



General Assembly

Distr.: General
15 September 2010
English
Original: French

Human Rights Council
Fifteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Guinea-Bissau

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

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I. Introduction

A. Methodology

1. At the request of the Human Rights Council, and pursuant to Human Rights Council resolution 5/1 and President's statement 9/2, this report will address matters deemed to be pertinent that were not explained in sufficient detail in the previous report.

B. Consultation process

2. In order to draw up this report, the National Human Rights Commission worked together with ministries, government departments and other State institutions directly or indirectly involved in human rights issues. Civil society organizations and religious organizations were also involved in the process.

C. Background information on the country

3. Geographically speaking, Guinea-Bissau is located in West Africa, between the equator and the Tropic of Cancer. To the north, it shares a border with the Republic of Senegal, to the south and east it borders the Republic of Guinea, and the Atlantic Ocean lies on its western border.

4. The country's administrative system is divided into eight regions and one autonomous sector, namely Bissau.

II. Legislative and institutional human rights framework

A. Domestic legislation

5. The Constitution of the Republic, the Criminal Code, the Civil Code, the General Labour Act, the Staff Regulations of the Civil Service and the Jurisdictional Statute on Minors constitute the principal items of domestic legislation in the field of human rights. Moreover, the Constitution prohibits all violations of international human rights law. Under article 29 of the Constitution:

- (1) Fundamental rights enshrined in the Constitution do not negate other rights provided for by the laws of the Republic and applicable rules of international law.
- (2) Constitutional and legal precepts relating to fundamental rights must be interpreted in accordance with the Universal Declaration of Human Rights.

B. International treaties

6. Guinea-Bissau has ratified and published in its Official Gazette the following international instruments: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

III. Institutional human rights framework

7. The institutional and constitutional framework, established under article 59 of the Constitution, which includes the President of the Republic, the National People's Assembly, the Government and the courts, plays an important role in protecting human rights.

IV. Promotion and protection of human rights

A. Rights of the child

8. With a view to promoting and protecting the rights of the child, the initial report on the Convention on the Rights of the Child has been submitted; a national children's parliament has been established; a national birth registration committee has been established; a national committee has been established to prevent and combat human trafficking; a draft bill has been prepared on human trafficking, in line with article 3 of the United Nations Convention against Transnational Organized Crime; a national committee has been established to combat harmful practices; Guinea-Bissau's legal system is being brought into line with the Convention on the Rights of the Child and its optional protocols; measures are being taken to draw the attention of members of parliament and civil society to the draft bill on female genital mutilation and human trafficking; and a draft bilateral agreement on human trafficking is being negotiated with neighbouring countries.

B. Women's rights

9. With a view to promoting and protecting women's rights, a national policy on gender equality and equity is currently being prepared; the combined initial, second, third, fourth, fifth and sixth periodic reports were presented to the Committee on the Elimination of Discrimination against Women at its forty-fourth session, on 3 August 2009 in New York; a legal department has been set up in the Institute for Women and Children; and a broad definition of discrimination, which has been debated at national level, has been incorporated into domestic legislation.

C. Economic, social and cultural rights

1. The right to health

10. Medical conditions responsible for infant mortality include malaria, diarrhoea and acute respiratory failure, which, according to data from 2000, were responsible for 65 per cent of infant deaths, though there have been significant improvements since then. The malaria death rate, which stood at 35 per cent in 2009, has dropped to 0.3 per cent among children and 5.6 per cent among pregnant mothers; the mortality rate associated with diarrhoea has fallen from 15 per cent to 11 per cent; and the child mortality rate associated with acute respiratory failure has fallen from 15 per cent (*source*: Multiple Indicator Cluster Survey, 2000) in 2009 to 4.3 per cent. The data from 2009 on maternal mortality record 287 deaths, equivalent to a rate of 1,464 deaths per 100,000 live births, which constitutes an improvement on the 2000 figures contained in the initial report, according to the Ministry of Health and the National Institute of Public Health.

