



General Assembly

Distr.: Limited
12 May 2010

Original: English/French

Human Rights Council
Working Group on the Universal Periodic Review
Eighth session
Geneva, 3-14 May 2010

Draft report of the Working Group on the Universal Periodic Review*

Guinea-Bissau

* The final document will be issued under the symbol A/HRC/15/10. The annex to the present report is circulated as received.

Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1–4	3
I. Summary of the proceedings of the review process	5–64	3
A. Presentation by the State under review	5–19	3
B. Interactive dialogue and responses by the State under review	20–64	5
II. Conclusions and/or recommendations	65–68	11
Annex		
Composition of the delegation		20

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its eighth session from 3 to 14 May 2010. The review of Guinea-Bissau was held at the 9th meeting, on 7 May 2010. The delegation of Guinea-Bissau was headed by the Minister of Justice, Mamadu Saliu Jalo Pires. At its 13th meeting, held on 11 May 2010, the Working Group adopted the report on Guinea-Bissau.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Guinea-Bissau: Djibouti, the United States of America and the Republic of Korea.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Guinea-Bissau:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/8/GBN/1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/8/GBN/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/8/GBN/3).
4. A list of questions prepared in advance by the Czech Republic, Denmark, Latvia, Slovenia, the United Kingdom of Great Britain and Northern Ireland, Germany, Norway and the Netherlands was transmitted to Guinea-Bissau through the troika. Those questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. Lors de la 9^{ème} réunion, tenue le 7 mai 2010, son Excellence Monsieur Mamadu Saliu Jalo Pires, Ministre de la justice, a indiqué que la Guinée-Bissau est un pays qui a accédé à l'indépendance en 1974 après une lutte armée de libération nationale durant laquelle le Parti Africain pour l'Indépendance de la Guinée et du Cap-Vert créa sa propre armée qui se transformera par la suite en forces armées nationales.
6. Durant les années 90, le pays a commencé à bâtir une démocratie multipartite avec pour ambition de construire un Etat de droit démocratique. Dans cette optique, il a révisé sa Constitution dans laquelle est désormais inscrit le principe de la séparation des pouvoirs, le respect de la dignité de la personne humaine, et le respect des droits de l'homme.
7. Le principe de non discrimination en raison du sexe, de la religion ou de la condition économique, sociale ou politique est inscrit dans la Constitution. Les hommes et les femmes sont égaux devant la loi et les droits fondamentaux des citoyens bissau-guinéens sont sauvegardés par l'ordre juridique du pays.
8. Cependant, la délégation a indiqué que l'histoire récente du pays, et notamment la dernière décennie, a été très difficile pour les Bissau-guinéens à cause d'un cycle de crises politico-militaires qui a entraîné de graves violences contre des individus dont un grand nombre occupaient des fonctions politiques ou militaires importantes.

9. En dépit de ces énormes difficultés, le gouvernement a initié un vaste programme de réforme des forces de défense et de sécurité en vue de leur modernisation, et d'assurer leur caractère fondamentalement républicain, ainsi que d'éliminer la violence qui a caractérisé le pays ces dernières 11 à 12 années, portant un lourd préjudice à l'image de la Guinée-Bissau aussi bien à l'intérieur qu'à l'extérieur du pays. Cette réforme vise une réduction substantielle des effectifs et, partant, la création de meilleures conditions de vie dans les casernes.

10. La question des droits de l'homme a toujours été au centre des préoccupations du gouvernement qui a établi dans son programme des actions concrètes qui pourront garantir le respect des droits de l'homme et combattre l'impunité de façon énergique.

11. La Guinée-Bissau n'est pas encore partie à la convention contre la torture. Elle a cependant signé cette convention et fera les efforts nécessaires pour qu'elle soit ratifiée dans les meilleurs délais. Le pays n'est pas non plus partie au Protocole facultatif à la convention contre la torture mais reste lié par d'autres instruments juridiques internationaux qui interdisent la torture, les traitements cruels et inhumains à l'instar de la Déclaration universelle des droits de l'homme, du Pacte international relatif aux droits civils et politiques et de la Charte africaine des droits de l'homme et des peuples. De plus, la Constitution de Guinée-Bissau prohibe la torture.

12. La délégation a indiqué que son gouvernement sera toujours disposé à coopérer avec les mécanismes des droits de l'homme et a invité les Rapporteurs spéciaux à visiter le pays de manière à se faire une idée propre de la situation des droits de l'homme en Guinée-Bissau.

13. La délégation a rappelé que durant l'année 2009, la Guinée-Bissau a été le théâtre de tragiques événements survenus le 1er et 2 mars et le 5 juin, entraînant les assassinats du Président de la République, du Chef d'Etat major des forces armées, de l'ex-ministre de l'administration territoriale et de l'ex-ministre de la défense. La communauté internationale a demandé que tous ces cas soient élucidés et que les responsables soient traduits en justice, ce qui est également la volonté du gouvernement.

14. Les événements du 1er avril 2010 ont de nouveau assombri l'image de la Guinée-Bissau, avec une autre intervention militaire illégale et anticonstitutionnelle qui a conduit à la séquestration du Premier ministre, la détention illégale du Contre Amiral José Zamora Induta, créant une situation extrêmement préoccupante pour le gouvernement, le parlement et la Présidence de la République.

15. Concernant les événements du 1er et 2 mars 2009, de même que ceux du 5 juin de la même année, le gouvernement a mis à la disposition du Ministère public tous les moyens disponibles pour conduire les enquêtes avec l'appui de la police judiciaire conformément à la Constitution et à la législation pénale.

