traditional Justice System
SICG	Guinean Child Indicators System
SNTLS	National Technical Secretariat of the Fight Against AIDS
TOSTAN	Community-led Development
UA	African Union
EU	European Union
UNDEMOV	National Union of Motor Disabled and Victims of War
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

I. INTRODUCTION

1. The Guinean State, ratified the Charter on 28th February 2008 by Resolution No. 23/2007 published in the 3rd supplement to the Official Gazette of 28th February 2008 and deposited the instruments of ratification with the Secretary-General of the AU. Thereby committing itself to submit to the African Committee of Experts on the Rights and Welfare of the Child (the Committee), through the existing mechanisms, periodic reports on the adopted measures, in order to give effect to the rights recognized in the Charter and the progress achieved by means of its implementation.

2. The purpose of this report, is to examine the applicability of the African Charter on the Rights and Welfare of the Child in Guinea-Bissau, under Article 43 of this Convention, according to which **"States Parties to this Charter, undertake to submit to the Committee, through the Secretary-General of the Organization of African Unity, reports on the measures they have adopted with a view to realizing the rights recognized by this Charter on the progress made in the enjoyment of these rights within two years of entry into force of this Charter and every three years thereafter.** Each State party, should therefore produce reports every three years on the applicability of this instrument to protect children in their territory. Due to several constraints, the country was unable to produce its first report within the period established in the said instrument.

3. In this context, this document, which is the first report of Guinea-Bissau, also serves as a facilitating tool for understanding the obstacles and challenges faced by the Government of Guinea-Bissau, in the implementation of the child protection policies and mechanisms, as set out in the Charter.

4. This report, covers the period from 2008 to 2018, recognizing that it is a complex exercise and an instrument for monitoring and evaluating government action on the implementation of the Charter. The efforts made in this direction, have opened up the possibility to use different information sources, namely DENARP - I and II.

(Poverty Reduction Strategy Paper), MICS 2010 and 2014, which includes relevant data on the visibility and existing gaps on the child's rights in education, health, birth registration, mortality, nutrition and violence, which have been incorporated in the Operational and Strategic Plan -Terra Ranka 2015-2025, including information collected from the children themselves at different age groups in the three (3) provinces of the country (North, South and East), with a view to ascertain their rights.

5. This Operational and Strategic Plan, is a process coordinated by INE's technical team with the financial support of UNICEF, Plan-International, some UN agencies and other development partners. Thus enabling the collection and systematization of required information and consequently the preparation of the report, which also had the wide participation of different actors at all levels.

6. The report, deals with two aspects: The **first is an introductory part**, with specific references to the context in which, it was drawn up on the modalities adopted, the involvement of experts and other personalities, the demographic, political, economic, social and cultural situation, the national and international legal instruments, constitute the support for actions to protect the child against all kind of risks. **The second is the evaluation** process on the impact of the policy measures implemented during the period of the assessment, providing elements for a broader vision on the capacity for execution. The setbacks encountered and the conclusions, will help improving the results in the subsequent years and thus, has the following structures:

a) General implementing measures

b) Concept of the Child

c) General Principles

d) Civil Rights and Freedoms

e) Family and Alternative Protection

f) Health and Welfare

g) Leisure and Cultural Activities of Education

h) Special Measures and Protection

i) Responsibilities of the Child

j) Specific Provision for the Communication Process

7. The approach of each of the chapters indicated under (a) to (j) was made, in most cases, within sub-chapters dealing with specific subjects, with a view to make more visible, the logical form in which the report was crafted.

8. **Demographic Situation:** Guinea-Bissau, is located on the western coast of Africa, with a territorial area of 36,125 km², bounded to the North by the Republic of Senegal, to the South by the Republic of Guinea-Conakry, has a continental and an island part. The latter, mostly occupied by the Bijagós islands. Administratively the country has 8 regions, 36 sectors and being Bissau, an autonomous independent sector. Guinea-Bissau has a hot and humid climate with two seasons: Dry and rainy.

9. Guinea-Bissau lives about thirty years of political instability, which has exacerbated extreme poverty, disrupted the economy, social services and infrastructures.

10. Since independence in 1974, Guinea-Bissau has experienced 17 attempted coups d' État and 4 successful coups.

11. The 2014 elections, marked the return of constitutional order, but the constant

political instability, continues to worry the international community.

12. In response to this concern, major donors suspended or deferred funds, pledged in March 2015 to support the Operational and Strategic Plan 2015-2025 - Terra Ranka, which includes the following 5 strategic axes: Environment, human development, infrastructures, urban development, biodiversity, human capital, Peace and Good Governance.

1 According to Law No.4/1997, of December 2, Gabú, Bafatá, Cacheu Oio, Biombo, Quinará, Tombali and Bolama Bijagó, constitute the administrative regions of Guinea-Bissau.

13. According to statistics from the General Census of Population and Housing, carried out in 2009, the population of Guinea-Bissau, is around 1.6 million inhabitants, divided into more than thirty (30) ethnic groups, each with its own dialect, living in an environment of peaceful coexistence. The Crioulo, is considered the common language and Portuguese is the official language. Muslims, Christians and animists, coexist peacefully without major differences and local cultural norms, are deeply rooted.

14. In view of the number of the Guinean population, 48.4% are males and 51.6%, are females. About 42.6% of people are aged 0-14, and 21.9% are between the ages of 15 and 24.

The percentage of the population aged 35-64 years, is 17.6%, and only 3.2% of the population is aged 65 or over.

15. Although Guinea Bissau is a Democratic Rule of Law, the regular functioning of the Republic's institutions and indicators to ensure sustainable development, remains weak. This reflects significantly, in its weak capacity to respond to the needs of the population and in the scrupulous respect for regional and international commitments on human rights, in particular the fundamental rights of children.

16. These facts, contribute to increasing the poverty level in families, the deterioration of the social stratum and the heavy dependence on external aid.

17. **Economic and Social Situation:** Resources flow, were historically low between 2011 and 2013, but recently there has been a relative increasing. By 2015, the country received about \$ 196 million from development cooperation funds. Such as, social sectors worth a total of \$ 35 million (18%), of which \$ 4.5 million for education and \$ 11.5 million for the health sectors.

18. In addition to UN agencies and multilateral funds, such as GAVI and GFATM, Portugal has been the largest bilateral donor in the last five (5) years.

19. Despite limited access to donor funding, the economy continues to grow. Real gross domestic product (GDP) grew by 4.9% in 2015 and an average of 5% is expected in relation to 2016-2018. This growth is driven mainly by the export of

cashew nuts.

20. Recently, economic growth has not been translated into improved social development, since public investments in social sectors are still low.

21. The Poverty Reduction Strategy Paper, revealed that 80% of people between 15 and 25 years of age, live below the poverty line. 69% of the population lives on less than USD 2 per day.

22. The country currently ranks 178th among 188 countries in the Human Development Index (IDH), with an IDH of 0.424. The IDH of Guinea-Bissau, remains below the averages of 0.523 of the Sub-Saharan African countries and 0.497 of the group of countries with low human development. Women contribute with 90%, of family income, which generally has little control over the family economy (INE 2009).

23. Agriculture employs about 80% of the population and accounts for three quarters ($\frac{3}{4}$), of export earnings, more than half of which are from cashew nuts. They contribute to the improvement of the country's economic situation, according to fluctuations in international prices, weather conditions and fishing activities.

24. Children face many violations of their rights, including practices, such as female genital mutilation, early marriage, and child labor. Physical abuse is accepted as a way of educating and reprimanding, to be useful to society. In Guinea-Bissau, children are passive members in the decision-making sphere.

[2 UNDP «Human development report 2016, available at: \[htt: hdr.org/sites/default/files/2016_human_development_report.pdf\]\(http://hdr.org/sites/default/files/2016_human_development_report.pdf\)».](http://hdr.org/sites/default/files/2016_human_development_report.pdf)

25. In Guinea-Bissau, according to the modern pedagogical guidelines of the Ministry of Education, corporal punishment in public and private schools, is prohibited. However, in the community and within the family, the child continues to be the victim of various forms of violence, including neglect, ill-treatment and abuses.

26. In Guinea-Bissau, about 80% of children between 2 and 14 years of age, have suffered psychological or physical punishment from their parents, guardians or other members of their household (MICS 2006). This situation, may be the result of persistent social inequalities and regional asymmetries that have negative effects on children's lives.

27. Despite these constraints, the Government of Guinea-Bissau, civil societies and development partners, have been making efforts to ensure that more children enjoy their rights through legislation and implementation of policies and programs already adopted, for the welfare of the child.

II. METHODOLOGY OF WORK

2.1. The Methodology for the Drafting of the Report on the Implementation of the African Charter on the Rights and Welfare of the Child, is based on:

28. The requirements defined in the Terms of Reference, are made public by the

Institute for Women and Children. However, this has been done in methodological approaches to complement and deepen the analysis of data on the results of compliance with the African Charter on the Rights and Welfare of the Child in Guinea Bissau. Particularly, the participatory approach involving the organizations of the Public Institutions, Children's Organizations, Organizations that Advocate for Children's Rights and professionals with child protection skills, understand the three (3) main stages described below:

29. At all stages, an interactive and participatory approach, has been favored by children's organizations, institutions and child rights advocacy organizations. Therefore, regular communications were established with the Institute for Women and Children to update the level of progress concerning the production of the outcome report.

2.1.1. Phase 1: Initial Contacts & Data Collection - Review of Documents

30. In this phase, initial meetings were held with the Institute for Women and Children, including children's organizations, institutions and child rights advocacy organizations, as the main data sources. These joint or separate meetings, had the following purposes:

31. Establish coordination mechanisms with competent entities, namely the Institute for Women and Children on the work guidelines, the progressive phases of data collection, reporting, and took into account:

- Discussion on the working process and clarification of some essential aspects of success;
- Collection and systematization of all primary and secondary information on Guinea-Bissau's compliance with the African Charter on the Rights and Welfare of the Child (Laws, Policies, Studies, Strategies and mechanisms for the protection of children's rights);
- Application of instruments for the collection of secondary information (questionnaires and interviews through focal groups and separate meetings).

32. For the successful completion of this phase, the Institute for Women and Children, has gathered all the information related to the success of the work and has appointed a focal point and follow-up committee, which in turn, communicates the organizations involved on the schedule of activities, to facilitate the movement and interaction in all phases of work that allowed the preparation of the report in the light of the Terms of Reference.

2.1.2 Phase 2: Fieldwork

33. At this stage, fieldwork was carried out, in other words, the collection of relevant primary and secondary information, which was reserved for the first phase of the work to collect this kind of information, was made.

34. Following this work, contacts were made with the headquarters of the institutions,

organizations and identified NGOs, as potential sources of relevant data. The aim of this trip, is to collect information through the participatory and inclusive process for the analysis of Strengths, Weaknesses, Opportunities and Threats on the fulfillment by the State of Guinea – Bissau, relating to the recommendations of the African Union Committee of Experts on the Rights of the Child, through the following parameters:

35. Structure and Functioning - In general, it aims to analyze the structures and functioning of public institutions and NGOs in the field of children's rights, through SWOT analysis (Strengths, Weaknesses, Opportunities and Threats), progress and barriers in the implementation of the provisions of the African Charter on the Rights and Welfare of the Child in Guinea-Bissau.

