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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Guinea-Bissau*

The present report is a summary of 4 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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

I. Background and framework

A. Scope of international obligations

1. Amnesty International (AI) recommended that Guinea-Bissau ratify all outstanding human rights treaties, in particular the International Covenant on Civil and Political Rights and its First and Second Optional Protocols, and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.²

B. Constitutional and legislative framework

2. AI indicated that the 1993 Constitution guarantees “fundamental human rights and freedoms” and set forth that constitutional and legal proceedings related to fundamental human rights must be interpreted in harmony with the Universal Declaration of Human Rights.³

3. AI recommended that Guinea-Bissau ensure that the provisions of all international human rights treaties, once ratified, are incorporated into domestic law.⁴

C. Policy measures

4. The Ligue guinéenne des droits humains (Guinean Human Rights League) (LGDH) and the Mouvement national de la société civile pour la paix, la démocratie et le développement (National Civil Society Movement for Peace, Democracy and Development) (MNSCPDD) stress the need to reform the school curricula, inter alia, by introducing education for a culture of peace, democracy, human rights and citizenship.⁵

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations

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

5. AI reported that the armed forces are responsible for the killing in March 2009 of their own officers and civilian politicians, including President João Bernardo “Nino” Vieira and the Chief of Staff of the Armed Forces.⁶ In addition, AI reported that soldiers were also responsible for the killing of four people in the run-up to presidential elections in June 2009.⁷ LGDH/MNSCPDD has also reported these events.⁸

6. AI reported that torture and other ill-treatment are prohibited by the Constitution and are not widely practised. However, in recent years, notably in 2009, armed forces personnel have reportedly beaten and tortured political activists and other soldiers accused of plotting to overthrow the Government. More recently, the armed forces have tortured and ill-treated critics of the armed forces, particularly those who have suggested the possible involvement of the armed forces in drug trafficking.⁹ AI reported that, in the aftermath of the killings of politicians in June 2009, soldiers arbitrarily arrested and detained other politicians who were allegedly tortured while in detention.¹⁰

7. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment is lawful in the home. While it is unlawful in schools

and in the penal system, GIEACPC reported that details on applicable legislation were lacking. GIEACPC has been unable to ascertain the legality of corporal punishment in alternative care settings. It recommended the introduction of legislation as a matter of urgency to prohibit all corporal punishment of children in the family home and all other settings.¹¹

8. LGDH/MNSCPDD report that female genital mutilation is increasingly practised in Guinea-Bissau. For example, in 2007, 3,732 cases were recorded in the capital city alone.¹²

9. AI reported that, although both the Constitution and national law prohibit arbitrary arrest and detention, the security forces often arbitrarily arrest and detain people for exercising their rights to freedom of expression and assembly.¹³ AI recommended that Guinea-Bissau ensure that nobody is arbitrarily arrested or detained for exercising his or her right to freedom of expression or other rights and that arrests be carried out in accordance with the law and by law enforcement officials.¹⁴

10. Although military authorities have the power to arrest only for purely military matters, AI indicated that military personnel have been responsible for the arbitrary detention of civilians and of soldiers accused of plotting against the Government or military chiefs. Those arrested are often detained in military installations without charge or trial for long periods of time, often months, far exceeding the 48 hours prescribed by law.¹⁵

11. Concerning the question of *talibé* children who are sent to live with teachers in order to receive a religious education in Guinea-Bissau or abroad, LGDH/MNSCPDD indicate that, as part of their education, the children are often obliged to work and are ill-treated. According to one estimate, in 2007, 3,000 children went abroad to attend such schools. According LGDH/MNSCPDD, many of these children drop out of Koranic school and end up engaged in prostitution, drug addiction, vandalism, etc.¹⁶

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

12. AI reported that despite promises made in September 2009 by the authorities and the newly elected President, no investigations have been carried out into the killings by soldiers of political figures and armed forces personnel.¹⁷ Similarly, AI reported that the authorities have not investigated torture incidents and have not brought to justice those members of the security forces who committed these violations.¹⁸ AI recommended that Guinea-Bissau ensure immediate, impartial and effective investigations into all cases of unlawful killings and that all those suspected of being responsible are brought to justice in trials that observe international fair trial standards.¹⁹ In addition, AI recommended that Guinea-Bissau investigate all reports of torture and ill-treatment by military officials and others, with a view to bringing to justice those suspected of responsibility for acts of torture and other ill-treatment, in accordance with international standards for fair trials, and to ensure reparation, including fair and adequate compensation for victims.²⁰