16. A la demande du Procureur général de la République, le gouvernement a sollicité un appui financier auprès du Bureau d'appui des Nations Unies pour la consolidation de la paix en Guinée-Bissau afin d'assumer les coûts des enquêtes sur l'assassinat du Président João Bernardo Vieira, dans la mesure où les principaux témoins sont à l'étranger, en particulier en Belgique, en France et au Sénégal. Le gouvernement a été informé par le Procureur général de la République qu'en dépit de tout cela, les enquêtes concernant les événements du 1er et 2 mars ainsi que ceux du 5 juin 2009 progressent.

17. Actuellement, des contacts politiques intenses sont entrepris, sous l'égide du Président de la République, et impliquant le gouvernement, les dirigeants militaires, les députés, les partis politiques, la société civile et les anciens combattants, afin de rechercher de meilleures solutions pour mettre fin aux crises cycliques qui affectent le pays. C'est seulement cela qui permettra au pouvoir politique d'exercer en toute liberté ses pouvoirs

constitutionnels et de garantir que les militaires soient subordonnés au pouvoir politique. C'est la condition nécessaire pour le renforcement d'un Etat de droit en Guinée-Bissau. La consolidation des institutions politiques et judiciaires ainsi que la restructuration de l'armée sont nécessaires pour la modernisation du pays de même que pour assurer une paix et une stabilité durables.

18. La question de la détention illégale du Chef d'Etat-Major des forces armées, José Zamora Induta, et la séquestration du Premier Ministre, survenus le 1er avril 2010 font également l'objet d'enquêtes conduites par le Procureur général de la République.

19. Les préoccupations relatives aux arrestations arbitraires et détentions illégales sont intimement liées au contexte de fragilité politique du pays que le Président de la République et le gouvernement essayent de résoudre par le biais d'un dialogue politique inclusif. Afin d'assurer un combat efficace contre l'impunité et prévenir les crises politico-militaires qui fragilisent l'Etat, le gouvernement a besoin de conduire avec succès son programme de réforme des secteurs de la défense et de la sécurité, de même que celui du secteur de la justice.

B. Interactive dialogue and responses by the State under review

20. During the interactive dialogue, 32 delegations made statements. A number of delegations recognized the difficulties facing Guinea-Bissau as a consequence of periods of conflict and political and institutional instability. Recommendations made during the dialogue are found in section II of the present report.

21. Algeria noted that since its independence, Guinea-Bissau had been living in political instability and extreme poverty, with all of the negative consequences for the enjoyment of human rights by a large sector of the population. It noted with interest the measures taken with respect to good governance, combating drug trafficking, convening the conference on national reconciliation and the creation of conditions favourable for a lasting peace, security and political stability in the country. Algeria made recommendations.

22. Brazil recalled that long-standing political and social turbulence had been obstacles to the establishment of minimum conditions for economic development and democracy in Guinea-Bissau. It welcomed the establishment of a Ministry of Women. High levels of poverty and hunger, low literacy levels and an unstable rule of law and security system were at the core of the challenges faced by the country. Despite this, institution-building had been developing consistently until disrupted by a failed coup in April. Brazil considered that improvement in the area of human rights required a bold commitment on the part of the Government and the people. It also depended on the support of the international community to overcome the root causes of human rights violations. Brazil made recommendations.

23. Canada welcomed the establishment of a National Human Rights Commission in October 2008, which would have an important role to play in the promotion and protection of human rights in Guinea-Bissau. Acknowledging recent reports regarding the interference of the military power in political affairs, Canada noted the Government's willingness and progress in the establishment of commissions of inquiry to investigate the killings of March 2009. Canada was concerned about reports of increasing cases of female genital mutilation and noted the absence of detailed plans for combating all forms of violence against women and girls. Canada made recommendations.

24. Nigeria commended Guinea-Bissau for having ratified a number of the core international human rights instruments, which was a demonstration of its willingness to engage with the international community. It recognized that Guinea-Bissau was facing enormous challenges in fulfilling its commitments related to the promotion and protection

of human rights, particularly with regard to health, education, the burden of long-standing traditions, external debt, the fact that it was a transit point for drug trafficking, and the condition of infrastructure. Nigeria made recommendations.

25. Indonesia expressed satisfaction at the establishment of the National Commission for Human Rights in October 2008. It also appreciated the frankness of the national report in outlining shortcomings in the implementation of human rights. Indonesia noted that poverty, a lack of modern infrastructure and funding, a low literacy rate and rampant corruption were all obstacles to the effective promotion and protection of human rights and to development in the country. It made recommendations.

26. France noted that the national report emphasized a lack of civil control over the armed forces, as shown by the impunity of members of the military found guilty of murder and other human rights violations. It asked about the measures planned by Guinea-Bissau to identify and prosecute the military personnel responsible for such crimes and to re-establish discipline within the armed forces. It noted the scale of discrimination and violence against women and girls and that early marriage, female genital mutilation and domestic violence remained common practices, exacerbated by the very high illiteracy rate for women. France expressed concern about the massive development of a certain form of forced labour carried out by children called talibés. It asked about measures planned by Guinea-Bissau in that regard. France made recommendations.

27. Egypt noted that priorities outlined in the national report included achieving peace, stability and development. It also noted that emphasis had been placed on the rights of vulnerable groups and that a number of strategies had been put in place in the field of economic, social and cultural rights. Egypt called on the international community to extend the necessary assistance to Guinea-Bissau so that it could fulfil its obligations related to the promotion of human rights. It made recommendations.

