

Universal Periodic Review (35th session, January – February 2020)

Contribution of UNESCO

Guinea-Bissau

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State party	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	28/01/2006 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	07/03/2016 Acceptance			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **1984 Constitution of the Republic of Guinea Bissau**, as last amended in 1996¹, enshrines the right of all citizens to education in article 49 and provides that the “State shall gradually promote the gratuitous nature of education and the equal possibility of all citizens to have access to every level of education”. Article 24 protects the principle of non-discrimination and article 25 states that “Men and women are equal before the law in all aspects of political, economic, social and cultural life.”

2. The **Basic Education Law of Guinea-Bissau of 2010**² affirms that basic education is compulsory and provides that the first and second cycles of basic education, comprised of grades 1-6, are free. From the 7th year to 9th year of basic education is tendentiously free depending on the economic possibilities of the State.

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of expression and the press are guaranteed under Article 44 and 44A of the Constitution of Guinea-Bissau (1991, amended in 1996).³

4. Defamation and libel are criminal offences under Article 126 of the Penal Code of Guinea-Bissau (1993), carrying a punishment of a jail term of up to one year or a fine.⁴ Defamation committed through the media carries an increased penalty by half, as set out in Article 127.

5. A freedom of information law does not currently exist in the country. However, under Article 9 of the Press Law (1991)⁵, which regulates the press, states that professional journalists can have access to official sources of information.

Implementation of legislation:

6. The Information and Communication Technology of Guinea-Bissau is a regulatory authority, established by Basic Information and Communication Technology Law 2010⁶. The

¹ <http://www.unesco.org/education/edurights/media/docs/688be193bb881fd3d2d1bb1479349da318b52f4a.pdf>

² <http://sociologia.ihl.unilab.edu.br/wp-content/uploads/2018/08/GUIN%C3%89-BISSAU-1.pdf>

³ <http://constitutionnet.org/sites/default/files/Guinea-Bissau%20Constitution.pdf>

⁴ <https://ihl-databases.icrc.org/ihl-nat/0/680FC9B367B474BCC12577A50035BA0D>

⁵ http://guine-bissau.fi/org_pol_adm/legislacao/2.3.5.html

⁶ <http://arn.gw/activeapp/wp-content/uploads/2015/03/3.-%C2%A6SUP.-B.-O.-N.-%C2%A6-21-2010.pdf>

authority's purpose is to support the Government in regulating, supervising and planning the information and communication technology sector.⁷ Its board members are appointed by the Council of Ministers.

Safety of Journalists:

7. UNESCO has recorded no killing of journalists in Guinea-Bissau since systematic reporting began in 2008.⁸

III. Review and specific recommendations

A. Education

8. In the last UPR cycle, Guinea Bissau was recommended to pursue efforts to ensure access to education without discrimination, notably for the most vulnerable and increase the quality of education. Several recommendations focused on girls and women; encouraging girls to attend school, combatting female genital mutilation and preventing child, early and forced marriages. Including human rights education in school curricula was also recommended.

Policy framework:

- The most recent National Education Plan (NEP- Plano Sectorial da Educação da Guinee-Bissau 2017-2025)⁹ aims to guide the country's education sector strategy for the next decade. The plan prioritizes expanding education coverage, improving education quality, and supporting TVET and higher education. Strengthening the management of schools is a key priority, by improving coordination, decentralization, and financial management.
- The Strategic and Operational Plan 2015-2025 "Terra Ranka"¹⁰ was adopted in March 2015.

Free and compulsory education and non-discrimination:

- The Education 2030 Framework for Action calls on states to provide at least one year of free and compulsory quality pre-primary education and progressively guarantee 12 years of free education of which nine are compulsory. While 9 years of basic education are compulsory, only 6 are free and pre-primary education is neither free nor compulsory.
- The Basic Education Law of Guinea-Bissau of 2010 does not posit the principle of non-discrimination in education.

