



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Guinea-Bissau and welcome the constructive engagement of your Government during the 35<sup>th</sup> session of the UPR Working Group in January 2020.

As the final outcome report on the review of Guinea-Bissau has been recently adopted by the Human Rights Council at its 45<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Guinea-Bissau – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 75 delegations and the presentation made and responses provided by the delegation of Guinea-Bissau. I have also considered the actions taken by the Government of Guinea-Bissau to implement the 147 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I take particular note of the ratification of several important international instruments, including the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.

I encourage Guinea-Bissau to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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Her Excellency  
Ms. Suzi BARBOSA  
Minister for Foreign Affairs  
Republic of Guinea-Bissau



I also encourage Guinea-Bissau to establish a national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:  
[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf).

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Guinea-Bissau to consider submitting a mid-term report on follow-up to the third cycle of the review, by the end of 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Guinea-Bissau in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, reading "Michelle Bachelet", with a long horizontal line extending to the right.

Michelle Bachelet  
High Commissioner for Human Rights

cc: Mr. Mamadou DIALLO  
United Nations Resident Coordinator  
Republic of Guinea-Bissau



## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the International Convention for the Protection of All Persons from Enforced Disappearance; the UNESCO Convention against Discrimination in Education; and the Rome Statute of the International Criminal Court.
- Stepping up collaboration with human rights treaty bodies, by submitting the periodic reports on time, and strengthening the dialogue between the authorities of Guinea-Bissau with United Nations thematic human rights mechanisms.
- Continuing efforts to fully implement accepted recommendations and making efforts to implement the recommendations it received in the third cycle of the universal periodic review process, with the support of the international community.

### **National human rights framework**

- Finalizing the revision of the Constitution, ensuring that it is aligned with the country's treaty obligations, and submitting it for approval by the Parliament and the President of the Republic.
- Making every effort to maintain the country on the path to democracy and to consolidate the rule of law; and stepping up efforts to implement, as a matter of priority, the adopted six-point road map and the Conakry Agreement to ensure peace and stability.
- Intensifying efforts to finalize, adopt and implement pending legislative frameworks, including draft legislation on the code of civil status and the recovery of assets from crime.
- Reviewing the statutes of the national human rights institution to align them with the Paris Principles; guaranteeing the selection of its members through public and transparent processes, with pre-established criteria; and ensuring that it is adequately resourced.
- Establishing an interministerial commission for the coordination and implementation of public policies in the field of human rights and the preparation of reports for international human rights mechanisms.
- Increasing efforts for implementation of the Terra Ranka Strategic and Operational Plan.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Development, the environment, and business and human rights*

- Implementing policies to mitigate the effects of climate change, including by adopting a comprehensive approach to climate change adaptation and mitigation policies consistent



with the United Nations Framework Convention on Climate Change and the Sendai Framework for Disaster Risk Reduction.

- Ensuring that environmental assessments are carried out and that all those involved in illegal activities regarding the exploitation of natural resources are brought to justice.

## **B. Civil and political rights**

### *Right to life, liberty and security of person*

- Improving conditions of detention and, in particular, adopting measures to address prison overcrowding and to improve sanitary conditions; and strengthening mechanisms to effectively address complaints of inhumane treatment and poor conditions in prisons and places of detention.

### *Administration of justice, including impunity, and the rule of law*

- Accelerating reforms of the justice sector in order to ensure its independence and better accessibility of the court system; strengthening the capacity of the judiciary, including by allocating sufficient financial resources and by appointing qualified and independent staff; and taking measures to reduce the negative impact of traditional justice.
- Facilitating and guaranteeing access to justice in all regions through the establishment and operationalization of tribunals and the reduction of court fees; and institutionalising and allocating an effective programme of free legal assistance for those lacking economic resources.
- Addressing the high level of impunity, including by giving priority to establishing an adequate victim and witness protection programme; continuing efforts to ensure that allegations of human rights violations committed by security forces are subject to independent and impartial investigations; and providing human rights training to police officers and to law enforcement officials in the country.
- Adopting and implementing a comprehensive transitional justice and reconciliation plan that is aligned with international human rights standards.
- Actively combating corruption and improving mechanisms for opposing transnational crime in general and drug trafficking in particular; enhancing the national response to counter illicit trafficking and organized crime through technical assistance in drafting the national action plan and in capacity-building for the relevant national law enforcement and justice institutions; and ensuring the effective implementation of the National Strategic Plan on Combating Drugs and Organized Crime and Reducing Risk.

### *Fundamental freedoms*

- Creating and maintaining, in law and in practice, a safe and enabling environment for civil society and human rights defenders, including by providing adequate protection for the right to freedom of expression.
- Ensuring the right to freedom of expression, in particular by refraining from interfering in peaceful assemblies and ensuring that cases of excessive use of force by law enforcement officials are appropriately investigated.
- Adopting measures to decriminalize defamation and insult.