28. Cuba stated that Guinea-Bissau was a country that was affected by poverty but working for the social and economic development of its society in a global context rife with crisis. Cuba noted several initiatives such as the Health Development Plan; the Strategic Plan against HIV/AIDS; the fight against illiteracy, which was one of the Government's priorities; and free education. Cooperation and financial technical assistance should be provided by developed countries, especially as a way to further promote the Government's programmes in the field of human rights. Cuba made recommendations.

29. Spain welcomed the establishment of the National Commission for Reconciliation and the Commission of Inquiry to investigate the events of March 2009. It highlighted the fact that Guinea-Bissau prohibited the death penalty for all crimes, and supported its determination to put an end to the interference of the military power in the judiciary. It welcomed the decision of Guinea-Bissau to adopt specific legislation against female genital mutilation. Spain made recommendations.

30. Mexico recognized efforts made by Guinea-Bissau to promote human rights, highlighting in particular collaboration with regional and international organs to reinforce its capacity in that area. It noted with appreciation the country's abolition of the death penalty, the recent holding of democratic elections and efforts to reduce child mortality. Mexico recognized the serious challenges faced by the country and expressed the hope that efforts to end impunity would lead to political stability and peace. Mexico made recommendations.

31. Hungary stated that the effective implementation of existing human rights obligations, such as children's rights and non-discrimination against women, should also be accorded priority and that the Government might consider requesting technical and capacity-building assistance in meeting those obligations. It emphasized that international

cooperation should not be a substitute for States' primary responsibility for the promotion and protection of human rights. Hungary made recommendations.

32. South Africa was mindful of the challenges to be overcome in order to achieve security, political stability and the restoration of constitutional order. It emphasized the importance of effective policies and governmental institutions. It noted efforts aimed at the consolidation of peace, as well as challenges, particularly in the areas related to combating HIV/AIDS, high infant and maternal mortality rates, the absence of legislation prohibiting the trafficking in persons, access to education and health facilities, and the provision of clean water and electricity. It expressed concern about the ongoing discrimination against women. It made recommendations.

33. Poland welcomed steps taken to combat the trafficking in persons, especially children. However, it noted that UNICEF had highlighted in its 2009 report an increase in drug trafficking that placed children at risk. It asked what steps had been taken to prevent children from being involved in drug trafficking. Poland also asked what measures would be taken to implement legislation providing for the application of the juvenile justice infrastructure and system in accordance with the Convention on the Rights of the Child. It made recommendations.

34. Germany noted the concerns expressed by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child about the trafficking in women and children, and asked about measures taken in that regard. It noted reports of complaints about pressure and intimidation directed at journalists covering drug trafficking, and reports of random cases involving harassment of the press. Germany also mentioned the fact that State television was becoming increasingly biased in terms of news reporting and asked how Guinea-Bissau was improving respect for freedom of expression and freedom of the press. Germany made recommendations.

35. Morocco stated that a careful examination of Guinea-Bissau's national report had revealed the open-minded and brave approach of the Guinean authorities in defining a true balance between efforts made and self-criticism regarding current constraints. This sincere engagement vis-à-vis the universal periodic review mechanism was an example of good practice that deserved further encouragement. Among other achievements, Morocco noted the establishment of the Children's National Parliament, a children's forum for the discussion of issues related to the lives of children and young people in the country. Morocco made recommendations.

36. Israel encouraged Guinea-Bissau to continue its cooperation with the United Nations Peacebuilding Support Office, in particular with the OHCHR human rights component. It stated that it remained ready to work with Guinea-Bissau and committed itself to providing assistance in the areas of combating poverty and empowerment of women and in the fields of health, agriculture and education. It made recommendations.

37. Argentina made recommendations.

38. Angola stated that it was closely following efforts made by Guinea-Bissau to bring political stability to the country, which was a precondition for guaranteeing the basic rights of its people. It considered that, although much had been done, much still needed to be done. Angola asked what steps had been taken to reinforce the judicial system, which had been identified as one of the weakest branches of the State. It made one recommendation.

39. Norway recognized the economic, social and political challenges facing Guinea-Bissau as a result of periods of conflict and political and institutional instability. Bearing in mind that the unstable political situation had also had an impact on Guinea-Bissau's difficulties in preparing for and ratifying various human rights conventions and protocols, Norway appreciated the work that Guinea-Bissau had carried out on the Optional Protocol

to CEDAW in 2009. Norway expressed concerns regarding, inter alia, the situation of human rights defenders, individuals criticizing drug traffickers and the national army, and the situation of women. Norway made recommendations.

40. The Netherlands noted that the Committee on the Elimination of Discrimination against Women was concerned at the absence of a definition of discrimination in the Constitution and in legislation and requested information about the progress made in that area. It noted the concerns expressed by the Committee on the Rights of the Child about the poor respect for the rights of children with disabilities and the social discrimination prevalent against them. It also noted the recommendation made by the Committee on the Rights of the Child regarding the development or amendment of legislation to ensure that discrimination on the grounds of disability was prohibited. The Netherlands referred to the 2009 condemnation by the Security Council of cases of arbitrary detention, armed attack and intimidation. It asked about the follow-up given to the recommendations set out in the report of the Secretary-General on the conditions of detention. It made recommendations.