⁷ <http://nic.gw/en/who-we-are/>

⁸ <https://en.unesco.org/themes/safety-journalists/observatory>

⁹ <https://www.globalpartnership.org/content/education-sector-plan-2017-2025-guinea-bissau>

¹⁰ [http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/RD\(2015\)15/RD2&docLanguage=En](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DCD/DAC/RD(2015)15/RD2&docLanguage=En)

- The Law on the Status of Refugees of 2008 recognises the right to education on an equal footing with nationals (art. 30).¹¹ Migrant children are also engaged in a wide variety of work activities particularly young boys (*talibés*¹²) from countries with significant Muslim populations, including Guinea-Bissau are sent to other large Muslim countries such as Senegal for Koranic education.¹³ The Association of the Friends of Children estimated that up to 500 children mostly from Guinea, lived on the streets of urban centers in Guinea-Bissau. The Government provided no services to them. Reportedly these children usually ended up begging and being mistreated. The government worked with Senegal to return these children to Guinea-Bissau and 200 were repatriated.¹⁴

Pre-primary education:

- The gross enrolment rate at pre-primary education has increased from 7% in 2010 to 13% in 2013, however its availability remains limited to urban centers.¹⁵

Basic education:

- The completion of the first two cycles of basic education has deteriorated from 64% in 2010 to 59% in 2013.¹⁶ The NEP stated that only 25% of schools offer all 6 levels of education and only 47% of school children have complete primary education in the same school, while the others have to seek another school to pursue their studies. It was noted that the level of student achievement is low and “Owing to the high repetition rate, some 37% of children attending primary school are aged between 13 and 17.”¹⁷

TVET, secondary and higher education:

- The NEP highlighted the need to reform the TVET sector in order to meet the needs of the youth and respond to the labour market.
- At secondary level, school dropout before finishing the cycle is high (38%) and there is a lack of harmonized school curricula.¹⁸ Only 20% of girls and 27% of boys attend secondary school and the number of schools is inadequate requiring children to walk or travel long distances to pursue their education past the primary level.¹⁹

¹¹ *Lei no 6/2008 de 27 de Maio, Estatuto do refugiado*. Cited in Migration and Education in West Africa. Background paper prepared for the 2019 Global Education Monitoring Report.

¹² A talibé is a young boy, either a student or a follower learning the Coran.

¹³ Thorsen, D., *Children Begging for Qur’anic School Masters. Evidence from West and Central Africa*, Briefing Paper No. 5, UNICEF, 2012. Cited in Migration and Education in West Africa. Background paper prepared for the 2019 Global Education Monitoring Report.

¹⁴ US State Department. *Guinea-Bissau 2018 Human Rights Report*, p. 11.

¹⁵ National Education Plan 2017-2025, p. 9.

¹⁶ *Ibid.*, p. 10.

¹⁷ HRC, *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*, mission to Guinea-Bissau (23 February–1 March 2014), A/HRC/29/31/Add.1, April 2015, http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/31/Add.1

¹⁸ National Education Plan 2017-2025, p. 13.

¹⁹ HRC, *Report of the Special Rapporteur*, para. 49.

- Higher education saw its number of students increase considerably however according to the NEP it does not respond to the economic and social development needs, there are problems of organization and the infrastructure is not adequate.²⁰

Non-formal education and literacy:

- The NEP noted: “With regard to literacy and non-formal education, until 2015 there is no action for children aged 9 to 14 outside the school system; only a few literacy sessions for adults are organized.”²¹ Only 57% of the population are literate.

Teachers and quality education:

- Teachers often strike and are not paid on a regular basis by the State.²² Consequently, the start of the 2018 academic year was seriously affected and resulted in violent demonstrations, raising “concerns over the quality of, and overall access to, the educational system”²³.
- Statutory working time is limited to teaching hours.²⁴
- “More than 45% of school-age children do not have access to school, owing to lack of infrastructure and of qualified and motivated teachers” and “37% of teachers have no formal teaching skills”²⁵.

Girls’ and women’s right to education:

- “Women and girls are often solely responsible for unpaid care work and for providing for their families in situations of extreme scarcity [resulting in a] complete denial of their rights, such as the rights to education [...]”²⁶
- “Only 12% of girls complete the primary cycle (18% of boys) as a result of girls’ work in household chores, agriculture and small businesses”²⁷.
- The literacy rate of the male population is 68.2%, compared with 40.6% for the female population.²⁸
- “Female genital mutilation, which is an assault on women and girls’ physical integrity and violates their right to health, often has an impact on education and is widespread in certain communities.”²⁹

²⁰ National Education Plan 2017-2025, p. 14.

²¹ Ibid. [unofficial translation]

²² HRC, *Report of the Special Rapporteur, op. cit.*, para. 59.