13. LGDH/MNSCPDD report interference by the military authorities in political affairs and the judiciary, despite the provisions of the Constitution.²¹ AI reported that, in July 2008, the Attorney-General and the Minister of Justice said they had received death threats to force them to stop their investigation into a cocaine haul. Both had also publicly accused high-ranking political, military and security service figures of involvement in drug trafficking, and of obstructing their investigations.²²

14. LGDH/MNSCPDD also claim that the judicial system is corrupt.²³

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

15. The Institute on Religion and Public Policy (IRPP) indicated that approximately 40 per cent of the population practice Sunni Islam, 10 per cent practice Christianity (mostly in the urban centres), and recent missionary activity has led to a growing Protestant community.²⁴

16. IRPP reported that the Constitution provides for many basic human freedoms, including religious freedom. While a few instances of religious discrimination have occurred, religious liberty is generally protected and the Government is willing to rectify past discriminations, for example, by allowing Ahmadiyya Muslims to practice freely.²⁵

17. IRPP reported that Evangelical Christians seem to experience some minor social prejudice, but the Government protects their rights both individually and as a community.²⁶ IRPP also made reference to an official agreement signed in August 2009 by Catholic radio station *Sol Mansi* and Muslim radio station *Recom* to exchange radio programmes in an effort to promote religious dialogue.²⁷

18. AI was concerned that although freedom of expression, including freedom of the press, is guaranteed by the Constitution and by national law, the authorities continue to suppress these rights. In the past few years, *Radio Bombolom*, an independent radio station, has been threatened with closure on several occasions and its journalists have been arrested, beaten and threatened for reporting on the security forces' handling of demonstrations and on the drug trade, as well as for criticising the armed forces.²⁸

19. AI reported that the military have also been responsible for suppressing freedom of expression through threats against and beating up of those speaking up against them, including journalists, human rights defenders and government officials.²⁹ AI recommended that Guinea-Bissau ensure that the right to freedom of expression, as enshrined in the Constitution and national law as well as relevant international human rights standards, is fully respected in practice.³⁰ LGDH/MNSCPDD also stress that the media are censored and intimidated by the political and military authorities, adding that freedom of the press is limited by the material and human resources available.³¹

20. IRPP reported that, although the country has a turbulent political history, it currently experiences free and fair elections in a multiple party, republican system, noting that President Malam Bacai Sanhá took office in June 2009 after being democratically elected and participated in a peaceful transfer of power.³²

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

21. LGDH/MNSCPDD state that, although the right to health is laid down in the Constitution, there are serious shortcomings in its implementation, such as the illicit fees required of clients, the lack of professional ethics on the part of some doctors and nurses, and corruption.³³

22. LGDH/MNSCPDD add that the infant mortality rate is very high and that malaria is the leading cause of death for children aged under 5.³⁴ LGDH/MNSCPDD also indicate that over 80 per cent of medicines sold in pharmacies are of poor quality.³⁵

23. LGDH/MNSCPDD indicate that access to water and sanitation has not improved in recent years because there has been less rainfall. Only 54.6 per cent of the population have access to drinking water.³⁶ According to LGDH/MNSCPDD, 35 per cent of the population have no toilets and sanitation conditions in some districts in the capital are inadequate to cope with demographic developments. The illegal construction of housing has exacerbated this problem, since the illegal dwellings do not have adequate sanitation. It is estimated that waterborne diseases are responsible for three quarters of communicable diseases and more

than half of all deaths.³⁷ LGDH/MNSCPDD indicate that the price of water in some parts of the capital city rose sharply in 2009.³⁸