2.1.3. Phase 3: Processing, Data Analysis and Reporting

36. After the completion of the field work, it was devoted to the processing and analysis of the information collected during the field work to supplement and justify the secondary data collected in the first phase. The data processing has been imminently based on the analysis and intersection of information, because it is qualitative data, which implies a great analytical capacity to gauge the trend of opinions and perceptions on the implementation of the African Charter by the Republic of Guinea-Bissau. This allowed triangulation of the quantitative data collected.

37. A debriefing field note on preliminary findings, was also prepared at this stage. This note, was submitted to the Institute for Women and Children and resulted in an official response that, in turn, fed the Preliminary Report.

III. GENERAL IMPLEMENTATION OR ENFORCEMENT MEASURES

Policy Measures, Programs and Actions for the Implementation of the African Charter on the Rights and Welfare of the Child.

3.1. Legislation and the African Charter on the Rights and Welfare of the Child –CADBEC

38. A set of measures adopted for the implementation of the Charter, sets the normative framework for regulating, supervising, monitoring implementation and evaluating the different political, economical and social measures.

39. The normative framework for the protection and promotion of the rights of the child, is filled by a set of legal instruments that guide and regulate public life, and in particular the citizens, based on the fundamental rights and duties assumptions established by the constitution of the Republic of Guinea-Bissau - CRGB, classified by categories so called: Survival, Protection and Development.

a) National Legal Instruments Related to the Rights of the Child.

40. According to Article 26 of the Constitution of the Republic of Guinea-Bissau, the State recognizes the constitution of the family and ensures its protection; children are

equal before the law, regardless of the marital status of the parents. Likewise, Article 24 of the same law, states that all citizens are equal before the law, enjoy the same rights and are subjected to the same duties, without distinction as to race, sex, social, intellectual or cultural level, religious belief or philosophical conviction.

41. The Law on Combating Female Genital Mutilation (Law No.14/2011 of June 6), is essentially aimed at preventing, combating and repressing the practice of Female Genital Mutilation in Guinea-Bissau, by mitigating the health consequences and harms to girls.

42. The National Policy on Gender Equality and Equity (2017) aims, in particular, to combat inequalities between boys and girls, or the gender inequalities, which were expressed through stereotypes, prejudices and discriminatory practices, that lead to gender differences in opportunities for participation in the development process.

43. The Law on Domestic Violence (Law No. 06/2014 of February 4) aims to combat cases of violation of physical, psychological, patrimonial and sexual integrity on children, considered to be the most vulnerable, in the context of domestic relationships and against any form of violence perpetrated by relatives.

44. The Criminal Code, Civil Code, Human Trafficking Act, General Labor Act, HIV / AIDS Prevention, Treatment and Control Act, as well as the Code of Conduct for the Protection of Children Against Sexual Abuse and Exploitation in Tourism and travel sectors, National Plan for Prevention and Fight against Trafficking in Human Beings, etc. are also indispensable tools of legislative and administrative scope in the implementation of the African Charter on the Rights and Welfare of the Child.

45. b) International legal instruments of human rights, particularly of the child to which Guinea-Bissau is a party.

46. Guinea-Bissau, is among the countries that has become notable for the rapid ratification of various regional and international instruments, in a positive attitude for expressing its interest in contributing to the achievement of common priorities for children's rights at regional, continental and international levels.

47. Guinea-Bissau, as a member state of the African Union and the United Nations, has ratified a set of international human rights legal instruments, including the African Charter on the Rights and Welfare of the Child. She is also a member of different regional, continental and world organizations, and each time, she has been assuming her responsibilities to the extent of his abilities and opportunities, in observance of the civil, political, economical, social and cultural rights of her citizens.

48. In this regard, Guinea-Bissau, has ratified and acceded to the various legal instruments on protection and defense of the rights of the Child, namely:

a) The Universal Declaration of Human Rights of the 1948 United Nations General Assembly, which establishes principles of universal equality for all human beings, guaranteeing the right to life, freedom, personal safety and security, decent working conditions and personal dignity.

- (b) African Charter on Human and Peoples' Rights on 28th of February, 2008;
- (c) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on 28th of February 2008, by Resolution No.23/2007 of 28th February;
- d) Convention on the Rights of the Child, signed on November 20, 1989 and ratified on 18th of April 1990 by Resolution No.06/1990;
- (e) Convention on the Elimination of Discrimination against Women - CEDAW, which has been in force since 1981, the first international treaty to provide comprehensive information on the human rights of women;
- f) Additional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), on 28th of February 2008, by Resolution No. 24/2007 of 28th February;
- g) ILO Convention No.182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, signed on November 30, 2006 and ratified on December 22, 2006 by Resolution No.8/2006, published in the Official Gazette No.52;
- h) ILO Convention No.138 on the Minimum Age for Admission to Employment, signed on November 30, 2006, ratified on December 22, 2006, by Resolution No.09/2006, published in the Official Gazette No.52;
- i) International Convention on the Status of Persons with Disabilities and its Additional Protocol ratified on 24th of September, 2014;
- j) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, signed on December 19 2007, ratified on February 28, 2008, by Resolution No. 25/2007;
- k) The Convention on the Rights of Persons with Disabilities, ratified on September 24, 2014;

3.2. Policy Measures, Programs and Actions for the Implementation of the African Charter on the Rights and Welfare of the Child.

49. A series of public policies, programs and actions in a wide range of sectors, are involved in the implementation of the Charter. Levels and domains that, through their cross-cutting nature, are examined in the light of the principles of unconditionality, comprehensiveness and universality, in a holistic vision, taking into account the fact that, all the civil, political, economical, social and cultural rights relating to children, are essential, indivisible, interdependent and equal.

3.3. Mechanisms for Charter Implementation

50. The implementation of the Charter, takes place within the framework of the implementation of public policies, in compliance with the commitments made internally and internationally, in order to create enabling conditions for the effective realization of the civil, political, economical, social and cultural rights of the child, enshrined in Guinean law and in international human rights legal instruments.

The vastness and complexity of the resulting tasks and other commitments, suggest the establishment of mechanisms to match the demand.

51. To report on all International Treaties, ratified in accordance with what has been established in each of them, as well as to meet the recommendations of its organs and the different governments in the scope of the Universal Periodic Review, suggests the establishment of swift and appropriate mechanisms to better articulate its action with all social actors and optimize the results of its performance and the whole society in the organizational domains, as shown below:

2.1.3. Institutional Framework

52. The Government of Guinea-Bissau, has set up the following structures in this area:

- Institute for Women and Children - IMC;
- Office for the Protection Against Abuse and Domestic Violence - Ministry of Interior;
- National Guard;
- Juvenile and Family Courts;
- Legal Guardianship of Children - Public Prosecution Service;
- Access to Justice Center - CAJ, with structures based in Bissau, Bafatá, Buba and Canchungo;
- Brigade for the Protection of women and Children – Judiciary Police - PJ;
- The Specialized Committee of the National People's Assembly (Parliament) for Women and Children's Affairs;

53. Institute for Women and Children, whose statute, was approved by Decree No. 17/2010, has as its main mission to coordinate, supervise and promote the integrated approach to gender, the human rights of women and children in programs, policies and legislation, ensuring the advancement of gender equality and equity, as well as the empowerment of women.

54. The Institute for Women and Children, has the following assignments:

- Defending and promoting the dignity, freedom, equality and other fundamental rights of women and children, by combating all forms of discrimination, through the

adoption of appropriate policies, programs and legislation;

- Promote the adoption of mechanisms and measures that allow greater participation of women in decision-making sphere;
- Promoting equal rights and opportunity between men and women in civic, economic, social and cultural areas;
- Advocating and protecting women, motherhood and the family against all forms of violation of human rights, establishing the political, institutional and legal conditions for the physical, mental and intellectual development of the child;
- Ensuring an integrated approach to gender in policies, national development programs and legislation;
- Ensuring the existence of national strategies, programs and legislation to protect women, children and society against harmful practices, all forms of discrimination, domestic violence, sexual abuse, exploitation and other practices that endanger the health and physical integrity of women and children;
- Strengthening the family's role in moral and civic education and training, based on the defense of values, moral and ethical principles, that underpin the unity, cohesion and balance of Guinean society;
- Ensuring the improvement of the legal and institutional framework of parents in the defense and promotion of the rights of women, children and the family.

3.3.2. Participatory Integration

55. The different mechanisms established in a permanent or specific manner, are used here to respond to concrete situations, with a well-defined structure, generally by means of order, decree, resolution of superstructure or intermediate entities.

3.3.3. Coordination and Interaction

56. Coordination actions at various levels of intervention among similar institutions with similar objectives, regarding children's issues and motivate the interaction among different actors to seek consensus or solutions that contribute to improving the deliverables required by all.

57. The Ministry for Social Solidarity, Family and Fight against Poverty (MSSFLP), is a government institution responsible for establishing, implementing and monitoring government policy in the areas of the family and the fight against poverty. Although the Directorate-General for Social Solidarity and Family, whose functions are confined to the problem of social protection of vulnerable groups, the MSSFLP, in its organizational chart, includes the Institute for Woman and Child (IMC). This institution, has been granted the prerogatives of coordinating policies and implementing Government strategies concerning the promotion of women's and children's rights.

This Ministry, has the most important role in the crafting, implementing and coordinating actions to protect the child.

58. The Ministry has a National Strategy for the Social Protection of Children, prepared by the Ministry itself in 2009, stating that, it has the general responsibility for non-contributory social protection, and must therefore "organize, promote, frame and coordinate with national and international NGOs, all socioeconomic initiatives for the benefit of the population in general, favoring the most disadvantaged sections of the population." Among the actions of the Ministry, we highlight the following:

- Preparation of the Manual for Assistance to Victims of Trafficking in Persons in Guinea-Bissau;
- Drafting of the National Strategy for the Social Protection of Children, whose purpose is to define the guidance of the Government efforts and its partners to ensure an adequate social response to children in situations of vulnerability, including orphans and children affected by HIV;
- Crafting the Basic Plan on Standards and Procedures for Integral Support to Orphans and Vulnerable Children, which establishes the guidelines, criteria and conditionalities for intervention in order to overcome the difficulties of children in need;

59. The Ministry for Social Solidarity, Family and Fight against Poverty, is the body responsible for the Institute for Women and Children, which coordinates the Commission of Orphans and Vulnerable Children (OCV) and is part of the Permanent Council for Social Dialogue.

60. From this perspective, the Institute, in order to carry out its activities effectively and efficiently, collaborates with the competent authorities with a view to bring national laws into line with international treaties in the field of women and children. In its implementation policy, it favors collaboration with NGOs and national associations and develops partnerships, especially with UNICEF, through the five-year cooperation plan - Program for the Protection and Promotion of Rights.

61. The areas of intervention and support, are not limited to protection, but also the promotion of gender equality and abandonment of harmful practices, including female genital mutilation and forced or early marriage. In this context, many NGOs benefit from funding for the implementation of their action plans.