²³ SC, *Report of the Secretary-General on developments in Guinea-Bissau and the activities of the United Nations Integrated Peacebuilding Office in Guinea-Bissau*, S/2018/110, February 2018, para. 41, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2018_110.pdf

²⁴ Ibid. p. 67.

²⁵ HRC, *Report of the Special Rapporteur, op. cit.*, para. 56.

²⁶ Ibid., para. 30.

²⁷ Ibid. para. 58

²⁸ Ibid. para. 30.

²⁹ Ibid. para. 32.

- It appears that minimum age for marriage is 18 years, but child marriage remains permissible if there is parental consent.³⁰ Furthermore, on average, between 7 and 10% of girls are forced into marriage before they reach the age of 15 years, 28 and 29% are married before reaching 18 years of age.³¹ Early pregnancies and early marriages deprive them of their education.³²

Child labour:

- According to the General law on labour n° 2/1986, the minimum working age is 14 years and no child of compulsory school age should be employed. However, this is not aligned with the end of compulsory education set at 15 years of age. Child labour hampers education and in “2010, 57% of children between the ages of 5 and 14 were engaged in child labour”³³. The legal minimum age is 18 for heavy or dangerous labour, including mining. Minors are prohibited from working over time., but there are no specific laws to protect children from hazardous work. The law prohibits all forms of forced labour, but the government did not effectively enforce the law. There were reports forced child labour in the informal sector, included forced begging, selling food on urban streets and domestic services.³⁴
- Child labour in rural communities include both domestic and fieldwork without pay to help support their families. In urban areas, children performed agriculture and mining, shoe shining, and selling food on streets, begging that perpetuated by corrupt teachers in some Quranic schools.³⁵

Persons with disabilities:

- The law does not specifically prohibit discrimination against persons with disabilities. The provisions existed to allow blind and illiterate voters to participate in elections, but voters with severe intellectual disabilities may not be able to benefit from such service.³⁶

Specific recommendations:

9. Guinea-Bissau should be encouraged to:
 - Ratify the UNESCO Convention against Discrimination in Education.
 - Introduce one year of free and compulsory pre-primary education and extend access to pre-primary education across the State.
 - Take concrete steps to extend free quality education to 12 years of which nine are compulsory.

³⁰ Girls not Brides, Guinea-Bissau, <https://www.girlsnotbrides.org/child-marriage/guinea-bissau/>. However different sources state different ages. The Civil Code should be made easily accessible.

³¹ HRC, *Report of the Special Rapporteur, op. cit.* para. 33.

³² Ibid. paras. 35 and 49.

³³ Ibid. para. 60.

³⁴ The US State Department, *Guinea-Bissau 2018 Human Rights Report*, pp. 13-14.

³⁵ Ibid. pp.13-14

³⁶ Ibid. P. 12.

- Introduce legal provisions guaranteeing the right to education on a non-discrimination basis by implementing the international conventions and instruments that the State ratified.
- Enhance measures to ensure that all compulsory school age children are in school and ensure access to all education levels across the State.
- Reduce school dropouts at the primary and secondary level and harmonize school curricula.
- Ensure that TVET and higher education respond to the economic and social development needs.
- Improve literacy and access to non-formal education.
- Improve teacher's working conditions, ensuring that they are paid on time, and that they have necessary qualifications and receive both pre-service and in-service training.
- Take measures to ensure the right to education for girls and women, increase the minimum age of marriage to 18 years with no exceptions and increase efforts to combat female genital mutilation and early and forced marriages.
- Combat child labour and ensure that the minimum employment age is raised to 15 years old.
- Submit regularly comprehensive national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, and notably on the Recommendation against Discrimination in Education.
- Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.³⁷

B. Freedom of opinion and expression

10. The Government is encouraged to introduce a freedom of information law that is in accordance with international standards.

11. The Government is encouraged to decriminalize defamation and insult, and place them within the civil code, in accordance with international standards.

12. The Government is encouraged to assess the system for regulating the broadcasting and ICT sector in order to ensure that this process is transparent and independent.

³⁷ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

C. Cultural rights

13. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³⁸ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³⁹, Guinea-Bissau is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Guinea-Bissau is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

14. Guinea-Bissau is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

D. Freedom of scientific research and the right to benefit from scientific progress and its applications

15. Guinea-Bissau did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Guinea-Bissau is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.

³⁸ Periodic Report available at: <https://whc.unesco.org/archive/2011/whc11-35com-10Ae.pdf>

³⁹ Periodic Report not available.