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resolution 5/1**

Guinea-Bissau

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICESCR	2 July 1992	None	-
CEDAW	23 August 1985	None	-
OP-CEDAW	5 August 2009	None	Inquiry procedure (arts. 8 and 9): Yes
CRC	20 August 1990	None	-

Core treaties to which Guinea-Bissau is not a party: ICERD (signature only, 2000), OP-ICESCR (signature only, 2009),³ ICCPR (signature only, 2000), ICCPR-OP 1 (signature only, 2000), ICCPR-OP 2 (signature only, 2000), CAT (signature only, 2000), OP-CAT, OP-CRC-AC (signature only, 2000), OP-CRC-SC (signature only, 2000), ICRMW (signature only, 2000), CRPD, CRPD-OP, and CED.

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	No
Rome Statute of the International Criminal Court	No
Palermo Protocol ⁴	Yes
Refugees and stateless persons ⁵	Yes, except 1954 and 1961 Conventions
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁶	Yes, except Additional Protocol III
ILO fundamental conventions ⁷	Yes, except Convention No. 87
UNESCO Convention against Discrimination in Education	No

1. In 2009, the Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Guinea-Bissau to ratify the ICCPR, the ICERD and the ICRMW, all of which it signed in 2000, as well as the CRPD and the CED.⁸

B. Constitutional and legislative framework

2. In 2009, CEDAW recommended that in the process of its constitutional reform, Guinea-Bissau should consider the adoption of an explicit provision ensuring that human rights treaties which it had ratified have legal effect as part of its national law and have superiority over any incompatible national laws.⁹

3. In 2009, the Security Council called on the Government and all political stakeholders to work together in order to set up the best conditions for national reconciliation and to consolidate peace and security throughout Guinea-Bissau.¹⁰

C. Institutional and human rights infrastructure

4. In 2009, UNHCR highlighted that the new National Commission for Refugees and Internally Displaced Persons was ready to examine appeals submitted against first instance decisions.¹¹

5. As of 4 January 2010, Guinea-Bissau did not have a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC).¹²

D. Policy measures

6. In 2005, Guinea-Bissau adopted the Plan of Action for the first phase (2005-2009) of the World Programme for Human Rights Education focusing on the national school system.¹³

7. In 2009, CEDAW called upon Guinea-Bissau to adopt a national gender equality policy which would consolidate the variety of pending plans and policies on the subject, and to strengthen its national machinery for the advancement of women and provide it with the necessary human and financial resources, clear mandates and authority.¹⁴

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body¹⁵</i>	<i>Latest report submitted and Latest concluding considered observations</i>		<i>Follow-up response</i>	<i>Reporting status</i>
	CESCR	-	-	-
CEDAW	2008	August 2009	Due in 2011	Combined seventh and eighth reports due in 2014
CRC	2000	May 2002	-	Second and third reports overdue since 1997 and 2002 respectively

2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	
<i>Visits agreed upon in principle</i>	
<i>Visits requested and not yet agreed upon</i>	Working Group on Arbitrary Detention (2007, 2009).
<i>Facilitation/cooperation during missions</i>	

Follow-up to visits

Responses to letters of allegations and urgent appeals During the period under review, four communications were sent.¹⁶ The Government did not reply to any of the communications.

Responses to questionnaires on thematic issues

Guinea-Bissau did not respond to any of the 21 questionnaires sent by special procedures mandate holders.¹⁷

3. Cooperation with the Office of the High Commissioner for Human Rights

8. Since 2007, OHCHR has been supporting the human rights component of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) to engage in monitoring and investigation, human rights education, technical cooperation, and integrating human rights into the work of United Nations partners.¹⁸

9. In 2007, through the UNOGBIS human rights component, OHCHR facilitated exchanges between parliamentarians and civil society over the draft amnesty law, which culminated in the modification of the law and its subsequent adoption by Parliament.¹⁹ Between 2006 and 2008, OHCHR and the UNOGBIS human rights component provided technical assistance and advice in preparation of the State report on CEDAW which was submitted in 2008, and on the establishment and operational efficiency of a national human rights institution.²⁰

10. In 2008, the UNOGBIS human rights component organized training sessions for journalists and media professionals, which contributed to an increased number of human rights radio programmes and to the creation of a journalist network for human rights.²¹ It also organized training sessions for police officers and awareness-raising activities, and supported the elaboration of a code of conduct for police officers.²² In 2008 and 2009, it monitored court proceedings of dissident military suspects arrested in connection with the 23 November 2008 attack on the residence of the President, as well as pretrial investigation of March and June 2009 assassinations,²³ with regard to respect for rule of law and human rights standards.²⁴