HIV/AIDS

11. In order to combat HIV/AIDS with the support of the international community, the National Strategic Plan to Combat AIDS was prepared by the Ministry of Health, which obtained funding from the World Bank under the Multi-Country HIV/AIDS Program for Africa. In order to fund the second national strategic plan, the country is relying on financial assistance from the Global Fund to Fight AIDS, Tuberculosis and Malaria, under the HIV component of round 7 for the period 2009–2013. In addition to the funding it has already obtained, Guinea-Bissau receives support from the United Nations system. In order to ensure that efforts to combat HIV/AIDS are effective, the programme has been divided into prevention, treatment, assistance to persons living with HIV/AIDS, follow-up measures and a review of activities. The programme also includes capacity-building measures for health-care professionals (*source*: National Secretariat for the Fight against AIDS).

2. The right to quality education

12. Every citizen has the right to education and the duty to pursue an education (art. 49, para. 1). The State is working towards guaranteeing free and equal access for all citizens to the various levels of education. Primary education is free and compulsory.

The education system

13. The education sector in Guinea-Bissau comprises a formal and an informal education system. Formal education is divided into four sub-systems: general education, which has three categories, namely: (a) preschool, primary and secondary education; (b) higher education; and (c) technical and vocational education and adult education.

14. There is a private school for disabled, blind and deaf-mute children. During the 2009/10 school year, 244 children attended this school, which is recognized by the Ministry of Education and fulfils all the necessary operating criteria.

15. The number of children in preschool education stands at 319,188 for children up to the age of 6 (160,406 boys and 150,782 girls). The gross enrolment rate stands at 5 per cent. A review of the education sector in Guinea-Bissau in 2009 found that significant progress had been made over the decade (2000–2010) in terms of school enrolment at all levels, and drew the following conclusions: the gross enrolment rate in preschools rose from 2 per cent in 2000 to 5 per cent in 2006; in primary schools from 70 per cent in 2000 to 101 per cent in 2006; and in secondary schools from 19 per cent to 30 per cent (with 37 per cent enrolment on general courses and 19 per cent on supplementary courses). According to recent estimates, the gross enrolment rate for 2010 will stand at 111.8 per cent and 40.8 per cent in the primary and secondary education sectors respectively. The illiteracy rate remains high: in the absence of an effective literacy policy, it stands at 58 per cent for people aged 15–35 (*source*: Ministry of Education).

V. Reform of the justice sector

16. A draft bill has been prepared and the matter has been the subject of extensive public debate; constitutional provisions prohibit discrimination of any kind; there is an office to deal with reports of domestic abuse; a draft bill has been prepared on domestic violence; the Institute for Women has taken various measures relating to forced marriages; and the Constitution sets out the principles that guarantee the protection of human rights activists and journalists (enshrined, in the case of journalists, in the Act on Freedom of the Press and, in the case of human rights activists, in the relevant regulations). Various measures have been taken to create the conditions necessary for the effective administration of justice, including improvements to the infrastructure of the Ministry of Justice, funded by

the Support Programme for Sovereign Bodies and the Rule of Law; the renovation of prisons in Mansóá, Bafatá and Canchungo, a project funded by the United Nations Office on Drugs and Crime (UNODC), which aims to ensure adequate conditions and separate cells for men and women; and the promotion of efforts to combat drug abuse, in particular the creation of reasonable working conditions for the judicial police and special training for judicial officers.

VI. Reform of the defence and security sector

17. In legislative terms, progress has been made in the defence and security sector. The legal framework has been reviewed and a dozen new pieces of legislation adopted, including legislation on: the organization of the army; national defence and the army; the status of the military; compulsory military service; military regulations; the Code of Military Justice and the rules on military discipline; the organization of the Ministry of the Interior; the organization of the public order police; the status of the National Guard; and the disciplinary regulations for the police and the National Guard. Other measures include: a biometric census of army staff, as well as former freedom fighters; renovation work on the Amura fortress; staff capacity-building in the defence and security sector and police training; a round-table discussion at Cape Verde in 2009; and a conference on the reforms in the defence and security sector, attended by all relevant sovereign bodies, which led to the Bissau Declaration.

VII. Raising public awareness of human rights

18. The National Human Rights Commission, established to promote and protect human rights, is to focus on promoting education and raising awareness of human rights at all levels. The Government's partners will focus on capacity-building measures, at the national level, in the field of human rights. The statute of the commission will be revised to bring it into line with the Paris Principles, so that the commission can be accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

VIII. Cooperation with human rights institutions

19. Guinea-Bissau cooperates with national public institutions, civil society and regional and international organizations working to promote and protect human rights.

