

Universal Periodic Review

(21st session)

Contribution of UNESCO to Compilation of UN information

(to Part I. A. and to Part III - F, J, K, and P)

Guinea-Bissau

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</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>
Convention against Discrimination in Education (1960)	Not state party to the Convention			Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	28/01/2006 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to this Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. **The 1984 Constitution of the Republic of Guinea Bissau**, as last amended in 1996,¹ ensures the right to education to every citizen without discrimination and establishes the eradication of illiteracy as a priority.

Legislative Framework:

3. “In primary education, the **primary education law adopted in 2010** attaches the former general secondary education to primary education, which will from now on have 3 cycles.[...]”²

4. Moreover, according to the Three-year plan for the development of education: 2011-2013, “the adoption of a Law on Higher education” was scheduled for the first year of the plan.³

Policy Framework:

5. The **Three-Year Plan for the Development of Education: 2011-2013**⁴ was launched in March 2010. According to the Plan, “Guinea-Bissau is committed to the policy of ‘Education For All’. Analyses carried out in 2008, following on from the RESEN (State Report on the National Education System), shows that it should be possible for all children to receive a complete primary education of six years **by 2020**, and for the majority of them to continue their education beyond this stage and carry it out to the next stage.

Cooperation:

6. Guinea-Bissau is **not party** to the 1960 UNESCO Convention against Discrimination in Education.

7. Guinea-Bissau **did not report** to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- a) **Sixth Consultation** of Member States (covering the period 1994-1999)
- b) **Seventh Consultation** of Member States (covering the period 2000-2005)
- c) **Eighth Consultation** of Member States (covering the period 2006-2011)

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

² Three-Year Plan for the Development of Education: 2011-2013, March 2010, p. 114, accessible at: <http://www.unesco.org/education/edurights/media/docs/f5ba5d51b16ce3edc830046202e2f681b1d86f15.pdf>

³ Three-Year Plan for the Development of Education: 2011-2013, March 2010, p. 52, accessible at: <http://www.unesco.org/education/edurights/media/docs/f5ba5d51b16ce3edc830046202e2f681b1d86f15.pdf>

⁴<http://www.unesco.org/education/edurights/media/docs/f5ba5d51b16ce3edc830046202e2f681b1d86f15.pdf>

8. Guinea-Bissau **did not report** to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:
 - a) **Fourth Consultation** of Member States (covering the period 2005-2008)
 - b) **Fifth Consultation** of Member States (covering the period 2009-2012)
9. Guinea-Bissau **did not report** to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the **First Consultation** of Member States (1993). However, it **reported** within the framework of the **Second Consultation** of Member States (2011).
10. Guinea-Bissau is **not party** to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Constitutional and Legislative Framework:

11. Freedoms of expression and of the press are guaranteed under **Article 44** of the Constitution of Guinea-Bissau (1991, amended in 1996).⁵ However, **Article 31** of the Constitution stipulates that such freedoms may not be used against the Nation's independence, territorial integrity, national unity, institutions of the Republic, or principles and goals.⁶
12. A freedom of information law does not currently exist in the country. However, under Article 9 of the Press Law (1991)⁷, which regulates the press, it is stated that professional journalists can have access to official sources of information except for the judicial proceedings, the facts and documents classified as military or state secret, information deemed as secret or confidential by law enforcements and relating to private lives of citizens.
13. 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.⁸ Defamation committed through the media carries an increased penalty by half, as set out in Article 127. Under Article 128, if the allegation or insult discriminates the victim's race, religion or ethnicity, offending his/her honor or reputation, a penalty of two years' imprisonment or a fine shall apply.

Media Self-Regulation:

14. Media self-regulatory mechanisms are not sufficiently developed in the country.

⁵ Amended Constitution http://www.wipo.int/wipolex/fr/text.jsp?file_id=315266 (accessed 17/01/2014).

