



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

Distr.: General  
30 June 2009  
English  
Original: French

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Combined initial, second, third, fourth, fifth and sixth  
periodic reports**

**Guinea-Bissau\***

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\* The present report is being issued without formal editing.

**Combined initial, second, third, fourth, fifth and sixth  
periodic reports**

August 2008

## Contents

	<i>Page</i>
I. Introduction . . . . .	7
1. Convention on the Elimination of All Forms of Discrimination against Women . . . . .	7
2. Guinea-Bissau: a brief summary of its recent history and of the role played by women . . . . .	10
Description of the country . . . . .	13
1. Geographical situation . . . . .	13
2. Population . . . . .	13
3. Economic situation . . . . .	14
4. Political situation . . . . .	16
Some indicators . . . . .	18
II. Legal, political and administrative measures adopted for the operation of the CEDAW Convention in Guinea-Bissau . . . . .	27
Articles 1 and 2 . . . . .	27
Article 3 . . . . .	30
Article 4 . . . . .	32
Article 5 . . . . .	33
Article 6 . . . . .	37
Articles 7 and 8 . . . . .	38
Article 9 . . . . .	44
Article 10 . . . . .	45
Articles 11 and 12 . . . . .	51
Article 13 . . . . .	66
Article 14 . . . . .	69
Article 15 . . . . .	72
Article 16 . . . . .	73
III. Final considerations . . . . .	77
Bibliography . . . . .	79
Annexes . . . . .	81

**Abbreviations**

AD	Action pour le développement (Action for Development)
ADIM	Association pour le développement intégré des femmes (Association for the Integrated Development of Women)
ADPP	Aide au développement de peuple à peuple (Development Aid from People to People)
AEL	Adult education and literacy
AGUIBEF	Association guinéenne pour le bien-etre familial (Guinea-Bissau Association for Family Welfare)
AIDS	Acquired immune deficiency syndrome
ALTERNAG	Association guinéenne d'études alternatives (Guinea-Bissau Association for Alternative Studies)
AMAE	Association des femmes d'activité économique (Association of Economically Active Women)
AMIC	Association des amis de l'enfant (Associação dos Amigos das Crianças – Association of the Friends of Children)
ANP	Assemblée nationale populaire (National Popular Assembly)
BAO	Banque de l'Afrique Occidentale (Bank of West Africa)
BCEAO	Banque centrale des États de l'Afrique de l'Ouest (Central Bank of West African States)
BE	Basic education (primary school)
BRS	Banque régionale de solidarité (Regional Solidarity Bank)
CC	Civil Code
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHU	Community health unit
CHW	Community health workers
CNRD	Commission nationale pour les réfugiés et déplacés internes (National Commission on Refugees and Internally Displaced Persons)
CONCP	Conférence des organisations nationalistes des colonies portugaises (Conference of Nationalist Organizations of the Portuguese Colonies)
CRC	Convention on the Rights of the Child
CRGB	Constitution of the Republic of Guinea-Bissau
CSL	Conseil supérieur de la lutte (Supreme Council of the Struggle)
CUF	Companhia União Fabril (a Portuguese trade and industry company)

DIVUTEC	Associação Guineense de Estudos e Divulgações das Tecnologias apropriadas (Guinea-Bissau Association for Studies and the Dissemination of Appropriate Technology)
DL	Decree-law
EBC	Enseignement de Base Complémentaire (Cours Moyens/CM <sup>1</sup> et CM <sup>2</sup> (Complementary basic education - years 5 and 6))
EBE	Enseignement de Base Élémentaire (CP <sup>1</sup> , CP <sup>2</sup> , CE <sup>1</sup> and CE <sup>2</sup> ) (Elementary basic education - years 1 to 4)
ECOBANK	Banque de la CEDEAO (ECOWAS Bank)
EFA	Education for all
ENS	École nationale de la santé (National School of Health)
EPAP	Statut du personnel de l'administration publique (Public Administration Personnel Statute)
EPI	Expanded Programme on Immunization
FEMUGUIB	Fédération des femmes guinéennes (Guinea-Bissau Women's Federation)
GDP	Gross domestic product
HIV	Human immunodeficiency virus
HOR	High obstetric risk
IBAP	Institut de la biodiversité et des aires protégées (Institute for Biodiversity and Protected Areas)
ICPD	International Conference on Population and Development
IMC	Institut de la femme et de l'enfant (Institute for Women and Children)
INEC	Institut national des statistiques et du recensement (National Institute of Statistics and Census)
I-PRSP	Interim strategic framework for poverty reduction
LGT	Loi générale du travail (General Labour Act)
MDGs	Millennium Development Goals
MEN	Ministère de l'éducation nationale (Ministry of National Education)
MF	Ministère des finances (Ministry of Finance)
FGM	Female genital mutilation
MICS	Enquêtes d'indicateurs multiples (Multiple indicator cluster surveys)
MSP	Ministère de la santé publique (Ministry of Public Health)
NER	Net enrolment ratio
NGO	Non-governmental organization

NPA	National Plan of Action
OGE	Budget général de l'État (General State Budget)
PAIGC	Parti africain de l'indépendance de la Guinée et du Cap Vert (African Party for the Independence of Guinea and Cape Verde)
PC	Penal Code
PIDE	Police internationale de défense de l'État (International Police for the Defence of the State)
PNIEG	Politique nationale de l'égalité et de l'équité du genre (National Policy on Gender Equality and Equity)
PNUD	United Nations Development Programme
PRS	Parti de la rénovation sociale (Party for Social Renewal)
PSB	Projet de santé de Bandim (Bandim Health Project)
REMAMP-GB	Réseau des femmes africaines ministres et parlementaires de la Guinée-Bissau (Guinea-Bissau Network of African Women Ministers and Parliamentarians)
RENLUV	Réseau national de lutte contre la violence basée sur le genre (National Network against Gender-Based Violence)
RH	Reproductive health
SAB	Secteur Autonome de Bissau (Autonomous Sector of Bissau)
Sida	Swedish International Development Cooperation Agency
SNV	Netherlands Development Organisation
STDs	Sexually transmitted diseases
STIs	Sexually transmitted infections
TBE	Gross enrolment rates in basic education
UEMOA	West African Economic and Monetary Union
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNOGBIS	United Nations Peace-Building Support Office In Guinea-Bissau
UNTG	Union nationale des travailleurs de Guinée-Bissau (National Union of Workers of Guinea-Bissau)
VSO	British Voluntary Service Overseas
WAMU	West African Monetary Union
WHO	World Health Organization
WIPNET	Women in Peacebuilding Network

## I. Introduction

### 1. Convention on the Elimination of All Forms of Discrimination against Women

1. The Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW Convention) was adopted by the United Nations General Assembly on 18 December 1979 and entered into force as an international treaty on 3 September 1981, upon being ratified by the first 20 countries. By 1989, 10 years after its ratification, nearly 100 countries had pledged to respect its provisions.

2. The Convention is the fruit of over thirty years of work of the Commission on the Status of Women, the body created by the United Nations in 1946 to examine the situation of women and promoting women's rights. The work of the Commission helped to point out all the areas in which women were denied equality with men. Those efforts in support of the cause of women culminated in the CEDAW Convention, which is the most complete basic legal instrument on women's rights.

3. The Convention occupies an important place among international treaties relating to the rights of the human person, referring as it does to the inalienable rights of women – half the world's population. The Convention is inspired by the fundamental principles of the United Nations, which proclaimed afresh its faith in fundamental human rights, the dignity and value of the human person and the equality of rights of men and women. The Convention analyses in detail the notion of equality and the means of achieving it, and while it is essentially an international declaration of women's rights, it also sets out a programme of action to ensure that States Parties guarantee the exercise of those rights.

4. The programme of action for equality is set out in 14 articles. In its methodological approach, the Convention sought to cover three aspects of the status of women, differing in this respect from other human rights treaties:

- The civil rights and legal status of women;
- Reproduction;
- Culture and tradition as factors that might limit women's exercise of their fundamental rights.

5. The implementation of the Convention is monitored by the Committee on the Elimination of Discrimination against Women. The Committee's mandate and the monitoring of the implementation of the Convention are defined in articles 17 to 30 of the Convention. The Committee is made up of 23 experts proposed by their Governments and elected by the States Parties on the basis of criteria of high moral authority and competence in the sphere of application of the Convention.

6. Every four years, States Parties must submit to the Committee a report on the measures adopted by them with a view to implementing the provisions of the Convention. During the Committee's annual session, its members analyse the national reports with the representatives of each of the Governments and examine together the fields in which the country in question ought to adopt new measures. The Committee also makes general recommendations to the States Parties regarding questions dealing with the elimination of discrimination against women.

7. The Government of Guinea-Bissau ratified the CEDAW Convention in 1985 pursuant to resolution No. 14/85, published in the official gazette, No. 27, of 6 July 1985.

8. On 12 September 2000 the Guinea-Bissau also signed the Optional Protocol to CEDAW, which was approved by National Popular Assembly resolution No. 24/PL/AN/07 and ratified on 28 February 2008.

9. The Government of Guinea-Bissau thus unreservedly made to its people and to the community of nations a commitment which was nothing less than the confirmation of a practice of respect for human dignity in general and for women in particular and of promotion of women's rights, equality and equity between the sexes. This practice was already present in the PAIGC statutes and in the 1973, 1984 and 1996 Constitutions of the Republic. The Government of Guinea-Bissau further undertook to adopt the legislative, administrative and other measures found necessary to implement the provisions of the CEDAW Convention and accepted the commitment to provide periodic reports as stipulated in the Convention.

10. The fact that the Government has not submitted any report to date by no means signifies that there have not been legislative, administrative and practical measures for the advancement of women and the protection of their rights in the context of equality between men and women. In 1990 the Ministry of Social Affairs and the Advancement of Women, a Government structure charged with defending and promoting women's rights, was created. Immediately following the Beijing Conference, the Ministry sponsored the nation-wide dissemination of the Beijing Declaration and Platform for Action adopted at the Conference. This process was aimed at associations and non-governmental organizations (NGOs) dealing with questions relating to women; women in the public, private and informal sectors; and women leaders. Its objective was to sound out the aspirations and needs of women with a view to the elaboration of a plan of action that would lead to the adoption of the Plan cadre femme et développement 1998-2003 (1998-2003 Women and Development Framework Plan). In 1999, the national evaluation report relating to the implementation of the Beijing Platform for Action was elaborated for the purpose of shedding light on the concrete actions taken by the Government with a view to improving the sociopolitical situation of women and promoting and defending their rights.

11. This Government report, which corresponds to the initial report that should have been submitted in 1986, combined with the second, third, fourth, fifth and sixth reports (1990, 1994, 1998, 2002 and 2006), comprises 212 paragraphs.

In preparing the report, the team of consultants set up for that purpose used the following working methodology:

- Identification and analysis of the existing bibliography produced by public institutions, national and international NGOs and United Nations organs in the field of women's rights and the promotion of gender equality;
- Collection of data from public institutions and NGOs as well as through a series of interviews with persons charged with CEDAW-related matters;
- Analysis of the report on the dissemination of CEDAW provisions in some regions of the country;
- Formulation of the report so that it might serve as a facilitating instrument for the Government in the implementation of the protection mechanisms and policies called for by the CEDAW Convention.

The collection of statistical data was fraught with a number of difficulties, such as the limited availability of persons to provide the information necessary for the elaboration of the report.

12. There are several reasons for the Government's tardiness in presenting the initial report and the quadrennial reports as provided in the Convention:

**(a) Institutional instability**

13. From 1974 to 1994 the country had five Heads of Government (Principal Commissioner until 1980, Prime Minister from that time on). Over the last 10 years (1997-2008), 10 different persons have held that office.

14. During the last decade, Guinea-Bissau witnessed the following events:

- A politico-military conflict, which broke out on 7 June 1998 and lasted 11 months;
- The Abuja peace agreement of 1 November 1998;
- The Political Transition Pact of May 1999;
- The overthrow of the President of the Republic, João Bernardo Vieira, on 2 June 1999;
- The presidential and legislative elections of 28 November 1999, with a second round on 16 January 2000, won by the Parti de la rénovation sociale (PRS) and its candidate, Koumba Yala;
- The dissolution of the National Popular Assembly (ANP) by President Koumba Yala in November 2002;
- The ouster of President Koumba Yala by a Military Committee for the Restoration of Constitutional and Democratic Order on 14 September 2003;
- The adoption by the Military Committee, the political parties and the organizations of civil society, of the Political Transition Charter, intended to serve as a legal and political framework to lead the country to constitutional legality and normalcy;
- The appointment of Henrique P. Rosa to the office of Interim President of the Republic on 24 September 2003;
- The legislative elections of March 2004, resulting in the constitutional return of the ANP and the formation of a new Government headed by Carlos Gomes Junior;
- The presidential elections of 19 June 2005, with a second round on 24 July, in which the winner was independent candidate João Bernardo Vieira, who was sworn into office on 1 October 2005;
- The creation, in 2005, of the Democratic Forum, by all the opposition parties;
- The resignation of the Carlos Gomes Junior Government, on 28 October 2005;
- The appointment of Aristides Gomes to the post of Prime Minister, on 2 November 2005;
- The creation, in 2006, of the Pacte de stabilité politique et gouvernance (Political Stability and Governance Pact);
- The appointment of Martinho Ndafo Kabi as Prime Minister;

- (b) The lack of experienced human resources and capacities in the institutions charged with promoting and protecting women's rights and, naturally, the elaboration of CEDAW reports;**
- (c) The creation, as recently as in 2000, of the Institut de la femme et de l'enfant (IMC), which is responsible for establishing the Government's policy on gender, and the frequent changes in its president—a result of the chronic institutional instability;**
- (d) The lack of financial resources to permit the materialization of the objectives of IMC and the need to adapt it to the country's present-day needs;**
- (e) The absence of a national policy on gender.**

## **2. Guinea-Bissau : a brief summary of its recent history and of the role played by women**

15. The Republic of Guinea-Bissau was founded by the Guinea-Bissau people and by the party that embodied the popular will, PAIGC. This took place on 24 September 1973, in the forest of Boé, following the unilateral proclamation of the State. The replacement of its colonial status with that of an independent State was preceded by a long period during which the area's ancient kingdoms lived side by side with the European colonies, predominantly Portuguese. This subsequently led to a reversal of political roles: the birth of the territory of Guinea-Bissau, pieced together from bits of former local States in a division Africa by the European powers of the time, followed the Berlin Conference (November 1884 to February 1885), which triggered the war for the occupation and carving-up of the Continent into colonial territories. This new colonialist regime came in the wake of other forms of colonialism (Afro-African and Arab) and, in the case of Guinea Bissau, apart from the impoverishment of its potentially rich territory, was to leave a heritage of meagre resources: Guinea, perhaps by way of "recompense" for the traditional revolt of its people, developed backwards. Among all the former Portuguese colonies, it was the last to have a system of secondary education: it was not until 1950 that it established a secondary school, unlike the others, which more than half a century earlier already had such schools and had even begun educating their citizens, who later formed the first tier of local elites. The Bulletin Officiel (official gazette) of Guinea-Bissau was the last colonial creation, at a time when the country's economy had long been tailored in the way that best suited the Companhia União Fabril (CUF). The "colonial whims" of that Portuguese trade and industry company, which had a monopoly on the local economy, turned the colony essentially into a field of groundnuts (peanuts), which became the monoculture imposed by an administration that had nurtured a rare paradox: archaism and efficiency, the means used by the colonial power, in the wake of the Colonial Act, to deny the validity of a continued presence of the foreign companies that farmed the territory, such as SCOA (Société commerciale de l'Ouest africain), CFAO (Compagnie française de l'Afrique occidentale), etc. By preventing Guinea from preparing its people and forming the germ of its future elite, while virtually making the colony's territory a CUF domain, Portuguese colonialism planted the seeds of what was to become "le mal guinéen".

16. Following the Second World War and the Bandung Conference, anti-colonial movements literally exploded in Africa. The colonizing nations of Europe (with the exception of Portugal), reading the winds of history, immediately began the process of decolonization and, around the end of the 1950s and the beginning of the 1960s, granted independence to the majority of African countries. Faced with the deaf ear and the total inability of the Portuguese colonial regime of the time regarding negotiated solutions, the elites of its colonies, organized into movements and political parties aimed at leading their respective territories to independence, decided to embark on an armed struggle for national liberation wherever it was possible to do so, namely in Angola, Guinea and Mozambique. The movements and parties of the five former colonies were in fact all represented at the Conference of

Nationalist Organizations of the Portuguese Colonies (CONCP). The anti-colonial struggle, allied with the antifascist struggle of the Portuguese people, ultimately brought about the collapse of fascism in Portugal in 1974. This consequently gave rise to a process of decolonization that recognized the independence of Guinea-Bissau, proclaimed unilaterally the year before (1973), and, shortly thereafter, in 1975, the independence of the other Portuguese colonies of Africa.

17. PAIGC, the party that had led the armed struggle for national liberation, succeeded in unilaterally proclaiming the independence of the Republic of Guinea-Bissau on 24 September 1973 and, with the democratic Portuguese Government that emerged from the 1974 Carnations Revolution, negotiated the independence of Cape Verde on 5 July 1975, thus fully achieving the first of the three objectives it had set itself, namely:

18. (i) Immediate and total independence for Guinea and Cape Verde
- (ii) The emancipation and democratization of the African populations of the two territories;
- (iii) The achievement of rapid economic progress and the genuine cultural and social advancement of the people of Guinea (Bissau) and Cape Verde.

19. The last two objectives, though the bases for them had been laid in 1973, would require capitalizing on the conquests of the struggle outside of the time frame in which it took place. If the first objective was achieved, it was thanks to the success of the armed struggle for national liberation.

20. The struggle for national liberation made it possible to unite the people around a common denominator, which was the national consciousness being formed; to organize them into what was to become the germ of the future State of Guinea-Bissau; and finally, to lead them to victory against colonialism.

21. However, because the conquests realized in the struggle were not consolidated, the resulting development process was eroded, ultimately pushing back the proposed objectives indefinitely, until what no one even dared to imagine happened: armed Guineans rose up against Guineans, thus shattering national unity in a conflict that was no longer against the former enemy, colonialism, but rather turned into a war against fellow Guineans.

22. Once peace was restored, Guinea-Bissau found itself once again faced with the problems of rebuilding, this time for the purpose of healing the infrastructural, social and political wounds of the politico-military conflict of June 1998, albeit with the advantages accruing from the country's joining the West African Monetary Union (WAMU)/West African Economic and Monetary Union (WAEMU) on 2 May 1997.