41. The United Kingdom of Great Britain and Northern Ireland welcomed Guinea-Bissau's intention to extend an invitation to special procedures and noted that the well-organized elections in June and July 2009 had allowed people to express their choice of President. However, given the events of April 2010, the United Kingdom was concerned that the political situation remained fragile and asked what steps the Government was taking to ensure that security and military personnel understood their obligation to respect and protect human rights. The United Kingdom made recommendations.

42. The Libyan Arab Jamahiriya took note of the efforts made by Guinea-Bissau to promote and protect human rights. While noting that Africans were most affected by racial discrimination because of injustices perpetrated during the colonization, it called upon colonial States to live up to their responsibilities through compensation, reparation and public apologies. It made recommendations.

43. China expressed appreciation for efforts made by the Government to promote human rights. It also expressed understanding of the special situation in the country and the hope that the various parties would exercise restraint, focus on national unity and stability, and resolve their disputes through dialogue and consultation in order to restore order, so as to better protect human rights. China made one recommendation.

44. Slovenia was pleased to note that the Constitution of Guinea-Bissau guaranteed fundamental human rights and freedoms and allowed for the automatic application of international fundamental rights and norms. It asked the Government of Guinea-Bissau about the prospect of ratifying the human rights treaties that it had signed. Slovenia commended the Government for having adopted the Plan of Action of the first phase of the World Programme for Human Rights Education, focusing on national school systems, and encouraged it to continue to devote considerable attention to human rights education. Slovenia welcomed the Government's determination to strive for national reconciliation and to combat impunity. Slovenia made recommendations.

45. En réponse aux questions posées par certaines délégations, la Guinée-Bissau a noté avec satisfaction qu'une très grande majorité de pays ont reconnu qu'elle faisait face à une situation très difficile dans son processus de mise en place de conditions nécessaires à une gouvernance crédible et stable.

46. Concernant la ratification des instruments internationaux, la Guinée-Bissau a indiqué que le Ministère des affaires étrangères sollicitera si nécessaire l'assistance technique dans ce domaine, afin d'engager dans les meilleurs délais le processus de ratification des instruments relatifs aux droits de l'homme qui ont été signés.

47. Les autorités de la Guinée-Bissau reconnaissent l'importance de la lutte contre la pauvreté, qui a un impact important sur la jouissance de divers droits de l'homme. La fragilité de certaines institutions est due essentiellement à un manque de formation des agents de l'Etat mais aussi à la corruption. Le gouvernement s'engage à combattre la pauvreté dans toutes ses manifestations afin de garantir la jouissance de droits fondamentaux des populations. Il existe déjà une série de programmes et structures dans ce domaine, dont un Ministère chargé spécifiquement de la lutte contre la pauvreté et de l'élimination des inégalités liées au genre. La Guinée-Bissau est également engagée à réduire le taux de mortalité maternelle et infantile grâce à un programme piloté par le Ministère de la santé. Toutefois, pour mener à bien tous ces programmes, il est nécessaire d'avoir une stabilité politique et de pouvoir compter sur l'appui de la communauté internationale.

48. En ce qui concerne la situation des enfants, en particulier les enfants handicapés, ils sont protégés par des normes du Code pénal, de même que par des institutions spécifiques rattachées soit au Ministère de la justice soit au Ministère chargé de la protection de la famille. Il existe en outre un Institut pour la femme et l'enfant qui est chargé de la mise en œuvre de tous les programmes de protection et de promotion de la femme et de l'enfant.

49. La Constitution garantit les droits de la femme, mais la Guinée-Bissau est convaincue qu'elle doit faire plus pour assurer que ces droits soient effectivement respectés dans tout le pays. Concernant les mutilations génitales féminines, un projet de loi est actuellement en cours de préparation qui sera dans de brefs délais soumis au parlement avec l'objectif d'en finir avec cette pratique condamnable. En outre un vaste processus de réforme, conduit par le Ministère de la justice, est mis en œuvre avec l'objectif de renforcer la protection des droits de l'homme et la promotion de l'égalité. Le pays compte sur le soutien de la communauté internationale pour mener à terme ce processus de réforme du cadre normatif de protection des droits de l'homme. De plus, le pays n'ayant pas un véritable système pénitentiaire, à savoir des prisons administrées directement par le Ministère de la justice avec une législation claire concernant la gestion des prisons, un programme de réforme soutenu par le PNUD est actuellement mis en œuvre, englobant la conception d'une législation adéquate, la réhabilitation des prisons et la formation du personnel de l'administration pénitentiaire.

50. Pour ce qui est de la traite des êtres humains, particulièrement la traite des femmes et des enfants, une proposition de loi est en préparation qui sera soumise au parlement dans le but de combattre ce fléau. Au sujet des enfants Talibé en particulier, le gouvernement essaie de combattre ce phénomène en collaboration avec des ONG nationales et internationales qui travaillent dans ce domaine. Une loi spécifique sera également préparée, de même qu'un accord de coopération signé avec les pays voisins, dans la mesure où plusieurs de ces enfants Talibé sont envoyés hors frontières et exploités dans le domaine de la mendicité.

51. En Guinée-Bissau, la paix et la stabilité politique constituent un pré-requis vital, raison pour laquelle une conférence nationale impliquant tous les acteurs de la vie politique est en préparation.