62. Despite encountering difficulties in terms of human, material and financial resources, MSSFLP has promoted the discussion and definition of policies as well as strategies for the promotion of children's rights and gender equality. The priorities of this Ministry, are based on the Protection of Children, and in particular orphans and vulnerable children; with particular emphasis on children affected by HIV, victims of trafficking and the abandonment of harmful practices.

63. The implementation of the measures set out in the **African Charter on the Rights and Welfare of the Child** and the mechanisms for its monitoring, are not

restricted only by state agencies, but also by non-governmental organizations. Among them are: AMIC, S.O.S, RENLUV, REJE, S.O.S talibé, Casa Emanuel, Catholic Mission, Plan Guinea-Bissau, Portuguese Inter cooperation and some multilateral agencies, namely WHO, UNICEF and UNFPA.

64. In this context, the country has a large network of organizations that mobilize efforts to promote children's rights. However, duplication of activities in the field of childhood due to lack of concerted action among the various actors, leads to a waste of resources, contributing to weak implementation, dissemination and monitoring of the African Charter on the Rights and Welfare of the Child.

3.3.4. Consultative Approach

65. In this area, two fundamental mechanisms, are considered in relation to the purposes for which they were established, which directly or indirectly fulfill national coordinating functions on a set of thematic subjects that dominate the situation of the child, in order to gather consensus capable of influencing, positively, important decisions.

66. The establishment of the National Family and Children Council, is underway, which will be an advisory body of the Ministry for Social Solidarity, Family and Fight against Poverty, which will make its pronouncements at regular meetings on public policies, aimed at families, in which children are found.

3.4 . Independent structures and monitoring

67. The existence of community-based associations, has enabled joint efforts for the protection and defense of the fundamental rights of children in Guinea-Bissau to be more closely linked to the National Committee for the Abolition of Traditional Harmful Practices (CNAPTN), Casa dos Direitos (Rights House) - CD - Guinean League of Human Rights - LGDH, SOS, AMIC, RENLUV, REJE, SOS talibé, Casa Emanuel, Catholic Mission), and Portuguese Inter-cooperation.

68. MSSFLP and IMC face enormous difficulties in terms of human, material and financial resources in order to be able to fully carry out its functions. The State's annual budget, falls short of needs and many of its activities are funded by Portuguese Cooperation, UNICEF, Plan Guinea-Bissau and other partners. The financial weakness and the techniques that these institutions present, make their collaboration with NGOs imperative.

69. Inter-NGO cooperation, among them and state institutions and multilateral agencies, is a visible reality in Guinea-Bissau. This has resulted in certain areas of the country, where there are few State interventions in the field of children and are filled with NGO activities.

70. Plan Guinea-Bissau, is an NGO which has cooperated with various institutions, including the national parliament in the revision and harmonization of national legislation in relation to international instruments, in particular the African Charter on the Rights and Welfare of the Child and CRC. It also collaborates with AMIC, UNICEF and IMC and other international and national organizations that carry out

activities in the field of children. For instance, in 2007, it developed a decentralized model for registering children, which was implemented in partnership with the Ministry of Justice in the Bafatá Region on a trial basis.

71. The Plan Guinea-Bissau, within the scope of its activities, carried out a study to better understand the phenomenon of female excision, which is one of the serious forms of violation of children's rights.

72. Also in terms of cooperation, the NGO Sinimira Nassiquê and the Institute for Women and Children, have developed actions to combat harmful traditional practices such as female genital mutilation and early or forced marriage. In the specific case of excision, the alternative mechanism was established, but that did not have much effectiveness, inasmuch as this praxis does not seem to have reduced considerably.

73. AMIC - Children's Friends Association, is one of the organizations that operates in the field of childhood, being the first in this area, inasmuch as, it has been functioning since 1984. However, it has implemented a project for children and young workers in collaboration with SAVE THE CHILDREN SWEDEN.

74. Although some efforts have been made in the field of childhood by some organizations in the country, they are far from responding to the problem, due to the increasing economic vulnerability of Guinean households. This reality has increasingly pushed children and young people into small businesses, as a way of contributing to the increase in family income.

75. In this context, AMIC has implemented the Project for Children and Young Workers, whose objectives were to provide children with education and health, as the basic areas through which a harmonious and sustainable development of a society should begin. In addition to the areas already mentioned, the project also provided children with sporting, cultural activities and awareness-raising sessions on children's rights.

76. Another aspect concerns the repatriation of children victims of trafficking, family and socio-professional reintegration. As from 2005 to 2007, around 135 children from Senegal to Guinea-Bissau, were already repatriated, with the collaboration of the Swiss and IOM foundations.

77. Also, in relation to school canteens, it has developed actions in collaboration with the US Human International Partnership for Development (HIPD), operating in 300 schools with a total number of 58,000 students, covering 6 regions of the country and the autonomous sector of Bissau.

78. SOS - is an international philanthropic institution, that welcomes orphaned children (partial or total), giving them a new home. It opened in 1994 in Bissau and later extended to Gabu and Canchungo regions in 2006. It is structured in villages (social center, normal kindergarten, and juvenile home), primary schools of Hermann Gmairer and secondary school. Children are followed up during their stay at home and after leaving, (when they reach the age of majority), they are entitled to social integration grant (called partial integration).

79. INDE works on the issue of child labor in the cross-sectorial direction (education - literacy, health - HIV / AIDS, among others). It collaborates with different national and international NGOs, namely AMIC, REJE, and SAVE THE CHILDREN SWEDEN. It is a NGO that works in the areas of education and awareness raising for child sellers, representing a category of vulnerable children.

80. Cooperation for the implementation of the African Charter on the Rights and Welfare of the Child, is not only evident at the level of NGOs and State institutions, but also at the level of national and international NGOs. For example, AMIC and Plan Guinea-Bissau, implemented a program in Gabú region on Children's Carnival.

81. S.O.S talibé, REJE and AMIC cooperate in the area of Talibé children. Normally, S.O.S. Talibé, when it identifies children who are victims of trafficking, communicates to REJE and AMIC and these are in charge of looking for parents of the children identified. After finding their parents, the children live on a boarding-school regime at the reception center that S.O.S Talibe has in Gabu, this center has a madrassa school, where the children can learn the Koran.

82. RENLUV, is an organization that has carried out many activities in the area of protection. It promotes marches and awareness-raising with Parliament on the rights of children. The UNICEF made a study in 2007 on the institutional analysis of social protection and childcare facilities in Guinea-Bissau and revealed that, the staff of this institution, have housed in their homes, on several occasions, many children who are victims of violence and harmful practices that seek support of this organization. While making arrangements or contacts with the competent authorities to resolve problems, children reside in the homes of officials, due to lack of reception centers.

83. REJE, is an organization whose activities meet the community's problems in education (through diagnosis and school integration), health (providing care and medical treatment), legal protection (sensitizes and informs about the dangers of slight corporal punishment, cruel treatment, rape and investigative phase of disciplinary proceedings).

84. It also works with children and young workers (street vendors giving family support and sensitizing them and their families to the dangers they face in their daily lives). The REJE, in partnership with the IMC and UNICEF, carried out the training of Public Order Police officers (POP), providing them with instruments to register all kind of violence aimed at children and arriving at police stations.

85. Along the same lines of concern for the protection of children, this network develops working partnerships with INDE, AMIC and also collaborates with the Ministry of Home Affairs, Ministry of Justice, Ministry of Health and the Ministry of Higher Education.

86. As far as cooperation is concerned, it is concluded that it takes place among various state, international and multilateral organizations. The UNICEF study on institutional analysis of social protection and childcare facilities in Guinea-Bissau, shows this finding. For example, IMC collaborates with UNICEF, UNFPA, Action Aid and SNV in developing strategic plans and in developing the five-year plan on child protection, which also includes the concerns of NGOs working in the field of children.

87. At the same time, it develops partnerships with youth associations, offices set up in some government structures, especially in the Ministry of Home Affairs, through its Women and Children Affairs Office and the Directorate-General of Judiciary Police through the Children's Office and adolescents.

88. Despite the efforts made to promote children's rights, there are still major shortcomings in this area, although adoption of national policy on children is ongoing.

89. With regard to the decentralization of child protection measures, the Ministry for Family Social Solidarity and the Fight against Poverty, established the Directorate-General for Social Solidarity and Family, whose activities are aimed at the social protection of vulnerable groups. This Division is divided into two services: The Social Solidarity service that assists elderly people, disabled and orphaned children; the Family Protection Service that assists the poorest and single parent families.

90. Further to the promotion of decentralization championed by the Government, the MSSFP goes further, establishing, as mentioned above, the Women and Children's Institute (IMC), whose objectives are especially confined to women and children. However, the lack of regional representations of MSSFLP and IMC, limits their effectiveness, due to their services that are inaccessible to a high percentage of the population.

91. Another manifestation of the decentralization for protection measures at the governmental level, relates to the Ministry of Interior, through the establishment of an office dedicated only to the problems of children and women, and also to the Regional Police Headquarters, which has a service that is concerned only with protection.

92. Decentralization of measures concerning the protection of children, is not limited to state organizations, but also to non-governmental and multilateral organizations. For instance, AMIC has extended its activities to all regions of the country, through its regional offices, it means that, representatives of this organization outside of its headquarters, are in charge of pursuing its objectives of advocating the rights of children and promoting training actions aimed at children about their rights.

93. The study carried out by UNICEF and IMC in 2006 on the sexual abuse and exploitation of children, reveals that many cases of violence against children, are reported by officials of their regional offices.

94. In the Gabu region, this organization has a temporary shelter for *talibés* children returning to Guinea Bissau from the countries of the sub - region. They remain in this center while trying to identify the parents.

95. The IPHD school canteens program that the AMIC structure hosted, covers around 300 schools, finding some of these schools in the regions. The REJE such as AMIC also have representation in the Regions.

96. The National Technical Secretariat for the Fight Against AIDS (SNTLS), also has

representation in the Regions, through SRTLS (Regional Technical Secretariat for the Fight against AIDS), although it does not cover entirely national territory.

97. Catholic and evangelical missions, are active in the protection of children and women. Their activities, in the context of Guinea-Bissau, assume a true sense of decentralization, because they develop actions in the villages. Therefore, children weigh to see if the weight they have, corresponds to the ideal weight, also treat those suffering from diseases. The interventions of these institutions are also visible in the area of education, since they invested in kindergartens and primary schools.

98. The government also cooperates with other religious institutions, notably the Casa Emmanuel and Islamic organizations that deal with orphaned children.

3.5. Data Collection

99. Monitoring and evaluating the outcomes of actions concerning the child's situation, the implementation of policies and programs in their favor, is a key factor in measuring their efficiency and effectiveness, impact on communities and the overall framework for the implementation of the Charter, as well as the achievement of the Millennium Development Goals, in particular the goals set for the establishment of "A World Fit " and "A Decent Africa for Children", is the key **Objective of the Guinean Child Indicator System (SICG)** to be established, with a view to address the lack of consistent indicators and reliable sources for analyzing the child's situation in the country.