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

24. LGDH/MNSCPDD note that the right to education is laid down in the Constitution, but that it can only be implemented once the minimum conditions are in place to adapt the education system to the reality on the ground, in quantitative and qualitative terms. LGDH/MNSCPDD also mention the lack of information and guidance on schools.³⁹ According to LGDH/MNSCPDD, the low school enrolment rate in primary education can be explained by the shortage of teachers and low staff morale, inadequate school facilities, the shortage of teaching materials and the long distances pupils must travel to school.⁴⁰

25. LGDH/MNSCPDD add that access to preschool education is guaranteed for only 19 per cent of children aged 3 to 6. For children under 3, there are only private ventures but no public services.⁴¹ Similarly, higher education cannot meet the demand for places.⁴² In addition, LGDH/MNSCPDD indicate that obtaining a scholarship to study abroad is conditional upon links with the ruling party.⁴³

26. Furthermore, LGDH/MNSCPDD note that low salaries and the shortage of housing add to the difficulties faced by the education sector by making it difficult to recruit qualified teachers, particularly in remote areas.⁴⁴ According to LGDH/MNSCPDD, only 10 per cent of teachers have teaching qualifications and many have chosen to work abroad.⁴⁵ In addition, 97 per cent of the budget for education is used to pay teachers, while 99 per cent of investments in the education sector depend on external funding.⁴⁶

III. Achievements, best practices, challenges and constraints

N/A.

IV. Key national priorities, initiatives and commitments

N/A.

V. Capacity-building and technical assistance

N/A.

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council).

Civil society

AI	Amnesty International, London, United Kingdom;*
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom;
IRPP	Institute on Religion and Public Policy, Washington, D.C., United States of America;
LGDH/MNSCPDD	Ligue guinéenne des droits humains (LGDH)/Mouvement national de la société civile pour la paix, la démocratie et le développement (MNSCPDD), Bissau, Guinea-Bissau.

- ² AI, p. 5.
- ³ AI, p. 3; see also IRPP, pp. 1–2.
- ⁴ AI, p. 6.
- ⁵ LGDH/MNSCPDD, p. 7.
- ⁶ AI, p. 3.
- ⁷ AI, p. 4.
- ⁸ LGDH/MNSCPDD, p. 2.
- ⁹ AI, pp. 4–5.
- ¹⁰ AI, p. 4.
- ¹¹ GIEACPC, pp. 1–2.
- ¹² LGDH/MNSCPDD, p. 2.
- ¹³ AI, p. 4.
- ¹⁴ AI, p. 6.
- ¹⁵ AI, p. 4.
- ¹⁶ LGDH/MNSCPDD, pp. 3–4.
- ¹⁷ AI, p. 3.
- ¹⁸ AI, p. 4.
- ¹⁹ AI, p. 6.
- ²⁰ AI, p. 6.
- ²¹ LGDH/MNSCPDD, p. 5.
- ²² AI, p. 5.
- ²³ LGDH/MNSCPDD, p. 4.
- ²⁴ IRPP, p. 2.
- ²⁵ IRPP, p. 1 and p. 3.
- ²⁶ IRPP, p. 3.
- ²⁷ IRPP, p. 3.
- ²⁸ AI, p. 5.
- ²⁹ AI, p. 5.
- ³⁰ AI, p. 6.
- ³¹ LGDH/MNSCPDD, p. 5.
- ³² IRPP, p. 2.
- ³³ LGDH/MNSCPDD, pp. 7–8.
- ³⁴ LGDH/MNSCPDD, p. 8.
- ³⁵ LGDH/MNSCPDD, p. 8.
- ³⁶ LGDH/MNSCPDD, p. 8.
- ³⁷ LGDH/MNSCPDD, p. 9.
- ³⁸ LGDH/MNSCPDD, p. 9.
- ³⁹ LGDH/MNSCPDD, p. 6.
- ⁴⁰ LGDH/MNSCPDD, p. 7.
- ⁴¹ LGDH/MNSCPDD, p. 6.
- ⁴² LGDH/MNSCPDD, p. 7.
- ⁴³ LGDH/MNSCPDD, p. 7.
- ⁴⁴ LGDH/MNSCPDD, p. 6.
- ⁴⁵ LGDH/MNSCPDD, p. 6.
- ⁴⁶ LGDH/MNSCPDD, pp. 6–7.