52. Slovakia noted the difficulties that Guinea-Bissau had been facing as a consequence of the armed conflict, political instability and extreme poverty. It commended the adoption of the plan of action focusing on the national school system. Slovakia noted reports of torture and other inhuman treatment, including arbitrary arrests and detention carried out by military personnel, particularly against political opponents. Slovakia referred to the concerns expressed by the Secretary-General in 2008 about the situation in detention centres. Slovakia made recommendations.

53. The United States of America denounced the kidnapping and detention, on 1 April 2010, of the Prime Minister, the Chief of Defence and others by rogue elements of the military. It called for the unconditional release of those still being held illegally and for the armed forces to respect civilian control of the military. The United States also remained deeply concerned by the assassination, in March 2009, of former President Vieira and the former armed forces Chief of Staff, and the assassination, in June 2009, of a member of Parliament and a presidential candidate. The United States made recommendations.

54. Latvia noted that there were still pending requests by two special procedures mandate holders to visit Guinea-Bissau. It made one recommendation.

55. Senegal stated that Guinea-Bissau's participation in the universal periodic review was a reason for great pride and had provided it with an opportunity to confirm its support for the country's development efforts. It considered that, more than ever, assistance in all areas was necessary in order to help Guinea-Bissau overcome the multiple challenges facing it, as the country was striving to make a new beginning. Senegal reaffirmed its solidarity with the sister nation of Guinea-Bissau. It made recommendations.

56. Mozambique noted that Guinea-Bissau was a country with a vibrant civil society that actively participated in the promotion and protection of human rights and garnered strength because individual freedoms and liberties such as freedom of expression, association and the press enjoyed constitutional protection. Mozambique noted that Guinea-Bissau was a democracy in which there was no capital punishment and whose Constitution outlawed torture. Mozambique made one recommendation.

57. The Democratic Republic of the Congo noted that Guinea-Bissau tackled the AIDS pandemic, protected freedom of religion and remained a country of hospitality, regularly taking in a considerable number of refugees. It highlighted the many socio-economic problems facing Guinea-Bissau, citing the public insecurity undermining the right to life, female genital mutilation, forced marriage, the trafficking in human beings, insufficient support for children, food insecurity and the lack of health infrastructure. It made recommendations.

58. Bangladesh welcomed achievements in the areas of health and primary education. It expressed appreciation for the adoption of a national plan to combat HIV/AIDS and for steps taken to combat trafficking. It also expressed its understanding of the multiple challenges faced by the country, many of which had been aggravated by the political volatility and armed conflict. It made recommendations.

59. The Philippines stated that it understood the complex challenges facing Guinea-Bissau, particularly the continuing need to combat poverty, which had had a severe impact on the promotion of human rights; the need to improve the rule of law; and the need to address the security and political situation in a resolute manner and in a spirit of inclusive national dialogue and reconciliation. The Philippines highlighted the role of the international community in assisting Guinea-Bissau and congratulated its Government on having adopted the Plan of Action of the first phase of the World Programme for Human Rights Education. The Philippines made recommendations.

60. La Guinée-Bissau a souligné qu'il était important que la communauté internationale réalise que sans son soutien, le pays se retrouvera dans un cercle vicieux. Il y a trois questions fondamentales pour la Guinée-Bissau. Tout d'abord, une conférence internationale de haut niveau est prévue en juin à New-York en vue de mobiliser les partenaires pour la mise sur pied d'un programme de réforme des forces de défense et de sécurité.

61. Outre la conférence de haut niveau, le gouvernement prépare une table-ronde pour le mois d'octobre ou de novembre de cette année, au cours de laquelle la Guinée-Bissau

soumettra à la communauté internationale son programme pour combattre la pauvreté et promouvoir la croissance, de manière à ce qu'avec le soutien et la solidarité internationale le pays puisse reprendre le chemin d'un développement durable.

62. Il est prévu que le Conseil d'administration du Fonds monétaire international examine le programme à mi-parcours de la Guinée-Bissau. L'opportunité et l'importance d'un tel programme n'est plus à démontrer dans la mesure où celui-ci a une incidence directe sur la capacité et les moyens du gouvernement à lutter efficacement contre la pauvreté et à créer les conditions propices à une croissance économique.

63. Dans ses remarques finales, la Guinée-Bissau a réitéré son invitation permanente aux Rapporteurs spéciaux afin qu'ils puissent visiter le pays et se faire une idée sur le terrain de la situation des droits de l'homme. Ils pourront ainsi apprécier les efforts déployés par le gouvernement ainsi que la nécessité pour le pays de bénéficier du soutien de la communauté internationale dans la mise en œuvre de tous les programmes de réforme en cours.

64. La Guinée-Bissau a donné l'assurance que les recommandations faites seront dûment prises en considération et seront d'un grand apport pour les autorités et les institutions nationales dans leurs efforts pour la promotion et la protection des droits de l'homme dans le pays.