23. In a space characterized by the existence of member States in which the nation is under construction, with citizenship that is still embryonic and with relatively unstructured civil societies, in a climate exhibiting a high risk of outbreak of conflicts that can call into question the territorial integrity and even the very essence of the State, regional integration becomes an extremely difficult exercise, for it is hard to conceive of building regional integration on top of a reality of national disintegration.

24. The continuity of WAEMU as a successful venue for regional integration and the offering of the benefits that States hope to derive from it will depend on the ability of those States to maintain a climate of social peace in the region that is favourable to development, in order to resolve existing conflicts. The resolution of the conflict in Côte d'Ivoire, the leading force of the Union, and the consolidation of peace within the framework of a complication-free finalization of the transition process in Guinea-Bissau appear to be the required conditions in order for WAEMU to be able to

continue its trajectory as a model regional integration zone that will benefit its member States, in particular, and Africa, in general.

25. The process of rendering regional integration viable within WAEMU will require finding a solution to the problem of restoring a climate of stability and social peace in the States members of the Union. Though difficult, it is in no way impossible, provided that the existing political will does not fail and that the necessary commitment exists on the part of the authorities, civil society and economic operators.

26. At this juncture a question arises: throughout this process, what has been the role of Guinea-Bissau women?

27. It is a well-known fact that during this process, the question of the emancipation and valorization of the role of women in Guinea-Bissau society has been a constant. With regard to the organization of liberated zones, for example, out of five elected members of the village committees, two must necessarily be women. In other words, there was a gap of approximately three decades between the introduction of the quota system in a territory struggling against colonialism and the introduction, in the Portuguese Parliament, of a Socialist party bill drafted on the same problem and along the same lines.

28. Despite the importance of women in the life of African peoples, their active participation in politics is rare.

29. In Guinea-Bissau women have virtually been kept out of political affairs and decisions regarding the very life that they have made possible thanks to their anonymous day-to-day work. Only very gradually are they gaining ground and acceding to political rights.

30. Under colonial domination women did not enjoy any political rights and could not intervene in affairs of State. The creation of the African Party for the Independence of Guinea and Cape Verde (PAIGC) in 1956 set in motion the question of the political status of women. In its programme, PAIGC mentions "the equality of citizens before the law, without distinction as to nationality or ethnic group, sex, social origin or cultural level, etc." The programme further states: "men and women shall have the same status in the family, at work and in public activities".

31. Very early, Guinea-Bissau women participated actively in the struggle for national liberation. Even during the popular mobilization phase, it was mostly women who made their homes available for clandestine Party meetings, secretly distributed propaganda material and concealed militants pursued by the Police internationale de défense de l'État (PIDE), the Portuguese political police. It was they who transmitted secret messages, provided liaison, organized assistance for political prisoners and directly participated in clandestine political work. When the struggle moved on to the armed phase, as guerrilla groups began to enter the forests in the south, again it was women who provided information on the movement of the Portuguese troops and prepared meals, which they took to the different guerrilla camps. Later, when military operations intensified, women began to supply the fronts, carrying out, like the men, long marches through the forests. They ended up joining guerrilla groups, after first learning to handle weapons. Some of them, such as Canhe Na N'Tungué, Teresa Badinca, Titina Silá, etc., are known in history as heroines. Others came to occupy important posts in the Party hierarchy, as in the case of Titina Silá, a combatant and member of the Conseil supérieur de la lutte (CSL), in 1970. At the time, three women were CSL members: Carmen Pereira, Francisca Pereira and Titina Silá. It is worth noting that at all levels of Party activities, from bottom to top, women participated side by side with men.

## Description of the country

### 1. Geographical situation

32. The Republic of Guinea-Bissau, situated on the western coast of Africa between geographical coordinates 12° 43' 00" and 09° 50' 00" north latitude and 13° 38' 00" and 16° 45' 00" east longitude, is bounded on the north by the Republic of Senegal, on the south by the Republic of Guinea and on the west by the Atlantic Ocean.

33. With an area of 36,125 square kilometres, the country has a continental part and an insular part, the Bijagos archipelago, comprising approximately 90 islands and islets, 17 of which are inhabited.

34. The country has a vast hydrographic network, including several watercourses, the most important being the Geba, the Corubal, the Cacheu, the Mansoa and the Rio Grande de Buba, which constitute excellent routes of communication and drainage between the interior and the coast.

### 2. Population

35. According to the National Institute of Statistics and Census (INEC), the estimated population in 2005 was 1,326,000 inhabitants, which represents a population density of 36 persons per square kilometre. In reference to the data of the 1991 census, this indicates a growth rate of 1.9%. Apart from Portuguese, which is the official language, Creole is spoken in Guinea-Bissau as a lingua franca as well as several other languages belonging to ethnic groups making up the autochthonous population.

36. The ethnic landscape is made up of more than 20 ethnic groups, some of the most important being the Peuls, the Balantes, the Mandingos, the Bijagos, the Biafadas, the Manjaks, the Papel and the Mancagnes. Several religions coexist peacefully in the country: Muslims (40%), Christians (10%) and Animists (50%).

37. In terms of sex distribution, women represent 52% and men, 48% of the country's population.

38. The population is for the most part rural: 61.3%, as against 38.7% urban. Migratory movements, both internal and external, have been little studied. A few indicators of a rural exodus, however, primarily to the city of Bissau (the country's capital), are visible. There is a marked increase in poverty in the urban periphery, owing to the difficulties experienced by populations from various areas, who cannot manage to meet their own basic needs.

39. The population of Guinea-Bissau is fairly young: the 0-to-14-year age group represents 42%, while the 15-to-64-year age group accounts for 55% and the third, 65 years and over, a mere 3%.

40. The fertility rate is 6.8 children per woman. This indicator is higher in rural areas than in the city.

41. The infant mortality rate is 138 per 1000 and the infant and child mortality rate is 233 per 1000 (MICS, 2006). The maternal mortality rate is 405 deaths per 100,000 live births (MICS, 2006).

42. The problem of underweight, or rather low weight for one's age, is a matter of concern, inasmuch as 30.4% of all children exhibit stunted growth or are small for their age, while 10.3% are thin or fairly thin for their height. The same findings indicate that children of mothers with a secondary or university

educational level are less likely to suffer from low weight or growth retardation than those of mothers having a lower level of instruction,

43. With regard to nursing, approximately 41.5% of children aged less than 4 months are exclusively breast-fed, which is a fairly good level. Between the ages of 6 and 9 months, 35.6% of children are given mother's milk and solid and semi-solid food. At the age of 20 to 23 months, 67% continue to receive their mother's milk.

44. Life expectancy is 45 years: 47 for women and 43 for men.

45. Early marriage and female genital mutilation constitute untoward practices with regard to women's health—practices that are the cause of increased maternal mortality.

46. The HIV/AIDS scourge remains a major obstacle to the country's development, affecting women in particular. The HIV-2 seropositivity rate is 2%, while the HIV-1 rate is 4%.

47. According to the MICS 2006, 72.4% of all women have heard of AIDS; 32.1% barely know the three main means of preventing HIV transmission; 53.1% know that it is essential to have a faithful, uninfected sexual partner; and 49.4% know that a condom must be used for every act of intercourse. A mere 17.3% of the women know of an HIV/AIDS screening centre, while nearly 6% have already been tested. Out of the latter, 81.0% have received the test result.

48. In the education sector, fewer than one child out of ten aged 3 to 5 years attends a preschool institution, the attendance rates for girls and boys being nearly equal (8.8% and 10.0%, respectively) (MICS 2006).

49. Of children of official school age for primary education (7 years), 28.5% were enrolled in the first year, while 53.7% of children aged 7 to 12 years attended primary school (68.9% in urban areas and 46.4% in rural areas). Gender-related differences are extremely small (54.4 for boys and 52.8% for girls) (MICS 2006).

50. The enrolment rate in children aged 7 to 12 years of mothers with a secondary or university educational level is 80.5%, but it is 48.4% for children whose mothers having received no education.

51. The attendance rate for secondary or higher education (children aged 13 to 17 years) is only 7.7%, being slightly higher for boys than for girls (8.2% as opposed to 7.2%). Only 36% of the population know how to read and write (50.9% in urban areas and 10.1% in rural areas) (MICS 2006).

52. As for basic sanitation, only 59.9% of the population has access to potable water (79.2% in urban areas and 49% in rural areas), and 62.8% of the population of Guinea-Bissau live in family groupings with adequate sanitation systems for collecting excrement, while 37.2% have no basic sanitation system.

### **3. Economic situation**

53. On the whole, one might say that the Guinea-Bissau economy is characterized by three major imbalances:

- An external disequilibrium resulting from a structural balance-of-payments deficit (commercial deficit and debt service beyond the country's capacity);

- An intense imbalance resulting from the State budget deficit; and
- A development deficit characterized by an output and national production clearly below the country's potential, as a result of underexploitation of its resources.

54. With regard to the resulting or self-determined structural imbalance, the Guinea-Bissau economy can be described in terms of the following:

- High dependence on funds provided by international cooperation, intended to manage critical consumption levels or even the operation of the State apparatus;
- Trade balance showing a structural imbalance;
- Low insertion of products and consumers into a market-economy logic over against a clear predominance of self-sufficiency mechanisms;
- Absence of a critical number of successful and competitive enterprises, whether private or public, that might provide an adequate internal supply of goods and services, including public goods and essential services, or might offer encouraging jobs for a promising economic takeoff;
- The lack of a minimal network of infrastructures that might guarantee necessary accessibility either to the production of public services (health, education, security, etc.) or to the operation of a market economy.

55. Guinea-Bissau belongs to the group of the planet's least developed countries (LDC). The politico-institutional instability of recent years largely explains the constant decline in the principal macroeconomic indicators. For example, the real growth rate of the gross domestic product (GDP) ranged about 1% from 2000 to 2004. This was a rather difficult situation for achieving the objectives set by the Government within the framework of an improvement in the indicators of the standard of living of the population gradually to a rate of approximately 2% per year. The rise in poverty in the country is very pronounced according to the results of the poverty assessment sample survey: nearly 64% of the Guinea-Bissau population live on less than two US dollars per day, and 20% on less than one US dollar per day.

56. The country is primarily agricultural despite a continued slight diversification of production. The primary sector (agriculture, livestock-raising, forestry and fishing) is still the major contributor to the GDP, to the extent of nearly 60% in 2004, whereas during the same period the share of the industry and service sectors was 12% and 28%, respectively.

57. Guinea-Bissau is the world's sixth largest producer of cashew nuts. The agricultural sector employs approximately 80% of the national labour force, as compared with nearly 4% for industry and 16% for services. What amounts to almost a cashew monoculture entails a worrisome distortion in the country's economy and in the structure of the trade balance that depends on the cashew nut, which in recent years actually accounts for nearly 90% of the total value of exports.

58. Investment, in both the public and private sectors, also continues to advance with great difficulty, depending approximately 90% on foreign financing. The low domestic savings capacity worsens the inability of the public sector to institute policies for the mobilization of funds to create wealth through the encouragement of investments in various development sectors.

59. The heavy burden of the foreign debt, too, constitutes a major obstacle to the achievement of development objectives.

60. Guinea-Bissau has excellent natural conditions for the development of agriculture, fishery and tourism, not to mention mineral resources such as phosphates, bauxite and petroleum, etc. All this leads one, especially at this time, when the spectre of conflict seems to have receded once and for all and the economically promising sociopolitical landscape suggests a renewal of interest, to hope for a return of Guinea-Bissau's partners in order to establish new partnerships in various fields of development.

#### **4. Political situation**

61. On 24 September 1973, in the forest of Boé, PAIGC unilaterally proclaimed the State of Guinea-Bissau, which was immediately recognized by more than 80 countries, thus becoming the first Portuguese colony to regain its "confiscated independence".

62. Only a year later, on 10 September 1974, was Guinea-Bissau's independence recognized by the new Portuguese authorities that emerged from the Carnations Revolution of 25 April 1974, thanks to the military coup d'état that put an end to the last colonialist and dictatorial regime of Western Europe.

63. Following the country's independence, PAIGC, then the only party, directed the building of the State until 1992, the year of the advent of pluralist democracy, known as "political opening". This followed the revision of specific provisions of the Constitution of the Republic involving the abolition of article 4, which had long prevented the existence of a multiparty system. The change led to the approval of a series of laws governing the exercise of representative democracy:

- Act No. 2/91 (Political Parties Framework Act);
- Act No. 8/91 (on trade-union freedom);
- Act No. 9/91 (Strike Act);
- Act No. 3/92 (right to assemble and to demonstrate).

Starting from that time, Guinea-Bissau was initiated into the process of democratization, through the holding of the first direct, multiparty elections in 1994. PAIGC, as the winning party in the elections, governed the country until 7 May 1999, at which point the President of the Republic was removed from office by a coup d'état conducted by a military junta, following an 11-month politico-military conflict.

64. Political parties are free to form in Guinea-Bissau, under the Constitution and by law. Legally constituted political parties may compete for the organization and expression of the popular will and of democratic pluralism on the basis of respect for independence, national unity, territorial integrity and pluralist democracy, provided that in their organization and their operation they follow the rules of democracy.

65. By law it is forbidden to form political parties that are regional or local in scope or parties that foster racism or tribalism or propose to use violent means to achieve their ends. Furthermore, the name of any political party must not be identified with any part of the national territory or evoke the name of a person, church, religion, confession or religious doctrine, and the leaders of political parties must be Guinea-Bissau citizens by birth.

66. At present there exist more than 30 duly legalized parties in the country. With the support of the international community, the Republic of Guinea-Bissau has already held:

(a) Three legislative elections:

- 1994: Won by PAIGC;
- 1999: Won by Parti de la rénovation sociale (PRS);
- 2004: Return to power of PAIGC;

(b) Three presidential elections:

- 1994: João Bernardo Vieira, then President of PAIGC, was elected in the second round, against opposition candidate Koumba Yala (PRS);
- 1999: Koumba Yala was elected President of the Republic, defeating PAIGC candidate Malam Bacai Sanhá in the second round;
- 2005: Independent candidate João Bernardo Vieira, also in the second round, outdistanced the PAIGC candidate, Malam Bacai Sanhá, thus becoming President of the Republic.

67. Since acceding to independence, Guinea-Bissau has suffered three coups d'état:

- 14 November 1980: João Bernardo Vieira directed the Readjustment Movement that brought down the President of the Council of State, Luis Cabral;
- 7 June 1998: A rebellion within the army that ended in May 1999, by a group known as the Military Junta, under the command of Brigadier Ansumane Mané, started a war that brought about the fall of President João Bernardo Vieira;
- 14 September 2003: a group of high-ranking officers led by General Veríssimo Seabra, then General Chief of Staff of the Armed Forces, put an end to the term of President Koumba Yala.

68. The peaceful end to the transition following the coup d'état of 14 September 2003, the legislative elections of March 2004 and the presidential elections of July 2005, all considered free and fair, are encouraging signs for the creation of a political climate favourable to peace and development. The decisive role played by the armed forces in the country's struggle for national liberation and their involvement in the successive changes and upheavals that the country has experienced led the Guinea-Bissau nation to reflect on this problem. At the conclusion of that process of reflection there emerged a project for the reform of the defence and security sector which, with the approval of the partners, proposes transforming those belonging to it into active actors rather than obstacles to the consolidation of peace and the development of the country.

69. The other *forces vives* (politically active components) to be considered in the Guinea-Bissau political arena are the trade unions and civil society, who have managed to evince a certain capacity to play an active part. The major union forces—chiefly the Union nationale des travailleurs de Guinée-Bissau (UNTG), the independent unions and the Syndicat national des enseignants (National Teachers' Union) (SINAPROF)—have a fairly good ability to influence society. In addition, a few private social

communication organizations play a role in forming a civic consciousness that is more critical regarding the social- and human-rights situation in the country.

70. During the past decade, as women became conscious of their rights and of the need to unite in the fight to defend them, a number of NGOs for the defence and advancement of women's rights came into being. They include the Association des femmes d'activité économique (AMAE), the Fédération des femmes guinéennes (FEMUGUIB), the Réseau des femmes africaines ministres et parlementaires de la Guinée-Bissau (REMAMP-GB), the Women in Peacebuilding Network (WIPNET) and the Réseau national de lutte contre la violence basée sur le genre (RENLUV).

71. The system in force in Guinea-Bissau is a semi-presidential democratic system in which the executive power is wielded by the Prime Minister under the control of the President of the Republic and the ANP. The organs of sovereignty are as follows: the President of the Republic, the National Popular Assembly, the Government and the tribunals. At the regional level, the Government is represented by the governors, while at the level of sectors, it is represented by administrators appointed by the Ministry of Internal Administration. As for the conclusion of the process of democratization, despite the approval of the Loi de base des municipalités locales (Framework act on Local Municipalities) (Act No. 5/96), municipal elections, which are supposed to result in the constitution of the organs of local authority (articles 105 and 118 of the Constitution), have not taken place.

The process of democratization still continues, albeit without effectual administrative decentralization, pending the holding of municipal elections, which are the most important tools for consolidating any democratically elected local government.