100. The National Institute for Statistics (INE), is responsible for collecting, systematizing statistical and qualitative data in the country, which uses the survey systems on the living conditions for individuals and collects all the information produced by different institutions and services.

3.6. Training on the Rights of the Child and Dissemination of the Charter

101. Guinea-Bissau's training on children rights, is a process that occurs in all occasions and opportunities, even though it is not a program specifically designed for such use. It referred to the continuous and directed actions to the various stratum of society in relevant events, where the component of the children rights, always constituted matter of training approach, sensitization and clarification, meant for Professional Associations, Judicial Magistrates and Public Prosecution Service, Police officers, Migration and Foreigners Service, Criminal Investigation, Penitentiary Services, Military Units, Teachers and Students, at various levels of education, health professionals, social media, civil servants, sellers, and workers in general.

Also for the child, in particular, at school and in the community, organized in associations that participate in meetings for discussion and exchange of information on their experiences arising from the interpretation of the contents of the treaties on the rights of the child and its optional protocols.

102. Training actions, are complemented by a range of information, awareness-raising and social mobilization activities:

a) The information is made by means of social media, including Television, Radio and Newspapers, which broadcasting and publishing the news, so that society is aware of the facts that occur within and outside the country, regarding issues favorable or unfavorable for the child;

(b) Awareness-raising, is provided through pamphlets, posters, leaflets, stickers and other audio-visual material, with messages, to make citizens sensitive to the child's problems and to encourage them to act in accordance with what the human rights instruments prescribed;

c) in the meantime, the mobilization, is done through outdoor, spot radio and television stations, round tables, seminars, lectures, debates, interviews, theatrical scenarios (for example, children's carnival, through an artistic and cultural representation, on awareness raising themes), motivate society to embrace the child's cause in the hope that at any moment someone can do something praiseworthy for those children who are at risk.

d) The national and regional child parliament, is a forum through which children express their aspirations and contribute to the implementation of the African Charter on the Rights and Welfare of the Child.

IV. DEFINITION OF THE CHILD

103. The Republic of Guinea-Bissau, is a State party to two international legal instruments that define the status of citizens who should be considered as "children". These are the African Charter on the Rights and Welfare of the Child (ACRWC) and the Convention on the Rights of the Child (CRC).

104. According to Article 2 of the ACRWC, a child means any human being below the age of 18 years. Furthermore, according to Article 1 of the CRC, a child is any human being under the age of 18 years, unless, under the law applicable to him, he or she reaches this age of majority earlier.

105. In principle, the Constitution of the Republic of Guinea-Bissau, does not establish, in any of its provisions, at what age is the age of majority.

106. The Guinean legal system, does not differ from that contained in Article 2 of the ACRWC and Article 1 of the CRC, since the infra-constitutional law treats as children who are not eighteen (18) years of age.

107. Article 66 of the Civil Code in force in Guinea-Bissau, establishes that legal personality is acquired with full birth and life from that moment, people become subjected to legal relationships and thus, have legal capacity, without prejudice to the restrictions contained in the legal provisions and no one can waive in whole or in part to their legal capacity (Article 69 of the CC).

108. Articles 123, 124, 125, 127 and 139 of the Civil Code (CC) state respectively that, unless otherwise specified, children lack of capacity to exercise rights. This legal

incapacity of children, is supplied by parental responsibility and alternatively, by guardianship. As a child, their actions are null and void and the exceptions to the legal incapacity of children are those that occur when they are portrayed from acts of administration that are in accordance with the development of the child's autonomy and the availability of goods acquired by his own work or that only involve expenses of minor importance, or legal businesses relating to the profession, art or craft that the child has been authorized to exercise, or those practiced in the exercise of that profession, art or craft.

3 With the entry into force of Law No.5/76 of May 3, 1976, published in the 1st Supplement to the Official Gazette No.18, of May 4, 1976, the majority came to be reached by those who were eighteen (18) years of age (cf. Article 1) and consequently the part of Article 122 of the Civil Code dating from 1966 has been revoked.

4 (Decree-Law No. 47,344 of November 25, 1966)

109. Acts related to the profession, art or craft of the child and by acts practiced in the exercise of that profession, art or craft only respond to the goods that the child has at the free disposal.

110. Reaching the age of majority, acquires full capacity of the exercise of rights, being empowered to govern his person and dispose of his assets. Therefore, the capacity for exercise, demands the presence of a certain personal maturity, that is, free decision power, lucid and autonomous.

111. The incapacity to enjoyment, is an exceptional situation and is expressly provided by law, and it is insupportable, that the violation results in nullity, namely, incapacity to test, since they are not emancipated (...), Article 2189 CC and in accordance with Article 2 of Law No.5/76, of May 4;

112. Bridal incapacity, is a legal impediment, Article 1601 and 1602, both of the CC and under the terms of Article 1828 of the same legal instrument, the child cannot rule, except in the cases provided for in Article 2 of Law 5/1976.

V. GENERAL PRINCIPLES

5.1. Principle of Non-discrimination - Articles 3 and 26 of the Charter

113. Pursuant to Article 3 of the Charter and Article 24 of the Constitution of the Republic of Guinea-Bissau, the principle of equality, has been enshrined in the following terms:

114. "Every child shall have the right to full enjoyment of all rights to freedom recognized and guaranteed in this Charter, without any difference as to race, ethnic group, color, sex, language, religion, political opinion or other opinion, national or social origin, wealth, birth or other status of their parents or their legitimate guardians. " Article 24 of the Constitution of the Republic of Guinea-Bissau, also enshrines the principle of equality in the following terms: "All citizens are equal before the law, enjoy

the same rights and shall be subjected to the same duties without distinction as to race, social, intellectual or cultural level, religious belief or philosophical conviction."

115. The constitutional enshrinement of this principle, has facilitated the generalization of the defense of equality among persons; otherwise, let us see:

116. At the infra-constitutional level, there were situations of inequality in ordinary laws, such as discrimination against children born outside civil marriage, for the benefit of those born within marriage. The differences between men and women in terms of rights and duties, both at the family level and in other situations, resulting from the maintenance of colonial laws in the national legislation, by virtue of Law No.1/73 of September 24.

117. In fact, laws prohibiting discrimination, such as Law No.4/76 of 4 May, which prohibits discrimination between legitimate and illegitimate children as well as the use of any discriminatory designation, have been introduced.

118. As regards the application of the principle of non-discrimination, since this is a fundamental human rights principle, the application of international legal instruments has been guaranteed at practical level, regardless of ratification or not, taking into account that, there is an open provision in the CRGB, Article 29 of which states that: *"The fundamental rights enshrined in the Constitution do not exclude any others contained in other laws of the Republic, as well as the applicable rules of international law."*

119. In this context, a number of measures have been taken to eliminate the practice of discrimination, such as the granting more facilities for girls' schooling. However, many programs rely on international partners and non-governmental organizations to address the enormous disparity existing between men and women as a result of women's access to education, mainly caused by socio-cultural factors.

120. The construction of public buildings with ramps, the existence of schools for children with disabilities, the introduction of inclusive education into the education system, the individualized assessment of the children needs with disabilities, are examples of actions that contributed to reducing discrimination of children with disabilities.

121. In economic terms, many initiatives have been implemented to reduce women's strong dependency on men, mainly in promoting productive activities, through microcredit. And since 2004 there has been a cell in the Ministry of Economy responsible for promoting this initiative.

5.2. Best Interests of the Child - Article 4 of the African Charter on the Rights and Welfare of the Child

122. Article 4 (1) of the African Charter on the Rights and Welfare of the Child establishes that: in all actions relating to the child carried out by any person or authority on behalf of the child, should be given priority consideration. And paragraph 2 of the same rule illustrates that "In all judicial or administrative proceedings affecting a child who is able to communicate his or her point of view, opportunities

should be given for the child to be heard either directly or through an impartial representative, as part of the procedure, and such views shall be taken into account by the relevant and competent authority in accordance with the provision and appropriate laws”.

123. Measures relating to the application of the principle for the best interests of children, refer to cases of parental separations, adoption and legal protection.

a) Parental Separation

124. In cases of parental divorce, there is often disagreement as to who should be entrusted with childcare allowance. In Guinea-Bissau, the legislation in force requires that the child for the purpose of his childcare allowance, be given to those who prove assurance of their best protection, who may not even be one of the parents.

125. The courts and administrative institutions, have considered the interests of the child, both in the arbitration of foodstuffs and in the benefits allowance in favor of them, it means that, the Courts must take the necessary measures for the protection of the child. In making its decision, the Court must always have regard to the best interests of the child.

126. This specific principle of the rights of the child, has received considerable attention from the Government in the prevention, protection and assistance programs, developed by public institutions such as the Women's and Children's Institute, Migration and Borders that control the exit of children out of the country in coordinating and seeking to ensure the prevention of trafficking, forced and illegal exits.

a) Adoption

127. Adoption standards, have been the focus of attention, as they provide an alternative for the child. It was found that the existing legislation does not facilitate the process, as it is very restrictive, specifically regarding international adoption. Discussions have been held on the subject, but fears of using legal facilities to promote child trafficking are of great concern, given the weaknesses that the country presents.

128. However, its effectiveness, has been in accordance with international instruments, in particular the Convention on Protection of Children and Co-operation in Respect of International Adoption of 29th May 1993 establishing a system of cooperation based on the principle of best interests of the child, enshrined in its Article 1, nevertheless, the country is not a party or have ratified this instrument, insofar as Article 29 CRGB, allows to enter into our legal system.

c) Legal Protection

129. Knowing that children do not have the capacity to represent themselves, and therefore, the Public Prosecution Service, has ensured the defense of their interests in their capacity as Legal Guardianship of Children. In this regard, for the sake of

simplicity, more than four (4) magistrates were appointed to work only for the Legal Guardianship of Children of Bissau, to give greater impetus to the procedures.

130. In the criminal field, criminal protection of children's rights, without neglecting other extravagant legislation, comes basically from the Criminal Code approved by Decree Law No.4/93, of October 13. The child only from the age of 16, is susceptible to criminal penalty. Before this age is criminally irresponsible and can only be subjected to a specific system - the protection of children's rights - regulated in our legal system by Decree No.417/71, of September 29.

131. The offender who is over 16 years of age and less than 20 years of age, shall apply the abstract penalty corresponding to the type of offense committed, especially mitigated.

132. Thus, we have the legal categories, which protect as a legal rights of children, namely, infanticide, provided and punishable by Article 110; exposure and abandonment, provided for, punishable under Article 113; rape, punishable by Article 133; sexual abuse, punishable under Article 134; and the child trafficking, punishable under Article 196, both of the Penal Code.

5.3. Right to life, Survival and Development

133. The principle that the child has, such as the right to life, is part of the general rule that every human being has the right to life, physical integrity, honor, etc.

134. In the specific case of children, given their fragile conditions, the State and society in general, must assume the role of guaranteeing the realization of this principle, whose corollary is the right to protection, the right to a good health condition, the right to live in a healthy environment that provides harmonious development.

135. On the basis of this principle, many actions have been taken and many protection structures have been established in specific institutions, such as health, education and infrastructures, which should be highlighted here.