B. Implementation of international human rights obligations

1. Equality and non-discrimination

11. In 2009, CEDAW was concerned at the absence of a definition of discrimination in the Constitution or legislation of Guinea-Bissau. It urged the State to incorporate into appropriate national legislation or the Constitution a definition of discrimination against women, as well as the principle of equality between women and men in accordance with the Convention.²⁵ It also urged Guinea-Bissau to systematically review its domestic legislation, with a view to ensuring without delay that all discriminatory legislation was explicitly amended or repealed and brought into full compliance with the Convention and the Committee's general recommendations.²⁶ It further urged Guinea-Bissau to put in place, without delay, a comprehensive strategy to modify or eliminate cultural practices and stereotypes that are harmful to, and discriminate against, women.²⁷ The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) made similar observations in 2009.²⁸

12. In 2002, the Committee on the Rights of the Child (CRC) was concerned, inter alia, that the rights of children with disabilities were very poorly respected and that societal discrimination was prevalent against them.²⁹ It recommended that Guinea-Bissau should develop or amend legislation to ensure that discrimination on the grounds of disability is

prohibited and that children with disabilities have access to public transportation and public buildings, including all schools and hospitals; ensure the implementation of all legislative measures of protection for children with disabilities, in particular with regard to non-discrimination, giving attention to practices such as the killing of newborn children with disabilities; significantly strengthen assistance to children with disabilities and ensure, inter alia, that they have access to health, educational and professional facilities; review the recommendations made at the First National Conference on Disabled People and implement those recommendations which remained valid; revive services established to assist persons with disabilities in the past, but which are no longer functioning, or functioning only in part.³⁰

13. Le Bilan Commun de Pays 2006 (2006 CCA) pour la Guinée-Bissau a souligné que «les personnes vivant avec handicap ne jouissent d'aucune protection, ni d'assistance particulière. Elles représentent une charge lourde pour leur famille et souffrent d'une négligence tacite ou ouverte, voire de violences acceptées et parfois soutenues par la famille et la société de manière générale».³¹

2. Right to life, liberty and security of the person

14. In 2009, CEDAW was concerned that Guinea-Bissau lacks a comprehensive approach to addressing all forms of violence against women and girls.³² It urged Guinea-Bissau, inter alia, to prioritize the adoption and implementation of a comprehensive approach to address all forms of violence against women, including domestic violence, and enact pending legislation as part of a comprehensive legal framework; raise public awareness through media and education programmes that all forms of violence against women are unacceptable; train the judiciary, law enforcement officials, legal professionals, social workers and health-care providers on violence against women and ensure that it was duly investigated, prosecuted and punished, and that effective and gender-sensitive support was provided to victims, including shelters and legal, medical and psychological support; and take adequate steps to support women and girls affected by violence during periods of conflict and political and institutional instability.³³

15. While noting the steps taken to address the scourge of female genital mutilation (FGM), CEDAW remained concerned at the persistence of this practice.³⁴ It urged Guinea-Bissau, inter alia, to enact without delay legislation explicitly prohibiting FGM; ensure that offenders are prosecuted and punished; strengthen its awareness-raising and educational efforts to eliminate this practice and its underlying cultural justifications.³⁵

16. In 2009, the Security Council condemned the recent cases of arbitrary detentions, armed attacks and intimidation, and demanded the full protection of human rights and fundamental freedoms of the people of Guinea-Bissau.³⁶

17. The Secretary-General reported that during visits in detention centres on 7 October 2008, UNOGBIS verified several human rights violations, namely: inadequate facilities and lack of minimum living standards; lack of water and food in the detention centres of the Segunda Esquadra police station; detention of women and men jointly in the same cells without respecting their specific needs; detention of children jointly with adults; lack of medical assistance; and lack of rehabilitation programmes and social assistance. Following the visits, several recommendations were made, including the creation and promotion of weekly medical assistance for detainees in all prison facilities; the establishment of additional centres and specific security measures for children and adolescents, as well as special detention facilities for women; the adoption of mechanisms for the provision of water and food in the prison centres of the judicial police and the Segunda Esquadra police station; and the closure of the underground detention cells of the Primeira and Segunda Esquadra police stations in Bissau.³⁷

