

Guinea Bissau

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 2 April 2013

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/guinea_bissau

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

4 stakeholders' reports were submitted for the UPR. 3 NGOs were contacted. 1 UN agency was contacted. The Permanent Mission to the UN was contacted. We could not contact any domestic NHRI.

1 NGO responded to our enquiry. The UN agency did not respond. The State under Review did not respond to our enquiry either.

The following stakeholders took part in the report:

1. **NGOs:** (1) Ligue Guinéenne des Droits Humains (LGDH)

IRI: 18 recommendations are not implemented, 6 recommendations are partially implemented, and 4 recommendations are fully implemented. No answer was received for 83 out of 113 recommendations and voluntary pledges.

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2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Disabilities,Rights of the Child,Women's rights	page 5	not impl.
2	NHRI	page 11	fully impl.
3	CP rights - general,International instruments,Migrants,Racial discrimination,Torture and other CID treatment	page 6	partially impl.
4	Justice	page 7	not impl.
6	ESC rights - general,Poverty	page 5	partially impl.
7	Rights of the Child,Torture and other CID treatment,Women's rights	page 9	fully impl.
9	Trafficking	page 7	fully impl.
10	Women's rights	page 9	not impl.
15	Rights of the Child,Women's rights	page 9	not impl.
16	Special procedures	page 6	fully impl.
21	Justice	page 7	not impl.
23	Justice	page 7	not impl.
24	Freedom of the press,Human rights defenders	page 7	not impl.
26	Right to health,Rights of the Child,Technical assistance	page 11	-
34	General	page 11	not impl.
36	Women's rights	page 10	not impl.
39	Women's rights	page 10	not impl.
41	International instruments,Justice,Rights of the Child	page 8	not impl.
42	International instruments	page 6	partially impl.
46	Rights of the Child,Women's rights	page 10	not impl.
49	Justice	page 8	not impl.
52	Disabilities,Rights of the Child	page 5	not impl.
53	Detention conditions,Freedom of association and peaceful assembly,Freedom of opinion and expression,Torture and other CID treatment	page 8	not impl.
55	International instruments,Racial discrimination	page 6	not impl.
63	Rights of the Child	page 10	not impl.
68	Detention conditions	page 8	partially impl.
71	Development,Technical assistance	page 11	-
74	Women's rights	page 10	not impl.
76	Rights of the Child,Trafficking,Women's rights	page 10	partially impl.
90	Detention conditions,Rights of the Child,Women's rights	page 9	partially impl.

3. Feedbacks on recommendations

ESC Rights

Recommendation n°6: *Step up and intensify programmes to combat poverty, which would help to improve the enjoyment of economic, social and cultural rights (Recommended by Algeria)*

IRI: *partially implemented*

Ligue Guinéenne des Droits Humains (LGDH) response:

The government has adopted the national strategic document for poverty reduction, DENARP II, with the objective of improving the strategies and plans for poverty reduction. However, due to political instability, successive alternations of the constitutional order, it has not yet been possible to mobilize the necessary funding for its implementation.

Indigenous & Minorities

Recommendation n°1: *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 (Recommended by Algeria)*

IRI: *not implemented*

LGDH response:

Despite the fact that some initiatives have been adopted in order to protect vulnerable groups such as women and children, the situation of these social groups continue to be of concern. A project proposal for a national policy for gender equality and equity has been validated by civil society but not yet approved by the council of ministers. Regarding the rights of the child, to this date there exists no sectorial plan or sector specific measures aimed at advancing the rights of the child. Every day, serious violations of women's and children's rights take place without any specific measures being taken to improve their situation. The violations consist in forced and early marriage, physical assaults against children and structural inequalities between men and women in all areas.

Recommendation n°52: *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 (Recommended by Israel)*

IRI: *not implemented*

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LGDH response:

Legislation and mechanisms to combat the discrimination and social exclusion of persons with disabilities does not yet exist. The state of Guinea-Bissau has not yet ratified the convention of persons with disabilities.

International Instruments

Recommendation n°3: *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 (Recommended by Algeria)*

IRI: *partially implemented*

LGDH response:

Within this domain in particular, some progress has been made, including the ratification of the International Covenant on Civil and Political Rights.