72. Given below are some indicators of the evolution of the general situation in the country and, in particular, that of women and children, from 1996 to 2006:

### 1996

<b>POPULATION</b> (projected on basis of 1991 census)	1,089,000
Characteristics:	
Rural population	70%
Urban population	30%
Women	51.6%
Men	48.4%
Potentially active population (15 to 45 years)	53.4%
Life expectancy	44 years
Annual growth rate of the population	2.1%
Demographic density	30 inhabitants/km <sup>2</sup>
Birth rate	44.2%
Mortality rate	22.5%
Women of childbearing age (15 to 45 years):	
- In relation to total population	38.5%
- In relation to total female population	74.7%
Fertility	6%

**ECONOMY**

Per capita GDP	220 US\$
Agriculture:	
- Share of GDP	515% [sic]
- Share of exports	80%
- Principal crop	Rice
- Export	Cashew nuts (Anacardium)
Total Foreign debt (1995)	US\$932 million
Debt/GDP (1995) (1 US\$=600 FCFA)	365%

**SOCIAL****HEALTH (MINSAP)**

Infant mortality	145/1000
Under-5 mortality	132/1000
Maternal mortality (nd)	
Principal causes of maternal mortality (MINSAP):	
- Haemorrhage	19%
- Malaria	10%
- Anaemia	3%
Access to health services (UNICEF 1993)	
1 doctor per	14,623 inhabitants
1 nurse per	5,700 "
1 midwife per	12,000 "
1 basic health worker	360 "
Structures:	
1 hospital per	7,564 inhabitants
1 health centre per	8,626 "
1 basic health unit per	1,975 "

**EDUCATION (MIN. EDUC./BM 1996)**

Overall illiteracy rate	73%
- Men	59.4%
- Women	85.5%
Gross school enrolment ratio	69%
- Boys	53%
- Girls	38%

**WATER AND SANITATION****Potable water:**

- Rural coverage rate	42%
- Urban coverage rate	18%
Latrines:	
- Rural coverage rate	30%
- Urban coverage rate	18%

**PARTICIPATION OF WOMEN IN DECISION-MAKING AREAS (1998)**

Ministries:	15
- Men	11
- Women	04
State secretariats	07
- Men	07
- Women	00
General Directorates	35
- Men	30
- Women	06
Public office (excluding military and paramilitary persons):	
- Men	70%
- Women	30%
Assemblée nationale populaire (deputies)	100
- Men	91
- Women	09
Council of State	17
- Men	17
- Women	00
Magistracy	39
- Men	38
- Women	01

**Principal indicators of the multiple indicator cluster survey (MICS) and  
Millennium Development Goals (MDG), Guinea-Bissau, 2006**

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
<b><i>INFANT MORTALITY</i></b>					
Infant mortality	1	13	Under-five mortality rate	223	Per 1000
	2	14	Infant mortality rate	138	Per 1000
<b><i>NUTRITION</i></b>					
Nutritional state	6	4	Moderate underweight prevalence	19.4	Per 100
	6	4	Severe underweight prevalence	4.0	Per 100
	7		Moderate stunting prevalence	40.9	Per 100
	8		Wasting prevalence	19.5	Per 100

Heading	MICS indicator number	MDG indicator number	Indicator	Value			
Breast feeding	45		Timely initiation of breastfeeding	22.6	Per 100		
	15		Exclusive breastfeeding rate (0-3 months)	21.4	Per 100		
	15		Exclusive breastfeeding rate (< 6 months)	16.1	Per 100		
	16			Continued breastfeeding rate in children aged			
					12-15 months	92.8	Per 100
					20-23 months	61.4	Per 100
	17			Timely complementary feeding rate	35.2	Per 100	
	18			Frequency of complementary feeding	28.6	Per 100	
19			Adequately fed infants	21.9	Per 100		
Iodization of salt	41		Iodized salt consumption	0.9	Per 100		
Vitamin A	42		Vitamin A supplementation (under-fives)	58.6	Per 100		
	43		Vitamin A supplementation (post-partum mothers)	57.4	Per 100		
Low birth weight	9		Low-birthweight infants	23.9	Per 100		
	10		Infants weighed at birth	41.5	Per 100		
<b>CHILD HEALTH</b>							
Vaccination	25		Tuberculosis immunization coverage	88.9	Per 100		
	26		Polio immunization coverage (3)	64.1	Per 100		
	27		DPT immunization coverage (3)	62.8	Per 100		
	28	15	Measles immunization coverage	75.5	Per 100		
	31		Fully immunized children	39.9	Per 100		
	29		Hepatitis B immunization coverage	N/A	Per 100		

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
	30		Yellow fever immunization coverage	N/A	Per 100
Tetanus toxin	32		Protection against neonatal tetanus	68.2	Per 100
Identification and treatment of children's diseases	33		Use of oral rehydration therapy (ORT)	46.3	Per 100
	34		Management of diarrhoea	11.0	Per 100
	35		Received ORT or increased fluids and continued feeding	25.3	Per 100
	23		Care-seeking for suspected pneumonia	4.3	Per 100
	22		Antibiotic treatment of suspected pneumonia	41.9	Per 100
Use of solid fuels	24	29	Solid fuels	98.4	Per 100
Malaria	36		Household availability of insecticide-treated nets (ITNs)	43.6	Per 100
	37	22	Under-fives sleeping under insecticide-treated nets	39.0	Per 100
	38		Under-fives sleeping under mosquito nets	73.2	Per 100
	39	22	Antimalarial treatment (under-fives)	27.2	Per 100
	40		Intermittent Antimalarial preventive treatment (pregnant women)	7.4	Per 100
Source and cost of supplies	96		Supplies from public source		
			Insecticide-treated nets	29.3	Per 100
			Antimalarials	54.8	Per 100
			Antibiotics	54.9	Per 100
			Oral rehydration salts	77.4	Per 100
		From private source	4945	[FCFA]	

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
			Antimalarials		
			From public source	1500	[FCFA]
			From private source	2000	[FCFA]
			Antibiotics		
			From public source	1782	[FCFA]
			From private source	3000	[FCFA]
			Oral rehydration salts		
			From public source	1000	[FCFA]
			From private source	2376	[FCFA]
<b>ENVIRONMENT</b>					
	11	30	Use of improved drinking water sources	59.9	Per 100
	13		Water treatment	4.5	Per 100
	12	31	Use of improved sanitation facilities	11.4	Per 100
	14		Disposal of child's faeces	35.4	Per 100
	93		Rent assured	NA	Per 100
	94		Durability of dwelling/habitat	NA	Per 100
	95	32	Rent	NA	Per 100
<b>REPRODUCTIVE HEALTH</b>					
	21	19c	Importance of contraception	10.3	Per 100
	98		Unmet need for family planning	25.0	Per 100
	99		Demand satisfied for family planning	29.1	Per 100
	20		Antenatal care	77.9	Per 100
	44		Content of antenatal care	88.8	Per 100
	4	17	Skilled attendant at delivery	39.0	Per 100
	5		Institutional deliveries	35.4	Per 100

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
	3	16	Maternal mortality ratio	405	Per 100 000
<b>CHILD DEVELOPMENT</b>					
	46		Support for learning	6.1	Per 100
	47		Father's support for learning	18.6	Per 100
	48		Support for learning: children's books	NA	Per 100
	49		Support for learning: children's books	NA	Per 100
	50		Support for learning: materials for play	NA	Per 100
	51		Non-adult care	NA	Per 100
<b>EDUCATION</b>					
	52		Preschool attendance	9.9	Per 100
	53		School readiness	15.1	Per 100
	54		Net intake rate in primary education	28.5	Per 100
	55	6	Net primary school attendance rate	53.7	Per 100
	56		Net secondary school attendance rate	7.7	Per 100
	57	7	Children reaching grade five	79.7	Per 100
	58		Transition rate to secondary school	18.9	Per 100
	59	7b	Completion of primary school	4.1	Per 100
	61	9	Gender parity index		
			Primary school		
			Secondary school	0.97	Approx.
				0.88	Approx.
	60	8	Adult literacy rate	28.6	Per 100

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
<b>CHILD WELFARE</b>					
	62		Birth registration	38.9	Per 100
	71		Child labour	39.2	Per 100
	72		Labourer students	37.0	Per 100
	73		Student labourers	53.7	Per 100
	74		Child discipline	80.0	Per 100
			Any psychological/bodily punishment		
	67		Marriage before age 15	7.3	Per 100
			Marriage before age 18	27.3	Per 100
	68		Young women aged 15-19 years currently married or in union	21.7	Per 100
	70		Polygamous marriage	48.8	Per 100
	69		Spousal age difference (15 to 19 years)	51.2	Per 100
			Spousal age difference (20 to 24 years)	48.0	Per 100
	66		Approval of female genital excision/mutilation (FGM/E)	27.9	Per 100
	63		Preference for/Importance of FGM/E	44.5	Per 100
	64		Preference for/Importance of an extreme form of FGM/E	3.2	Per 100
	100		Attitudes towards domestic violence	51.5	Per 100
	101		Children with physical handicaps	NA	Per 100
<b>HIV/AIDS. SEXUAL BEHAVIOUR, ORPHANED AND VULNERABLE CHILDREN</b>					
	82	19b	General knowledge of HIV prevention among young people	15.8	Per 100
	89		Knowledge of mother-to-child transmission of HIV	39.5	Per 100

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
	86		Attitude towards people with HIV/AIDS	75.2	Per 100
	87		Women who know where to be tested for HIV	17.3	Per 100
	88		Women who have been tested for HIV	6.0	Per 100
	90		Counselling coverage for the prevention of mother-to-child transmission of HIV	40.6	Per 100
	91		Testing coverage for the prevention of mother-to-child transmission of HIV	7.1	Per 100
	84		Age of first sexual relation in young persons aged 15 to 19 years	21.8	Per 100
	92		Age difference with respect to spouse	26.7	Per 100
	83	19	Use of condoms during relations with casual partners	38.8	Per 100
	85		High-risk sex during the past year	60.6	Per 100
	75		Prevalence of orphans	11.3	Per 100
	78		Children's living arrangements	18.9	Per 100
	76		Number of vulnerable children	10.0	Per 100
	77	20	Comparative school attendance between orphans and non-orphans	0.97	Average
	81		Foreign support to children orphaned or vulnerable owing to HIV/AIDS	7.5	Per 100

Heading	MICS indicator number	MDG indicator number	Indicator	Value	
	79		Malnutrition in children orphaned or vulnerable due to VIH/SIDA	1.09	Average
	80		Early sexual relations of children orphaned or vulnerable due to VIH/SIDA	1.03	Average

## II. Legal, political and administrative measures adopted for the implementation of the CEDAW Convention in Guinea-Bissau

### Articles 1 and 2 of the CEDAW Convention

73. Article 1 of the Convention defines the concept of "discrimination against women", while in article 2 the States Parties condemn that discrimination and undertake to establish, in their domestic legal systems, the necessary provisions for eliminating all discrimination against woman and to promote, in that regard, the equality of women with men, adopting practical measures for the implementation thereof. These are normative provisions that complement one another and it is therefore proper to take them up in this report.

#### PART I

##### Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

##### Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

74. The CEDAW Convention, a fundamental legal instrument for the protection of the rights of women, was signed by the Republic of Guinea-Bissau and ratified in 1985 pursuant to resolution No. 14/85, published in the official gazette, No. 27 of 6 July 1985.

75. On 12 September 2000 the country also signed the Optional Protocol to the CEDAW Convention, which was ratified on 28 February 2008.

76. The Constitution of the Republic of Guinea-Bissau (CRGB) stipulates, in articles 24 and 25:

All citizens are equal before the law, enjoy the same rights and are subject to the same duties, without distinction as to race, social status, intellectual or cultural level, religious belief or philosophical conviction;

and also:

Men and women are equal before the law in all aspects of political, economic, social and cultural life.

These constitutional precepts reflect the inclusion in the domestic legal system of the provisions contained in articles 1 and 2 of the CEDAW Convention relating to equality between men and women and nondiscrimination towards women. It is important to note that even in the 1984 Constitution, which was in force at the time when the Convention was ratified, the principles of equality and nondiscrimination were already embodied in articles 23 and 24.

77. Article 58 of the Constitution of the Republic provides that the State shall gradually create, in accordance with the state of the country's development, the conditions necessary for the full realization of the economic and social rights recognized in part II of the Constitution. Actually, it must be recognized that, despite some advances, the State has not been able to create the conditions necessary for the full realization of the said rights because of the cyclical crises with which the country has had to cope (see paragraphs 13, 14 and 69), as well as the difficult economic and financial situation it is experiencing.

78. Articles 29 and 33 of the Constitution provide:

- (1) Fundamental rights enshrined in the Constitution do not exclude any other right existing under other laws of the Republic or the applicable rules of international law;
- (2) Constitutional and legal precepts relating to fundamental rights shall be interpreted in harmony with the Universal Declaration of Human Right;
- (3) Constitutional precepts relating to rights, freedoms and guarantees are directly applicable to and binding on public and private entities; their exercise may be suspended or limited solely in the case of a state of emergency declared in accordance with the Constitution and the law. Moreover, inasmuch as laws restricting rights, freedoms and guarantees have a general and abstract character, they must be limited to what is necessary in order to safeguard other constitutionally protected rights or interests and shall not have any retroactive effect or diminish the essential content of such rights;
- (4) The declaration of a state of emergency can give rise to only the partial suspension of rights, freedoms and guarantees;
- (5) Every citizen has the right to resort to the judicial organs against acts that violate his rights recognized by the Constitution and by law, and justice shall not be denied in such cases owing to insufficient economic means; furthermore, the State and other public entities are civilly responsible, jointly and severally with those in charge of them, whether officials or agents, for acts or omissions resulting in the violation of rights, freedoms or guarantees or damage caused to others;

79. Although the Constitution of the Republic recognizes the right to equality without any discrimination based on sex, this precept is still far from having the anticipated effects on relations between men and women. Owing to the lack of regulations to implement what is established by the Constitution, signs of discrimination still exist with regard to women, preventing them from enjoying all their individual rights, a situation that clearly shows the social disadvantage to which they are subject.

80. Despite the fact that they are more numerous (52.3%) than men (47.7%), they continue to be very poorly represented in decision-making areas. From Independence to the present, representation of the female sex in decision-making spheres has never exceeded 20%. In certain ethnic groups, women do not have the right even to express an opinion in the presence of men. The situation is the same with regard to rights of succession and inheritance, where priority is given to the male heir.

81. Poor academic and professional training of women and a certain degree of passivity on the part of those better placed in the spheres mentioned, together with the relative lack of interest of the society, and in particular political forces, organs of social communication and civil society itself, to engage in an open discussion of the situation of social vulnerability still largely experienced by the female population, have prevented the emergence of the synergy necessary for revising and updating legislation in keeping with the Constitution as rapidly as would be desired for achieving gender parity.

82. Women themselves are not organized so as to have a better position for fighting and demanding their rightful social status. They limit themselves basically to a few small associations of social and economic interest, without actually moving an inch.

83. Under the headings of economic rights, cultural rights and the right of participation, one notes that the Constitution makes it a point to ensure equality at all levels between men and women before the law, thus abolishing the provisions of the Civil Code (article 1686 (1)) which made the exercise of business activities by a woman dependent on the consent of her husband, except in cases where she administered all the couple's assets or in the case of separation of property.

84. The problem of the application of women's rights enshrined in the Constitution has never given rise to major challenges in Guinea-Bissau. Neither the Constitution nor other, individual, laws contain provisions that flagrantly violate the principle of equality of rights and duties between the sexes.

Article 1686 of the Code Civil, for example, which violated the principle of nondiscrimination against women, is no longer applicable owing to the constitutional principle of equality of rights and duties of citizens of both sexes (articles 24 and 25 of the Constitution).

With regard to adaptation to international norms, one notes that there is no discrimination against women in the legal system, following the correction of a few lacunae that might somewhat prevent the fulfilment of those rights. In practice, however, progress, needless to say, is not as obvious as the absence of legal obstacles might lead one to believe, owing to the existence of obstacles of a cultural nature.

Inasmuch as Guinea-Bissau society is woven into a hierarchically organized and functionally differentiated familial fabric in which the woman occupies a subordinate position in multiply polygamous contexts, operating as a passive being for procreation, some customary norms and practices that are part of the daily lives of the population prove contrary to certain juridical principles considered today as universal. This is the case of equality between men and women. "In Guinea-Bissau, the family is in reality and de jure a male-directed cell" (*La protection de l'enfant et de la femme et le droit pénal guinéen*, page 27, Bissau, 1997).

#### Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

85. With a view to the defence of human rights and the defence and protection of women's rights, Guinea-Bissau has signed and ratified several conventions and treaties both regional and international in scope:

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962;

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979;

The Optional Protocol to the CEDAW Convention, 2000;

The Mexico Declaration on the equality of women;

Convention on the Political Rights of Women, 1952;

African Charter on Human and Peoples' Rights, 1981;

International Convention on the Elimination of All Forms of Racial Discrimination, 1985;

International Covenant on Civil and Political Rights, 1966;

International Covenant on Economic, Social and Cultural Rights, 1966;

Convention on the Rights of the Child, 1989;

Second Optional Protocol to the International Convention on Civil and Political Rights, aiming at the abolition of the death penalty, 1989;

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;

International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990.

All these conventions and protocols have helped strengthen the protection of women in the domestic legal system of Guinea-Bissau and constitute important instruments for reinforcing national legislation in defence of the rights of women, with a view to guaranteeing them the enjoyment of rights and freedoms on equal terms with men.

86. During the 1990s the Government, with the object of guaranteeing the protection of women's rights, created several structures of a multisectoral nature, either within the Executive itself or at the administrative level, according priority to the Ministry for the Advancement of Women, in 1991, and subsequently the Ministry of Social Affairs and the Advancement of Women, in 1994, under whose supervision the National Commission on Children held its meetings.

87. It was within this framework that, in order to deal better with the major problems that arose concerning the protection of women's rights, the Government created, under the aegis of the Ministry of Solidarity, Family and Poverty Eradication, the Institut de la femme et de l'enfant (Institute for Women and Children) (IMC), as an operational structure for linking policies, having the capacity to develop programmes for the protection of women's rights with a view to gender equality.

88. The Institute was created for the protection and advancement of women by improving their legal and social status, carrying out consciousness-raising and enlightenment activities aimed at creating a favourable environment for gender mainstreaming in national development policies and programmes and for the adoption of conventions and protocols that consecrate the principle of equal rights and duties between the sexes. IMC is an institution whose operation depends on the Budget général de l'État (General State Budget) (OGE). For a large part of its activities, however, it obtains support from institutions of the United Nations system that have converging objectives: namely, the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

89. The establishment of the institutions mentioned was an important decision for the creation of an environment favourable to women with a view to their enjoyment of their rights, nondiscrimination and equality with men.

90. With the financial support of UNDP, the Government elaborated the Policy and Strategy for the Integration of Woman into Development (La politique et la stratégie d'intégration de la femme dans le développement) and the Plan cadre femme et développement 1997-2002 (1997-2002 Women and Development Framework Plan), two important guiding documents relating to the advancement of women.

91. In order to improve the articulation between sectors and overcome some difficulties of a conceptual and functional nature, the Government created the Femme et développement (Women and Development) network in 1994, including the women representatives of 11 ministries, 3 NGOs, women's associations, the Institut national d'études et de recherche (National Study and Research Institute) (INEP) and all the bilateral cooperation organizations, represented by the respective focal points. This structure has ceased to be operative owing to organizational and financial reasons.

92. In 1997 the Government created a "Gender Cell" under the direction of INEP for the purpose of improving the understanding of the concept of gender, encouraging its adaption to the local context and mainstreaming it in national development programmes. The initiative, which received support from the Swedish International Development Cooperation Agency (Sida), was discontinued as a result of the conflict of 7 June 1998.