18. In 2009, while welcoming steps taken to combat trafficking in persons including bilateral agreements with neighbouring countries, CEDAW was concerned about, inter alia, the limited scope of efforts to combat trafficking against women, as anti-trafficking efforts are currently focused on children.³⁸ It requested, inter alia, that Guinea-Bissau incorporate into the draft legislation aimed at combating trafficking in persons, a definition of trafficking in line with the Palermo Protocol; address the root causes of trafficking; and improve the economic situation of women so as to eliminate their vulnerability to exploitation and traffickers.³⁹

19. In 2008, the Secretary-General reported that child trafficking remained an issue of major concern. He also reported that border police, key child-protection organizations and community leaders have been trained, with support from UNICEF, on specific tools to prevent such trafficking. He added that relations between international and local child rights defenders and the Islamic Council of Guinea-Bissau were tense, the latter disagreeing with the use of the term “trafficking” and arguing that the travel of *talibé* children to another country occurs on religious grounds.⁴⁰

20. In a 2009 UNICEF report, it was highlighted that the recent increase of drug trafficking through the country puts children and adolescents particularly at risk.⁴¹ In 2009, the ILO Committee of Experts requested that the Government indicate the measures adopted or envisaged to combat trafficking, whether the victims are children or adults, and to specify the difficulties encountered by the public authorities in arresting and punishing those responsible for any removal of persons with a view to exploiting their labour or for their sexual exploitation.⁴²

3. Administration of justice, including impunity, and the rule of law

21. In 2002, CRC was concerned that, with regard to “the judicial level of services”, legislation was insufficient and ineffective and the judicial system lacked courts and trained staff to deal with juveniles in conflict with the law.⁴³ It recommended that Guinea-Bissau, inter alia, amend and/or adopt and implement legislation providing for the full application of the juvenile justice infrastructure and system, in accordance with the provisions of the Convention and other international standards.⁴⁴

22. In 2009, CEDAW was concerned that women lack access to justice and that they cannot enforce their rights under the Convention.⁴⁵ It requested that Guinea-Bissau, inter alia, ensure that all impediments women may face in gaining access to justice are removed, and disseminate the Convention widely to the general public, including in Crioulo and other local languages, so as to create awareness of women’s rights.⁴⁶

23. Le Bilan Commun de Pays 2006 (2006 CCA) pour la Guinée-Bissau a indiqué que *«l’administration de la justice souffre de beaucoup de maux dont le faible nombre de magistrats formés, le recours à des suppléants non formés et l’absence de système correctionnel. L’absence de qualification de nombreuses personnes conduit à des errements et à la non satisfaction des droits des populations et à des situations de grande confusion dans les décisions judiciaires. Les auxiliaires de la justice que sont les policiers sont aussi assez vieillissants. Nombre d’entre eux sont issus de la lutte de libération nationale, tandis que les jeunes recrues manquent de formation adéquat»*.⁴⁷ Un rapport du PNUD de 2006 pour la Guinée-Bissau a ajouté que *«les collusions fréquentes entre le secteur public et privé et le clientélisme politique ont fragilisé l’autorité de l’Etat et annihilé toute confiance vis-à-vis du système judiciaire»*.⁴⁸

24. The Secretary-General reported that, in April 2008, the President signed the amnesty bill, exempting all those involved in political-military crimes before October 2004 from legal prosecution, while also restoring the political and civil rights of those who lost them as a consequence of past crises. In addition, the law formalized the creation of the National

Reconciliation Commission which has, among others, the function of providing monetary compensation to those who incurred injuries or material losses as a result of past political-military conflicts.⁴⁹

25. In 2009, the Security Council condemned the assassinations of the President of Guinea-Bissau, Joao Bernardo Vieira, and the Chief of Staff of the Armed Forces, Tagme Na Waie, on 1 and 2 March 2009.⁵⁰ Also in 2009, the Secretary-General reported on the assassinations of presidential candidate and former Minister of Territorial Administration, Baciro Dabó, and former Minister of Defence, Helder Proença, on 5 June 2009, on the eve of the official launch of the electoral campaign and the ensuing tension.⁵¹ In this regard, the Secretary-General indicated that the Prosecutor-General had on several occasions voiced concern that the lack of proper financial, technical and security conditions for the Commission of Inquiry established to investigate these assassinations impeded, *inter alia*, its investigation into the events of 1 and 2 March 2009. The Commission of Inquiry questioned the validity of the parallel military investigation and lack of cooperation from the military in disclosing the names of the military personnel on duty at President Vieira's home at the time of his assassination. The Judicial Police also complained of the inaction of military authorities in returning the military-service men who were being held in Judicial Police detention cells in connection with the attack against President Vieira's residence in November 2008 but subsequently released by armed men in uniform on 2 March 2009.⁵² The various suspects detained by the military also include civilians who are not under military jurisdiction. Access to the detainees by lawyers and their families has been irregular and, according to the International League for Human Rights, some of the detainees showed signs of torture.⁵³