Recommendation n°16: *Consider extending a standing invitation to all special procedures of the Human Rights Council (Recommended by Brazil)*

IRI: *fully implemented*

LGDH response:

The government has demonstrated openness in this direction through the Ministry of Justice that has already issued invitations to all the Special Rapporteurs and in particular the Special Rapporteur on poverty reduction and justice.

Recommendation n°42: *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 (Recommended by Germany)*

IRI: *partially implemented*

LGDH response:

The government has taken some initiatives to harmonize international conventions with national legislation, including the law on access to justice and the creation of centers of access to justice.

Recommendation n°55: *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 (Recommended by Libya)*

IRI: *not implemented*

LGDH response:

There is no progress

Justice

Recommendation n°4: *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* (Recommended by *Algeria*)

IRI: *not implemented*

LGDH response:

The process of national reconciliation and peace consolidation was interrupted by the military coup of April 12th, 2012. From this day on, Guinean society has been deeply divided with a multiplication of systematic human rights violations - including summary executions, beatings of political leaders and illegal restrictions on the freedom of press, expression and movement, impunity etc. All these actions are creating difficulties for the peace and the process of national reconciliation.

Recommendation n°9: *Adopt legislative provisions for the punishment and prevention of the trafficking in persons and eradicate its causes, in conformity with international standards* (Recommended by *Argentina*)

IRI: *fully implemented*

LGDH response:

As part of the government's efforts to eradicate human trafficking, a law was passed on June 6th, 2011.

Recommendation n°21: *Uphold the constitutional order and proceed to a military reform* (Recommended by *Brazil*)

IRI: *not implemented*

LGDH response:

This process of reforming the armed forces has been complicated and suspended due to the coup d'etat of April 12th, 2012, and therefore no progress has been made in this area.

Recommendation n°23: *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* (Recommended by *Canada*)

IRI: *not implemented*

LGDH response:

No progress has been registered in the case of the 2009 assassinations, except from two processes that have already been accused but that are awaiting a trial that until this moment has not been undertaken. This is why our organization already its latest report recommended the creation of an international commission of inquiry due to the incapability of the national authorities.

Recommendation n°24: *Protect journalists and human rights defenders, and carry out investigations into any threats against them* (Recommended by *Canada*)

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IRI: *not implemented*

LGDH response:

To this date the country has no law that protects human rights defenders and journalists. Due to threats of being targeted, no initiative has been taken to investigate these cases, including threats against our leaders.

Recommendation n°41: *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 (Recommended by Germany)*

IRI: *not implemented*

LGDH response:

There is no progress in this field

Recommendation n°49: *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 (Recommended by Israel)*

IRI: *not implemented*

LGDH response:

There has not been any progress in this area since no reform has been implemented in the field of defense and security to ensure the subordination of the military to the civil power, the interference will continue to compromise the independence of judiciary power.

Recommendation n°53: *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 (Recommended by Israel)*

IRI: *not implemented*

LGDH response:

Not any progress in this field, after the coup d'état of April 12th, 2012, there was a severe setback in the exercise of rights and freedoms and guarantees such as the freedom of speech and press. Several citizens including political leaders were violently beaten by the military and the forces of order, several other responsible politicians have sought refuge in diplomatic installations and others in enforced asylum abroad, fearing for their lives.

Recommendation n°68: *Guarantee that the situation in detention facilities is in accordance with international human rights standards (Recommended by Netherlands)*

IRI: *partially implemented*

LGDH response:

Minimal rules for treatment of detainees have already been adopted, and two prisons in the cities of Mansoa and Bafata have been rehabilitated. These measures are clearly insufficient.

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Recommendation n°90: *Intensify its efforts to humanize its penal system, with special focus placed on the separation of female and juvenile inmates* (Recommended by Slovakia)

IRI: *partially implemented*

LGDH response:

There has been progress in this direction, although the lack of appropriate installations to some extent hampers the achievement of these objectives.

Women & Children

Recommendation n°7: *Adopt the appropriate legislation to deal with genital mutilation* (Recommended by Angola)

IRI: *fully implemented*

LGDH response:

In relation to this recommendation, the state of Guinea-Bissau has through the National Popular Assembly, legislative organ par excellence, passed the law against female genital mutilation on June 6th, 2011. This law is currently in force in the country with penalties from 2 to 6 years and 3 to 9 years of prison depending on whether or not the victim was a minor.

Recommendation n°10: *Adopt measures designed to overcome gender discrimination stemming from national legislation and customary law in the area of marriage and family relations* (Recommended by Argentina)

IRI: *not implemented*

LGDH response:

[...]