5 In the area of child protection, there are other types of criminal law in various extravagant legislation, namely the law on trafficking in human beings and the law on female genital mutilation.

136. The Guinean State, has promoted, through various mechanisms, the harmonious development of the personality of the child and created favorable conditions for its integration and participation in the active life of society and in collaboration with family and society.

137. In order to realize the right to survival and development, a number of measures of a primarily administrative nature, have been taken, exemplifying the projects and programs referred to in chapter I on the General Implementing Measures of the Convention. Such measures, have substantially contributed to the improvement of the Life Expectancy indicator, which increased from 48 years for both sexes in 2008 to 52 years in 2010.

138. In the country, there are only three special schools for disabled children, two in Bissau (White Stick and National School for the Deaf) and one in Bissorã, Oio region.

5.4. Respect for the Child's Point of View

139. In order to ensure the implementation of the rights enshrined in the African Charter on the Rights and Welfare of the Child in general, the Government has established the Institute for Women and Children, as was identified above, granting administrative and financial autonomy, necessary for compliance of its objectives.

140. The IMC has a special department on children's affairs, which has been conducting a number of children's consultation activities, including the establishment of the Children's Parliament which, prior to its sessions, is preceded by the holding of regional parliament sessions.

141. The National Children's Parliament (PNI), is made up of children parliamentarians, from all regions of the country, in equal numbers and proportional to the members of the National People's Assembly (ANP), chosen by constituencies. It is comprised of the General Assembly, Board of Directors and Departments. The General Assembly, is the supreme body of the PNI and its holders, all the Children's Parliamentarians, are elected for a renewable four-year term.

142. At the age of 18, the parliamentarian must inform the General Assembly and disengage from the PNI children's parliament not only gives the children possibilities to express their views, but also to be with political leaders.

143. The Children's Fortnight, is held at the beginning of June, during which several actions are taken to gather children's opinions, and actions are often carried out, that allow the family members to know how to respect the child's point of view on matters concerning them.

144. From a legal point of view, the promotion of Legal Guardianship of Children, has allowed the child's opinion to be always taken into account, when their interests are concerned, in particular in the case of choosing who should provide childcare allowance in the case of parental separation or divorce and in cases of adoption.

145. According to the CRGB, the total guarantee of the exercise of the freedom of expression of citizens established in Articles 51 and 52 concerning freedom of expression, information, conscience, religious belief and worship, are considered inviolable, in accordance with Article 7 of the Charter and Article 13 of the CRC respectively.

146. All the assumptions of these legal instruments, guarantee the following rights:

- However, domestic law does not expressly provide for the hearing of the child by the Court in cases related to it and related to the exercise of parental responsibility, but the court in practice, before giving a decision, always listens to the child under Article 29 of the CRGB, which drew attention to the provisions of the African Charter on the Rights and Welfare of the Child;

- Testifying as a witness in criminal matters (cf. Article 119 (1) of C.P.P), and in civil matters when he or she has reached the age of 7, cf. al. c) of Article 617 of the C.P.C);
- Consent to adoption, provided that he or she has completed more than 14 years (cf. Article 1974, paragraph 2 of the C.C);
- Speak and give opinions within the scope of the exercise the right of assembly and demonstration with the constitutional proviso, on the exercise of political rights;
- Engage a lawyer to defend your rights and interests, if you have reached the age of 16.

147. In addition to this legal framework for the exercise of the right to freedom of expression, children freely express their opinions, whether in the family environment, in residential and educational institutions or in the media, and in their own spaces, which the Government established in the scope of their right to participation.

148. With network-based capacity building, on child rights, adult awareness-raising campaigns, have been held in the communities through plays, lectures in national languages for changes in traditional attitudes in order to respect their views on all matters concerning them.

149. Article 7 of the African Charter and Article 12 of the CRC, state that "States Parties shall ensure that children who have the capacity to formulate their own judgments, the right to express their views freely on all matters relating to their rights, should take into account these opinions, depending on the age and maturity of the child. This Article is the source of inspiration in creating the conditions for the Guinean child to have spaces for participation in the family, school, institutions and community.

VI. Civil Rights and Freedoms

6.1. Birth Registration

150. The rules concerning the registration of births that came from colonial times, did not correspond to the socio-cultural reality of the country, favoring children born in hospitals and children of civilly married parents.

151. The Government of Guinea-Bissau, by understanding the situation, has taken steps to promote the registration of births of a greater number of people, namely the abolition of the fees that were collected under **Order No.04/02 of 25th April**.

152. However, the increased costs of non-declaration of birth within 30 days of its verification, continued to discourage birth registration in the period envisaged. Thus, some measures were taken to promote the right to birth registration, namely:

- **Order No.09/04, of December 9**, of His Excellency the Minister of Justice, which states that "Birth registration of children from (Zero) to 3 (three) years of age, becomes free of charge.

- **Order No. 06/06, of August 7**, extends the period in which birth registration, must be free of charge until the age of five (5) years, invoking in the order itself that the measure aims to provide the right to a name and identity, as provided for in international instruments.

153. In addition to these measures, free of charge birth registration campaigns for children from zero to 10 years old, have been organized periodically, with support from the main partners working in the area, particularly the UNICEF, Plan and GB.

154. These free of charge registration campaigns, have enabled a large number of children, and in particular talibés children, refugees and working children to register. They were also given the opportunity to obtain their identity card, which is being facilitated, so that it can be done not only in Bissau, but also in the hinterland by (setting up Biometric Identification Card Centers, in the Regions).

6.2. Freedom of expression

155. The Freedom of Expression enshrined in Article 7 of the Charter, strengthens a number of civil rights, set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In Guinea-Bissau, since the ratification of the Charter and the CRC, one of the most frequent initiatives has been to promote children's freedom of expression through the establishment of means to express their ideas. These include promotion of debates among children in children's parliaments (regional and national), holding of thematic meetings on children, radio programs, establishment of Friends of the Child Journalists Network and convening of poetry sessions and exhibitions of children's drawings.

6.3. Freedom of Association

156. Article 8 of the Charter, provides for freedom of association and peaceful assembly, and is also enshrined in the Constitution of the Republic of Guinea-Bissau precisely in Articles 54 (1) and 55. In the country, there is no legal restriction in terms of constitution of association, but the difficulties were of a financial nature. Thus, pursuant to Order No.4/02, the financial requirements for the constitution of associations of public utility, have been taken into account, and the deposit of a certain amount for its legalization is not compulsory.

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157. Article 55 (3) of the CRGB prohibits the establishment of associations promoting tribalism and racism, as well as military, militarized or paramilitary associations.

158. The freedom enshrined in national legal instruments in relation to the establishment of associations, is achieved by the proliferation of associations in the country, be they religious, cultural, recreational and community-based. And the IMC has supported many of them.

6.4. Freedom of Worship, Conscience and Religion

159. Article 52 (1) of the CRGB provides for the inviolability of freedom of conscience and religion and paragraph 2 recognizes freedom of religion, as long as it does not breach the fundamental principles of the constitution. In the international legal instruments applicable in the country, freedom of worship, conscience and religion are guaranteed. In this context, children, according to their abilities and guidance of their parents and guardians, are guaranteed the exercise of these rights.

160. It should also be noted that the last parliamentary session in 2007 ratified the African Charter on the Rights and Welfare of the Child (ACRWC), an important legal instrument that enshrines all civil rights and freedoms adopted at the CRC. This is provided for in Article 9 of the Charter and in Article 14 of the CRC. Paragraph 3 of this article establishes restrictions on religious freedom for children in the following cases: *Restrictions are provided for by law and are also necessary for the attainment of security, order and public health, morals or freedom and fundamental rights.*

161. The above Articles of the Constitution of the Republic, show that the child is not only a member of society but an active member, which also highlights, the harmonization between the Charter, the CRC and the Constitution. However, in practice there are many challenges in its application, due to the social cultural values, under which the behaviors of the majority of the inhabitants of the country are oriented. For instance, in the tradition of almost all ethnicities in Guinea-Bissau, children should not express opinions when adults address matters, even those that concern them.

162. There are also rare occasions when children can choose the religion they wish to profess, since there is a trend for children to automatically adopt the religion of their parents, except for a few exceptions (cases of children adopting a Christian religion whose parents are animists). The difficulty in the religious freedom of children, sometimes occurs especially in relation to children of Christian parents who want to adopt the Muslim religion and vice versa. In fact, in spite of the difficulties identified in the examples shown, the effort of families in adopting the norms set out in the constitution is verified. There is awareness that the child is no longer just a member of society with duties to fulfill, but also has their rights.

163. State institutions in coordination with NGOs and families, are increasingly working to create conditions for children to exercise these rights, and the attitude of adults towards children is progressive and positive. This position is justified by the existence of a set of associations made up of children in different cities and villages. Alongside these associations of Guinean children, currently have a parliament where they have the opportunity to express their thoughts and defend their interests.

6.5. Access to appropriate information or right to privacy

164. Children should be provided with information that does not jeopardize their development. In this context and in accordance with the press law, social media, especially the public ones, must take into account, in their programming, the appropriate contents for the children. The same happens in the inspection of children's access to films and shows, where they have to limit entry according to age.

It should be noted that in this respect, the fragility of the inspection institutions, is recognized, in order to enforce the law. Increasingly, inspections are intensifying and high fines imposed on offenders.

6.6. Prevention of torture, degrading and inhuman treatments

165. In order to safeguard child abuse, as already mentioned, the Office for Women and Children Affairs, was established at the Police Headquarters and Public Order of the Ministry of Interior, which seeks not only to act in the sense of prevention, but also in the training of police officers. This training focuses on how to deal with the most vulnerable groups, such as organizing briefing sessions and welcoming children who have been ill-treated. At the level of the Directorate-General of the Judiciary Police, a brigade was also set up for children and adolescents in conflict with the law, whose mission is to give greater protection to this category of people.

VII. Family environment and alternative protections

7.1. Parental responsibility, rights and duties

166. Guinean households, are mostly widened, that is, more than the spouses and their children, since polygamous forms of polygenic marriage, are characteristics of all the ethnic groups that make up the country. On the contrary, the civil legislation inherited from the colonial era, in which was drawn in the scope of the nuclear family, constituted according to the European model.

167. Since the earliest days of independence, it was realized that there were situations that did not suit the reality of the country. It was in this context that Law No. 4/76, of May 3, which abolished discrimination between legitimate and illegitimate children, based on the marital status of the parents.

168. The elimination of discriminatory designations, did not solve all the legal problems caused by the inadequacy of the civil law to the national reality, which is why deeper reforms were undertaken, in order to harmonize national law with international legal instruments.

169. Also, in the chapter on matrimonial property and successions, rules have been established to guarantee equality among children, regardless of whether they are born within or outside of civil marriage. In this respect, the commitment of the Legal Guardianship of Children to the Family, Juvenile and Labor Courts of Bissau, as well as the Regional Courts located in the hinterland of the country, should act in promoting and advocating for children's rights, when their interests are at stake.

72. Child Safety and Social Reintegration

170. Both national and international law, do not allow children to be separated from their parents, unless it is concluded that, it will be better for their well-being, especially when the safety and development of children are at risk.