II. Conclusions and/or recommendations

65. **The recommendations formulated during the interactive dialogue and listed below have been examined by Guinea-Bissau and enjoy its support:**

65.1. **Consider the ratification of other core international human rights instruments, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Algeria);**

65.2. **Consider signing and/or ratifying ICERD, ICCPR and the Optional Protocols thereto, CAT and the Optional Protocol thereto, the Rome Statute and the Convention for the Prevention and Punishment of the Crime of Genocide (Brazil);**

65.3. **Consider the ratification of and accession to all outstanding human rights instruments (Nigeria);**

65.4. **Ratify the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the International Convention on the Elimination of All Forms of Racial Discrimination, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, and the two Optional Protocols to the Convention on the Rights of the Child; sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Spain);**

65.5. **Sign and ratify the second Optional Protocol to the International Covenant on Civil and Political Rights (Spain);**

- 65.6. As part of national reconstruction and the reinforcement of the rule of law, ratify and implement the International Covenant on Civil and Political Rights (ICCPR) (Mexico);
- 65.7. Seriously consider ratifying the core human rights treaties it has previously signed. This includes, inter alia, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture (Hungary);
- 65.8. Become party to the International Covenant on Civil and Political Rights and the two Optional Protocols thereto; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and the Optional Protocol thereto; the Optional Protocols to the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto; and the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);
- 65.9. Ratify the International Covenant on Civil and Political Rights and the Convention against Torture, and ensure full implementation of their provisions (United Kingdom);
- 65.10. Accede to the international human rights instruments to which the State is not yet a party, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, which it has only signed (Libyan Arab Jamahiriya);
- 65.11. Accelerate its accession to several international human rights instruments in order to make up for the backlog in this area (Democratic Republic of the Congo);
- 65.12. Consider the ratification of other core international human rights treaties that it has not yet ratified, especially ICCPR, CAT and CPRD (Philippines);
- 65.13. Uphold the constitutional order and proceed to a military reform (Brazil);
- 65.14. Reaffirm its commitments to international human rights instruments through their transposition or integration into its national legislation, and intensify its efforts to submit its overdue reports to the treaty bodies (Spain);
- 65.15. 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 CRC and other international standards (Germany);
- 65.16. Ensure that the provisions of all international human rights treaties, once ratified, are incorporated into domestic law (Netherlands);
- 65.17. Review all domestic legislation with a view to bringing it into full compliance with CEDAW and the general recommendations of the Committee on the Elimination of Discrimination against Women (Slovenia);
- 65.18. Consider the possibility of establishing a national body for the promotion and protection of human rights in accordance with the Paris Principles (Algeria);
- 65.19. Continue to seek technical assistance from the international community as well as the Office of the High Commissioner for Human Rights on the

establishment of a national human rights institution in accordance with the Paris Principles (Nigeria);

65.20. Reinforce its national human rights infrastructure (Egypt);

65.21. Establish a national human rights institution accredited by the International Coordinating Committee of National Human Rights Institutions (Libyan Arab Jamahiriya);

65.22. Intensify and focus efforts on the promotion of initiatives likely to promote national reconciliation as well as a return to and the consolidation of peace and security in the country (Algeria);

65.23. Step up and intensify programmes to combat poverty, which would help to improve the enjoyment of economic, social and cultural rights (Algeria);

65.24. Strengthen the implementation of poverty eradication strategies (South Africa);

65.25. Adopt sectoral plans for the promotion of human rights in order to promote the human rights of vulnerable groups such as women, children and persons with disabilities (Algeria);

65.26. Consider reviewing strategies aimed at the protection of children, with a view to developing a comprehensive plan for the care of children, and to aligning them with the provisions of CRC and all applicable international human rights instruments to which Guinea-Bissau is party (South Africa);

65.27. Ensure that security sector reform remains a priority and that the civilian Government retains control of the military and ensures its respect for the rule of law (United Kingdom);

65.28. Ensure that all parties resolve their differences peacefully and within the framework of the national constitution and laws (United States);

65.29. Make all efforts to submit overdue reports to the treaty bodies and to ratify already signed treaties (Norway);

65.30. Increase its cooperation with the treaty bodies, and consider adding to the number of international human rights instruments to which it is a party, for instance, by adhering to ICCPR, CAT and ICERD (Indonesia);

65.31. Continue cooperation with the United Nations system, particularly through the Peacebuilding Commission (Brazil);

65.32. Extend an open and standing invitation to all special procedures (Spain);

65.33. Consider extending a standing invitation to all special procedures of the Human Rights Council (Brazil, Latvia);

65.34. Continue efforts aimed at submitting overdue national human rights reports, and respond positively to requests made by special procedures mandate holders (Hungary);

65.35. Allow for a requested visit by the Working Group on Arbitrary Detention (Slovakia);

65.36. Seek the necessary assistance from the Office of the United Nations High Commissioner for Human Rights and other relevant United Nations bodies (Algeria);

- 65.37. Seek the assistance of the international community, the United Nations and its specialized agencies in providing the country with the needed support in confronting these challenges towards ensuring the promotion and protection of human rights and the attainment of its Millennium Development Goals (Nigeria);
- 65.38. Work more closely with the human rights mechanisms in seeking practical solutions to the various elements that have the power to seriously threaten peace and stability (Indonesia);
- 65.39. Request technical assistance with regard to the human rights of persons with disabilities so as to ensure that it has the resources and capacity necessary to make their rights effective (Mexico);
- 65.40. Seek assistance from the international community through technical assistance and capacity-building programmes (South Africa);
- 65.41. Define its expectations of United Nations organizations and agencies regarding technical and financial assistance, and request the international support required in order to cope with material and infrastructural constraints, as highlighted in its national report (Morocco);
- 65.42. Clearly identify the needs regarding technical assistance and capacity-building in the field of human rights (Senegal);
- 65.43. Redouble efforts to seek assistance from its partners, including the United Nations, as the country is confronted with limited capacity in the implementation of many programmes in the field of human rights (Mozambique);
- 65.44. In view of the shortcomings described in the national report, request international technical assistance (Democratic Republic of the Congo);
- 65.45. Incorporate into its legislation a definition of discrimination against women and the principle of equality between women and men, in accordance with CEDAW (Brazil);
- 65.46. Set up a strategy for eliminating discriminatory cultural practices and stereotypes and repealing all discriminatory laws against women, and adopt a law criminalizing female genital mutilation (France);
- 65.47. (a) Adopt a national gender equality policy which would consolidate the variety of pending plans and policies on the subject; (b) consider the adoption of an explicit provision ensuring that human rights treaties that have been ratified have legal effect as part of the national law; (c) adopt legislation criminalizing female genital mutilation; (d) incorporate a comprehensive definition of discrimination into national legislation (Germany);
- 65.48. Adopt measures designed to overcome gender discrimination stemming from national legislation and customary law in the area of marriage and family relations (Argentina);
- 65.49. Ensure that the rights of children with disabilities are respected, and take into account, inter alia, the recommendations of the Committee on the Rights of the Child (Netherlands);
- 65.50. Adopt a national policy to ensure equality between men and women (Libyan Arab Jamahiriya);