The state of Guinea-Bissau has not yet fulfilled these recommendations because we still have laws that discriminate against women, namely in the Civil Code in its chapter on family law and inheritance. This civil code of 1966 was inherited from Portuguese colonialism and does not reflect the current situation in the country. Women are still 4th in the grade in the class of successors, a fact that constitutes a discrimination and a violation of international conventions.

Recommendation n°15: *Strengthen its national machinery for the protection and advancement of women and girls* (Recommended by Bangladesh)

IRI: *not implemented*

LGDH response:

After the coup d'état on April 12th, 2012, there was a huge setback in the field of the fight for gender equality with the termination of the Ministry for Women, Family and Social Cohesion, the structure responsible for the government policy in this area.

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Recommendation n°36: *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* (Recommended by France)

IRI: *not implemented*

LGDH response:

The Guinean constitution has not yet included the definition of discrimination because the constitutional revision has yet to be undertaken.

Recommendation n°39: *Adopt a national gender equality policy which would consolidate the variety of pending plans and policies on the subject* (Recommended by Germany)

IRI: *not implemented*

LGDH response:

The National policy of gender equality and equity was validated by civil society organizations and state structures but has not yet been approved by the government in the council of ministers. With the coup the process of its adoption was suspended.

Recommendation n°46: *Formulate and implement a law on domestic violence as soon as possible* (Recommended by Indonesia)

IRI: *not implemented*

LGDH response:

Domestic violence constitutes an assault on human dignity. In Guinea-Bissau this phenomenon has gained alarming proportions due to cultural issues. Guinea-Bissau does not yet have a law against domestic violence, in the name of maintaining the family unit, the victims prefer to stifle cases of domestic violence in the family forum, as there is no mechanism for legal, medical or psychosocial assistance to victims. Therefore, the Guinean state has not yet done anything to improve the situation of domestic violence in the country.

Recommendation n°63: *Redouble efforts to combat scourges leading to violations of children's rights as listed in paragraph 38 of the national report* (Recommended by Morocco)

IRI: *not implemented*

LGDH response:

No specific mechanism exists for this purpose.

Recommendation n°74: *Establish concrete goals to increase female participation in political and public life* (Recommended by Norway)

IRI: *not implemented*

LGDH response:

No specific measures have been taken to raise the level of female participation in the sphere of political decisions. However, several have been developed by non-governmental organizations towards the adoption of a minimum quota of 35% in the candidate lists for political office.

Recommendation n°76: *Intensify efforts to improve the human rights of women, and take measures to combat harmful traditional practices under customary law, such as*

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early and forced marriage, trafficking, polygamy and levirate marriage
(Recommended by Norway)

IRI: *partially implemented*

LGDH response:

Some measures were taken against FGM and human trafficking and in this moment the law against domestic violence is in its phase of conclusion.

Other

Recommendation n°2: Consider the possibility of establishing a national body for the promotion and protection of human rights in accordance with the Paris Principles
(Recommended by Algeria)

IRI: *fully implemented*

LGDH response:

There has not yet been registered any effective change in order to align the National Human Rights Commission with the Paris principles. Yet, in this moment a process of reviewing the statutes with the objective of reinforcing the independence of the commission is ongoing. However, this is still depending on the government through the Ministry of Justice and created through a governmental decree.

Recommendation n°26: 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 (Recommended by China)

IRI: -

LGDH response:

Recently, some efforts have been made by the Ministry of Health through its health development plan for the reduction of maternal and infant mortality. However, due to the lack of resources, one cannot speak of an improved situation from a statistical point of view.

Recommendation n°34: Reinforce its national human rights infrastructure
(Recommended by Egypt)

IRI: *not implemented*

LGDH response:

There is no infrastructure for the promotion and defense of human rights in the country, this situation further aggravates the initiatives of promotion of human rights.

Recommendation n°71: 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

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protection of human rights and the attainment of its Millennium Development Goals
(Recommended by *Nigeria*)

IRI: -

LGDH response:

Guinea-Bissau is on the list of countries that will probably not achieve the Millennium Development Goals.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing recommendations and voluntary pledges

Stakeholders we contact are encouraged to use an Excel sheet we provide which includes all recommendations received and voluntary pledges taken by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

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UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for both recommendations received and voluntary pledges taken at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

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