26. Also in 2009, the Security Council stressed the importance of national reconciliation and the fight against impunity. It called on the Government to conduct credible and transparent investigations into the political assassinations of March and June 2009 and to bring to justice those responsible for these acts. It also called upon the international community to support the Commission of Inquiry in its investigations⁵⁴ and further urged again the Armed Forces to ensure that their commitment to abide by the civilian authorities and respect constitutional order is fully honoured.⁵⁵ The Secretary-General provided information on this issue on various occasions.⁵⁶

27. In 2007, the Secretary-General reported that officials investigating drug trafficking were particularly vulnerable to pressure and threats from those involved in organized crime and that the protection of such courageous public servants needed to be addressed with urgency.⁵⁷

28. In 2008, the Secretary-General reported that drug trafficking has resulted in deepening corruption and further weakening of institutions.⁵⁸ He also mentioned that the Minister of Justice, further to a specific investigation called Operation Bissalanca, noted that the operation had highlighted, *inter alia*, the lack of operational and investigative capacity and the inadequate response of the judicial police, as well as the need to consider stronger action against national and foreign drug traffickers.⁵⁹

4. Right to privacy, marriage and family life

29. In 2007, the Special Rapporteur on trafficking in persons, especially women and children, indicated that Guinea-Bissau still had national marriage legislation whereby one (generally the female) or both parties may be married before the age of 18, with parental/guardian consent, or with the consent of a public authority after suitability for marriage has been determined.⁶⁰

30. In 2009, CEDAW expressed its concern with the prevalence of harmful traditional practices under customary law such as early and forced marriage, polygamy and levirate

marriage.⁶¹ It urged Guinea-Bissau to explicitly repeal all discriminatory provisions in national legislation and customary law in the areas of marriage and family relations, and to take appropriate measures to eradicate harmful traditional practices and those customs and traditions which justify and perpetuate them.⁶²

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

31. En 2007, la Rapporteuse spéciale sur la liberté de religion a fait part de son regret concernant l'absence de réponse du gouvernement à sa communication du 19 décembre 2005 dans laquelle elle attirait l'attention du gouvernement sur la question de la communauté religieuse de «ahmadiyya». Selon les informations reçues par la Rapporteuse spéciale, le Président du Conseil National Islamique du pays aurait le 14 octobre 2005 fait appel aux autorités afin qu'elles expulsent cette communauté du pays.⁶³

32. In 2007, the Secretary-General reported that journalists covering drug trafficking complained of pressure and intimidation.⁶⁴ In 2008, he noted that random cases of harassment of the press had been reported. He also mentioned that State television was increasingly biased in its news reporting, focusing on the activities of the African Party for the Independence of Guinea and Cape Verde at the expense of the other parties.⁶⁵ In 2009, the ILO Committee of Experts requested that the Government provide information on any amendment made to section 41 of the Press Act, under which a proof may not be given in the case of abuse or slander against the Head of State. It also requested the Government to specify whether, in practice, persons sentenced to imprisonment are under the obligation to work in prison and, if so, by virtue of which provisions.⁶⁶

33. En 2006, la Représentante spéciale du Secrétaire général pour les défenseurs des droits de l'homme notait que le taux élevé d'analphabétisme rendait difficile l'éducation dans le domaine des droits de l'homme. Elle soulignait que cette éducation était plus difficile à l'intérieur du pays, où il y avait peu de défenseurs des droits de l'homme qui pouvaient assurer des campagnes de sensibilisation. Les défenseurs et organisations de droits de l'homme souffraient d'une absence de ressources matérielles affectant leur capacité à mener à bien leurs activités.⁶⁷

34. In 2008, the Special Rapporteur on freedom of opinion and expression brought to the attention of the Government the case of a prominent human rights activist who had reportedly been in hiding since early July 2007, when agents of the national Armed Forces came to his home with an arrest warrant. The presumed reason for his arrest was a statement he had made through a local radio station proposing the dismissal of some high-ranking officials of the armed forces to solve the problem of drug trafficking. The Special Rapporteur expressed concern for the physical and psychological integrity of the victim and his family.⁶⁸