171. The cases considered to be less complicated are divorced parents, but the application of the principle of the best interest of the child, ultimately determines who should give childcare allowance, may not be either parents, it means that, if neither of them offers materials and morals conditions, to be entrusted with childcare.

172. In this regard, the provision and collaboration of the National Nucleus of Social Intervention Technicians "NUNATIS", which works in partnership with the Ministry for Social Solidarity, Family and Fight against Poverty and Legal Guardianship of Children in the courts, is classified of being excellent.

173. Notwithstanding the extinction by the State of the childcare centers, formerly controlled by the "Friendship Institute", gave a room for more and more partnerships with private initiatives for the reception and reintegration of children. These partnerships include the collaboration of the Ministry for Social Solidarity and other State institutions with SOS villages, Casa Emanuel Orphanage, SOS Talibés children, AMIC, and many other institutions, especially those linked to religious institutions.

7.3 . Institutionalization of childcare facilities: Rehabilitation, re-education and reintegration of vulnerable children and young people in conflict with the law.

174. The last State Budgets, have devoted little money to social institutions that receive or support children. Although the situation of public finances has made it difficult to fully comply with this forecast, financial support has sometimes been provided, and tax exemptions are granted to the goods and services delivered by these institutions.

VIII. Education

175. The Republic of Guinea-Bissau, remains among the poorest countries, with a heavy dependence on external aid. Their educational system still does not have conditions which allow them to create positive expectations regarding the evolution of the school situation.

176. The State of Guinea-Bissau, as a means of ensuring respect for and observance of the Economic, Social and Cultural Rights set out in the Universal Declaration of Human Rights and redefined by the International Covenant and the African Charter on the Rights and Welfare of the Child. The Constitution of the Republic of Guinea-Bissau establishes conditions related to the rights to education, culture and sport; to the secular states; freedom of conscience, religion and worship; intellectual property; freedom of cultural and scientific creation.

177. As one of the fundamental rights, the right to education, is integrated into a set of fundamental rights recognized by the Constitution of the Republic of Guinea-Bissau in Article 29, which incorporates international instruments.

178. Article 16 of the Constitution of Guinea-Bissau considers that education is aimed at the training of men. It should remain closely linked to productive work, providing the acquisition of qualifications, knowledge and values that enable the citizen to join the community and contribute to their unceasing progress.

179. Law No.4/2011, on the Basic Law of the Education System, has addressed the legislative gap that existed in this sector. However, the state considers the eradication of illiteracy as a fundamental task.

180. In the Republic of Guinea-Bissau, education, is a right and duty of every citizen. The State promotes the extension of education to continuing vocational training, and the equal access of all citizens to the enjoyment of this right. The child has the right to education, aiming at its full development of its skills and potentialities, preparing it for the exercise of citizenship and qualifying them for work.

181. The Right to Education is enshrined in the Constitution of the Republic of Guinea-Bissau, in Article 49, set out that every citizen has the right and duty to education. The State gradually promotes the free and equal access of all citizens to different levels of education. Emerging as a noble and vital area of the state's protective intervention. But education in Guinea-Bissau is the sector that has been confronted during the post-independence years, with many problems, some of which are chronic, whose solution will always depend on a better vision and engagement of the state.

182. The resources allocated to national education are insufficient and are essentially the result of partnerships between government and partners for the development of education. Expenditures foreseen for education in the General Law of the State Budget, are intended specifically for the payment of salaries to the civil servants.

183. After the 1998 military political conflict, it is easy to conclude that the ratios that are based on predicting economic growth and tax revenues, are far from translating the real weight in the education and health sectors. The negative dynamics that the education sector has known in recent years, have a lot to do with political and social instability.

184. Children, particularly girls and people with disabilities, have limited and unequal access to quality inclusive education. Overall attendance of education in Guinea-Bissau decreased from 67.4% in 2010 to 62.4% in 2014. A considerable proportion of school-age children are not attending any institution of pre-primary or primary education, with large disparities between urban and rural areas.

8.1. Main Challenges of the Guinean Education System

185. Despite the progress made over the last few years, many challenges still lie with the Guinean educational system, which should be taken into account in the definition of future actions.

186. Guinea-Bissau, has shown considerable progress in the net enrollment ratio in primary education between 2000-2005 and 2006-2011. Thus the rate increased from 63% to 77% for boys and from 45% to 73% for girls compared to the average for Africa, which is between 84% and 81%.

187. According to the most recent data, the primary completion rate is around 64%, below the average figure for Africa of around 68.1%, and the completion rate for boys and girls is 71% and 57%, respectively.

188. The pupil-teacher ratio of the primary school, was estimated at 52: 1 during the period 2006-2011, which is higher than both the internationally recommended levels, "the maximum is 40: 1" and the average of Africa is 38: 1.

189. Many school infrastructures, are precarious and do not meet the universal minimum standards and continue to be part of the main constraints of the educational system.

190. According to the data collected by the Rights Observatory, at an average distance which separates students from the school network, it is 2.2 km by 2014, with serious fluctuations for regions such as Bafatá up to 6 km of an average distance, Gabú and Autonomous sector of Bissau with distance of 1 km, while Oio and Biombo regions, have an average of 3 and 2 km, respectively.

191. These facts, together with the disruptions and interruptions caused by successive teacher strikes, are one of the main problems of the Guinean educational system.

192. It appears that education, is not a priority for the state of Guinea-Bissau, since the level of investment in this sector is around 13% of the State Budget, contrary to the average for countries with the same level of development, which stands at 23.6%.

193. The country does not yet have the national policy for early childhood or program and curriculum. Early childhood services are not available in rural areas or when they are available, they do not have qualified teachers, adequate facilities or required materials and equipment.

194. The Education for All (EPT) commitments. undertaken in Dakar (2000) by several National States, including Guinea-Bissau, require concrete corrective measures to ensure that these rights are fulfilled at all levels, including access to quality of education, enhancement of the education professional and non-discrimination in access to education.

195. Therefore, it is urgent that the contribution of civil society in the discussions to monitor the right to education in the country, is considered and called for, in order to strengthen the educational system.

196. It is necessary for the State of Guinea-Bissau to make every possible and necessary effort to ensure the access of Guinean students to school and avoid systematic political or military instabilities in the country, which ultimately weakens the public educational system.

197. The politicization of the Education System is a dangerous venture that can threaten the success of the entire system in the near future, if corrective measures are not adopted properly. For when we change Minister or Secretary of State, we also change the staff, including Headmasters, Principals of schools at all levels.

198. To date, there is no systematized data on access to people with disabilities within and outside the education system.

199. The persistence of corporal punishment in some establishments in the primary education that violates the rights of the child and provides for the reproduction of this disciplinary system by the children themselves in adulthood still stands out. There are reports of students' recurrent indiscipline, including abstention, alcohol consumption, and there is a need for joint action by parents and education authorities to remedy this situation.

200. Pre-school education continues to be one of Dakar's most neglected objectives, and although there is still no National Policy for Early Childhood, the actions undertaken are insignificant compared to demand.

IX. Child with Disabilities

201. Every child with a physical or mental disability, has the right to special protection measures, which ensure their dignity, promote their self-esteem and active participation in the community.

202. Article 13/2 of the ACRWC stipulates that all Member States shall ensure the availability of resources to children with disabilities and their caregivers as well as appropriate assistance guaranteeing access to training, preparation for employment and opportunities for recreation, so that the child achieves the best possible social integration, individual, moral and spiritual development.

203. The unavailability of resources, should not be used as a justification for not carrying out actions to protect and develop children with disabilities. The entire State should prioritize the protection and provide care to children with disabilities.

204. The Government of Guinea-Bissau, has not yet established a legal instrument or the Policy on Persons with Disabilities to define the obligations of state institutions, civil society organizations and society in general towards them. The only legal provision concerning this matter is embodied in our constitution of the Republic in which there is a perfunctory reference to the disabled, but circumscribed to those who participated in the struggle for national liberation and suffered physical decline, Art. 5/2, (a).

205. A disabled child, enjoys the same rights as others, but in view of his or her diminished physical or mental condition, it deserves special protection, which must be defined in terms of an integrated policy with a view to provide a better life for those children. In this case, it is the responsibility of the State to create mechanisms and conditions for the education and socio-professional integration of disabled children, young people and social security schemes, to withstand the isolation and social marginalization to which many children are exposed.

206. Although Guinea-Bissau has signed the International Convention on the Rights of Persons with Disabilities as a way of strengthening their action to advocate the rights of the disabled children, they are not translated into specific actions in public and macroeconomic policies.

207. In Guinea-Bissau, according to the study on persons with disabilities carried out by the National Institute for Study and Research (INEP), with the financial support of Plan International, carried out in March 2009, with a population of around 1,449.230 persons, about 13,590 persons with disabilities, corresponding to 0,94%, were registered. According to this study, the males present 53.9% and the female 46.1%.

208. In terms of typologies, partial visual impairment, is around 28.9% (32.3% for women and 26.1% for men); the physical disability of the lower limbs, amounts to 26.1% (male 27.9%, female 23.9%); and 7% are mentally ill people.

209. The FAPD "Federation of Associations of Persons with Disabilities" based in Bissau and other organizations working to promote the rights of persons with disabilities, are advocating with the government to approve specific policies and laws on the rights of persons with disabilities, to ensure a decent life. These policies

should provide sanctions for those who do not comply with the provisions contained therein.

210. In the scope of Quality and Inclusive Education, the Government through its partners has established access facilities such as ramps, accessible classrooms, short blackboards, latrines, etc., but does not establish the time horizon for teacher training and other material conditions (Braille, sign language) to accommodate the child with disabilities and as a result, the student, is excluded in an inclusive education, especially in traditional communities.

211. Access to medical services is deficient, as there are no doctors who understand sign language for dialogue with children with disabilities, if they are not accompanied by an assistant.

212. The reality is that, there are still no means of transport which accommodate the space and comfort of disabled people in public or private transport, making children with disabilities lose the opportunity to access the various services, including health and education.

213. Sexual abuse of persons with disabilities, is a concern in our country. Close family members who should protect children, particularly girls with disabilities, are the first to rape them. Unfortunately, these cases are usually resolved in family and household forums, with monetary compensation to the victims' families.

X. Health and Health Services

214. The Constitution of the Republic of Guinea-Bissau, states in its Article 15 that "public health aims to promote the physical and mental well-being of populations and their balanced integration in the socio-ecological environment in which they live." It also describes that public health "should be oriented towards prevention and aim at the progressive socialization of medical and pharmaceutical sectors".

215. Notwithstanding the Constitution of the Republic does not expressly mentioning the right to health, but Article 29 of the CRGB stipulates that constitutional and legal provisions concerning fundamental rights, must be construed in harmony with the Universal Declaration of Human Rights, which recognizes the right to health.

216. The Ministry of Public Health (MINSAP), is part of the Secretariat of State for Hospital Administration. A governmental department, is responsible for formulating, proposing and implementing government policies on health and the fight against epidemics. MINSAP includes the General Secretariat, Inspection General, National Health Institute, Essential Medicines Procurement Center, Regional Public Health Directorates, Directorates-Generals for Prevention and Health Promotion, Health System Administration and Administration for Health Institutions.