IX. Achievements

20. Achievements at the national level include: draft agreements with the Ministry of Public Health, the Ministry of Justice and the Ministry of the Interior to provide free health care to vulnerable children; streamlined procedures for reporting violence against women and children to the police; an agreement with the Ministry of the Interior and public order police on measures to hold responsible the parents and guardians of children engaged in begging; a review of the national poverty reduction strategy paper; implementation of the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments; ongoing reform of the defence and security sector, as well as the justice system; ongoing reform of the civil service; the adoption of laws on criminal investigations, the organization and functioning of the sentence enforcement court and the concession of property to the State,

and amendments to the Act on the Organization of the Courts of Justice; improvements in detainees' living conditions, in compliance with the relevant standards; and a new census to update census data.

X. Challenges

21. The country's economic limitations; legislative and structural deficits that have an impact on the proper functioning of the justice system and the human rights protection system, as well as a lack of funding for their activities; difficulties in providing official translations, particularly from French and English into Portuguese, of texts of conventions normally published in one of the working languages of the United Nations.

XI. Other measures

22. The Government will take the necessary steps to have the other human rights conventions ratified by the National People's Assembly. The Government will appoint judicial officials to deal with challenges, including by drawing up a justice policy (now under way) following a broad, unprecedented debate aimed at identifying problems and finding solutions. Work is already under way on refurbishing the central prison in Bissau and the jails in Buba, Bissorã and Gabú. Measures also include a national peacebuilding conference and the implementation of the recommendations of the Human Rights Council. The Government hopes to establish a team drawn from certain government departments which, in coordination with the legislative services of the National People's Assembly, would be responsible for depositing ratification instruments with the depositary. The Government will call on the highest legislative body to ratify pending conventions. There is a need to provide support for the translation of the official texts of the conventions from the working languages of the United Nations into Portuguese. There is also a need to build and repair police stations, within the framework of maintaining public order, with a focus on the citizen, and maintaining public order in the community.

XII. Good practices

23. Constructive dialogue with partners in the field of human rights; human rights training for judicial officers (judges, public prosecutors, lawyers and court officials); training for police inspectors in combating organized crime and drug trafficking; vocational training for young people, as well as measures to promote youth employment; the timely payment of salaries; a campaign to raise awareness of efforts to prevent violence against women, namely an information and awareness campaign organized by the National Human Rights Commission which targets sovereign bodies and policymakers; a computer-based training centre to provide defence and security training, which aims to improve the level of training for internal security agents and criminal investigation officers and from which 89 agents in the public order police, the judicial police, the information and security services and the immigration services have already benefited; and training for security forces' staff on gender-based violence.

XIII. Capacity-building measures

24. Techniques for drawing up and presenting the national human rights report; training for judges and court officials; training for defence and security forces; training for members

of the National Commission on the Paris Principles; and the inclusion of human rights issues in both the formal and informal school curricula.

XIV. Technical assistance

25. Support for development projects; support for the various ministries involved in the promotion and protection of human rights; support for drawing up a national human rights plan; and support for the National Human Rights Commission.

XV. Conclusion

26. **The Government reaffirms its commitment to implementing measures to ensure respect for the dignity of the human person and it will therefore work to reduce the number of situations that threaten the human rights paradigm. The Government is certain that belonging to a group of countries which safeguard respect for human rights, and seek to strengthen democracy and good governance, will emphasize socio-political stability as an essential factor in creating synergies conducive to economic and financial development. The Government of Guinea-Bissau is conscious that, on the one hand, respect for human rights is an essential condition for effectively guaranteeing legal certainty for its citizens and that, on the other hand, the impunity of those who violate human rights must be combated. In that knowledge, the Government reaffirms its approach in terms of human rights objectives. It seeks to promote, protect and establish legal and judicial instruments to guarantee respect for the principles set forth in the Universal Declaration of Human Rights, the Constitution of the Republic, and the relevant conventions and treaties signed by the State of Guinea-Bissau.**