93. In the wake of the Beijing Platform for Action, the Government elaborated a 1998-2003 Women and Development Framework Plan, for which the first national evaluation report is dated October 1999. Participating in it were elements of the Government, national and international NGO partners of the Government and women's associations and groups. The report in question cites, as an obstacle to the realization of the 1998-2003 Framework Plan, the politico-military conflict of 7 June 1998 to 7 May 1999 and its aftermath. Nevertheless, the report shows that even during the conflict, a transition project was carried on in the northern region of the country, in an area that was not affected. Its objective was to support women's groups and associations in their agricultural activities as well as in women's and girls' literacy.

94. Apart from a few changes introduced in the last constitutional revision within the framework of the adaption of domestic laws and norms to international conventions, a study is currently under way on the need for an in-depth review of the laws in force in the country in line with the spirit of those conventions, especially the CEDAW Convention and the Convention on the Rights of the Child.

#### Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

95. In Guinea-Bissau there are no temporary norms, such as described in the Convention, but the State, by means of domestic norms, sets in motion mechanisms intended to accelerate the achievement of equality between men and women, the aim being to protect fundamental women's rights.

In the same spirit, the Government, pursuant to a resolution of the Council of Ministers of April 2006, has set a percentage quota of 50% female representation for education, whether domestically or abroad, in the granting of scholarships.

Regarding subparagraph 2 of the article, which deals with the protection of maternity, the *Loi générale du travail* (General Labour Act) and the *Statut des travailleurs de l'administration publique* (Public Administration Workers Statute) contain special legal provisions applicable to women only (protection during pregnancy and at childbirth, pregnancy and maternity leave, leave in the event of a miscarriage or abortion).

#### Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

96. The Constitution of the Republic, in articles 25 and 26, establishes equality between men and women before the law in all aspects of political, economic, social and cultural life, and also recognizes the constitution of the family, ensuring protection; the equality of children before the law, independently of the civil status of the parents; and equality of the rights and duties of spouses with respect to civil and political capacity and to the maintenance and education of children.

97. In the traditional society of Guinea-Bissau, women are greatly involved in work activities related to the land: division of labour based on sex continues to exist. The woman is considered a being inferior to her husband and is dominated by the elders, nor is she recognized as having the right to choose her husband or the right of access to land. To minimize this tendency, the Government has adopted measures and programmes of education, adult literacy systems and systems of access to education and to technical training and higher education.

98. Despite the positive evolution of the legal protection of the rights of Guinea-Bissau women in recent years, that protection still exhibits important gaps in terms of ordinary legislation when it comes to reducing to a minimum the fragility of the woman's situation in her relationship with the social milieu. This also means that positive law, never well known to the population, has been applied very little.

99. It is only in this way that one can affect certain cultural practices deeply rooted in the everyday life of the population, such as female genital mutilation or forced early marriage, which are not considered illicit and take on an implosive character socially. Owing to domestic violence, firmly entrenched in tradition, most women find it difficult to take a stand against bad physical or moral treatment sustained within the family itself, and the submission for which they have been trained since a tender age later relegates them to the background at all levels of authority of the society. Decision-making power is concentrated in the hands of men and women are not listened to.

100. Despite the country's Constitution and the conventions and protocols signed and ratified by Guinea-Bissau that contain provisions which confront discrimination against women head-on, customary law resists all norms aimed at changing discriminatory behaviour, thus constituting an obstacle to the implementation of the CEDAW Convention in the internal system.

101. To attack female genital mutilation is to attack a social convention, and this would mean going against a certain lifestyle based on rent funds and traditional practices allegedly of religious origin. Those who practise them not only justify the need for them, but are also ignorant of their illegality and unaware of the criminal dimension of the act they are committing. Not only do they deny the illegality of FGM: they actually present it as an obligation.

102. Age-old habits deeply rooted in the consciousness of individuals stand in the way of compliance with new precepts. What is more, the low efficiency and limited institution of the State's administrative and judicial apparatus make it difficult to apply the current legal system to an ancestral society the vast majority of which resides in rural areas. Hence the absolute need to amend article 117 of the Penal Code as a way of accommodating the political options adopted in the area of positive law regarding child welfare. The same is true of article 155 of the Code, whereby genital mutilation is considered a bodily offence.

103. A draft act prohibiting and punishing the practice of female genital mutilation with a view to its abandonment has already been submitted to the ANP and has even been included in the agenda, but to date it has not been debated owing to impediments lodged by a group of Muslim deputies.

104. Gender-based violence is frequent, but it is underreported due to the fact that such a practice, fundamentally representing one of the virtues of male authority over women, is to be evaluated and resolved within the context of the family and is rarely brought to the attention of the law authorities, except in cases involving major tragedies or divorce.

105. Though no study exists to provide knowledge of the extent of this problem, a few available statistics demonstrate its presence, as follows:

- The data processed in 2005 by the Centre d'information et d'orientation juridiques (CIOJ) highlight 467 cases:
  - Sexual violence: 23 cases;
  - Physical violence: 238 cases;
  - Abandonment of the home by the husband: 39 cases;
  - Forced discontinuance of studies: 75 cases;
  - Psychological violence: 92 cases;
  - Total: 467 cases.
- The data provided in 2006 by the emergency wards of Sima Mendes National Hospital include 927 cases of physical aggression committed within a space of approximately six months (from June to December).

106. Several questions were addressed to women aged from 15 to 49 years whose husbands might strike them or beat them, for the purpose of evaluating their attitude regarding the various reasons for the violence. The questions were posed with a view to obtaining an idea of beliefs tending to justify violence to women by their husbands or partners. The main hypothesis is that woman who support the thesis that husbands/partners are right in striking their wives/partners in the situations described here tend in fact to be the object of violent acts on the part of their own husbands/partners. The results show that 51.5% of the woman approached thought that their spouses/partners could beat them for any reason mentioned in the questionnaire. This percentage is higher in the South province, where 63.4% of the women surveyed (as opposed to 47.0% in the North province and 51.9% in the Autonomous Sector of Bissau (SAB)) think that way. This attitude towards violence undergone by women is the same regardless of the area in which they live (51.1% in rural areas and 52.0% in urban areas). All this leads one to say that being the target of violent acts by their husbands or partners is not viewed as a scourge, but as an innate right founded on customary law.

On the other hand, the younger the woman is, the less likely she is to accept this form of violence. More than half of women aged 20 years or more think that a husband has the right to strike his wife, whereas only 41.3% of women aged from 15 to 19 years find it normal for a husband to beat his wife under the same conditions. Marital status also affects women's attitudes. Married life tends to render women more receptive to male violence. Indeed, unmarried women are more likely to reject this idea: less than 40% of them think that husbands/partners have the right to beat their wives. This percentage becomes 45.2% for women who have been married or lived in a union and 57.2% for those currently married or living in a union. A similar effect can be observed with respect to the level of education: 41.0% of women who have reached the secondary level or higher find it acceptable that husbands should beat their wives as against 47.9% of for the primary-school level and 55.7% in the case of women who have received no education. The standard of living of the group has virtually no effect on the woman's attitude towards marital violence: 50.4% of women in the richest groups find it normal for a husband to strike his wife, as opposed to 52.2% in the poorest groups. Brame women appear to be less conservative than others (only 38.3% of them assent to conjugal violence, as against more than 51.0% of women of other ethnic groups).

In assessing of the results of this survey one must in fact consider the traditional social context to which the women surveyed belong and their concern with guaranteeing the stability of their family groups in order that, in the case of dissolution of the marriage or union, their children may not have to bear the consequences of any ill treatment by their fathers' future spouses. Attention must also be paid to language subtleties difficult for an outsider to understand.

107. The social and psychological fragility of women within the context of sociocultural relations in Guinea-Bissau allows one to anticipate risks of stigmatization of the woman in any process of denunciation, when one bears in mind that the economic power is held by men in most households, a fact which determines the types of marriage and the forms of relationships.

108. In Guinea-Bissau, the Government has developed actions for mainstreaming gender and women's rights through concrete measures with a view to putting an end to every kind of stereotype, prejudice and customary practice founded on the inferiority or superiority of either sex. These are primarily information and sensitization actions launched for the purpose of changing behaviour and practices.

109. The existence of a Plan national d'éducation familiale (National Family Education Plan), family planning, services specializing in consultation, dissemination of information and family counselling and a Mother and Child Centre bears witness to the Government's concern with family education.

110. It is important here to mention the significant role played by women's NGOs in combating FGM and other forms of violence against girls.

111. Despite a number of positive features of the Penal Code, especially with regard to the protection of children against abandonment, there still exist limitations and conditions on the application of certain principles of the Convention on the Rights of the Child (CRC) to a large number of Guinea-Bissau children, and specifically girls.

112. The Government has concerned itself with operationalizing a number of structures with a view to carrying out actions capable of contributing to the improvement of the status of women. It was in this spirit that it sponsored the creation of the National Committee to Combat Harmful Practices, thus laying the cornerstone for compliance with both conventions, CRC and CEDAW, in the effort to combat practices that affect, in particular, the health of women and children, and more specifically genital mutilation and early and forced marriage.

The constant consciousness-raising campaigns have produced positive effects in changing ways of thinking, contributing to a better understanding of the gender issue, and an overwhelming and more active participation of women in all fields of social, economic, political and cultural life, with greater freedom and within a framework marked by gender-mainstreaming policies that should result in a considerable diminution of the discriminatory factors that existed in the past.

**Table 6: Net enrolment ratio by sex and region at the primary level**

Region	1999-2000			2003-2004		
	M	F	MF	M	F	MF
SAB	50.2	52.4	51.2	45.4	43.6	44.4
Biombo	93.5	67.2	79.9	89.9	83.8	87.0
Cacheu	70.0	38.4	53.3	71.0	64.2	67.8
Oio	55.1	25.0	39.8	50.0	41.7	46.2
Bafata	34.2	20.3	27.0	57.1	60.0	58.5
Gabou	43.6	29.4	36.3	52.1	56.4	54.2
Quinara	53.3	28.6	40.6	60.2	59.2	59.8
Tombali	56.1	32.4	43.8	76.6	77.5	77.0
Bolama	76.7	59.2	67.8	53.9	51.5	52.7
National total	51.7	38.5	45.3	58.0	55.9	56.9

Source: GEP

**Table 6a: Gross primary-school enrolment ratio by gender and region**

Region	2000			Region	2003		
	M	F	MF		M		MF
SAB	110	94	102	SAB	95	87	91
Biombo	161	132	147	Biombo	167	151	159
Cacheu	128	79	105	Cacheu	132	105	119
Oio	84	44	65	Oio	94	64	80
Bafata	55	38	62	Bafata	88	85	87
Gabou	62	43	53	Gabou	79	79	79
Quinara	102	56	80	Quinara	107	90	99
Tombali	106	63	85	Tombali	126	110	118
Bolama	135	106	121	Bolama	107	92	100
National total	95	68	84	National total	103	90	97

The gross enrolment ratios by region and sex for the 7-to-12-year age group show a gender parity index of 0.7%.

#### Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

113. Guinea-Bissau penal law censures behaviour that contributes to the practice of prostitution. Article 136 of Penal Code, entitled "Exploitation of the sexual activity of third parties", in the chapter on sexual freedom, provides:

... facilitating and contributing in any manner to the practice of prostitution by another person shall be punishable ...

114. With regard to prostitution and acts contrary to sexual morality, it must be understood that such behaviour is a crime only if it excessively jeopardizes the values of the community and the dominant ethical and social views.

115. The legislator brings the weight of incrimination to bear not on the prostitute, but above all on anyone who profits by or encourages prostitution. The idea is that in this way one is combating the mechanism in which the prostitute is, in the majority of cases, the victim.

116. This measure, which is in keeping with the spirit of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, has resulted in a reduction of the number of cases of prostitution. The grouping and reorientation of sex workers in associations has contributed to some extent toward devaluing prostitution, according to a study carried out in 2000 at Canchungo (Cacheu region). This experiment was repeated in other regions of the country where a tendency has

been observed for prostitution to increase, as a consequence of aggravated poverty largely affecting women and girls (Gabou, Quebo and SAB).

Trafficking in women is relatively uncommon in the social context of Guinea-Bissau.

117. The conducting of consciousness-raising campaigns through round tables, conferences and radio debates sponsored by NGOs working in the field of protection of women with a view to establishing their dignity as beings that are respected and knowledgeable about their rights, has contributed significantly to the advancement of women and the rejection of prostitution as a way of obtaining income for the social maintenance of the family. Such campaigns have been carried out on days (30 January, 8 March) commemorating the struggle of Guinea-Bissau women for their rights.

Through IMC, the Government has initiated actions for training police officers, border guards and NGOs to act more appropriately in the fight against human trafficking, with respect to Talibe children. The Government encourages and backs the grouping of sex workers into associations, granting them opportunities to carry on income-generating activities as a way of encouraging them to give up prostitution.

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As a result of such actions, DGS (General Directorate of Security), in collaboration with AMIC, IMC and NGOs (SOS Talibés), has succeeded in returning to their families of origin more than 200 children who had been trafficked to neighbouring countries (Senegal and Guinea) on the pretext that they were going to learn the Koran. A seminar held on trafficking in human beings gave rise to a number of recommendations on measures to be adopted to curb that practice. This led to the creation of a commission made up of Imams and SOS Enfants Talibés. With UNICEF support, they will go to Senegal to analyse the situation of child victims of trafficking and find solutions with the local authorities.

118. There exist legislative bills on trafficking in children and gender-based violence which are to be publicized with a view to the inclusion in the ANP agenda.

## Part II

### Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

## Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

119. Article 7 of the CEDAW Convention, which calls for the elimination of discrimination against women in the political and public life of the country, was echoed in article 24 of the 1996 Constitution of the Republic, which states: All persons are equal before the law, enjoy the same rights and are subject to the same duties, without distinction as to race, social status, intellectual or cultural level, religious belief or philosophical conviction.

120. Articles 24 and 25 of the Constitution of the Republic of Guinea-Bissau consecrate the right of a woman to participate in the political, social and economic life of the country irrespective of the race to which she belongs or the role she plays in society. Such participation takes concrete form, among other things, through the right to vote and to be elected, establishing the right of the elector on the basis of the principle of equality between the sexes and the right to participate in public life (the Constitution of the Republic, the Electoral Act and international legal instruments enshrining the principle of equality between the sexes in relation to participation in public life).

121. In addition, with regard to the participation of women in the political life of the country:

122. Article 101 of the Electoral Act provides: Guinea-Bissau citizens may be elected President of the Republic ...

which means that any candidate, without distinction as to sex, may be elected President of the Republic. Article 120 of the same Act stipulates: “Guinea-Bissau citizens may be deputies of the ANP ...”

thus indicating that any citizen of Guinea-Bissau may be elected deputy, without distinction as to sex.

The participation of women in political parties and the management of public services can be summarized as follows:

### I. Guinea-Bissau women in the life of political parties

POLITICAL FORMATION	ORGAN					
	Executive commission	Political commission	Political bureau	Central committee	Permanent commission	Executive committee
PRS	15 Men	12 women 151 men				
PAIGC	-		5 women 35 men	25 women 151 men		
RGB/MB	-		-	-	1 woman 10 men	15 women 25 men

Source: Étude du marché de travail des femmes guinéennes – UNTG, 2005

## II. Women candidates nominated by political parties during the first multiparty elections, 1994

POLITICAL PARTY	NUMBER OF CANDIDATES	WOMEN	%	WOMEN IN ELEGIBLE POSITIONS	% WITH RESPECT TO ELIGIBLE POSITIONS
FCG-SD	14	3	21%	1	60%
FLING	76	4	4%	3	3.7%
PAIGC	180	29	16%	10	12.3%
PCD	222	17	4%	6	7.4%
PRS	50	3	6%	1	55.5%
PUSD	130	12	9%	3	3.7%
RGB-MB	207	8	4%	3	3.7%
UM	223	16	7.2%	6	7.2%
TOTAL	902	92	10.2%	33	6.2%

Source: Étude du marché de travail des femmes guinéennes – UNTG, 2005.

123. Despite the legal provisions, one notes that the Electoral Act does not provide mechanisms to govern the equitable participation of women in the electoral process. Women are underrepresented in all the decision-making structures connected with the electoral process, structures that are mainly made up of men.

124. Recently, several political organizations (especially civil-society organizations), headed by women have emerged, which betokens a strengthening of women's capacity in the struggle for effective female leadership in the country. They notably include the Fédération des femmes de Guinea-Bissau, the Réseau des femmes africaines ministres et parlementaires de la Guinée-Bissau (REMAMP-GB), Sinda-Guinée, the Réseau national de lutte contre la violence basée sur le genre (RENLUV), the Network of Women Parliamentarians, NADEL, the Association des femmes d'activité économique (AMAE), WIPNET, etc.

125. Civil-society organizations join with State organizations such as the Institute for Women and Children and the Ministry of Social Solidarity, Family and Poverty Reduction in the struggle to defend women's rights. All multilateral international partners pay particular attention to gender questions and make technical and financial assistance available to projects aimed at strengthening women's institutional and leadership capacity. As examples one might mention a number of United Nations agencies such as UNDP, UNFPA, UNICEF and UNOGBIS.

125a. The considerable mobilization of women and NGOs has left marks that show their important role in several spheres of activity, such as the holding of, or participation in, a number of events at the national, subregional and international levels. This has been decisive in raising and consolidating awareness, in the adoption of a critical position and in the ongoing defence of women's rights.

126. Despite all this, financial difficulties end up weakening the structures created and reducing them to a state of total or partial inoperativeness. The lack of coordination between the different governmental departments as well as between those departments and NGOs will have also contributed to the failure of some development structures and programmes for women.

127. Article 55 of the Constitution of the Republic establishes: Citizens have the right, freely and without dependency on any authority, to start associations, as long as they are not promoting violence and the objectives are not contrary to the law.

Along the same lines, article 10 of the Trade-Union Freedom Act prohibits discrimination in matters of work and provides that workers shall not be discriminated against on the job nor shall they be harmed at work by the fact they do or do not belong to a workers' association, or withdraw therefrom.

128. Article 155.2 of the General Labour Act stipulates: Equality implies the absence of any discrimination based on sex;

And article 156.3 provides: Women workers are guaranteed equal pay with men for equal work ...

129. Nonetheless, based on the foregoing and as can be noted below, women are represented to a lesser extent than would be expected, whether in the legislative, executive or judicial branch, and are still beginners as far as the organizations of civil society are concerned.

130. Throughout the history of the ANP, the degree of representation of women in the legislative branch has been low, as can be seen from the following table.