- 65.51. Strengthen its national machinery for the protection and advancement of women and girls (Bangladesh);
- 65.52. Enhance international cooperation programmes aimed at promoting gender equality and combating trafficking in women and children (Philippines);
- 65.53. Formulate and implement a law on domestic violence as soon as possible (Indonesia)¹;
- 65.54. Carry out new awareness-raising programmes within the Ministry of Women on violence against women, with short-term objectives and tangible indicators, and providing information about the fact that such actions are to be punished (Spain);
- 65.55. Develop a national strategy for ensuring the eradication, in law and in practice, of all violence against women, including domestic violence and the practice of female genital mutilation, as recommended by CEDAW (Israel);
- 65.56. Enact legislation explicitly prohibiting female genital mutilation, and ensure that offenders are prosecuted and punished (Brazil);
- 65.57. Adopt, as soon as possible, legislation clearly prohibiting female genital mutilation (Canada);
- 65.58. Continue its efforts in the area of combating female genital mutilation, inter alia, through the implementation of programmes sensitizing the population about its harmful effects (Egypt);
- 65.59. Follow up on and implement the recommendations made by the Committee on the Elimination of Discrimination against Women, in particular those referring to the adoption of legislation and policies to eliminate violence against women, female genital mutilation and child marriage (Mexico);
- 65.60. Adopt legislative provisions for the prohibition, punishment and effective prevention of the practice of female genital mutilation (Argentina);
- 65.61. Adopt the appropriate legislation to deal with genital mutilation (Angola);
- 65.62. Enact the prohibition of female genital mutilation, and strengthen its awareness-raising and educational efforts to eliminate that practice and its underlying cultural justifications (Norway);
- 65.63. Enact legislation explicitly prohibiting female genital mutilation; strengthen awareness-raising and educational efforts to eliminate that practice and its underlying cultural justification; and ensure that offenders are prosecuted and punished (Slovenia);
- 65.64. Develop and adopt comprehensive strategies to address all forms of violence against women, and raise educational awareness to eliminate female genital mutilation (United States);
- 65.65. Strengthen the fight against child trafficking, female genital mutilation, maternal mortality, drug trafficking and lack of security (Senegal);

¹ The recommendation as read during the interactive dialogue: “Immediately formulate and implement a Law on Domestic Violence” (Indonesia).

- 65.66. Combat all forms of trafficking of children, and formulate a policy of child protection to ensure a better system for safeguarding children's rights (France);
- 65.67. Devise and implement plans for combating trafficking in women and children (Egypt);
- 65.68. Increase efforts to combat trafficking against women, and try to eliminate women's vulnerability to exploitation and traffickers (Poland);
- 65.69. Incorporate into internal legislation a definition of trafficking in line with the Palermo Protocol (Poland);
- 65.70. Incorporate into anti-trafficking draft legislation a definition of trafficking in line with the Palermo Protocol, while ensuring that the scope of such legislation covers all persons, and identify and implement all appropriate measures to strike at the root cause of trafficking and sexual exploitation in Guinea-Bissau (Israel);
- 65.71. Adopt legislative provisions for the punishment and prevention of the trafficking in persons and eradicate its causes, in conformity with international standards (Argentina);
- 65.72. Develop comprehensive strategies and public awareness campaigns to address trafficking in persons, in particular children for the purpose of forced begging in neighbouring countries (United States);
- 65.73. Redouble efforts to combat scourges leading to violations of children's rights as listed in paragraph 38 of the national report (Morocco);
- 65.74. Take measures to ensure the safety of those who raise a critical voice towards the army or drug trafficking activities in the country. Officials investigating drug trafficking should be protected from pressure and threats from organized crime (Norway);
- 65.75. Carry out credible and transparent investigations into the killings of politicians and members of the armed forces in June 2009, and bring to justice the perpetrators of these crimes (Canada);
- 65.76. Allow for the full independence and effective functioning of the judiciary, the Attorney General's office and the Ministry of Justice, without any interference of the military in judicial or political affairs (Israel);
- 65.77. Take all appropriate steps to prevent the arbitrary arrest, torture and other ill treatment of those exercising their fundamental rights to, inter alia, freedom of expression or opinion and assembly, and bring perpetrators of such acts to justice, in accordance with international standards of fair trial (Israel);
- 65.78. Ensure the full enjoyment of civil and political rights with a view to consolidating the rule of law (Argentina);
- 65.79. Ensure that crimes and violations against human rights defenders and journalists are effectively investigated and prosecuted, and that those responsible are punished (Norway);
- 65.80. Ensure independent investigations into all cases of torture or unlawful killings and that all those suspected of being responsible are brought to justice in trials that observe international fair trial standards (United Kingdom);