217. The country does not have a basic health law, but it is in force Law No. 5/2007 on HIV / AIDS, which prohibits the discrimination of people with HIV / AIDS and Law No.11/2010 on reproductive health and family planning.

⁶ The idea of adopting a law in this sense, began its discussion in 2010 and 2011, but then abandoned because of the coup d'etat of 2012.

218. Guinea-Bissau, has a National Health Development Plan for 2008-2017 which includes other frameworks and policies, such as the Operational Plan for Transitioning to Prenatal and Maternal Health (POPEN) and the National Human Resources Plan for the Health Sector, highlighting the following priorities:

- Reproductive Health Program;
- Family Planning;
- Expanded Program on Immunization;
- Strategy for Integrated Management of Childhood Illness and Nutrition;

- Prevention and Fight against Endemic Diseases, which includes programs to combat HIV / AIDS and sexually transmitted diseases, malaria, leprosy, tuberculosis, onchocerciasis, vision loss and other neglected diseases.

219. There are factors that hindered the implementation of the National Health Development Plan II, namely:

- Lack of infrastructures and equipments;
- Brain drain to overseas;
- Lack of human resources within the system;
- Administrative instability;
- Lack of effective monitoring and supervision in the health system;
- Poor road conditions and limited transportation;
- Poor equipment management;
- Lack of sustainability of the health system.

220. In addition to the aforementioned plans and policies, the country also has additional policies and structures in the health sector, including:

- The National Malaria Campaign and National Malaria Control Program;
- National Plan for the Prevention of Sexual Abuse and Exploitation;
- National Plan on Gender;
- National Plan for Food Security;
- National Vaccination Plan;
- Injection Safety Policy;
- National Policy on Nutrition;
- National Blood Policy.

221. In Guinea-Bissau, the health sector is divided into 11 regions, subdivided into 114 health districts or areas defined on the basis of geographic criteria. It is true that health conditions and access to care, vary significantly from one area to another.

222. In Guinea-Bissau, the health situation of children, presents a worrying picture, mainly due to the prevalence of high rates of malaria, diarrhea, infectious and respiratory diseases.

223. But what makes it more worrying is the degrading state of most health infrastructures, the lack of equipments and means of diagnosis, the poor quality of patient care and corruption. Likewise, the health sector is sometimes confronted with salaries in arrears, candle subsidies and yet the precarious working conditions.

224. Guinea's health sector relies heavily on partnership and international aid, since the State Budget is limited to salary and general operating costs, which are also insufficient to cover all these needs. The State does not have the capacity to invest in the construction and rehabilitation of infrastructures, the acquisition of furniture and equipment of the hospitals and health centers. Despite the substantial support of foreign aid and the projects of NGOs working in this field, the state is still far from providing an effective response to meet the needs of the country.

7 Guinea-Bissau-National Plan for Health Development II 2008-2017, PNDS II, Bissau, 2008, p.15

225. Children and women are the most affected by this serious situation facing the sector and also due to extreme poverty in the country. The costs of medical care and treatment are very high in relation to the family income of the majority of the population, a situation that contributes to the search for alternatives in accordance with the family financial capacity. In general, the search for healers and the use of medicinal plants, are more viable alternatives, which motivates this activity that attracts many people, while endangering the lives of human beings.

226. There are specific and emerging problems that the country must overcome, including high infant and child mortality, maternal mortality, malaria, malnutrition rates, low vaccination coverage rate, cholera epidemics, meningitis and infectious diseases, etc. in order to respond to the recommendations of the African Charter on the Rights and Welfare of the Child.

227. In order to translate these facts into reality with a view to minimize the suffering of children, the State, together with its partners in the health sector, should conduct a thorough review in order to adopt new policies and strategies for improving access to health and sanitation services for the most vulnerable population, including children and women, that is, if there is a political will to achieve the 2030 Sustainable Development Goals or at least move towards that direction.

228. The lack of adequate sanitation facilities, access to safe drinking water due to lack of water points, in the grassroots communities, including schools, are problems that negatively affect the health and well-being of children. External aid and NGOs, have contributed substantially to minimize the shortage in the Guinean public health sector.

10.1. Access to Food and Education

229. A significant part of children under five years of age, remain underweight, which increases the risk of dying from common infections. Malnutrition in the first 1,000 days of life, is also associated with reduced cognitive ability, school and professional performance.

230. As regards the HIV / AIDS, according to the National AIDS Secretariat, Guinea-Bissau, is one of the few countries with incidence of both types of human immunodeficiency virus, namely HIV1 and HIV2, with prevalence rates tending to be higher in HIV positive cases¹. The prevalence of HIV among people aged 15-49 years is 3.7%.

231. The Guinea Bissau National AIDS Report of 2016 indicates that 2,392 mothers are in need of care to prevent mother-to-child transmission. Among them, 1,571 benefited from care in 2015, representing coverage of 67.8%. The prevalence of malaria in the regional offices throughout the country, decreased by 90% among children aged 6 to 59 months and 83% among individuals over five years of age.

XI. Child Labor

232. All children must be protected from all forms of economic exploitation and from doing any work detrimental to them or interfering with their social, physical, mental, spiritual and moral development.

233. In this regard, Guinea-Bissau also ratified ILO Convention No.182 (2008) on the Eradication of the Worst Forms of Child Labor and ILO Convention No.132 on the Minimum Age of Child Labor.

⁸ United Nations "The Millennium Development Goals Report, New York, 2015, page 22. ⁹ WHO, Global health Observatory, available at: http://www.who.int/gho7gnb/country_profiles/en.

¹⁰ Amabelia Rodrigues et al, 2 Evaluation of the 2014 long Lasting Insecticide Treated Net distribution campaign impact, INASA, Bissau, 2014

234. In terms of domestic legislation, the prohibition on the employment of children under fourteen (14) years of age, is enshrined in Article 146 of Law No. 2/86 of 3rd April, as well as the prohibition of children over that age or, have not attended compulsory schooling. This prohibition is in line with the rules on legal capacity-labor.

235. Article 148 of Law No.3/86 prohibits the employment of children in labor of a certain nature, such as heavy work, done in unhealthy or dangerous conditions, and underground work. Children are still exempt from extraordinary work, except when it is essential in cases of force majeure or imminent harm, which is important to the company. Therefore, according to Article 151 of the same law, children must be provided working conditions appropriate to their age,

So that their physical and psychological development, function in the best way possible.

236. With regard to the penalty regime, the law provides for fines to be imposed on employers who violate the rules protecting child labor and some control mechanisms, (such as the imposition on employers to register the number, name and age of children at their service), under penalty of fines, Article 186 of the same law.

237. Data from the 4th MICS4 multiple sampling survey and Demographic Reproductive Health Survey "IDSR", indicating that more than half of children aged 5-14 years (57%), are involved in child labor, being more frequent in rural areas

(65% vs 45% in urban areas) and among children aged 5-11 years (63% to 40% among children aged 12-14 years).

238. The practice of child labor, is also slightly more frequent in girls with 60% more, than boys, which amounts to 55%. A rate considered similar for the total number of children in this age group.

239. Low access to education, is also considered as one of the causes of child labor. The US Department of Labor in 2008 published some interesting data on child labor in the Republic of Guinea-Bissau, especially in its worst forms.

240. The report indicated that children in the country work mainly in the informal sector, and in many urban areas they play the role of street vendors, shoe-shiners / cleaners or car washers. The same report adds that another type of work done by these children, is a domestic one, performed by some children, including orphans living with other families as domestic servants without any remuneration.

241. Despite these efforts, there are reports of children involved in child labor in the domestic, communities, fisheries, informal sectors, as well as in the formal sector, the highest concentration of child labor is in family businesses to support welfare and its economy.

242. The existence of girls street vendor, markets in different parts of the country, without studying, the use of children as beggars or accompanying persons with disabilities to ask for alms, child prostitution, all these, are other forms of using children to the detriment of their education and future.

243. In the capital of Bissau and in some cities in the regions, it is normal to see children selling water and other agricultural products in public places and in other places where it is not appropriate to be frequented by children. In places of evening entertainment it is also common to see children selling.

244. The Guinean tradition of entrusting childcare allowance to family members, results in their movement within the country in a process of which they become domestic servants or even sex workers within or outside the family.

¹¹ [US Department of Labor \(2008\)](#)

245. Child prostitution, internal and external trafficking of children for sexual exploitation and the use of child labor to pay family debts, are other problems that afflicting the Guinean child.

246. In some parts of Guinea-Bissau, it is common to find children who drop out from school to practice begging. And this phenomenon may be associated with an increase in the cost of living, taking into account that the majority of the population depends on subsistence agriculture and small commerce that cannot maintain the family's livelihood. It's a bleak scenario, but no one can stop this harmful phenomenon from happening to the child. "Associated with the process of regional integration and cross-border trade, children from Senegal and Guinea-Conakry, are

sometimes trafficked to Guinea-Bissau for sexual exploitation and forced domestic labor.

247. There are cases of parents who send their children to Madrassas schools in other parts of the country, without being sure about the safety and well-being of these children. On some occasions, the recruitment of these children in the name of the Koranic masters, is erroneous, as it turned out that, there were cases where it was an attempted trafficking of children.

248. High poverty rates and orphanage, which affect over 50% of children, lead to child labor with serious consequences for the lives of children. Many children are responsible for their livelihood and for their siblings and are susceptible to involvement in any form of work to ensure family feeding.

249. The Government of Guinea-Bissau, must strengthen its capacity to gradually reduce child labor, especially in the informal and domestic sectors. The capacity building of the Labor Inspectors of the Ministry of Public Employment and Labor, to inspect formal and informal work on child labor cases, should be a national priority.

250. Guinea-Bissau, is the Lusophone country with the highest rate of child labor: almost 40% of Guinean children are working. Similarly, the UNICEF study, reveals that information, which places East -Timor and Angola at the head of this indicator.

XII. Administration of Juvenile Justice and Protection from All Forms of Abuse and Torture

251. The Constitution of the Republic of Guinea-Bissau, stipulates in its Article 37 that the moral and physical integrity of citizens, is inviolable; No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. So much so that in no case will there be forced labor or liberty deprivation measures of unlimited or indefinite duration.

252. The structuring document on children in conflict with the law, is the Statute of Legal Protection for Foreign Children, regulated by Decree-Law No. 417/71 published in the Official Gazette, Series I, No.15, 1972, Along with other pre-independence legislation, this Legal instrument, is clearly outdated and inconsistent with the current situation in Guinea-Bissau, as well as with the Convention on the Rights of the Child, subsequently ratified.

253. In 2017, consultants were recruited, one for the preparation of a new Code for the Protection of Children and others for the crafting of the National Policy for the Protection of Children, whose work is well advanced.

254. With regard to the jurisdiction of the courts, law No.03/2002 (organic law of the judicial courts, revised by Law No.06/2011), provides in Article 57 that, it is the responsibility of the family and children to exercise material jurisdiction over family

and children. In the absence of the Court of Specialized Jurisdiction, the court of general jurisdiction, is competent, in accordance with Article 51 of the same law.