### *Prohibition of all forms of slavery*

- Increasing its efforts to effectively combat trafficking in human beings, including by reconvening the interministerial steering committee on trafficking.
- Enforcing legislation related to child trafficking through investigation and prosecution of trafficking offences; and ensuring sufficient resources for the rehabilitation of victims of trafficking and the prosecution of those responsible for trafficking, including child trafficking and forced child labour such as forced begging as well as child sex tourism.

## **C. Economic, social and cultural rights**

### *Right to social security*

- Continuing with efforts to formulate a social protection strategy as a mean for eliminating poverty in the country and measuring progress made towards the achievement of the Sustainable Development Goals.
- Taking further steps to ensure basic services, by allocating the necessary budget and resources, and implementing adequate programmes, particularly in the areas of education, health and employment.

### *Right to an adequate standard of living*

- Strengthening the implementation of poverty alleviation programmes through partnerships with the international community.
- Developing agricultural and rural infrastructure to increase productive capacity, boost livelihoods and increase food security.
- Effectively engaging at the national and local levels in an inclusive, sustainable and resilient housing and urban development programme or policy.
- Continuing efforts to increase the availability of safe, potable water and adequate sanitation facilities in rural areas.
- Continuing to implement measures to combat malnutrition with a view to reducing one of the main causes of child mortality and morbidity in the country.

### *Right to health*

- Building health financing systems to move towards universal health coverage, allowing the Government to raise funds for the health sector.
- Strengthening the national health policy with a view to expanding health coverage, infrastructure and human resources; and strengthening the implementation of policies and directives aimed at improving access to health-care services, in particular for persons with disabilities, women and young people.
- Taking the necessary measures to reduce neonatal and maternal mortality rates, including by developing specialized midwife programmes to ensure well-functioning midwife-led continuity of care; building the capacity of health workers to provide good-quality maternal and newborn health care; providing health facilities with the necessary medicines and equipment; and improving community transportation to health facilities.



- Ensuring the decentralization of sexual and reproductive services at the local level, including through the broadening of protection services of the Ministry of Health, Family and Social Cohesion in all regions of the country; and guaranteeing that providers of these services have the necessary qualifications to respond to cases of female genital mutilation and other forms of gender violence.
- Continuing efforts to eliminate HIV/AIDS and strengthening measures to safeguard the right to health and health care for people living with HIV/AIDS, tuberculosis and malaria.

#### *Right to education*

- Allocating an adequate budget to education so as to meet the financial resource allocation requirement stipulated in the Education Sector Plan; ensuring sufficient resources to build schools that are equipped with appropriate infrastructure throughout the country, including schools for persons with disabilities; and improving teachers' working conditions, ensuring that they are paid on time and that they have the necessary qualifications and training.
- Strengthening action to ensure that all children of compulsory school age have access to education; and reducing school dropout rates and taking meaningful measures to increase school enrolment rates.
- Continuing to take the necessary measures to reduce the gap in access to education between rural and urban areas.
- Combating girls' early school dropout, including by eradicating harmful practices such as early and forced marriages.
- Improving access to education for children with disabilities through teacher training and the revision of the curriculum.

#### **D. Rights of specific persons or groups**

##### *Women*

- Continuing efforts to promote and protect the rights of women, in particular by effectively implementing gender equality laws and policies protecting women's rights, including the National Policy on Gender Equality and Equity and the 2019 Gender Parity Act, so that governance structures are more inclusive and gender-balanced.
- Ensuring the effective implementation of existing laws on domestic violence; and undertaking specific measures to increase the reporting of all forms of violence and abuse against women and girls, including through the development of education campaigns, enhanced training for police and the judiciary, and the provision of survivor support services.
- Adopting additional measures to combat discriminatory harmful practices against women and girls, such as female genital mutilation; taking action to support activities to sensitize communities to the reasons for, and importance of, respecting the 2011 law against female genital mutilation, particularly in high-prevalence areas, and to ensure that cases are brought to trial; developing a clear capacity-building plan for service providers in order to ensure that they have the appropriate skills and capacity to respond appropriately to cases of female genital mutilation; and cutting other forms of gender-based violence.



### *Children*

- Finalizing the process of adopting the draft code of integrated child protection.
- Promoting an effective partnership between the State institutions for the Civil Registry, the Curatorship of Minors and local administrations to create mobile registration offices with a view to providing and facilitating free access to the registry for all, especially the most vulnerable.
- Taking appropriate measures to prevent all forms of violence against children, including child labour and exploitation, by means of increasing the minimum age for labour.
- Strengthening measures to prevent child and forced marriages, in particular those related to coordination between agencies, public education and awareness of girls and boys at risk; raising the minimum legal age for marriage to 18 with no exceptions; and bringing all relevant national legislation into line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

### *Persons with disabilities*

- Adopting the provisions necessary for the implementation of the law on the promotion and protection of the rights of people with disabilities, and implementing a national policy and a specific strategy to enhance the autonomy of persons with disabilities.

### *Migrants, refugees, asylum seekers and stateless persons*

- Ensuring relevant human rights provisions in ratified conventions are implemented and increasingly translated into consistent laws and practices.