



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

Distr.: General
31 August 2009

Original: English

**Committee on the Elimination of Discrimination
against Women
Forty-fourth session**

Summary record of the 904th meeting

Held at Headquarters, New York, on Monday, 3 August 2009, at 3 p.m.

Chairperson: Ms. Gabr

Contents

Consideration of reports submitted by States parties under article 18 of the
Convention (*continued*)

*Combined initial, second, third, fourth, fifth and sixth periodic reports of
Guinea-Bissau (continued)*

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined initial, second, third, fourth, fifth and sixth periodic reports of Guinea-Bissau (continued) (CEDAW/C/GNB/6, CEDAW/C/GNB/Q/6/Rev.1 and CEDAW/C/GNB/Q/6/Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Guinea-Bissau took places at the Committee table.*

2. **The Chairperson** invited the representatives of Guinea-Bissau to continue replying to questions raised at the previous meeting under article 5 of the Convention.

Article 5 (continued)

3. **Ms. do Rosário** (Guinea-Bissau), responding to a question posed under article 5, said that her Government had established a commission to fight trafficking in persons that brought together the pertinent ministries and non-governmental organizations (NGOs). Children were being trafficked to Senegal and the Gambia, supposedly to study the Koran, and there was a bill before the National Assembly to bolster the national plan to fight trafficking in persons, including youths of both sexes.

4. Early forced marriage existed but was a criminal offence. The Ministry responsible for women, the Institute for Women and Children, NGOs and the National Assembly were working together to put an end to the practice. Centres for victims of rape had not been created but legal assistance was available to them.

5. Community radio stations, broadcasting in the country's various languages, disseminated information to fight domestic violence, and the courts dealt with the cases brought before them. There was awareness of the issue, particularly in urban areas.

6. **Mr. Ferreira** (Guinea-Bissau) said that his country's Penal Code criminalized early marriage, genital or other mutilation and the abuse of women, but enforcement had to overcome stereotypes and cultural obstacles. Often, victims would not file complaints of abuse.

7. The police provided protection services for women victims of rape and domestic violence and there was a national network to combat violence against women through campaigns to raise awareness of their rights.

Article 6

8. **Ms. Begum**, referring to article 6, wondered if plans existed to provide the practitioners of female genital mutilation with other options for earning a livelihood.

9. **Ms. Rasekh** was concerned that the report contained little data on trafficking, including of women. She wanted to know if trafficking in persons was covered under the domestic violence bill or if there was a separate law covering those crimes, and whether women and children were dealt with together in terms of the law.

10. The Committee was interested in measures implemented to train law enforcement officers and border police to combat trafficking and would like information on shelters for women rescued from trafficking. Guinea-Bissau should seek the support of the International Organization for Migration in this area.

11. **Ms. Chutikul** asked the delegation to clarify whether domestic violence and trafficking were covered by one piece of legislation, which was normally not the case, and wondered whether the definition of trafficking used by Guinea-Bissau was the same as in the Palermo Protocol.

12. The Committee requested information on the activities of the commission of imams and NGOs that worked to fight trafficking. Conclusions must be drawn from the studies of prostitution in Cacheu and other regions, cases of prostitution must be prosecuted and a plan of action to address the sexual exploitation of children, proposed by the Committee on the Rights of the Child, must be implemented. Guinea-Bissau's next report must contain statistics on trafficking and prostitution.

13. **Mr. Fernandes** (Guinea-Bissau) said that a national commission for the prevention of trafficking in persons, with a focus on children, had been created through a recent ministerial directive. The body brought together State institutions and NGOs that worked in the field, representing the country's broad

cultural mosaic. It had first trained border and customs police in steps to fight trafficking who had started to hold youths at the border in successful anti-trafficking cases.

14. The definition of trafficking was based on the Palermo Protocol. In the Penal Code, trafficking was subsumed under such crimes as kidnapping; a bill dealing specifically with trafficking would be debated in the National Assembly in October 2009. Bilateral agreements on trafficking had been concluded with neighbouring countries. Pursuant to those agreements, parents had to give their signed consent to travel by minors.

15. The data available showed that most trafficking involved children, not women. Many travelled to study the Koran, but adults did not always have their best interests in mind. NGOs that documented rescued children were harmonizing their data-collection methods. The Government worked with the United Nations Children's Fund (UNICEF) and NGOs to ensure international standards were applied in the construction and operation of camps for rescued children, where psychological care was provided to assist their reintegration into society.

16. **Mr. Ferreira** (Guinea-Bissau) said that prostitution, which had become more prevalent after the July 1999 crisis in the country, was being combated by teaching sex workers about decent employment options.

17. **Ms. do Rosário** (Guinea-Bissau) added that the trafficking and domestic violence bills were separate pieces of legislation.