Legislature	Women	Men		Percentage
1973/1976	10	110		8.3
1976/1984	19	131		12.6
1984/1989	22	128		14.6
1989/1994	30	120		20
1994/1999	9	91		9

1999/2004	7	95		7.8
2004/2008	13	87		11

Source: ANP

131. Data on women in the Guinea-Bissau executive branch and in local governments (regions and prefectures):

	Governors		Administrators	
Men	7	77.8%	28	73.7%
Women	2	22.2%	10	26.3%
Total	9		38	

Source: IMC data base, 2004

132. On the basis of the data of the Supreme Council of the Magistracy, the number of women, despite being low initially, is tending to increase notwithstanding the disproportion in the numbers according to sex.

Category	Men		Women		Total
Puise Judge (Court of Appeal)	8	88.89%	1	11.11%	9
Judge of the Court of Relations	8	100%	0	0%	8
Juge de Droit (Court of First Instance)	23	69.7%	10	30.3%	33
Sector Judge	27	93.1%	2	6.9%	29
Totals	66	83.54%	13	16.46%	79

Source: Data of the Supreme Council of the Magistracy

133. Office of the Public Prosecutor: out of a universe of 80 magistrates, only 12 are women, as can be seen from the following table:

Category	Men		Women		Total
	Count	Percentage	Count	Percentage	
Assistant Public Prosecutor	10	90.91%	1	9.09%	11
Public Prosecutor	5	71.43%	2	28.57%	7
Deputy Public Prosecutors	53	85.48%	9	14.52%	62
Totals	68	85.00%	12	15.00%	80

Source: Human Resources data, Office of the Public Prosecutor.

134. There is a bill afoot for establishing a 40% quota for the representation of women in all structures. It will be presented to the ANP and also submitted to the political parties with a view to the establishment of a common strategy in this regard.

135. The Guinea-Bissau Diplomats Statute was approved in the Council of Ministers by Decree No. 28/92 of 8 June 1992. From the legal standpoint, it does not exclude any Guinea-Bissau citizen, man or woman, from access to the diplomatic corps. Indeed, its article 3 (1) provides as follows: Admission to the diplomatic corps is subject to approval based on a competitive examination open solely to applicants who are Guinea-Bissau citizens having received higher education, under the terms of the general requirements for employment within the State apparatus ...

136. Promotions and career advancement are not subject to any discriminatory bases or factors and depend solely on the technical capacity of the persons concerned. No discriminatory act with regard to diplomatic representation of women has been recorded. Career diplomatic employees will be placed in the central and external services of the ministry in accordance with the needs of the service and the criterion of rotation, account being taken of the principles of balance and equity, in order that all may be granted the same opportunity for experience, as is clearly stated in article 14 of the Statute. The intention is thus to affirm that men and women can apply for posts in the services of the Ministry as representatives of the State in national services and international organizations.

137. Though the Constitution and the legislation applicable to the diplomatic sector oppose discrimination against women, practice shows us that there is still a long way to go: out of a total of 12 ambassadors, only 2 are women, one of whom is the head of a diplomatic mission.

138. There is not yet any consistent policy for the appointment of women with suitable profiles to positions of responsibility with regional and international organizations. Several civil-society women's organizations have engaged in intense lobbying with the decision-making authorities with a view to the adoption of strategies and policies to achieve what the Constitution and the laws provide. The Government is aware of this situation and is determined to act accordingly.

## Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of children.

139. The legal protection of national citizens and aliens with respect to their nationality of origin upon the acquisition of foreign nationality and citizenship is enshrined in the chapter of the Constitution of the Republic of Guinea-Bissau dealing with fundamental rights, freedoms, guarantees and duties, i.e., in article 44, which stipulates: All are recognized as having the right to a personal identity, civic capacity, citizenship, good name, reputation, image, word and the safeguarding of the intimacy of private and family life.

140. There is a separate piece of legislation on the question of nationality, namely the Nationality Act—Act No. 1/76 of 3 May 1976—as amended by Act No. 1/84, both of which are repealed by Act No. 2/92 of 3 April. The Citizenship Act sets forth the mechanisms and criteria governing the acquisition, loss and reacquisition of nationality.

141. Nationality may be acquired by origin, marriage, adoption or naturalization.

142. Neither the Constitution nor the Citizenship Act contains any discriminatory norm with regard to women.

143. Persons born within national territory, being incapable as minors or in the prenatal state, may, being duly represented, opt for Guinea-Bissau nationality as soon as they manifest their desire to be Guinea-Bissau citizens.

144. Any individual fully adopted by a Guinea-Bissau national shall acquire Guinea-Bissau nationality pursuant to article 7 of the Citizenship Act.

145. Regarding the acquisition of nationality by marriage, article 8 of the Citizenship Act provides: The foreign spouse of a man or woman who is a national may acquire Guinea-Bissau nationality if he or she clearly expresses the will, after three years of constancy of the marriage...

in the event that no discriminatory element exists in this matter.

146. With regard to naturalization, under article 9 the Government may, by decree and on a proposal by the Minister of Justice, grant Guinea-Bissau nationality by naturalization to aliens who satisfy the conditions stipulated in the Citizenship Act, i.e.: when they are of full legal age or considered as such both under Guinea-Bissau law and under the law of their State of origin; have exhibited good moral and civil comportment; offer political guarantees of integration into Guinea-Bissau society; and have been habitually and regularly resident in national territory for more than 10 years.

147. When a citizen is temporarily resident abroad, he or she is guaranteed his or her freedom and legal protection against sex or gender discrimination under article 27 (1) of the Constitution of the Republic,

which states: Any national citizen who is, or is resident, abroad shall enjoy the same rights and be subject to the same duties as other citizens, provided that he is incompatible with his absence from the country [sic].

Paragraph (2) of the same article provides: Citizens resident abroad shall enjoy the attention and protection of the State.

148. Act No. 2/92 of 3 April on citizenship, which repealed Acts Nos. 1/76 and 1/84, does not contain any innovation in respect of discrimination, because the non-creation of mechanisms of discrimination regarding gender has always been a matter of concern for the Guinea-Bissau legislator, both then and now.

### Part III

#### Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

149. With a view to enabling every citizen to share in development on an equal basis, the State of Guinea-Bissau guarantees access to education for all, without discrimination as to sex, race, ethnic

group, religious belief or political conviction. Its educational policy guarantees all school-age children access to education, in addition to guaranteeing local community management of fundamental education. The duration of basic education, which is free of charge and compulsory, is six years.

150. As provided in article 16 of the Constitution of the Republic of Guinea-Bissau:

The aim of education is to form the human being. It will have to be closely linked to productive work and ensure the acquisition of skills, knowledge and values that will enable the citizen to become integrated into the community and contribute to its development. The State considers the elimination of illiteracy a fundamental duty.

151. Article 49 of the Constitution of the Republic of Guinea-Bissau provides:

Every citizen has the right and obligation to be educated. The State will gradually guarantee that the various levels of education are free of charge and that all citizens have the opportunity for equal access thereto. Education policy, within the legal system of Guinea-Bissau, ensures the right to education for everyone, but the statistics reveal the disparity that exists in practice between the sexes with regard to school attendance rates, in all groups and at all levels of education.

152. The illiteracy rate is high among the adult population, about 66% overall. Among women it is considerably higher, at 82%. The underestimation of women, in particular their intellectual capacity, has its consequences, for they are assigned the heavy burden of domestic and agricultural obligations, which entails their exclusion from leadership or functions of political participation and representation and hence, with the weighty impact of observance of their curricular status, meagre quality of education and training of their children.

153. Other cases are fundamentally personal, aspects that have an impact on the excessive morbidity and mortality, both of mothers and children. A late and inadequate institutional response of education in relation to the demand in the area of school enrolment of children and, later, literacy training for adults, and women in particular, and cultural traditions and their curricular position with regard to the role to be assigned to women, are at the origin of the high female illiteracy rate.

154. Education is a key sector in the complex question of poverty in Guinea-Bissau. This sector is characterized by a low level of action and inadequacy of available human, material and financial resources. From 1987 to 1995, the funds allocated to education in the General State Budget declined appreciably, from 15% to 10%. This value amounts to 0.9% of the GDP, a level far below the average in sub-Saharan Africa, which was 4% of the GDP over the same period. The situation has deteriorated still further in recent years. Expenditures on education represented 11.2% and 13.1% out of the total expenditures entered in the respective budgets for the years 2001 and 2004.

155. Inasmuch as education and training are considered basic problems affecting the quality of life of women, a literacy programme for girls and women was developed under the direction of the Ministry of Education. The programme started up at the beginning of the 1997/98 school year. It was planned for a three-year period and succeeded in less than a year of operation in teaching 75% of the target group, or 5000 women, to read and write.

156. There is a draft basic law of the educational system before the ANP that is awaiting debate. There is also a National Education-for-All Plan, prepared in 2004, that is awaiting ANP approval. The Plan

defines strategies and policies for filling in the existing disparities between the sexes in the area of schooling.

With the support of UNICEF, the Ministry of Education has set up a programme for the zones where the school attendance of girls is the lowest (Tombali, Gabou and Cacheu). With a view to encouraging greater attendance by girls, Plan International awarded special grants for them in the Bafata region.

In the Bafata, Quinara, Oio and Tombali regions, the World Food Programme (WFP) has subsidized school cafeterias and provided girls with foodstuffs for their respective homes, a policy that has had a positive impact in considerably increasing the number of girls in schools. The participation of the World Health Organization (WHO) has been exclusively in the antiparasitic area.

National legislation is in keeping with the spirit of the Convention, guaranteeing education for every citizen with the same rights of access, without any gender discrimination. The statistics, however, show us a different reality: that of the difference in levels between the sexes throughout education.

**Table ED.1: Successful completion of primary education and advancement to secondary school**

Primary school success rate and rate of advancement to secondary school, Guinea-Bissau, 2006

		Net primary success rate *	Number of children enrolled in last year of primary school – previous year	Rate of admission to secondary level **	Number of children in last year of primary school – previous year
<b>Sex</b>	Male	4.5	634	21.1	310
	Female	3.6	535	15.7	222
<b>Region</b>	SAB Capital	9.3	275	21.8	311
	East (Bafatá and Gabou)	.9	292	24.8	41
	North (Biombo, Cacheu and Oio)	3.1	489	11.4	155
	South (Bolama, Quinara and Tombali)	4.2	113	19.9	24*
<b>Environment</b>	Urban	8.7	414	21.3	404
	Rural	1.6	755	11.3	127
<b>Level of education of mother</b>	None	2.0	857	16.9	78
	Primary	4.5	185	18.4	58
	Secondary and above	18.5	101	30.2	(46)
	Informal programme	18.6	21	.0	4*

	Mother absent from home	.	0	21.9	67
	Absent/Doesn't know	.0	5	100.0	2*
<b>Wealth index</b>	Poorest	.6	228	6.4	23*
	Second	1.5	241	18.5	(36)
	Middle	4.1	232	11.0	70
	Fourth	3.0	229	18.3	129
	Richest	11.2	239	22.3	273
<b>Mother tongue of head of household</b>	Balante	2.1	299	23.9	111
	Peul/Mandingo	2.4	452	18.6	123
	Brame	6.2	273	16.8	206
	Other languages	9.5	145	17.8	91
<b>Total</b>		4.1	1169	18.9	531

\* MICS indicator 59; MDG indicator 7b.

\*\* MICS indicator 58.

157. The table shows the difference in levels in education between girls and boys in primary school and in secondary school for the year 2006.

158. The net enrolment ratio (NER) by region, sex and parity index for the group aged 7 to 12 years (data for 1999/2000 school year) was 53.5% for boys and 36.3% for girls. The ratio showed an overall rise, but still falls far short of education for all. Enrolment made progress in seven of the country's regions (Biombo, Cacheu, Oyo, Bafatá, Quinara, Gabou and Tombali), while it declined slightly in the Autonomous Sector of Bissau (SAB) and the Bolama region (see table 6). The regions of Gabou and Oyo, as well as SAB and Bolama, have a NER that is below average.

**Table 6: Net primary-school enrolment ratio by sex and region**

Region	1999-2000			2003-2004		
	M	F	MF	M	F	MF
SAB	50.2	52.4	51.2	45.4	43.6	44.4
Biombo	93.5	67.2	79.9	89.9	83.8	87.0
Cacheu	70.0	38.4	53.3	71.0	64.2	67.8
Oio	55.1	25.0	39.8	50.0	41.7	46.2
Bafata	34.2	20.3	27.0	57.1	60.0	58.5
Gabou	43.6	29.4	36.3	52.1	56.4	54.2
Quinara	53.3	28.6	40.6	60.2	59.2	59.8

Tombali	56.1	32.4	43.8	76.6	77.5	77.0
Bolama	76.7	59.2	67.8	53.9	51.5	52.7
National total	51.7	38.5	45.3	58.0	55.9	56.9

Source: GEP

159. The gross enrolment ratios by region, sex and parity index in the 7-to-12-year age group show a parity index of 0.7.

**Table 6a: Gross primary-school enrolment ratio by gender and region**

Region	2000			Region	2003		
	M	F	MF		M		MF
SAB	110	94	102	SAB	95	87	91
Biombo	161	132	147	Biombo	167	151	159
Cacheu	128	79	105	Cacheu	132	105	119
Oio	84	44	65	Oio	94	64	80
Bafata	55	38	62	Bafata	88	85	87
Gabou	62	43	53	Gabou	79	79	79
Quinara	102	56	80	Quinara	107	90	99
Tombali	106	63	85	Tombali	126	110	118
Bolama	135	106	121	Bolama	107	92	100
National total	95	68	84	National total	103	90	97

Source: PAEB/Firkidja MEN data, June 2003.

160. School enrolment of girls showed considerable progress, except in SAB and Bolama. The mean girl/boy ratio improved throughout the country, going from 0.7 in 1999/2000 to 0.8 in 2003/2005. The advancement of this index was appreciable in all regions, with the exception of SAB, where parity had already been achieved. Despite the efforts made to achieve parity in primary education, the country still lags considerably behind.

161. The expected duration of study is 3.6 years. This figure is lower in the following regions, in which there are major repetition and dropout problems:

- Gabou : 1,8
- Bafata : 2,1
- Oio (Oyo) : 3,1
- Tombali : 3,3

Girls spend far less time in the education system due to factors connected with sociocultural and economic phenomena, mainly female excision, early marriage and maternity, participation in income-generating activities, distance from school, school curricula, low level of teacher training and qualification, shortage of teachers and poor school environment conditions.

162. Early childhood, an important phase in the socialization of the child, is the time of preschool education corresponding to the 3-to-6-year age group, for which the rate of coverage is inadequate (2.3%).

163. With regard to access, the data show the existence of incomplete schools that do not cover the four study levels (forms/grades) of the first six-year stage of primary school. In 1999/2000 the student/classroom ratio was on the order of 64, whereas it was 90 students per class in 2001/2002.

164. As for the technical and pedagogic qualifications of the teachers, only 40.5% of primary-school teachers have diplomas. The quality of primary-school teachers recruited locally continues to be worrisome, since the majority have a primary-education level.

The question of gender among the teaching staff is a matter of concern:

	Men		Women		Total
Teachers	3.573	79.4%	927	20.6%	4500

Source : Ministry of National Education (Literacy Department)

165. In 1999 the number of secondary-school establishments increased by 27 (17 public and 10 private), thus accommodating 26,000 students. Regarding the professional training of young people and adults, i.e., approximately 305,000 aged from 15 to 29 years, 1,332 are enrolled in the four local teacher-training schools, 8,783 are continuing their secondary-school studies and the rest very quickly joined the informal labour market, with adequate participation.

166. In the area of higher education, the country has two universities, both in Bissau, one public (Amilcar Cabral) and the other private (Collines de Boé), with respective enrolments of 1,699 and 657 students.

167. During the period under discussion, the teaching staffs of the two institutions numbered 56 and 51, which represents a student/professor ratio of 30 for Amilcar Cabral University and 12.88 for Collines de Boé University.

168. It should be pointed out that in the 1980s the country had only rudimentary higher education, represented by the Faculties of Law and Medicine, together with the Tchico Té École normale supérieure (higher teacher training college).

169. It was in 1999 that the first university (Amilcar Cabral) came into being in the country, created by Decree No. 16/99 of 3 February 1999, published in the official gazette, No. 41/99 of 6 December 1999. This university now has 12 branches in the fields of Science and Human Sciences. It opened in 2003, following two years of feasibility studies and preparations.

170. University research is virtually nonexistent. Hence the two institutions of this nature only teach and train. The rare research studies are done by isolated research professors. The Government elected, as one of its priorities, to consolidate its national training and research capacity as a way of acquiring the human resources essential to the country's development and countering the brain-drain phenomenon.

171. Adult illiteracy is estimated at 63.4% (in 2000). The female illiteracy rate is 76.2% and the male rate 47.4% (INEC – ILAP data). This high index is felt to be one of the causes of the low school attendance rates of children, and in particular girls. In the area of special education, there is one school for the deaf and dumb and the visually impaired, an establishment known as the Canne Blanche (white cane).

#### Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
- (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
- (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

#### Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

172. When ratifying the international conventions relating to labour and employment, the State of Guinea-Bissau also included them in the domestic legal system in accordance with articles 29.1 and 30.1 of the Constitution, both of which have affected equality between men and women. The Conventions, mentioned below together with other instruments, have been important in strengthening national legislation in this field:

- International Covenant on Civil and Political Rights – resolution No. 3/89, published in the Supplement to official gazette No. 9, of 3 March 1989;
- International Covenant on Economic, Social and Cultural Rights – resolution No. 4/89, published in the Supplement to official gazette No. 9, of 3 March 1989;
- International Labour Organization (ILO) Convention No. 150, on Labour Administration – published in the official gazette, No. 18, of 3 April 1994;

- ILO Convention No. 87, concerning Freedom of Association and Protection of the Right to Organize – published in the Supplement to official gazette No. 18, of 5 May 1994;
- ILO Convention No. 148, concerning the Protection of Workers against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration – resolution No. 6/94, published in the Supplement to official gazette No. 18, of 3 May 1994.

173. Also, in the context of the ILO conventions on the equality of rights between men and women in work, Guinea-Bissau has signed Conventions No. 122, on Employment Policy, No. 177, on Home Work, and No. 183, concerning the revision of the Maternity Protection Convention (Revised), all of which today constitute part of the national legal system.

174. The constitutional principle of equality between men and women (articles 24 and 25 of the Constitution) amended article 1676 of the Civil Code, which provides that a woman does not need the consent of her husband in order to practise liberal professions, hold public office, publish her works or have them performed or dispose of intellectual property.