35. In 2009, the Secretary-General referred to several incidents of harassment linked to the March and June 2009 political assassinations.⁶⁹ He also reported that on 2 April 2009, an armed individual threatened the security of the President of the Human Rights League of Guinea-Bissau shortly after the latter had issued a press release denouncing serious human rights violations committed by elements of the military. The Representative of the Secretary-General in Guinea-Bissau issued a press statement reiterating the right of all citizens to freedom of expression and condemning the incidents. The Prosecutor-General established a commission to investigate the events.⁷⁰

36. In 2009, CEDAW expressed its concern about the low level of participation of women in political and public life, and their very low representation at the highest levels of decision-making.⁷¹ It invited Guinea-Bissau to establish concrete goals and timetables to increase the number of women in political and public life and in decision-making

processes, to monitor the impact of measures taken and the results achieved, and to report thereon.⁷² A 2009 United Nations Statistics Division source indicated that the proportion of seats held by women in the national Parliament decreased from 14 per cent in 2006 to 10 per cent in 2009.⁷³

6. Right to work and to just and favourable conditions of work

37. In 2009, CEDAW requested Guinea-Bissau, *inter alia*, to take all appropriate measures to ensure equal opportunities for women and men in the labour market; implement ILO Convention No. 100 (1951) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; and pay particular attention to the conditions of women workers in the informal sector.⁷⁴ Also in 2009, the ILO Committee of Experts made similar observations.⁷⁵

38. In 2009, the ILO Committee of Experts requested that the Government keep it informed of any developments in regard to measures taken to adopt the special legislation which was to regulate the right to collective bargaining of public servants not engaged in the administration of the State. It requested that the Government take concrete measures to promote greater use in practice of collective bargaining in the private and public sectors.⁷⁶

39. In 2009, the ILO Committee of Experts noted the continued absence of national legislation on sexual harassment. It requested the Government to provide information on measures taken or envisaged to address sexual harassment such as educational programmes for workers and employers in the public and private sectors.⁷⁷

7. Right to social security and to an adequate standard of living

40. In 2009, the Secretary-General reported that, compared to the equivalent period the previous year, social tensions over food prices have lessened, owing in particular to controls on basic food and fuel prices. However, a food security analysis conducted by the Government, civil society and development cooperation partners warned of a possible food crisis.⁷⁸

41. A 2009 UNICEF report highlighted results from the latest Multiple Indicator Cluster Survey (MICS 2006) indicating an infant mortality rate of 138 deaths per 1,000 live births, under-five mortality rate of 223 per 1,000 live births and maternal mortality ratio of 1,100 maternal deaths per 100,000 live births. Malaria, acute respiratory infections, diarrhoea and malnutrition remain the main causes of death of children.⁷⁹ In 2009, UNHCR highlighted that, regarding the access to public health care, refugees are accorded equal treatment with nationals.⁸⁰ Also in 2009, CEDAW urged Guinea-Bissau, *inter alia*, to take steps to improve the country's health infrastructure, especially in rural areas; reduce the incidence of maternal mortality and early pregnancy; and improve availability of sexual and reproductive health services, including family planning information and services and sex education, as well as access to antenatal, post-natal and obstetric services to reduce maternal mortality.⁸¹

42. The Secretary-General reported that, in October 2007, the Government adopted a national plan to combat HIV/AIDS and that the prevention of mother-to-child HIV/AIDS transmission remains a concern.⁸² In 2009, CEDAW urged Guinea-Bissau to reduce the incidence of HIV/AIDS.⁸³

43. A 2009 UNICEF report highlighted that only 57 per cent of the population has access to drinkable water.⁸⁴ In 2009, the Secretary-General reported that the capital city of Bissau is suffering severe water shortages owing to a lack of power to operate pumping equipment. This heightens the country's vulnerability to cholera, which is endemic in Guinea-Bissau.⁸⁵ Already in 2008, the Secretary-General indicated that living conditions in the capital had deteriorated owing to extreme water shortages that have persisted for several

months. Likewise, the supply of electricity, normally scarce, had virtually come to a halt, affecting the supply of water.⁸⁶

