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| الاتحاد الأفريقي<br>African Commission on Human & Peoples' Rights  |   | UNIÃO AFRICANA<br>Commission Africaine des Droits de l'Homme & des Peuples |
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## **Press Statement at the Conclusion of the Promotion Mission of the African Commission on Human and Peoples' Rights to the Republic of Guinea Bissau**

Further to its mandate under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter) and following authorization by the Government of the Republic of Guinea Bissau (Bissau), a Delegation of the African Commission on Human and Peoples' Rights (the Commission) undertook a Promotion Mission in Guinea Bissau from **16 to 20 July 2018**.

The Commission's Delegation comprised:

- i. **Honourable Commissioner Maria Teresa Manuela**, Commissioner Rapporteur on the human rights situation in the Republic of Guinea Bissau and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
- ii. **Honourable Commissioner Maya Sahli-Fadel**, Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
- iii. **Honourable Commissioner Rémy Ngoy Lumbu**, Special Rapporteur on the Rights of Human Rights Defenders and Focal Point on Reprisals in Africa;
- iv. **Honourable Commissioner Jamesina Essie. L King** – Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; and
- v. Two (2) legal Officers from the Secretariat of the Commission: Ms. Irene Desiree Mbengue Eleke, Senior Legal Officer; and Ms. Aminata Jawara Manga, Legal Officer.

The objectives of the mission were, *inter alia*: to promote the African Charter and other regional and international human rights legal instruments; strengthen relations between the Commission and Guinea Bissau with regard to the promotion and protection of the rights guaranteed by the African Charter; collect information on the general human rights situation in Guinea Bissau; engage in dialogue with the Government on the legislative and other measures taken to give full effect to the provisions of the African Charter and other instruments ratified by Guinea Bissau and identify the challenges faced; identify the progress made as well as the obstacles which hinder the exercise and full enjoyment of human rights; gather information on human rights issues including *inter alia* situation of prisons and conditions of detention, the human rights situation of women and children; refugees, migrants

and internally displaced persons; freedom of expression, association and assembly; prevention of torture, situation of human rights defenders; economic, social and cultural rights,, independence of the judiciary; extractive industries; older persons and persons with disabilities and persons living with HIV/AIDS.

The mission commenced with a courtesy call to the Representative of the African Union Mission in Guinea Bissau at the African Union Liaison Office headed by His Excellency, Ovidio M.B. Pequeno.

During the mission, the Delegation held discussions with various State and non-state actors involved in the promotion and protection of human and peoples' rights in Guinea Bissau.

The Delegation held a meeting with the President of the Republic of Guinea Bissau, His Excellency Dr. José Mário Vaz.

The Delegation also held meetings with the following Senior Government officials:

- Speaker of the Peoples' National Assembly;
- Chief Justice of the Supreme Court;
- Attorney General;
- Minister of Fisheries;
- Minister of Interior;
- Minister of Public Health, Family and Social Cohesion;
- Minister of Education, Youth, Culture and Sports;

The Commission had discussions with the following individuals from the Administrative Sector:

- The Director General of the Ministry of Justice and Human Rights;
- The Director General of the Prison Service;
- The Chairperson of the National Human Rights Organisation;
- The Director General of the Criminal Investigation Police (Police Judiciara);
- The Secretary General of the National Commission for Refugees and Internally Displaced Persons;
- The Chairperson of the Standing Specialized Technical Commission on Legal and Human Rights Affairs;
- Parties with seat in Parliament;
- Parties without seat in Parliament; and
- Personnel of the Amilcar Cabral University.

The Delegation also met with the following International Organisations as follows:

- The United Nations Integrated Peace Building Office; and
- The European Union.

The Delegation met with the following Civil Society:

- The Chairperson of the Guinean Human Rights League;
- The Chairperson of the Bar Association;
- The Director of the Institute for Women and Children;
- Union of Journalists in Guinea Bissau;
- Women Lawyers Associations; and
- Other Civil Society Organisations.

The Delegation visited the Mansoa Prison and the Criminal Investigation Police Detention Centre at Bandim and concluded the Mission with a Press Conference.

The Delegation commends the Government of the Republic of Guinea Bissau for its political will and commitment towards the effective enjoyment of human rights, including through the adoption of legislative and other measures to implement the African Charter and other ratified regional and international human rights instruments.

The Delegation notes the following positive developments in the promotion and protection of human rights in Guinea Bissau:

- i. Ratification of regional and international human rights instruments;
- ii. Abolition of the death Penalty;
- iii. Enactment of laws prohibiting FGM, Child and Forced Marriages, protection of domestic workers and human trafficking;
- iv. National Policy of Equality and Gender Equity which provides national authorities with a policy framework to ensure women's access to political, social and economic structures;
- v. Establishment of Access to Justice Centers in different parts of the country to carry out sensitization campaigns to make citizens more aware of their rights, amongst other things;
- vi. The justice sector reforms currently ongoing in the country, with local and international partners;
- vii. The Special Commission to fight Corruption under the auspices of National Peoples' Assembly;
- viii. The National Strategic Operational Plan for 2015-2020 otherwise known as the "*Terra Ranka*" aimed at fighting instability and addressing most of the human rights issues faced by Guinea Bissau, so as to achieve prosperity and peace;
- ix. The Conakry Agreement on the Resolution of the Political Crisis in Guinea Bissau, with the objective to promote peace and stability in the country;
- x. Provision of Legal aid to indigents;
- xi. The National Secretariat specialized to give assistance to people with disabilities and persons living with HIV/AIDs, and the provision of free ARVs to persons living with HIV/AIDs;