175. Under paragraph 2 of the same article, the exercise of other lucrative activities, by contract with third parties, hardly depends on the consent of the husband; however, it is also permissible for the husband to denounce the contract at any time, without there thereby being granted to either of the two spouses any right to compensation in case of default of the said agreement and if this has not been judicially remedied, or if there is no separation of property between them.

176. Article 45 of the Constitution of the Republic guarantees workers, without any discrimination as to sex, "the freedom to join trade unions as a form of promoting unity, defending their rights and protecting their interests".

177. In article 46, it also guarantees them "a right to protection, security and hygiene at work". It provides: "The worker can only be dismissed in accordance with the law; dismissal for political or ideological motives is prohibited"; and "The state will gradually establish a system capable of guaranteeing workers social security pensions, in sickness or when incapacitated."

178. The Public Administration Personnel Statute (EPAP), for which regulations are provided by Decree No. 12-A/94 of 28 February, establishes the basic principles of the legal system governing work in the public administration. The processes for the recruitment and selection of personnel follow the principles of freedom to apply and equal conditions and opportunities for all applicants (article 22 (a), (b) and (c) of the Statute.

179. In article 65 of EPAP there is no discrimination regarding women, in respect of the rights of officials and agents, in the exercise of the office or function, or concerning the remuneration established in the terms and conditions of work, leave and holidays, the right to be evaluated periodically in one's work, during leaves and vacations in accordance with the law, the right to be a member of a union association, to be promoted, to participate in training events or to compete for higher categories within the framework of one's professional career. Article 134 of EPAP regulates vacations, absences and leaves for female workers.

180. The right to work and freedom of choice of profession are enshrined in article 3 of the General Labour Act, which guarantees everyone the right to employment and freedom of choice of occupation or type of work, save in case of legal restrictions imposed by the imperatives of national reconstruction or restrictions inherent in the capacity of the person in question.

181. The General Labour Act provides for the right to hygiene and security at work. Employers are required to organize work and ensure that it is performed under conditions of hygiene, security and protection of the health of workers (article 161).

182. Concerning women's work, career development, professions and pay, the General Labour Act, in the section on women's work (article 155), stipulates that:

- Job offers shall not contain, either directly or indirectly, any restriction, specification or preference based on sex, save in circumstances, inherent in the nature of the work to be done, which render it different depending on whether it is performed by a man or a woman;
- Employers must guarantee workers equal opportunities and treatment in relation to training and professional career development;
- Women are guaranteed the right to equal pay with men for equal work.

183. Decree-Law No. 5/86 guarantees, in article 33, maternity protection, and in article 34, medical and drug assistance to both beneficiaries and their wives and treatment during the period of pregnancy and childbirth and thereafter.

184. Article 155, paragraph 3, of the General Labour Act guarantees women access to any employment, profession or job not involving actual or potential risks to genetic function.

185. Article 134 of the Public Administration Personnel Statute stipulates:

... a female employee has the right to remain absent for 60 days after the pregnancy ...

In addition, article 157 of the General Labour Act provides that women are guaranteed the following rights:

- Not to perform duties clinically inadvisable in their condition, without any loss of pay during pregnancy and after childbirth;
- Not to perform any unusual work during pregnancy or after childbirth during the clinically prescribed period.

186. Article 157 of the General Labour Act provides that a woman has the right ... to interrupt her daily work to feed her child for an hour or during two half-hour periods.

The act goes on to say, in article 158, that the woman ... has the right to pregnancy and maternity leave of 60 days. Thirty days must necessarily be observed, immediately after childbirth.

In article 159 it provides that leave must be granted in case of miscarriage or abortion.

187. Women are also guaranteed the right to work, in all cases enjoying equality between men and women in terms of opportunities and treatment when seeking employment and at work, which implies the absence of any discrimination based on sex, be it direct or indirect, in particular any reference to civil status or marital situation.

188. Successive pregnancies. Multiparity, the high level of maternal mortality, anaemia, the participation of women in the household economy and in the maintenance of the home, in addition to the additional burden of women's work in agricultural and silvopastoral production, informal trade and the country's economy generally speaking, represent a fairly significant burden for the woman, added to which are the duties involved in the education of children and in the family.

189. From the psychological and emotional standpoint, girls, especially in a rural environment, have no means for expressing their aspirations and their feelings and must submit to the customary norms and traditions of their ethnic group with regard to affective options and sex life, accepting, without any objection, their place and role in the polygamous system of relationships and inheritance rights in emotional relations.

190. In urban areas, owing to the considerable opportunities available to girls with regard to schooling, income-generating activities and professionalization in a broader context of relations between individuals in which traditions do not have much weight and social control is more and more relaxed, options and the freedom to choose and decide are generally greater for girls and women. The dependence of women on men is tending to become slight, as evidenced by the number of women heads of households, which may be as high as 13%.

191. Independently of their space and the area where they happen to be, girls and women live with untoward situations, more or less serious, that are not displayed because of the customary nature of the milieu, which does not treat such cases as violations of gender rights. In this sense, domestic violence and the inheritance of the woman, in a situation of ownership, are clear examples of some of the dire practices that can thrive only in sociocultural nurseries of this kind.

192. In addition, the low degree of representation of women in public and political organs and the high rate of illiteracy, with all its implications for their participation in social life, constitute problems that directly affect their role, their status and their quality of life in society.

193. The burden of the woman's work, including household occupations, the raising of children and the administration of home remedies, among other customary statutory obligations imposed by society, is in fact quite heavy and may require 12 hours or more per day. In addition, one notes that nearly 13% of all women in urban areas are heads of households.

194. In rural areas, in agricultural production women take part in work in the field, sowing and harvesting, whereas in urban areas it is women who are the exclusive producers and the vendors of what they produce.

195. The fact that women have no access to landed property, which is an important source of income, limits their autonomy and the decision-making power, not only in respect of farming but in other areas of life as well. The appropriation by men of the economic yields achieved by their wives, as a symbol of authority and power, defines the role of the woman in decision-making.

196. The social division of labour, however it may vary from one ethnic group to another, reserves the most laborious part for women. Without organizing in cooperatives, without obtaining loans and relying on her social rights, the woman will see her decision-making power limited, without anything to compensate for the heavy burden of responsibility and work that weighs on her in society.

197. Article 15 of the Constitution of the Republic of Guinea-Bissau provides as follows: Public health has as its objective to promote the physical and mental well-being of the populations and their balanced

integration into the socio-ecological environment in which they live. It must be oriented towards prevention and aim at the gradual socialization of medicine and of the medical and pharmaceutical sectors.

198. The National Health System is an organization with three levels (central, regional/district and local), whose policy orientation is based on primary-health-care principles. The central level comprises the central services of the Ministry of Public Health, a national hospital and specialized referral centres. The regional or district level is made up of 11 health-care regions, with four regional hospitals (Bafata, Cacheu, Gabou and Tombali), which constitute the first referral level. The local level includes 114 health-care zones, each having at least one health centre under the responsibility of a nurse or a physician.

199. The coordination and management of reproductive health is provided by a family service in the Department of Primary Health Care. There also exist 660 community health units.

200. Guinea-Bissau is a country with a high rate of maternal mortality. In order to tackle this problem, the Government began to launch family planning at the level of the health structures starting in 1981 (Reproductive Health Policy, October 2002).

201. The principle of health for all is the basis the Government's policy. This principle implies coverage of and universal access to a minimum range of quality basic health care and an even distribution of resources. Maternal mortality has been one of the major public health problems in Guinea-Bissau. In order to reduce maternal mortality, Guinea-Bissau has tried several strategies, including enhanced prenatal consultations, the creation of community health units, the training of traditional midwives (matrones), the opening of *maisons des mères* ("houses of mothers") to take in women identified as characterized by high obstetric risk and the development of health education actions. (Guide for the reduction of maternal and neonatal mortality in Guinea-Bissau, December 2006).

202. In 2002 a reproductive health policy was elaborated and in 2004 a National Reproductive Health Programme came into being. At present there exists a reproductive health bill that is awaiting the next legislative session of the ANP for assessment and approval.

203. The health centres, in urban and rural areas, guarantee reproductive health services, not only during the woman's gestational period but throughout all the phases of her life, with the provision of counsel and family planning as well as guidance and information for young persons of both sexes regarding sexuality, family planning, the prevention of sexually transmitted diseases, nutrition and breast-feeding.

204. The operation of the National Health System depends essentially on foreign aid: approximately 90% of the aid comes from partners. Medical assistance is free of charge for pregnant women in hospitals and health centres.

**Table RH.1: Use of contraceptives**

Percentage of 15-to-49-year-old women, married or in unions, who use (or whose partner uses) a contraceptive method, Guinea-Bissau, 2006

		Does not use any method	Female sterilization	Male sterilization	Pill	Sterilet IUD	Injections	Implant	Condom	Female condom	Diaphragm	Lactation amenorrhoea methode	Periodic abstinence	Withdrawal	Other	Total
Region	SAB	79.2	0.6	0	3.3	8.7	2	0.1	2.5	0	0	2.1	0.5	0	1	100
	East	96.9	0.2	0.1	0.6	1.1	0.4	0	0.3	0	0	0.1	0	0	0.4	100
	North	90.2	0.3	0	0.9	1.6	0.4	0.2	0.3	0.1	0	5.5	0.4	0.1	0.2	100
	South	88.7	0.1	0.1	0.9	2.5	0.3	0.1	0.4	0	0.2	6.2	0.1	0	0.5	100
Environment	Urban	81	0.5	0	2.9	7.6	1.9	0.1	2	0.1	0	2.4	0.6	0	0.8	100
	Rural	93.2	0.2	0	0.6	1	0.2	0.1	0.2	0	0	3.9	0.1	0	0.3	100
Age	15-19	92.8	0	0.3	1.2	1.8	0	0	1.5	0.4	0	1.5	0.1	0	0.5	100
	20-24	89.7	0.2	0	1.3	2.9	0.1	0.1	0.9	0	0	4.5	0.1	0	0.1	100
	25-29	86.7	0.2	0	1.2	4.1	0.6	0	1.1	0	0.1	5.1	0.4	0	0.5	100
	30-34	89.4	0.2	0	1.6	2.1	1.1	0	0.3	0	0	4.2	0.5	0.2	0.5	100
	35-39	89.6	0.2	0	1.8	3.9	0.6	0.2	0.6	0	0	2.9	0.2	0	0	100
	40-44	91.2	1.1	0	0.7	2	1.4	0.2	0.5	0	0	1.8	0	0	1.1	100
	45-49	94.7	0.4	0	0.3	1.3	1.5	0.4	0	0	0	0.5	0.3	0	0.6	100
Number of living children	0	95.4	0.1	0	1.8	0.4	0.4	0	1.1	0.4	0	0	0.3	0	0.1	100
	1	88.9	0.2	0.2	0.7	3.7	0.3	0.1	1	0	0	3.9	0.5	0	0.4	100
	2	88.5	0.1	0	1.5	3.6	0.8	0	0.9	0	0	3.5	0.4	0	0.7	100
	3	87.2	0.4	0	1.3	3.8	0.6	0.3	0.8	0	0	4.8	0.2	0.2	0.4	100
	4+	90.5	0.4	0	1.3	2.3	0.9	0.1	0.4	0	0	3.5	0.1	0	0.4	100
Woman's educational level	None	93.8	0.2	0	0.6	1	0.4	0.1	0.2	0	0	3.2	0.1	0	0.3	100
	Primary	82.8	0.6	0	1.6	6.3	1.3	0	1.7	0.2	0.1	4.6	0.3	0	0.5	100
	Secondary and +	69.4	0.3	0	6.6	12.6	2	0.3	3.6	0.1	0	2.4	1.6	0	1.2	100
	Informal programme	82.1	0	0	1.1	1.7	0	0	0	0	0	14.6	0.5	0	0	100

		Does not use any method	Female sterilization	Male sterilization	Pill	Sterilet IUD	Injections	Implant	Condom	Female condom	Dia-phragm	Lactation amenorrhoea methode	Periodic abstinence	Withdrawal	Other	Total
	Missing / Unknown	76.1	0	0	0	23.9	0	0	0	0	0	0	0	0	0	100
Wealth index distribution	Poorest	93.7	0.1	0	0.2	0.5	0.3	0	0.2	0	0	4.6	0.1	0.1	0.2	100
	Second	94.6	0.3	0	0.5	0.6	0.2	0.3	0.2	0	0	3.2	0.2	0	0	100
	Middle	93	0.3	0.1	0.5	1.5	0.4	0	0.2	0	0	3.1	0.2	0	0.7	100
	Fourth	86.3	0.1	0	2.4	3.9	1	0.1	1.2	0.2	0.1	4.1	0.4	0	0.2	100
	Richest	77.5	0.8	0	3.5	9.9	1.9	0.2	2.5	0	0	2.1	0.5	0	1.1	100
Mother tongue of head of group	Balanta	91.8	0.1	0	0.7	1.7	0.2	0.1	0.2	0	0	5.1	0	0	0.2	100
	Fula/Mandingo	92.1	0.2	0.1	1.3	2.4	0.6	0	0.5	0	0	2.1	0.2	0.1	0.4	100
	Brame	83	0.7	0	1.6	5.4	1.6	0.4	1.8	0.2	0	4.2	0.9	0	0.3	100
	Other languages	87.5	0.4	0.1	1.8	3.3	0.5	0.1	1.2	0	0.1	3.8	0.1	0	1.1	100
Total		89.7	0.3	0	1.3	2.9	0.7	0.1	0.7	0	0	3.5	0.3	0	0.4	100

		Any modern method	Any traditional method	Any method *	Number of women currently married or in a free union
Region	SAB Capital	17.2	3.6	20.8	983
	East	2.6	0.5	3.1	1384
	North	3.7	6.1	9.8	2198
	South	4.6	6.7	11.3	638
Environment	Urban	15.2	3.8	19	1488
	Rural	2.4	4.4	6.8	3715
Age	15-19	5.1	2.1	7.2	379
	20-24	5.6	4.7	10.3	983
	25-29	7.3	6	13.3	1178
	30-34	5.3	5.3	10.6	886
	35-39	7.3	3.1	10.4	810
	40-44	5.9	2.9	8.8	543
	45-49	3.9	1.4	5.3	423
Number of living children	0	4.2	0.4	4.6	436
	1	6.2	4.8	11.1	929
	2	6.9	4.6	11.5	953
	3	7.2	5.6	12.8	867
	4+	5.5	3.9	9.5	2017
Woman's educational level	None	2.6	3.6	6.2	3802
	Primary	11.8	5.4	17.2	899
	Secondary and +	25.5	5.1	30.6	428
	Informal programme	2.8	15.1	17.9	70
	Missing/ Unknown	23.9	0	23.9	5*
Wealth index distribution	Poorest	1.2	5	6.3	1144
	Second	2.1	3.4	5.4	1103
	Middle	3	4.1	7	1123
	Fourth	9	4.7	13.7	1006
	Richest	18.7	3.7	22.5	828
Mother tongue of head of group	Balanta	2.8	5.3	8.2	1386
	Fula/Mandingo	5.3	2.7	7.9	2173
	Brame	11.6	5.4	17	969
	Other languages	7.4	5.1	12.5	676
Total		6.1	4.2	10.3	5203

\* MICS indicator 21; MDG indicator 19C.

205. The level of contraceptive use was very high in SAB (20.8% of all women) and somewhat lower in rural areas (19.0%). The percentage using a contraceptive method ranges from 6.2% among women having a primary education level to 30% among those with a secondary or higher education level (MICS 2006).

206. Prenatal visits to qualified persons (doctors, nurses or midwives) are fairly common: 77.9% of all women receive prenatal care at least once during pregnancy.

207. Prenatal care coverage is greater in urban areas (87.7%) than in rural areas (74.3%). Within the same zone, it increases appreciably with the woman's level of education: 74.9% for women with no education, 82.2% for those who have attended primary school and 92.4% in women who have attained the secondary level or higher.

**Table RH.4w: Prenatal care**

Percentage of pregnant women who received specific treatments as part of prenatal care, among women aged 15 to 49 years who gave birth during the two years preceding the survey, Guinea-Bissau, 2006

		Percentage of pregnant women who:				
		Had a blood test *	Had their blood pressure measured *	Had urinalyses done *	Weighed themselves *	Gave birth to a live infant during the two years preceding the survey and who received prenatal care
Region	SAB Capital	92.2	92.2	91.4	97.1	468
	East (Bafatá and Gabú)	48.6	69.3	48.6	76.1	510
	North (Biombo, Cacheu and Oio)	53	84.7	55.9	93.4	1012
	South (Bolama, Quínara and Tombali)	32.7	79.4	38.8	87.9	235
Environment	Urban	84.1	91.8	84.1	96.6	683
	Rural	46.6	77.9	49.2	86.6	1543
Age	15-19	57.4	79.9	59.5	89.2	292
	20-24	62.6	83.5	64.1	91	617
	25-29	56.9	82.8	59.5	88.6	624
	30-34	51.4	82.7	52.4	91	360
	35-39	62.5	80.2	64.9	88.6	234
	40-44	59.1	79.5	57.5	84	78
	45-49	35.1	79.1	35.1	100	(21)
Woman's educational level	None	50.6	78.8	52.5	87.4	1483
	Primary	67.5	89	70.2	94.3	476
	Secondary +	91.6	93.1	91.2	97.5	231
	Informal programme	25.8	59	25.8	71.3	(34)
	Missing/Does not know	65.3	100	65.3	100	2*

Wealth index	Poorest	44.3	78.7	45.7	87	468
	Second	47.8	77.3	50.2	87.1	494
	Middle	43.8	76.7	48.2	85.5	458
	Fourth	71.1	87.3	72.6	93.4	445
	Richest	92.1	94	90.8	97.2	362
Mother tongue of head of group	Balante	50.7	83.7	54.9	92.7	595
	Peul/Mandingo	54.2	76.7	54.5	83.1	861
	Brame	71.4	87	73.2	95.2	496
	Other languages	62.5	87.5	63.9	93.8	274
Total	58.1	82.2	59.9	89.7	2226	

208. Despite material difficulties of several orders, insufficient and inefficient human resources and the insufficient number of health centres, especially in the regions, in addition to the difficult access to means of transport, the percentage of women who have recourse to hospitals for qualified assistance during pregnancy and childbirth has gradually increased. The percentage of women who visit hospitals during pregnancy and after childbirth is higher in urban areas.