8. Right to education and to participate in the cultural life of the community

44. On 24 December 2008, the Special Rapporteur on the right to education sent a communication concerning the delaying of the start of 2008-2009 school year which was initially set to resume in October 2008. According to the information received, students and pupils had been denied their right to education, as a general strike by teachers over salary arrears prevented the resumption of the school year. It was also alleged that the Government recognized its inability to pay their salaries. The low pay of teachers was also reported, as well as the fact that many are untrained, some having never completed primary school.⁸⁷ The Secretary-General reported on that strike in 2009 and on similar strikes in 2008⁸⁸ and 2006.⁸⁹

45. In 2009, CEDAW urged Guinea-Bissau, inter alia, to increase its investment in education, especially in rural areas, and raise awareness of the importance of education as a human right and as a basis for the empowerment of women; take immediate steps to implement measures to ensure equal access for girls and women to all levels of education and retention of girls in school, including through temporary special measures; and make strong efforts to improve the literacy level of girls and women.⁹⁰

9. Migrants, refugees and asylum-seekers

46. In 2007, the Secretary-General indicated that the national authorities were increasingly concerned about the growing incidence of illegal migration, especially as the authorities did not have the capacity to handle the case load. Many of the migrants were reported to be from neighboring countries and did not possess any documentation. Many were detained for extended periods without charge.⁹¹

47. In 2009, UNHCR highlighted that the Government issued in January 2002 refugee identity cards to some 6,000 prima facie refugees from a neighbouring country. Although these documents expired in 2006, the Government was reportedly reluctant to renew them due to financial constraints. This resulted in restricted movement and limited access to education, bank services and employment opportunities for many refugees. The authorities have decided to issue new documents in 2010.⁹² UNHCR recommended that Guinea-Bissau continue its efforts to provide protection to refugees and asylum-seekers. In this regard, it highlighted that, in 2008, Guinea-Bissau had adopted a new refugee legislation which entered into force in April 2009 and contained detailed provisions on exclusion, cessation, non-refoulement, registration and documentation of asylum-seekers.⁹³

III. Achievements, best practices, challenges and constraints

48. In 2002, CRC noted with concern that a series of factors seriously impeded the implementation of children's rights, notably in the areas of health and education. It noted, in particular, that the armed conflict in 1998/1999 had had a very damaging impact on the infrastructure, including upon education and health services. CRC recognized the poor economic conditions in the country, the weight of its external debt and that a large proportion of the population lived in poverty and the country ranked very low on the Human Development Index. Finally, CRC noted the low literacy level among the population in general and the burden of longstanding traditions some of which hindered the Convention's implementation.⁹⁴

49. In 2008, the Economic and Social Council's Ad Hoc Advisory Group on Guinea-Bissau indicated that the country continued to face serious challenges, the latest of which

was the use of its territory as a transit point for drug trafficking. The Group expressed concern that this development and associated criminal activities could further undermine and weaken the State, and called on the international community to help the country to confront that new challenge.⁹⁵

50. In 2009, CEDAW recognized the economic, social and political obstacles stemming from periods of conflict and political and institutional instability, as well as its precarious situation of extreme poverty, which had had a negative impact on the entire population, in particular on women and girls.⁹⁶

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

51. In 2009, CEDAW requested that Guinea-Bissau provide, within two years, written information on the steps undertaken to implement the recommendations relating to FGM and education.⁹⁷

V. Capacity-building and technical assistance

52. In 2007, the Secretary-General highlighted the observation of the International Monetary Fund that Guinea-Bissau would continue to need assistance in the medium term, if it was to achieve its economic and social objectives and ensure basic and minimum living standards, which were described as essential for the consolidation of peace and the building of a State based on the rule of law.⁹⁸

53. In 2008, the Security Council reiterated the importance of security-sector reform in Guinea-Bissau, encouraged the Government to sustain its efforts in implementing the national security sector reform programme and underscored the need for the international community to provide further coordinated assistance for its implementation.⁹⁹

54. In 2008, the Secretary-General indicated that the national authorities were continuing to appeal for international support to combat drug trafficking in the face of an upsurge in the rate of drug trafficking and organized crime as a whole.¹⁰⁰

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities;
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

- ³ Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that “The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant”.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/GNB/CO/6), para. 49.
- ⁹ *Ibid.*, para. 10.
- ¹⁰ S/RES/1876 (2009), para. 7.
- ¹¹ UNHCR submission to the UPR on Guinea-Bissau, p. 2.
- ¹² For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/10/55, annex I.
- ¹³ See General Assembly resolution 59/113 B and Human Rights Council resolution 6/24. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007. Available at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>.
- ¹⁴ CEDAW/C/GNB/CO/6, para. 20.
- ¹⁵ The following abbreviations have been used for this document:
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| CESCR | Committee on Economic, Social and Cultural Rights; |
| CEDAW | Committee on the Elimination of Discrimination against Women; |
| CRC | Committee on the Rights of the Child. |