- 65.81. **Adopt and duly implement all measures necessary to prevent torture and other inhuman or degrading treatment, and ensure due accountability for perpetrators of such human rights violations (Slovakia);**
- 65.82. **Start a reform of the armed forces, and take all measures necessary to combat impunity, in particular by establishing independent inquiry commissions that are transparent and credible, with a view to bringing to justice those responsible for human rights violations as soon as possible (France)².**
- 65.83. **Address impunity by providing the required resources for the established Commission of Inquiry to conduct credible and transparent investigations of these crimes (United States);**
- 65.84. **Guarantee that the situation in detention facilities is in accordance with international human rights standards (Netherlands);**
- 65.85. **Ensure that arrests are carried out by law enforcement officials and that the detained are duly charged and brought to fair trials in accordance with international standards or are released (Slovakia);**
- 65.86. **Intensify its efforts to humanize its penal system, with special focus placed on the separation of female and juvenile inmates (Slovakia);**
- 65.87. **Protect journalists and human rights defenders, and carry out investigations into any threats against them (Canada);**
- 65.88. **Give individuals, groups and organs of the society the legitimacy and the recognition to promote human rights as well as to express their opinions or dissent publicly (Norway);**
- 65.89. **Ensure for every citizen the exercise of his or her right to freedom of expression (Slovenia);**
- 65.90. **Establish concrete goals to increase female participation in political and public life (Norway);**
- 65.91. **Demonstrate its full commitment to implementation of the national plan of action to increase the participation of women in decision-making, in national and regional peace consolidation mechanisms, in United Nations peace operations and in political affairs, by providing the necessary human and financial resources and clear and authoritative mandates to the relevant governmental institutions and mechanisms (United States);**
- 65.92. **Continue the development of initiatives designed to assist people affected by poverty (Cuba);**
- 65.93. **Continue to implement programmes and measures to guarantee quality health services and quality education free of charge (Cuba);**
- 65.94. **Make all possible efforts to combat HIV/AIDS and to prevent the mother-to-child transmission of the virus, and request technical and financial assistance from international agencies, including WHO and UNICEF (Libyan Arab Jamahiriya);**

² The recommendation as read during the interactive dialogue: "Immediately start a reform of the armed forces, and take all measures necessary to combat impunity, in particular by establishing independent inquiry commissions that are transparent and credible, with a view to bringing to justice those responsible for human rights violations" (France).

- 65.95. Noting that, owing to malaria, acute respiratory tract infections and malnutrition, child mortality is relatively high, call on the international community to provide assistance in reducing child mortality rates (China);
- 65.96. Continue its efforts to overcome the challenges of extreme poverty with the support and assistance of the international community (Bangladesh);
- 65.97. Continue its efforts in combating HIV/AIDS (Bangladesh);
- 65.98. Intensify its efforts in the area of human rights education and capacity-building, and organize training seminars on human rights for those working in relevant institutions and bodies (Egypt);
- 65.99. Take appropriate measures to fight illiteracy, ensure equal opportunities for women and men in the labour market, and provide for participation in political and public life and equal access to justice (Slovenia);
- 65.100. Continue to promote school attendance for girls (Senegal); and
- 65.101. Continue to promote human rights education and training at all levels of the education system (Philippines).
66. The following recommendations enjoy the support of Guinea-Bissau, which considers that they are already implemented or in the process of implementation:
- 66.1. Include in its Constitution and legislation a clear definition of discrimination against women, and enshrine in law the principle of equality between women and men (France); and
- 66.2. Ensure, in its Constitution and legislation, that discrimination is explicitly prohibited; provide for, inter alia, the principle of equality between women and men; and take into account, inter alia, the recommendations of the Committee on the Elimination of Discrimination against Women (Netherlands).
67. The recommendations set out below did not enjoy the support of Guinea-Bissau:
- 67.1. Review its legislative and administrative measures with the aim of eliminating gender discrimination (South Africa);
- 67.2. Have a programme of education and training in human rights as a prerequisite for anyone wishing to join the armed forces (Spain);
- 67.3. Repeal or amend legislation that discriminates against disabled person and children, with a focus on eradicating the practice of killing newborn children with disabilities, preventing violence at the hands of family members and society in general, and ensuring equal access to all public transportation and buildings (Israel);
- 67.4. Intensify efforts to improve the human rights of women, and take measures to combat harmful traditional practices under customary law, such as early and forced marriage, trafficking, polygamy and levirate marriage (Norway); and
- 67.5. Send a clear signal that no human rights violations committed by members of the army will be tolerated, and take specific measures in order to bring to justice those responsible, without exceptions and regardless of their rank (Canada).

68. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Guinea-Bissau was headed by the Minister of Justice, Mamadu Saliu Jalo Pires, and was composed of seven members:

- Alfredo Lopes Cabral, Ambassadeur, Représentant permanent de la Guinée-Bissau auprès de l'ONU à New York ;
 - Lassana Ture, Secrétaire d'Etat à la Coopération Internationale ;
 - Carlos Pinto Pereira, Conseiller Juridique du Premier Ministre ;
 - Aida Costa Fernandes, Présidente de la Commission Nationale des Droits Humains;
 - Cletche Sanha, Juriste au Ministère des Affaires Etrangères ;
 - Nelson Soares, Ministère de la Santé.
-