**Table RH.2: Assistance during childbirth**

Percentage distribution of women aged 15 to 49 years who gave birth to a live infant during the two years preceding the survey, according to the worker who assisted their childbirth, Guinea-Bissau, 2006

		Staff attending the childbirth											Number of women with live children – During the two years preceding the survey
		Doctor	Midwife	Auxiliary matrone	Traditional matrone	Community health worker	Relative/Friend	Other	Others Without assistance	Total	A few qualified persons *	Childbirth in a health centre **	
Region	SAB Capital	15.6	46	8.8	9.4	0.5	15.1	1	3.7	100	70.4	67.1	498
	East (Bafata and Gabou)	1.5	14.5	8	45	1.8	21.4	3.4	4.4	100	24	19.4	612
	NORD (Biombo, Cacheu and Oio)	10.8	15.6	7.3	30.9	3.3	20.5	5.5	6	100	33.8	32.8	1124
	South (Bolama, Quínara and Tombali)	6.3	20.8	8.3	25.1	0.5	34.2	1.2	3.4	100	35.5	28.6	271
Environment	Urban	14.4	42.6	11.8	10.6	0.5	14.7	1.8	3.7	100	68.7	65.5	722
	Rural	6.8	13.6	6.3	37.1	2.7	23.7	4.4	5.4	100	26.8	23.9	1784
Age	15-19	8.4	26.5	9.9	26.2	1.4	20	1.7	5.7	100	44.9	43.5	331
	20-24	9.5	25.3	8.4	28.7	2.1	19.5	4.2	2.3	100	43.2	39.3	675
	25-29	7.7	20.4	6.2	30.3	2	23.2	4.9	5.3	100	34.3	33.2	699
	30-34	10.2	18.7	8.2	30.8	0.6	20.4	4.4	6.6	100	37.1	33	414
	35-39	7.8	19.6	5.3	31.6	5	24.6	1.5	4.6	100	32.8	29.5	271
	40-44	16.9	17.9	15.2	20.4	2.5	15.5	1.3	10.3	100	50	38.8	88
	45-49	5.3	9.2	9.2	52.5	2.3	15.8	0	5.8	100	23.7	23.7	28

Woman's education level	None	6.2	15.2	6.6	36.2	2.1	23.9	3.8	5.9	100	28	24.2	1711
	Primary	15.4	30.9	9.4	17.1	2.9	17	4.1	3.1	100	55.7	54.7	518
	Secondary and +	15.7	50.4	13.9	6.7	0	10.7	1.2	1.3	100	80.1	79.5	238
	Informal programme	7.1	21.4	8.6	40.7	0	14.5	3.9	3.7	100	37.2	28.2	(36)
	Missing / Does not know	0	42.1	0	0	0	57.9	0	0	100	42.1	42.1	3*
Wealth index	Poorest	4.8	10.6	4	39.2	3.7	27.5	4.8	5.5	100	19.4	16.8	543
	Second	5.1	12	8.8	39.4	1.3	23.6	4.9	5	100	25.9	23.4	576
	Middle	7.5	15.4	8	31.5	2.8	24.2	3.9	6.6	100	30.9	27.1	529
	Fourth	15	30.6	8.3	20.8	1.8	16.7	2.6	4.3	100	53.9	51.3	481
	Richest	15.5	51.6	11.4	8.3	0.3	9.6	1.1	2.1	100	78.5	74.9	377
Mother tongue of head of group	Balante	6	17.6	6.8	33.9	3.4	22.1	6	4.2	100	30.4	29.5	657
	Peul/ Mandingo	5.8	19.3	8	36.7	1.3	21.3	3.1	4.5	100	33.1	27.5	1013
	Brame	18.8	27.3	7.3	14	2.9	19.5	2.6	7.7	100	53.3	52.9	529
	Other languages	9.2	30.8	11	22.5	0.2	21.2	2.3	2.9	100	51	47.6	306
Total		9	22	7.9	29.5	2.1	21.1	3.6	4.9	100	38.8	35.9	2506

\* ICS indicator 4; MDG indicator 17

\*\* MICS indicator 5.

209. In both urban and rural areas, deaths still occur for reasons connected with pregnancy. The commonest complications are postnatal haemorrhages. Further deaths are caused by septicaemia, complications connected with miscarriage or abortion or are due to prolonged labour and pregnancy-related hypertensive complications.

210. These complications, which can occur at any time during pregnancy and/or childbirth, require rapid access to a high-quality obstetric centre, which in some cases does not exist.

**Table RH.3: Maternal mortality**

Probability of maternal death occurring during the woman's lifetime and percentage of sisters who died owing to maternity, Guinea-Bissau, 2006

Age of respondent	Number of adult members of the group surveyed	Sisters having reached the age of 15 years	Sisters having reached the age of 15 years (adjustment)	Sisters having reached age 15 who died	Maternal death	Adjustment factor	Sisters exposed to risk (units)	Sisters exposed to risk (units) o. Duration of maternal mortality risks	Percentage of sisters who died by reason of maternity	Total fertility rate (10-14 years)	Maternal mortality rate
15-19	4289	6241	12408	318	45	0.107	1328	0.034	14.1		
20-24	3717	6752	13425	362	53	0.206	2765	0.019	14.5		
25-29	3117	6212	12351	433	56	0.343	4236	0.013	12.9		
30-34	2209	4602	4602	373	59	0.503	2315	0.026	15.9		
35-39	1977	4212	4212	494	66	0.664	2797	0.024	13.3		
40-44	1486	2966	2966	391	45	0.802	2379	0.019	11.5		
45-49	1268	2543	2543	434	33	0.9	2289	0.015	7.7		
50-54	1265	2434	2434	521	51	0.958	2331	0.022	9.7		
55-59	757	1490	1490	382	45	0.986	1469	0.031	11.8		
60+	1894	3334	3334	1170	94	1	3334	0.028	8.1		
Total	21978	40788	59766	4879	547		25245	0.022	11.2	5.4	405

\* MICS indicator 3; MDG indicator 16.

211. The State guarantees pregnant women free medical visits and assistance during pregnancy and childbirth as well as after childbirth.

212. The Government, in collaboration with the World Food Programme (WFP), makes foodstuffs available to undernourished pregnant women and offers mosquito nets in an effort to combat malaria.

213. In 2004, nearly 50.4% of all women who gave birth received vitamin A supplements before completing the eighth postpartum week. This percentage is higher in SAB (65.0%) and lower in the North province (54.9%) and in rural areas (54.6%).

214. Improvement of the state of health of pregnant women and the availability of quality reproductive health services are factors essential to the elimination of several causes of maternal mortality.

#### Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

215. Article 11 of the Constitution of the Republic of Guinea-Bissau stipulates: economic and social organization rests on the principles of the market economy.

Paragraph 2 of the same article states: The economic and social organization of Guinea-Bissau has as its objective the continuous promotion of the well-being of the people and the elimination of all forms of subjection of the human person to degrading interests to the advantage of individuals, groups or classes.

Guinea-Bissau has seen its socio-economic development suffocated by factors of various kinds, primarily the strong dependence of its economy on the agricultural sector, fragile conditions of production, the lack of communication infrastructure, and social and political instability. With regard to communication infrastructure, it should be pointed out that 2008 saw the inauguration of the Amilcar Cabral bridge, which links the country's capital with the North region. The Saint Vincent (S. Vicente) bridge, which constitutes the same province's second link, is expected to be inaugurated in 2009. These infrastructure works are important for the economic development subsidized by the European Union.

216. Added to these difficulties is the migratory flow, which affects women in particular.

217. Guinea-Bissau belongs to the group of the planet's least developed countries (LDC) and is characterized by constant degradation of the principal macroeconomic indicators. For example, the GDP real growth rate was on the order of only 1% from 2000 to 2004. This is a fairly difficult situation for achieving the Millennium goals, the growth ideal that the Government sets itself with a view to improving the standard of living of the population.

**Poverty rate by region and regional share in poverty**

<b>Region</b>	<b>Absolute poverty rate (less than \$2 per day)</b>	<b>Regional share in poverty</b>
<b>Bafatá</b>	72.4%	13.6%
<b>Biombo/Bolama</b>	62.6%	9.1%
<b>Cacheu</b>	63.8%	14.2%
<b>Gabou</b>	65.8%	12.3%
<b>Oyo (Oio)</b>	79.6%	18.0%
<b>Quinara/Tombali</b>	69.1%	12.2%
<b>Bissau</b>	51.6%	20.6%
<b>Regions without Bissau</b>	69.1%	79.4%
<b>Country total</b>	64.7%	100%

**Source:** INEC, December 2002

218. Guinea-Bissau has been a member of the West African Economic and Monetary Union (WAEMU) since 2 May 1997. Its currency is the CFA franc (franc of the Communauté financière africaine), the common means of payment of the eight members of the Union (Benin, Burkina Faso, Côte d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo).

219. A positive trend is discernible in the country's banking sector. Today there exist four banks in Bissau: BAO (Bank of West Africa), ECOBANK (ECOWAS Bank), BDU (Banco da União) and BRS (Banque régionale de solidarité). However, apart from the agricultural sector, which receives only 1% of bank credit, the use of banking services in the country is insignificant, and a broad spectrum of the production sector connected with the informal sector is left aside. At present, the banking system is part of BRS, whose capital is held by the holding company of the BRS Group. The Group has 87 shareholders, with a predominance of strategic shareholders, such as BCEAO, BOAD (Banque ouest africaine de développement - West African Development Bank), WAEMU and various national financial establishments and organizations of the Union involved in the collection of small savings, the management of the funds assigned to them and the distribution of microcredit, and also insurance companies and guaranty and pension funds. The purpose of BRS is to provide short-, medium- and long-term credit to persons traditionally excluded from the banking system, in the following sectors: agriculture, livestock breeding, fishery, handicrafts, small industries and providing of services.

220. A framework act on cooperative and mutual savings and credit institutions has already been lodged with the National Popular Assembly with a view to its discussion and approval. There are

organizations in the country that carry on microcredit activities, such as DIVUTECH, Association pour le développement intégré des femmes (ADIM), NO PEGA, NIMBA and AMID. It is largely women who apply for such credit in order to help finance their informal activities. Some of them have no premises for carrying on such activities: buying and selling of products, itinerant trade in clothing and shoes, restaurant or hairdressing activities, often carried on in improvised premises.

221. Within the framework of the national strategy on poverty reduction in the economic sphere, the Government has created a social action fund linked to the savings and credit programme. At the Ministry of Finance level there is PARMEC, whose fundamental role is to coordinate and support decentralized financial structures.

222. Women have the same rights and are subject to the same criteria as men with respect to access to bank loans, mortgage loans and other forms of credit.

223. As far as legal capacity and personality are concerned, the Constitution of the Republic of Guinea-Bissau establishes in its article 25, as already mentioned in the foregoing paragraphs, the principle of gender equality in all spheres. Consequently, the same criteria for access are observed for any form of credit.

224. Despite the absence of an agricultural bank, some national and international NGOs, such as Action for Development (AD) and ADPP (Aide au développement de peuple à peuple), in collaboration with the Ministry of Rural Development, play a role in the field of microfinance, in training and technical support. According to the organizations active in the granting of microcredit, women associated in organizations obtain credit for their informal activities, such as the buying and selling of animals, handicrafts, the artisanal soap industry, the transformation of palm oil, the sale of clothes, gardening, etc.

225. According to the organizations interviewed, subsidized women are more credible: one example is that of DIVUTECH (Guinea-Bissau Association for Studies and the Dissemination of Appropriate Technology). In connection with support for the 2007 crop season in the east of the country, there were 204 microprojects for five sectors of the Gabou region, of which more than 5000 peasants took advantage: over 90% of them were women organized into groups.

226. In terms of the national legal system, there is no discrimination against women with respect to men: they have the same rights and are subject to the same criteria in the area of economic and social life and with regard to bank loans (mortgages or other loans). The same criteria are observed concerning the evolution of legal personality and capacity, where account is taken of the principle of nondiscrimination enshrined in the country's Constitution.

227. Guinea-Bissau legislation defends the principle of equality of opportunities between men and women with regard to participation in recreational activities and sports and in all aspects of cultural life. Article 17 (1) of the Constitution states: The creation and promotion of conditions favourable to the preservation of cultural identity as the underlying substrate of national consciousness and dignity and a factor stimulating the harmonious development of society constitute a fundamental imperative of the State.

228. And further: Conditions shall be created for all citizens to have access to culture and be motivated to participate actively in its creation and spread. It is incumbent on the State to encourage the habit of sports and physical culture.

229. It may be noted that Guinea-Bissau legislation does not discriminate between men and women in culture and sports. Culturally, therefore, there is no discrimination with respect to women in recreational or sports activities promoted either by the Government or by non-governmental organizations, as set out in article 17 of the Constitution of the Republic.

#### Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
  - (a) To participate in the elaboration and implementation of development planning at all levels;
  - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
  - (c) To benefit directly from social security programmes;
  - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
  - (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
  - (f) To participate in all community activities;
  - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
  - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

230. Within the framework of the national strategy for poverty reduction, the Government pays particular attention to rural areas.

231. Since remote times, traditional societies have been characterized by forms of basic social organization into family units known as "concessions". In such social organizations, women play a weighty role in social reproduction and are placed at the centre of the household economy, ensuring the subsistence of the family.

232. Women, both in urban centres and in rural zones, participate actively in the process of economic development and shoulder responsibilities assigned to them by the society within a social reproduction system.

233. In rural areas, the Guinea-Bissau woman, day after day, guarantees the subsistence of the home, takes care of the upbringing of the children and participates in the family economy. That is why her socialization is simply a premarital preparation prior to her entry into the home and the functions determining the curricular foundations of her status as a secondary being, which can be summed up in her becoming aware of her statutory duties and obligations, imposed on her by society in her state as a future spouse.

234. In recent times, there have been a large number of mothers who raise their children alone.

235. The economic liberalization initiated, in about the 80s of the last century, to which was later added the structural adjustment programme, imposed enormous restrictions on the buying power of the more disadvantaged families and propelled a growing number of women into characteristically informal economic activities.

236. Non-governmental organizations act as partners of communities. One of their important objectives is to combat poverty, working hand in hand with the State in its role as facilitator of the process of local development.

237. In August 2007, the NGO DIVUTEC (Guinea-Bissau Association for Studies and the Dissemination of Appropriate Technology) signed a partnership agreement with IBAP (Institut de la biodiversité et des aires protégées) through the project for the management of biodiversity in the coastal zone. Under the agreement, DIVUTEC is to be responsible for assisting target communities in the development, management and monitoring of 30 local development plans and 37 microprojects. The aim is to promote sustainable use of natural resources.

238. Within the framework of support for the crop season in the east of Guinea-Bissau, DIVUTEC approved 204 microprojects for the five sectors of the Gabou region during the agricultural season, benefitting more than 5000 peasants, over 90% of whom were women organized into groups.

239. There are 25 non-governmental organizations working in microfinance in Guinea-Bissau. Of these, four have been extremely successful, namely DIVUTEC, NIMBA, ADIM and AMID.

240. The NGO Action for Development supports income-generating initiatives at the community, association and individual levels which help to improve families' financial situations and access to foodstuffs.

241. Community radio and television have as their aim to broadcast TV school programmes in areas such as agriculture, occupational training, literacy, traditional culture, history, environment and ecotourism, thus facilitating direct access of the population to an organ of communication and programmes relating to local development. Within the framework of poverty reduction, the Government and NGOs have provided support to rural women in the form of seed for agriculture and microcredit.

242. Programmes on improved ovens, intended for women, have also helped reduce the pressure on the forest, in order to minimize the physical damage and protect women's health.

243. Health is a fundamental right guaranteed by the Constitution of the Republic of Guinea-Bissau in article 15. Guinea-Bissau's national policy is built around the principles of primary health care.

244. The principle of health for all is the basis of the Government's policy. This principle implies coverage and universal access to a minimum package of quality elementary health care and an even distribution of resources. However, the supply is still inadequate in comparison to actual needs and the demand for services, a situation generally explainable by inaccessibility of services owing to their high cost, the uneven distribution of health structures between urban and rural environments, the insufficient number of service-provision points and poor utilization of existing services by the population. Added to this is the qualitative inadequacy of the services available. The concept of reproductive health defined by the International Conference on Population and Development (ICPD) was supported and adopted by Guinea-Bissau, whose reproductive health policy was elaborated in October 2002. A draft act on reproductive health was designed with the help of UNFPA and is currently being disseminated throughout the national territory with a view to its discussion and approval in the National Popular Assembly.

245. According to article 15 of the Constitution of the Republic of Guinea-Bissau, the aim of public health is to promote the social and mental well-being of the people and their balanced integration into the socio-ecological environment in which they live.

246. The National Health System comprises three levels (central, regional/district and local), whose policy orientation is based on primary-health-care principles:

- The central level is made up of the central services of the Ministry, a national hospital and specialized referral centres;
- . The regional or district level is made up of 11 health-care regions, with four regional hospitals (Bafata, Cacheu, Gabou and Tombali), which constitute the first referral level.
- The local level includes 114 health-care zones, each having at least one health centre under the responsibility of a nurse or a physician.

247. To deal with the problems of reproductive-health coordination and management, a family service was created in the Department of Primary Health Care.

248. Apart from the official health establishments, there exist a total of 660 community health units. The community health workers and *matrones* (midwives) have been initiated into the treatment of fever in order to administer analgesics and antimalarials, especially in children and when assisting in simple childbirths. This makes it possible for them to detect the signs of high obstetric risk in pregnant woman and take them to the nearest establishments. At present, the majority of these establishments are not operational.

249. In Guinea-Bissau there are no private hospitals. There are only clinics and doctors' offices, health-care services or stations in enterprises, and clinics and private consultancies where women are followed during pregnancy and after childbirth. They also provide consulting on family planning.

250. In the regions, many NGOs operate in the sphere of health care in partnership with the Government. They include Action for Development, ALTERNAG and DIVUTEC, which, working together with the Government and international organizations, are currently rehabilitating and building health centres and residences for employees, in addition to assisting in the acquisition of [building]

materials and equipment with a view to intensifying sensitization activities aimed at community participation in health matters. The people participate in the construction of the health centre. With a view to ensuring that the actions will be lasting, management committees and capacities have been created at the level of the beneficiary communities.