- ¹⁶ The communications referred to a group of trade union activists and three individuals (men).
- ¹⁷ The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 January 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, relating to the following questionnaires: (a) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation, 2005; (b) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs, 2006; (c) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, 2006; (d) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants, 2006; (e) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities, 2006; (f) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices; (g) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people, 2007; (h) report of the Working Group on the use of mercenaries (A/62/301), questionnaire on measures adopted and envisaged, including legislation, regarding mercenaries, 2007; (i) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8), questionnaire on assistance and rehabilitation programmes for child victims of sexual exploitation, 2007; (j) report of the Special Rapporteur on violence against women (A/HRC/7/6), questionnaire on indicators on violence against women, 2007; (k) report of the Special Rapporteur on the right to education (A/HRC/8/10), questionnaire on the right to education in emergency situations, 2007; (l) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/10/16 and Corr.1), questionnaire on trafficking in persons, 2008; (m) report of the independent expert on the question of human rights and extreme poverty to the eleventh session of the Council (A/HRC/11/9), questionnaire on Cash Transfer Programmes, 2008; (n) report of the Special Rapporteur on the right to education, (A/HRC/11/8), questionnaire on the right to education for persons in detention, 2009; (o) report of the Special Rapporteur on violence against women (A/HRC/11/6), questionnaire on violence against women and political economy, 2008; (p) report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (A/HRC/12/21), questionnaire on national legislation and initiatives addressing the issue of bonded labour, 2009; (q) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/12/23), questionnaire on measures to prevent and combat online child pornography, 2009; (r) report of the Special Rapporteur on the right to food (A/HRC/12/31), questionnaire on world food and nutrition security, 2009; (s) report of the Working Group on Arbitrary Detention (A/HRC/13/30), questionnaire on the detention of drug users, 2009; (t) joint study on global practices in relation to secret detention in the context of countering terrorism (A/HRC/13/42), questionnaire on secret detention, 2009; (u) report of the Special Rapporteur on the situation of human rights defenders (A/HRC/13/22), questionnaire on the security and protection of human rights defenders, 2009.
- ¹⁸ OHCHR, *2008 Annual Report: Activities and Results* (Geneva, OHCHR, 2008), p. 89.
- ¹⁹ OHCHR, *2007 Annual Report: Activities and Results* (Geneva, OHCHR, 2007), p. 78.
- ²⁰ See for example OHCHR, *2006 Annual Report: Activities and Results* (Geneva, OHCHR, 2006), p. 48.
- ²¹ OHCHR, *2008 Annual Report: Activities and Results* (Geneva, OHCHR, 2008), p. 72.
- ²² *Ibid.*, p. 89.
- ²³ See para. 25 of the present document (administration of justice, including impunity, and the rule of law).
- ²⁴ S/2009/302, para. 38.
- ²⁵ CEDAW/C/GNB/CO/6, para. 12.
- ²⁶ *Ibid.*, para. 14.
- ²⁷ *Ibid.*, para. 24.