- xii. The renovation of prisons with the support of international development partners which has improved conditions in prison;
- xiii. Provision of free basic education at Nursery and Primary levels;
- xiv. The inclusion of Human Rights education in school curriculum;
- xv. The Government's commitment and initiatives to combat corruption, including the protection of whistle-blowers through partnership with Whistle Blowers;
- xvi. Granting of naturalization status and resettlement to the refugee population.

In noting the positive developments, the Delegation also notes the following challenges in the promotion and protection of Human Rights in Guinea Bissau:

- i. The fact that Guinea Bissau has never submitted a Report to the Commission under Article 62 of the African Charter;
- ii. Lack of transitional justice mechanisms in Guinea Bissau;
- iii. Lack of implementation and enforcement of laws due to various challenges, including lack of resources, challenges in the justice sector and enforcement officials;
- iv. Lack of human rights training to Police Officers, law enforcement officials; and journalists amongst others;
- v. Low level of enjoyment of economic social and cultural rights,
- vi. Weak State institutions and low level of public trust in the State Institutions;
- vii. Lack of awareness in human and peoples' rights by the population, and pertinent international instruments, including the African Charter and the Maputo Protocol
- viii. Shortages of material and human resources that impede the enjoyment of human rights in the country;
- ix. Overcrowding in prisons and places of detention;
- x. The illegal detention of criminals beyond the legal period prescribed by law, allowed in the preventive detention phase;
- xi. Existence of traditional harmful practices including Female Genital Mutilation (FGM), early and forced marriages;
- xii. The phenomena of child trafficking, and in particular, the plight of Talibé children sent abroad under the pretext of going to learn the Koran and end up as beggars on the streets;
- xiii. The absence of statistics covering various areas of human rights;
- xiv. Lack of legislation protecting human rights defenders;
- xv. The functioning of a National Human Rights Commission which is not established in accordance with the Principles relating to the Status of National Institutions (the Paris Principles);
- xvi. The lack of the Office of the Ombudsman;
- xvii. The lack of an independent police oversight body to investigate allegations of violations committed by the Police;
- xviii. The high rate of maternal and infant mortality;
- xix. The low representation of women in political bodies including Parliament, as well as the lack of adequate measures to encourage political participation of women;

- xx. The low number of Police Officers and law enforcement agents in the country; and
- xxi. The alarming rate of Youth unemployment.

The Commission will prepare a detailed Mission Report with specific recommendations. Meanwhile, the Delegation would like to recommend that Guinea Bissau:

- i. Consider ratifying regional and international instruments including the Optional Protocol on the Convention of the Rights of the Child; Optional Protocol to the International Covenant on Civil and Political Rights; International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families; and the International Convention for the Protection of All Persons from Enforced Disappearance;
- ii. Put in place strategies to fully implement the Conakry Agreement for lasting peace and security in the country;
- iii. Adopt laws protecting the rights of human rights defenders and activists in the country;
- iv. Expedite the drafting and enactment of all pending laws, for the enjoyment of human rights in the country;
- v. Provide material and financial resources to all sectors in the country to enable them function more effectively;
- vi. Ensure the effective implementation of the law prohibiting FGM and domestic violence amongst others;
- vii. Make efforts to provide the judicial apparatus with enough resources to enable them function effectively and also spread throughout the regions of Guinea Bissau to facilitate access to justice;
- viii. Take steps to increase budget allocated to health and education and ensure the enjoyment of economic social and cultural rights;
- ix. Continue institutional reform efforts in various sectors of Government, to ensure sustainable development and lasting peace;
- x. Work with national and international development Partners to provide human rights training to Police Officers, law enforcement agents and journalists in the country;
- xi. Increase the number of police and other law enforcement agents in the country
- xii. Develop Government policy on collection of relevant statistics related to various areas of human rights;
- xiii. Establish the National Human Rights Commission in compliance with the Paris Principles;
- xiv. Consider enacting a law which includes a specific legal provision criminalizing torture;
- xv. Establish an independent Police Oversight body to investigate allegations of violations committed by the Police;
- xvi. Take concrete measures to encourage women's participation in politics as well as the political participation of other vulnerable groups such as persons with disabilities; and

- xvii. Intensify Government initiatives to address youth unemployment, and also provide them with professional training.

The Delegation wishes to express its sincere gratitude to the Government of the Republic of Guinea Bissau for facilitating the mission and for the frankness and constructive dialogue held with all the stakeholders. The Delegation also expresses its gratitude to the Guineans for their hospitality. The Delegation expresses its particular appreciation to the Ministry of Foreign Affairs and International Cooperation and Communities and the African Union Liaison Office in Guinea Bissau for making the mission a success.

**Done in Bissau, Republic of Guinea Bissau, 20 July 2018**