251. With regard to NGOs, the Association guinéenne pour le bien-etre familial (AGUIBEF) has created a headquarters in Bissau and branches at Canchungo, Catio and Bafata. AGUIBEF provides clinical services at Santa Luzia (Bissau) in the areas of family planning, sexually transmitted infections (STIs) and prenatal and maternal consultations. Guinea-Bissau is a country with very high rates of maternal mortality (700 per 100,000 live births) and infant mortality (124 per 1,000). To cope with this problem, the Government of Guinea-Bissau, through the Ministry of Health, launched family planning throughout the health structures, starting in 1981 (source: *La Politique de santé reproductive*, October 2002).

#### Part IV

#### Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

252. The Constitution of the Republic of Guinea-Bissau guarantees that citizens are equal before the law (articles 24 and 25).

253. In article 44 (1), the Constitution states: All are recognized as having the right to a personal identity, civic capacity, citizenship, good name, reputation, image, word and the safeguarding of the intimacy of private and family life.

254. Article 32 provides: All citizens have the right of access to judicial organs to seek redress for violations of their constitutionally recognized rights and the law. Justice cannot be denied on economic grounds.

255. Article 67 of the Civil Code stipulates that persons may be subjects of any legal relationship in order to renounce all or part of their legal capacity.

256. The State guarantees the free circulation of persons and freedom of choice of domicile and ensures their protection, in the country of residence as well as abroad.

257. In the Book on the family, chapter on marriage, the Civil Code currently in force stipulates the same rights for men and women with regard to marriage. The spirit of article 25 of the Constitution of the Republic of Guinea-Bissau abolishes any discriminatory practice and establishes the principle of equality between the spouses in marriage. The Civil Code, in turn, in its articles 1672, 1677, 1678 and 1680, establishes the reciprocity of the duties of the spouses, especially with regard to the government of the home and bank deposits. Spouses are equal in terms of rights and duties pertaining to civil and political capacity as well as to the maintenance and education of children.

258. The legal system of Guinea-Bissau defends the principle of equality of the parties in all phases of proceedings, irrespective of the nature of the action (criminal, civil, administrative or labour-related), the civil status of the parties, their economic or social status or their status in the proceedings. Thus every citizen is guaranteed access to justice, without any distinction as to sex.

259. The legal support provided for in the Legal Assistance Act is proof of the will of the State of Guinea-Bissau to guarantee access to justice under equality of circumstances, regardless of sex.

260. In Guinea-Bissau it is incumbent on the bar association to provide legal assistance to economically and financially destitute citizens for appointing legal representatives.

261. The Guinea-Bissau Human Rights League has a legal assistance and support consultancy for women and children.

262. Non-governmental organizations, such as the Association for the Defence of Victims of Judicial Errors, have provided legal assistance and support to citizens, independently of their sex.

## Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
- (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
- (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

263. Article 25 of the Constitution stipulates: Men and women are equal before the law in all aspects of political, economic, social and cultural life.

Article 25, paragraph 1, reads: The State recognizes the constitution of the family and ensures its protection.

Again, according to the same article, children are equal before the law, independently of the civil status of the parents, and spouses are equal in terms of rights and duties with respect to civil and political capacity and the maintenance and education of children.

264. With regard to family law, according to the Civil Code, marriage, relationship, affinity and adoption are sources of familial legal relationships.

265. Act 3/76 governs de facto unions and informal (common-law) marriages. Articles 1 and 2 of the same Act define informal marriage as being really the union in full communion of life between a man and a woman, with legal capacity to decide on marriage. Informal marriage has all the effects inherent in formalized marriage when it is judicially recognized.

266. The courts may recognize an informal marriage provided that it meets the conditions of singularity, stability and commitment. Guinea-Bissau legislation protects the family and defends the principle of equality between men and women.

267. In the constancy of marriage, the man and the woman are mutually constrained by the duties of fidelity, cohabitation and assistance, as can be seen in article 1671 of the Civil Code. When the provisions of this article are taken together with article 25 of the Constitution of the Republic, the spouses have the same rights with respect to the family, the name, the exercise of a profession and the administration of the home and of their property.

268. Concerning divorce, at the moment of judicial separation of the marriage, both the husband and the wife are required by law to have the same rights and legal capacity in order for the simple separation of property to be legitimate, once the danger has been sensed as a consequence of bad management of the couple's property, in accordance with article 1767 of the Civil Code.

269. Marriage is dissolved upon the death of either the spouses or by divorce. Divorce entails the dissolution of the marriage and cannot be obtained without a court decision. Divorce may be applied for by either of the spouses on the basis of the events specified in article 4 of Act No. 6/76, of 3 May 1976, published in Supplement No. 1 to official gazette No. 18, of May 1976, or through a disputed divorce; or else jointly by both without any grounds, in which case what is involved is a divorce by mutual consent.

270. The determination of the Government of Guinea-Bissau to build a just society, ruled by the principles of equal rights and duties as well as the responsibility of parents to educate their children, led to the revocation of the civil law principle of discrimination between children. Instead, it was stipulated that children are equal before the law without any distinction as to maternal or paternal origins, as can be clearly seen from the Constitution of the Republic. Indeed, article 26, paragraphs 1 and 2, of the Constitution and Act No. 4/76, of 4 May 1976, refer to discrimination among offspring, which signifies that children are equal before the law, independently of the civil status of the parents; that the spouses have the same rights and duties with regard to civil and political capacity and the maintenance and education of their children; and that parents have the same rights and duties in relation to children born in or outside of wedlock.

271. The principle of equality between men and women set forth in the Constitution, together with the provisions of articles 1 and 2 of Act No. 5/76, of May, led to the fixing of the marriageable age at 17 years for both sexes and thus corrected the previous situation discriminatory toward girls in which the age was 14 years for girls and 16 years for boys. Article 1649 of the Civil Code provides special sanctions for the marriage of minors.

272. For the formalization of a marriage resulting from a proven union, the same conditions are required as for civil marriage. Regarding the capacity to marry and in order for the impediments to marriage provided by law not to exist, it is necessary for the man and the woman applicants in the proceeding to have been actually united for three years and for that union to satisfy the conditions of singularity, stability and commitment inherent in marriage. In that case, and in accordance with the terms of articles 2 and 4 of Act No. 3/76, the court may recognize the informal marriage.

273. Recognition of the union is a reality, although no statistics exist on the marital situation. The majority of women live in a union, the family situation so detrimental to women in their familial status and consequently in respect of patrimonial benefits deriving from it. Many women are unaware of the law governing the formalization of de facto unions, a situation that calls for dissemination among the public in order that they might avail themselves the provisions of article 6 of Act No. 3/76.

274. It is important to emphasize that in rural areas the majority of men and women live in de facto unions, the men living, as is the custom, with two or three women, sharing the same roof, the same table, but with the women in separate rooms.

275. Parents, independently of their civil status, have the same rights and the same responsibilities in the exercise of parental authority. The Constitution of the Republic, in article 25 (1), (2) and (3), establishes that children are equal before the law, irrespective of the civil status of the parents. The spouses are equal in terms of rights and duties with regard to civil and political capacity and the maintenance and education of their children. Incumbent on the parents is the guardianship and governance of unemancipated minor children with a view to defending, educating and nourishing them. It is also incumbent on parents to represent their infant children and to administer their property in accordance with article 1879 of the Civil Code. The Minors Jurisdictional Assistance Statute currently in force establishes that parents do not have the right to surrender parental authority or any of the rights which it specifically confers upon them without bringing into play the provisions of the Code concerning the adoption and guardianship of minors. Regarding paternal authority, article 1900 provides that, after the cessation of cohabitation of the spouses due to the death of one of them (widow-/widowerhood), it is incumbent on the survivor to exercise the rights and perform the duties attributed to the parents during marriage.

276. In the case of legal separation of persons and property by divorce, declaration of nullity or annulment of the marriage, both parents hold the paternal authority vis-à-vis their minor child. That power is exercised by agreement between the parents or, in the absence of such agreement, regulated by the juvenile court in accordance with article 1902 of the Civil Code or with the Minors Jurisdictional Assistance Statute. In the process of regulating the exercise of paternal authority, the court shall in all cases take into account the higher interest of the child, inasmuch as the child's fate, the determination of alimony and the form in which it is to be provided are at stake. In matters of guardianship, custody and adoption of children, no discrimination exists between men and women, given that the Guinea-Bissau legislation governing such matters provides that the man and the woman shall always be heard before the court before any decision is taken.

277. Article 1297 of the Civil Code stipulates that the charge of guardian shall fall on the person designated by the father or the mother. The father, in the exercise of paternal authority, may appoint the guardian of his minor child (article 1928 of the Civil Code).

278. Article 1998 of the Civil Code governs conditions of adoption, which depend on the consent of the natural parents of the minor, even if they do not exercise paternal authority. Here, too, no discrimination between men and women exists. Article 1974 specifies that the child is to be entrusted to a family, considering the superior atmosphere that this implies.

279. In Guinea-Bissau there is no institute of governance. However, there are children who require assistance because of disability owing to a physical abnormality, cases of deafness, blindness, alcoholism or drug use or who demonstrate the inability to manage their assets properly. There are institutions in the country for sheltering orphans, such as Maison Emmanuel, which takes in orphaned and vulnerable children, and the SOS Villages, set upon in the capital, in the east and in the north of the country, whose work is also to provide childcare.

280. With the recent rise in the phenomenon of drug use, which is affecting juveniles, a private detoxification centre in which the patients are interned and where the parents pay for the patients' treatment has been created in the Biombo region, Quinhamel sector.

281. The principle of equality of rights and duties between men and women, in accordance with article 25 of the Constitution of the Republic, make it possible for the husband and wife to adopt the names of either one, with the same legitimacy. Children use their parents' names, within the limitations imposed by the laws governing the civil registry.

282. In the area of personal rights, as husband and wife in the choice of profession or occupation, the law makes no mention of any discriminatory precept.

283. In relation to the rights of spouses pertaining to the administration of the couple's property, ownership and the exercise and disposition thereof, there is no discriminatory legislation in Guinea-Bissau (articles 24 and 25 of the Constitution of the Republic of Guinea-Bissau).

284. Act No. 5/76, of 4 May, sets the marriageable age at 17 years for both sexes. Pursuant to article 1651 of the Civil Code, registration of marriage is compulsory, both for marriages concluded within the country and for those concluded by Republic of Guinea-Bissau nationals abroad.

### III. Final considerations

1. The Republic of Guinea-Bissau, a State Party, unilaterally proclaimed its independence in 1973 and was recognized as a sovereign country a year later by the colonial power, Portugal. Eleven years of struggle preceded the country's accession to its new political status. In this way the Portuguese, more inclined to colonial war, relegated development, especially that of human resources, to the back burner. The PAIGC leaders, who took over the reins from the colonists, found themselves faced with numerous problems, two of which were of capital importance as the colonial regime changed hands: the organization of the administration and the shortage of qualified human resources. All efforts, therefore, were focused on the organization of the State apparatus. This situation, added to the difficulties explained in paragraph 13, affected the preparation and presentation of reports pursuant to the CEDAW Convention.

2. The dissemination of the CEDAW Convention as well as other international conventions ratified by Guinea-Bissau has been less aggressive than it should, despite the recognition of the efforts undertaken by IMC in collaboration with NGOs dedicated to gender issues, with the support of the United Nations system (UNFPA, UNICEF, UNDP, UNOGBIS).

3. It is therefore necessary to stimulate the process of dissemination of this important legal instrument for the defence of women's rights.

4. Being aware that the phenomenon of violence, in its various forms, continues to gain ground at a dramatic pace, affecting an ever-growing number of women and children (FGM, domestic violence, sexual slavery, sexual abuse, rape of children and women), the Government has designed, and supports and encourages, actions to contain and eliminate these practices, which pose a high risk for the health and well-being of women.

5. With regard to FGM, an extensive campaign of sensitization has been conducted among the principal actors involved in this practice: imams, fanatics, girls, etc. Thus, a national consultation workshop was held with a view to defining strategies aimed at the gradual discontinuance of FGM. This practice affects 44% of children and women, which rate, it has been proposed, should be reduced to 21% by the year 2015. This essentially involves mobilization at the community level and the strategy which the Government proposes to conduct, working jointly with the United Nations agencies and national and foreign NGOs concerned.

6. The constitutional rules on fundamental rights exclude none of those rights and are directly applicable insofar as their implementation involves public and private entities. Though fundamental rights are the resort of citizens, without any distinction as to sex, before the judicial organs, an obvious paradox remains: institutional sluggishness with respect to the need to bring national legislation into line with CEDAW and other international conventions ratified by Guinea-Bissau. That is the reason why a UNICEF-subsidized study requested by the National Popular Assembly is still in progress at the Bissau Faculty of Law.

7. The harmonization of national legislation with international conventions ratified by Guinea-Bissau is a matter of growing urgency. The Civil Code, and in particular Book IV – Family Law – needs updating, for the majority of its provisions are totally out of date with respect to today's constitutional and legal setting and the modern social mentality regarding family relations. The General Labour Act is in the same situation, despite the fact that its amendment has reached an advanced stage.

8. As for the question of an integrated approach to gender (equality and equity), important steps have been taken:

- Regional and national mutual consultation workshops to identify the key questions relating to gender, with an eye to integrating women and men into the process of defining the strategic framework for the consolidation of peace in Guinea-Bissau; in this connection the CEDAW Convention and resolution 1325 have been widely distributed at these workshops;
- A workshop involving all actors who have taken up the gender issue, for the purpose of validating the following texts:
  - The report on the institutional analysis of national capacities in the area of gender;
  - The IMC statutes;
  - The road map for the elaboration of the National Policy on Gender Equality and Equity (PNIEG).

9. Carrying out periodic surveys in order to obtain and update the information necessary for the implementation and monitoring of the gender policy adopted by the country requires expertise that is not available locally; here it is important to note that support from the international organizations concerned has been requested.

10. The question of refugees has not been dealt with, yet it is important to realize that Guinea-Bissau is a post-conflict country faced with the consequences of cross-border conflicts (Casamance/Senegal, Sierra Leone, Liberia and Côte d'Ivoire). A reference to this experience should be retained.

11. The National Popular Assembly approved Act No. 6/2008 (Status of Refugees), regulating the situation of refugees and internally displaced persons. The objective was harmonization with the Geneva Convention on the Status of Refugees, of 28 July 1951 (additional protocol of 31 January 1967 – Status of Refugees), and the OAU (Organization of African Unity) Convention Governing the Specific Aspects of Refugee Problems in Africa, of 10 September 1969.

12. Thus, enshrined in chapter II of the said Act are measures and rights to promote the training and qualification of refugees with a view to their integration into Guinea-Bissau society. Refugees are guaranteed the right to carry on a liberal activity, the right to work, the right of access to hospital care, education and social security, the right to circulate freely and the right to administrative assistance, to a travel document and to naturalization (articles 28 to 34).

13. The rights of internally displaced persons are also regulated in the said statute.

14. According to data of the National Refugee Commission (CNR), in Guinea-Bissau there are more than 8,836 refugees (2007 data) from various countries of the subregion: Senegal, Liberia, Côte d'Ivoire, Sierra Leone, Democratic Republic of the Congo, Nigeria and others. They are guaranteed the rights set out in the Act, without any discrimination as to sex or origin.

15. CNR organizes training courses for the rehabilitation of refugees, concentrated primarily in rural areas (Djolmet and S. Domingos). The purpose of the training is to qualify, energize and organize refugees and internally displaced persons.

## Bibliography

The bibliography included in this report illustrates the general framework of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention) and other conventions signed, ratified or not ratified by the ANP (National Popular Assembly), and laws on the defence and protection of women's rights at every level, approved by the ANP and published in the official gazette.

### I. Domestic law

- Constitution of the Republic of Guinea-Bissau;
- Loi générale du travail (General Labour Act - Act No. 2/86, of 5 April 1986), *Bulletin Officiel* (B.O. - official gazette) No. 14, supplement 3;
- Loi de la liberté syndicale (Trade-Union Freedom Act - Act No. 8/91, of 3 October 1991), B.O. No. 39, supplement;
- Statut du personnel de l'administration publique (Public Administration Personnel Statute – (Decree No. 12-A), B.O. No. 9, of 30 June 1992;
- Guinea-Bissau Penal Code (Decree-Law No. 4/93, of 13 October 1993), B.O. No. 41, supplement;
- Code of Criminal Procedure (Decree-Law No. 5/93, of 13 October), B.O. No. 41, supplement;
- Electoral Act (Act No. 4/93, of 24 February 1993), B.O. No. 15;
- Bases pour attribution de la nationalité (Bases for the Granting of Nationality - Act No. 1/76), B.O. No. 18, of 4 May 1976, which repeals Base XI of Act No. 1/76, of 4 May, B.O. No. 6, of 15 February 1984, also repealed by the Citizenship Act (Act No. 2/92, of 3 April 1992), B.O. No. 4, supplement 2;
- Guinea-Bissau Civil Code (Decree-Law No. 47.333, of 25 November 1966), B.O. No. 38, of 25 September 1967, supplement;
- Family Code, Book IV;
- Act No. 3/76, of 4 May 1976;
- Act No. 4/76, of 4 May 1976;

### II. International conventions

- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962;
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW, 2000;

- Declaration on the Protection of Women and Children in Emergency and Armed Conflict, 14 December 1974;
- Convention on the Political Rights of Women, 20 December 1952;
- African Charter on Human and Peoples' Rights, adopted by the Organization of African Unity (OAU) in June 1981;
- ILO Convention No. 183, on Maternity (revised in 1952), approved on 15 June 2000 and not ratified;
- ILO Convention No. 89, concerning Night Work of Women Employed in Industry (revised in 1948), 9 June 1948, Series 1, No. 19, DR (Diário da República/Portugal), of 23 January 1963;
- ILO Convention No. 45, concerning the Employment of Women on Underground Work in Mines of All Kinds, 21 June 1935, Series 1, No. 27, DR;
- ILO Convention No. 100, concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, 29 June 1951, Series 1, No. 48, of 26 June 1966;
- ILO Convention No. 111, concerning Discrimination in Respect of Employment and Occupation, 25 June 1958, Year XXVI, No. 18, of 30 September 1959;
- ILO Convention No. 87, concerning Freedom of Association and Protection of the Right to Organise, 9 July 1948.

## **Annexes\***

1. Constitution of the Republic of Guinea-Bissau
  2. Loi générale du travail (General Labour Act)
  3. Statut du personnel de l'administration publique (Public Administration Personnel Statute)
  4. Loi Electorale (Electoral Act)
  5. Statut de la carrière diplomatique (Diplomatic Career Statute)
  6. Statut du réfugié (Status of Refugees)
  7. Loi des parties politiques (Political Parties Act)
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\* Annexes are on file with the Secretariat and are available for consultation.