⁶ <http://www.constitutionnet.org/files/Guinea-Bissau%20Constitution.pdf>

⁷ http://guine-bissau.fi/org_pol_adm/legislacao/2.3.5.html

⁸ http://www.fdbissau.org/PDF_files/Dir%20_Penal.pdf

Safety of Journalists:

15. UNESCO recorded no killing of journalists in Guinea-Bissau between 2008 and 2012⁹. However, journalists work under political instability and threats from military forces. Foreign journalists were ordered to leave the country due to their critical reports of the government including the case of Portuguese journalist Fernando Teixeira Gomes in 2012.

III. RECOMMENDATIONS

16. **The recommendations formulated during the interactive dialogue and listed below have been examined by Guinea-Bissau and enjoy its support¹⁰:**

- i) A - 65.62. Enact the prohibition of female **genital mutilation**, and strengthen its awareness-raising and educational efforts to eliminate that practice and its underlying cultural justifications (Norway);
- ii) A - 65.63. Enact legislation explicitly prohibiting female genital mutilation; strengthen awareness raising and educational efforts to eliminate that practice and its underlying cultural justification; and ensure that offenders are prosecuted and punished (Slovenia);
- iii) A - 65.64. Develop and adopt comprehensive strategies to address all forms of **violence against women**, and raise educational awareness to eliminate female genital mutilation (United States);
- iv) A - 65.93. Continue to implement programmes and measures to guarantee quality health services and **quality education free of charge** (Cuba);
- v) A - 65.98. Intensify its efforts in the area of **human rights education** and capacity-building, and organize training seminars on human rights for those working in relevant institutions and bodies (Egypt);
- vi) A - 65.101. Continue to promote human rights education and training at all levels of the education system (Philippines).

17. **The recommendations set out below did not enjoy the support of Guinea-Bissau:**

- i) R - 67.2. Have a programme of education and training in human rights as a prerequisite for anyone wishing to join the armed forces (Spain);
18. **Analysis:** Though Guinea-Bissau adopted a national plan in 2011 to ensure education for all, the unstable political context has made it difficult to truly measure its implementation and efficiency. In addition, the plan has not forecast sufficient measures to promote human rights education and prevention against violence against women.

19. **Specific recommendations for the second UPR cycle on the right to education:**

⁹ UNESCO condemns journalists <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/> (accessed 17/01/2014).

¹⁰ http://www.upr-info.org/IMG/pdf/Recommendations_to_Guinea_Bissau_2010.pdf

- 19.1 *Guinea-Bissau is encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.*
- 19.2 *Guinea-Bissau is encouraged to continue to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.*
- 19.3 *Guinea-Bissau is encouraged to intensify its efforts to achieve universal primary education and to increase educational opportunities for illiterate people.*
- 19.4 *Guinea-Bissau is encouraged to take further measures to address high drop-out rates, low transition rates between primary and secondary education.*
- 19.5 *Guinea-Bissau could be encouraged to further its efforts to eliminate all costs of schooling, including hidden costs for families.*
- 19.6 *Guinea-Bissau could be encouraged to intensify its efforts to enhance the quality of education and dedicate more resources to improve teacher's working and living conditions.*
- 19.7 *Guinea-Bissau could be encouraged to take additional measures to further promote women rights providing education on genital mutilation and HIV/AIDS consequences.*

Freedom of opinion and expression

20. Guinea-Bissau is encouraged to introduce a freedom of information law that is in accordance with international standards.
21. Guinea-Bissau is encouraged to decriminalize defamation and place them within the civil code that is in accordance with international standards.
22. Guinea-Bissau is recommended the development of self-regulatory mechanisms of the media as well as strengthening the professional standards of journalism in the country.
23. Guinea-Bissau must ensure that journalists and media workers, both local and foreign, are able to practice the profession in a free and safe environment as part of their fundamental human rights.

Cultural rights

24. Guinea-Bissau is encouraged to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage (2003) and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). Furthermore, as a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972), 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 facilitate 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.

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

25. With regard to contribution of science and technology to development, Guinea-Bissau is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and the proposed revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.