Follow-up questions

18. **Ms. Hayashi** said that legislation, such as the law enacted in 1997 on the protection of women and children, must be implemented before lawmakers start drafting new bills. The Committee requested clarification of the number of bills being prepared related to women's rights.

19. **Ms. Begum** wanted to know what was being done to reduce demand for prostitution and what livelihood options were offered to the women involved. She also requested information on the rehabilitation and reintegration of survivors of trafficking.

20. **Ms. Popescu** asked whether rape, including marital rape, was criminalized and whether any

provisions on rape or marital rape had been included in the draft legislation on sexual violence. Information was also requested regarding the rehabilitation of victims of systematic rape during the conflict.

21. **Ms. Rasekh**, noting that female genital mutilation was generally perceived as a religious obligation in Guinea-Bissau, enquired about the steps taken by the Government to reverse that belief. She would also like to know if any religious groups were working to spread awareness that such practices were not an obligation under any religion.

22. **Ms. do Rosário** (Guinea-Bissau) said that a number of bills had been submitted to the legislature on female genital mutilation, reproductive health and the trafficking of women and children. There were no statistics on the trafficking or sexual exploitation of women; however, the Government had taken many initiatives to help former sex workers become an active part of society, including giving them training as well as access to credit to start businesses. Those former workers continued to receive follow-up assistance, and were reminded of the harmful impact of their former occupation on the health of their children and their own. The Government shared the Committee's concern about female genital mutilation and recognized that it was not required under Islamic law. The National Islamic Council, the High Islamic Council, the Islamic Youth Group and NGOs were all contributing to raise public awareness through radio programmes and meetings with groups that promoted female genital mutilation about the negative effects of the practice.

23. **Mr. Ferreira** (Guinea-Bissau) said that marital violence was not covered by the law; however, a provision on that topic might be included in a legislative package.

Articles 7 and 8

24. **Ms. Murillo de la Vega** enquired as to the reasons for the regrettable absence of both female Ministers and NGOs. Further details on the specific measures taken by the Government to combat discrimination against women in decision-making bodies would also be appreciated.

25. **Ms. Ameline**, while noting the difficulties engendered by the political instability in Guinea-Bissau, said that in addition to political will, clear regulations and adequate resources were required to bring about true democratic governance, which

necessitated the inclusion of women at all levels of decision-making. She wondered, in that connection, whether the establishment of 40 per cent quotas for women in decision-making bodies had been incorporated into a draft law and, if so, whether it would apply to the civil service. It would also be interesting to learn whether any steps had been taken to encourage women to run in the upcoming local elections. Lastly, she asked what plans Guinea-Bissau had to implement Security Council resolution 1325 (2000) on women in peace and security.

26. **Ms. Belmihoub-Zerdani** said that while Guinea-Bissau had made some progress in including women at decision-making levels, still more needed to be done. Noting with satisfaction that Guinea-Bissau had ratified the Optional Protocol, she urged the Government to provide further incentives for political parties to develop the role of women in society, for example by granting financial assistance only to parties that made efforts to implement the Convention.

27. **Ms. do Rosário** (Guinea-Bissau) said that there was in fact one NGO in attendance: the National League of Human Rights, which was representing all NGOs in Guinea-Bissau at the current session.

28. During the period 2004 to 2008, there had been 3 female representatives and 87 male representatives in the National People's Assembly. No draft legislation had yet been prepared regarding female quotas for political parties; nevertheless, reducing the gender gap in politics continued to be a major concern for the Government. She had no doubt that women would run in the upcoming local elections in large numbers; the empowerment of women was especially important in rural areas. If women were to achieve overall equal representation in decision-making bodies, however, Guinea-Bissau would need to achieve durable peace and stability, which in turn depended on continued aid from its development partners.

Article 9

29. **Mr. Flinterman** asked whether a woman with Guinea-Bissau nationality who married a foreigner was permitted dual nationality if she chose to apply for her husband's nationality and, further, whether she was entitled to pass on her nationality to her children.

30. **Mr. Ferreira** (Guinea-Bissau) said that under the nationality laws of Guinea-Bissau, any child born in the national territory was entitled to Guinea-Bissau

nationality; if a child was born outside of Guinea-Bissau of either a father or a mother with Guinea-Bissau nationality, the child was also entitled to claim that nationality. The spouse of an individual with Guinea-Bissau nationality was eligible for the same nationality after three years of marriage or one year of married residence in Guinea-Bissau, and on condition that he or she renounced his or her nationality of origin. Proposals to allow dual nationality had been made but their consideration was delayed. The Government agreed that its nationality laws should be brought into line with the relevant international conventions.

Article 10

31. **Ms. Hayashi**, referring to article 10, requested clarification on women's literacy rates based on current data. In addition, she wished to know what steps the Government had taken since the issuance of the concluding observations of the Committee on the Rights of the Child in 2002 to assess the situation of children not attending school and to implement, based on the results of such an assessment, measures to protect children from all forms of exploitation. A clear time frame for improving enrolment rates for girls would also be appreciated.