- 28 ILO Committee of Experts, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009GNB111, second paragraph.
- 29 Concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add. 177), para. 36.
- 30 Ibid., para. 37.
- 31 Common Country Assessment (CCA) – Guinea-Bissau, 2006, pp. 27-28. Available at <http://www.undg.org/docs/8455/CCA-prova-final-FR.pdf>.
- 32 CEDAW/C/GNB/CO/6, para. 27.
- 33 Ibid., para. 28.
- 34 Ibid., para. 25.
- 35 Ibid., para. 26.
- 36 S/PRST/2009/6, p. 1.
- 37 S/2008/751, paras. 40–41.
- 38 CEDAW/C/GNB/CO/6, para. 29.
- 39 Ibid., para. 30.
- 40 S/2008/395, para. 42; see also S/2009/302, para. 36.
- 41 *Humanitarian Action Report 2009*, p. 209.
- 42 ILO Committee of Experts, Individual Observation concerning ILO Forced Labour Convention, 1930 (No. 29), 2009, Geneva, doc. No. (ILOLEX) 092009GNB029, third paragraph.
- 43 CRC/C/15/Add. 177, para. 58.
- 44 Ibid., para. 59.
- 45 CEDAW/C/GNB/CO/6, para. 17.
- 46 Ibid., para. 18.
- 47 CCA – Guinea-Bissau, p. 16.
- 48 UNDP, *Rapport national sur le développement humain en Guinée-Bissau 2006 : Réformer les politiques pour atteindre les Objectives du Millénaire pour le Développement en Guinée-Bissau*, pp. 9-10. Available at <http://www.gw.undp.org/rapports/RapportDevHumainPNUDGUINEE-BISSAU%20Synth%C3%A8se.pdf>.
- 49 S/2008/395, para. 8.
- 50 S/PRST/2009/2; see also S/2009/552, para. 4; S/2009/302, para. 3; S/2009/169, para. 4.
- 51 S/2009/552, para. 2; S/2009/302, para. 3.
- 52 S/2009/302, para. 38.
- 53 Ibid., para. 39.
- 54 S/RES/1876 (2009), para. 10.
- 55 S/PRST/2009/29; see also S/PRST/2009/6.
- 56 S/2007/715, para. 4; S/2009/302, para. 10.
- 57 S/2007/576, para. 21.
- 58 S/2008/751, para. 52.
- 59 S/2008/628, para. 22.
- 60 A/HRC/4/23, para. 40.
- 61 CEDAW/C/GNB/CO/6, para. 41.
- 62 Ibid., para. 42.
- 63 A/HRC/4/21/Add. 1, paras. 168-169.
- 64 S/2007/576, para. 25.
- 65 S/2008/628, para. 36.
- 66 ILO Committee of Experts, Individual Direct Request concerning ILO Abolition of Forced Labour Convention, 1957 (No. 105), 2009, Geneva, doc. No. (ILOLEX) 092009GNB105, second paragraph.
- 67 E/CN.4/2006/95/ Add. 5, paras. 693–694.
- 68 A/HRC/7/14 /Add. 1, para. 250.
- 69 S/2009/552, para. 32.
- 70 S/2009/302, para. 40.
- 71 CEDAW/C/GNB/CO/6, para. 31.
- 72 Ibid., para. 32.
- 73 United Nations Statistics Division, coordinated data and analyses. Available at: <http://mdgs.un.org/unsd/mdg>.
- 74 CEDAW/C/GNB/CO/6, para. 36.

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- ⁷⁵ ILO Committee of Experts, Individual Direct Request concerning ILO Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009GNB100, third paragraph.
- ⁷⁶ ILO Committee of Experts, Individual Observation concerning ILO Right to Organise and Collective Bargaining, 1949 (No. 98), 2009, Geneva, doc. No. (ILOLEX) 062009GNB098, fourth and fifth paragraphs.
- ⁷⁷ ILO Committee of Experts, Individual Direct Request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009GNB111, third paragraph.
- ⁷⁸ S/2009/302, para. 35.
- ⁷⁹ *Humanitarian Action Report 2009*, p. 209.
- ⁸⁰ UNHCR submission to the UPR on Guinea-Bissau, p. 2.
- ⁸¹ CEDAW/C/GNB/CO/6, para. 38.
- ⁸² S/2007/715, para. 15.
- ⁸³ CEDAW/C/GNB/CO/6, para. 38.
- ⁸⁴ *Humanitarian Action Report 2009*, p. 209.
- ⁸⁵ S/2009/302, para. 36.
- ⁸⁶ S/2008/181, para. 15.
- ⁸⁷ A/HRC/11/8/Add. 1, paras. 77–80.
- ⁸⁸ S/2008/751, para. 33.
- ⁸⁹ S/2006/946, para. 10.
- ⁹⁰ CEDAW/C/GNB/CO/6, para. 34.
- ⁹¹ S/2007/576, para. 28; see also S/2007/401, para. 22.
- ⁹² UNHCR submission to the UPR on Guinea-Bissau, p. 3.
- ⁹³ *Ibid.*, pp. 2–3.
- ⁹⁴ CRC/C/15/Add. 177, para. 6.
- ⁹⁵ E/2008/55, para. 20.
- ⁹⁶ CEDAW/C/GNB/CO/6, para. 15.
- ⁹⁷ *Ibid.*, para. 52.
- ⁹⁸ S/2007/715, para. 29.
- ⁹⁹ S/PRST/2008/37.
- ¹⁰⁰ S/2008/628, para. 23.
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