255. Thus, in terms of State structures, specially geared to the treatment and protection of children in all regions, only the following are identified: Labor, Family and Juvenile Courts, Public Prosecuting Service, through Legal Guardianship of Children, integrating social services, Children, Women and Family Brigades, in the Judiciary Police and in the Ministry of Interior.

256. Child Legal procedures, involve two forms: Criminal Proceedings and Civil Proceedings.

257. In the process of Criminal Proceedings the purpose is to apply, maintain, modify or putting an end to the measures provided for in Articles 21 and 32. This process begins with a participation presented by any person, by promotion of legal guardian for the child or a legal representative or by determination of the judge, Article 56 of the EAJM. The final decision is taken by the judge as soon as he considers the investigation completed, after hearing the legal guardian.

258. In the Civil Proceedings, it is sought to obtain some of the provisions set forth in Articles 34 and 35 of the EAJM. Thus, there is an adoption process; process of regulating the exercise of parental responsibility; process of food action due to children; process of handing over children by judicial authority; process of inhibition of paternal responsibility and process of unofficial investigation of maternity or paternity.

259. Articles 15 to 33, and in particular the provisions of Article 21, of the EAJM, enumerates in the context of criminal prevention, the following measures:

- Admonition;
- Handing over of children to the parents, guardian or person in charge of their care;
- Assisted freedom;
- Good conduct bond;
- Income, salary or salary discount;
- Placement in a suitable family or in an official or private educational institution;

¹² They are processes of voluntary jurisdiction. In these cases there is a fundamental interest protected by the law, by means of which the judge has to regulate in the most convenient terms. Voluntary jurisdiction, writes ALBERTO DOS REIS, ob. and vol. Cits, p. 398, implies the exercise of an essentially administrative activity, the contentious jurisdiction implies the exercise of a jurisdictional activity.

- Placement in apprenticeship or work with any official or private entity;
- Hosting at observation center in semi-boarding regime;

- Assistance from a medical-psychological institute;
- Placement in an educational institute.

260. With regard to the establishment of criminal prevention, Article 127 provides for the following species:

- Observation center attached to specialized courts of jurisdiction;
- Medical-psychological Institute;
- Educational institutes;
- Patronage homes

12.1. Specialized child protection service at the Ministry of Interior

261. The State of Guinea-Bissau to combat violations of children's rights, has established in various legislations a punishment for behavior which jeopardize the life, sexual self-determination and physical integrity. So much so that the children themselves are not aware of the complaint mechanisms, fearing reprisals from their relatives. And cases of violation of children's rights, are overwhelmingly addressed and resolved in the family forum.

262. Despite the existence of legal instruments such as the Law against Domestic Violence, the Law against Female Excision, the National Policy on Gender Equality and Equity, the Law against Trafficking in Persons, Especially Women and Children continue to persist children's rights. And formal justice bodies cannot match the demands.

263. According to Article 10 of the Criminal Code, natural persons are only susceptible to criminal responsibility from the age of 16. Delinquents over the age of 16 years and under 20 years of age, will be charged with the abstract penalty corresponding to the type of offence, especially mitigated.

264. In Guinea-Bissau, there are no data on the number of children being tortured, but there are reports on detention in the police stations. There is violence by police officers to enforce discipline. It is therefore clear from the law that judiciary authorities and OPCs have an obligation to take action to protect the rights of children in conflict with the law.

265. At present, the Offices for women and children cares, victims of domestic violence, are operating in the Ministry of Interior, as a result of the recommendations of the 1995 Beijing Conference.

266. The training of public order and police officers to deal with domestic violence cases, is also ongoing, within the framework of a reform of the defense and security sector, led by UNIOGBIS. (United Nations Integrated Office - Peace Building).

267. Efforts are under way to reduce cases of violations of detainees' rights, in detection centers or prisons, through disciplinary and criminal accountability, where force and torture have been proven. National authorities also recognize that capacity building and technical assistance, ongoing in the justice sector reforms, with the support of UNDP (United Nations Development Program), is of great relevance.

XIII. Protection against Negative Social and Cultural Practices

268. Laws such as female genital mutilation and domestic violence, advocate that the State of Guinea-Bissau, should apply legislative and administrative measures to eliminate cultural practices that affect the full enjoyment of children's rights.

269. The Guinean government and its development partners, NGOs and civil society organizations, have been carrying out awareness-raising, training and reflection sessions with a view to reducing the practice of socio-cultural acts that harm children's lives. Awareness campaigns on violence against children and early marriages, are some ongoing actions that have drawn the attention of society in general on this issue. One way is to sensitize parents to ensure children's right to education, so that they can have autonomy and make choices about their lives and break the cycle of poverty.

270. The Republic of Guinea-Bissau, recognizes the freedom to establish a family under the Constitution and the law governing the requirements and effects of marriage and cohabitation, as well as the dissolution thereof. This freedom does not inhibit spouses from taking responsibility for their children, protecting their rights, namely their integral and harmonious education, protection of their health, living conditions and education, which are absolute priority of the family, State and society. These assumptions are regulated by the Civil Code from Article 1576 and seq.

271. Recent MICS 2014 data, shows that 37% of girls marry before the age of 18.

272. However, the civil code admits that a child may exceptionally contract marriage from the age of 16. In order to acquire this capacity, it must be emancipated under the combined provisions of Article 2 of Law 5/76 of May 3, 1976, with Articles 132, 133 and 1601 (a) of the Civil Code of 1966.

273. Initiation rites, are considered as traditional practices intended to educate the boy and the girl to become respected men and women in the community. Initiation rites are aimed at children aged 10 to 13 and their content varies by province, but generally emphasizes the subordination and respect for the elder ones and their maturity to the adult stage.

274. For girls, the greatest message, is obedience to the husband and his family, teaching personal and family hygiene practices. And sexually pleasing his husband. After this ritual, the girl is ready to procreate and lead an adult life.

275. Civil society organizations in Guinea Bissau, have joined the global efforts to combat child marriage by joining the Girls Not Brides Campaign, led by the Ministry for Women, Family and Social Solidarity, in coordination with Office of the First Lady of Guinea - Bissau, Plan International Guinea - Bissau and Specialized Agencies of

the United Nations, based on the initiative of the African Union for the fight against Child Marriage in Africa. These organizations are creating the necessary conditions to launch this campaign in partnership with the Government, the Office of the First Lady of Guinea-Bissau, the Ministry for Women, the Plan International Guinea-Bissau, Youth Organizations, United Nations Agencies and other living forces of society to join in this initiative to eradicate child marriages in Guinea Bissau.

XIV. Adoption

276. Adoption is the "legal bond which, in the same way as natural affiliation, but regardless of blood ties, is legally established between two persons under the terms of Articles 1973 and following of the Civil Code."

277. ACRWC Member States, should ensure that the adoption system, is in the best interest of the child and that it is the primary consideration. Importance should be given to the establishment of competent authorities to determine adoption-related matters and ensure that adoption is carried out in accordance with applicable laws and procedures based on relevant information.

278. The constitution of the bond of adoption, is the exclusive jurisdiction of the Courts, and can only be enacted by a judicial decision, through a proper and appropriate procedure.

279. The state allows the adoption of children, as long as all the conditions provided by law are met. Public Prosecution Service or Legal Guardianship of Children, Family and Juvenile Court, are responsible for the socioeconomic assessment of adopting families and the characteristics of the child to adopt. When the process of adoption is completed, it is followed up during the period of integration and permanent follow-up of the child's situation until reaching the age of majority.

280. The law provides for two modalities of adoption: Full and restricted, depending on the extent of its effects, and even restricted adoption, can be transformed into full adoption, filled with certain numbers of requirements. In full adoption, there is a split between an adoptive child and his or her natural family, while in restricted adoption, the foster child, maintains relationships with his or her natural family and simultaneously maintains links with adopters. Both are constituted by judicial judgment, running the respective action in a juvenile court.

281. Here are the cumulative requirements for adoption to be enacted: to present real advantages to the adoptee; have adopted less than 14 years of age; have adopter older than 35 years of age and if adoptee is over 14 years of age you need your consent, unless you are out of use of your faculties.

282. In fact, the Family or Juvenile Courts and Public Prosecution Service, do not have sufficient material and human resources to deal with the counseling and guidance process of the parties concerned to ensure the best interests of the child and to follow up on adopted children. There is a need to investigate this situation and provide the Legal Guardianship of Children, Family and Juvenile Courts, with the necessary conditions.

283. With regard to international adoption, despite the fact that the law is omitted, the Guinean courts have already decided several cases. The risks are evident if appropriate measures are not taken, particularly the probability of using children of this kind of adoption, especially for the trafficking in human beings in their aspect of prostitution or forced labor.

XV. CONCLUSION

284. The aim of this report, is to present the main achievements of the Government of Guinea-Bissau, in the promotion and protection of the rights of the child in all areas of socio-economic and cultural life, in accordance with the objectives set out in the African Charter on the Rights and Welfare of the Child.

285. Guinea-Bissau, has expressed concern to provide children with the full realization of their rights and to raise their dignity by turning this concern into a national agenda. Governance policies and programs clearly reflect concern by including actions that tend to respect the dignity of the child.

286. Thus, within the efforts that the country has been making to implement its international commitments internally, and despite the economic resources being a constraint in the progressive realization of some rights of the child, there are still several challenges, such as:

287. Strengthening the institutional and operational capacity of the justice system, to support the different institutions involved in the promotion and protection of the rights of the child.

XVI. RECOMMENDATIONS:

1. The Government of Guinea Bissau, at the highest level should take the lead in combating and criminalizing harmful cultural practices affecting children: Child marriages, abuse, neglect and child labor;
2. Mobilize resources for the development of specific instruments for children with disabilities and anti-discrimination actions, stereotyping of people with disabilities, encouraging respect for children's and human rights;
3. Improve the quality and availability of pediatric and maternal care, particularly neonatal care;
4. The Government of Guinea-Bissau, shall review the signed agreements and articulate it with child protection legislation;
5. The process of awarding the poverty attestation, should be monitored to ensure that eligible groups can have it to facilitate the child's access to basic social services;
6. Intensify awareness campaigns and birth registration actions and ensure that registration services are expanded to remote areas;

7. Set clear goals for improving the quality of education in the country, in accordance with the Dakar Goals of Quality Education for All and combating sexual abuse, harassment and corporal punishment in schools;
8. Implement concrete actions to protect and support children with disabilities to exercise their rights;
9. Intensify the implementation of actions to address the current situation of child malnutrition, such as the education of women and men on nutrition and support in food production;
10. While recognizing the role played by the Ministry for Women, Family and Social Solidarity, Women and Children's Institute in coordinating the implementation of children's rights, Civil Society Organizations, propose the establishment of a Subcommittee on the Rights of the Child at the National Commission of Human rights to monitor the realization of children's rights;
11. Civil Society Organizations, will continue to empower communities and the public, on children's rights, sensitize them to the impact of harmful children, and implement programs and projects to reduce the vulnerability of children and their families.

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