32. **Ms. Bailey** said that primary school completion rates were a matter of great concern and requested further information on the major causes of girls' discontinuing their education and the Government's plans to address the issue. She also wished to know whether the National Education-for-All Plan (2004) had been approved yet and, if not, why not. Noting that primary school teachers overall received little training, she inquired as to any specific Government initiatives to encourage females to apply to teacher training institutions in Guinea-Bissau. Given the high percentage of male teachers, she wondered whether there were cases of sexual harassment of girls in school and, if so, how the Government addressed them. With regard to post-secondary education, disaggregated data on the number of students receiving vocational training as well as the types of training would be welcome.

33. **Ms. do Rosário** (Guinea-Bissau) said that, with the help of its development partners and NGOs, the Government was working to overcome the challenges facing girls in enrolling and staying in school, including through awareness campaigns and the provision of such incentives as school cafeterias and

literacy courses and microloans for parents. While only 40 per cent of teachers had received training, the Government was aware of the importance of such training and was seeking resources to improve teachers' skills.

Article 11

34. **Ms. Patten**, noting that the discussions of articles 11 and 12 had been merged in the report, urged the State party to follow the reporting guidelines and keep articles separate. The Committee's concerns went beyond the formal aspects of equality to focus on tangible achievements and the effective implementation of legal guarantees. Reading the report's description of the labour market for women in Guinea-Bissau, she saw it as characterized by vertical and horizontal segregation, with women effectively kept out of certain levels and professions and concentrated in the informal sector, as in many developing countries, with all the risks and lack of protection that that entailed. She asked if there was a labour inspectorate or other body that monitored compliance with labour laws and prevented discrimination in the public, private and informal sectors. She asked what the Government was doing to bring about the economic empowerment of women and ensure equality of rights with regard to ownership of property, control over land, and access to jobs, promotions, credit, productive resources, new technologies and training. It would also be useful to hear more about the status of the new draft labour bill and whether it contained explicit provisions banning sexual harassment in the workplace.

35. **Mr. Bruun** asked whether the State party had received any technical assistance from the International Labour Organization (ILO) with regard to the implementation of the ILO conventions on equal compensation and child labour that it had ratified. Noting that a large number of girls were dropping out of school to enter the informal sector of the economy, he asked what the Government was doing to counter the situation and protect the rights of girls and women in the informal sector.

36. **Ms. do Rosário** (Guinea-Bissau) said that there was a labour inspection commission that monitored compliance with labour regulations and laws. Specifically with regard to women, women's associations, such as the National Commission for Women Workers, were active in the economic sphere,

providing small business and housing loans to women and organizing workshops and seminars on women's issues and available protections. Various bills on the protection of women's rights were being prepared, including one on sexual harassment in the workplace and another on maternity leave. The new law on land ownership dealt with the rights of women in that area. The national poverty reduction strategy also addressed poverty among women, mainly through education.

37. **Mr. Ferreira** (Guinea-Bissau) pointed out that, although women formed a majority of Guinea-Bissau's population, their general level of education and skills was low and needed to be raised if their participation in decision-making was to increase. The Institute for Women and Children was active in promoting a greater role for women. The legal department of the National Commission for Women Workers monitored implementation of ILO conventions on the rights of women workers.

Article 12

38. **Ms. Pimentel** said that infrastructure problems and constraints, such as the great distance to the nearest health facility, obviously had an impact on the fragile health-care situation in Guinea-Bissau and she asked what the Government was planning to do to improve conditions. Noting that girls who had been the victims of rape often faced ostracism at home, she requested more information on measures to protect rape victims after the fact and change family attitudes. Noting that the bill on female genital mutilation had not yet been adopted, she asked what the Government was doing to ensure passage of that legislation.

39. **Ms. Rasekh**, noting that some girls had died as the result of the ritual leading to female genital mutilation, asked whether any practitioners had been prosecuted in such cases for what was essentially homicide. The practice seemed already to be illegal, but the Government was doing little to stop it. She asked what efforts would be made to eliminate such harmful practices and what services were available to victims.

40. **Ms. Arocha Domínguez** urged the Government to provide more analysis and evaluation along with the data it included in the report, including an analysis of trends and appropriate corrective measures. The maternal mortality rate was still quite high, and she asked what the Government planned to do to

strengthen emergency gynaecological and reproductive health services. Noting that the birth rate was rising and that contraceptive use was low, she asked whether the Government intended to strengthen family planning services.

41. **Ms. do Rosário** (Guinea-Bissau) said that access to adequate health-care services, including reproductive health services, was still insufficient owing to the shortage of qualified staff and modern equipment and the ravages of the years of conflict. Rape victims, especially girls, were monitored by doctors and psychological counsellors, where available, and the families were urged to allow the girl to stay in her home. The perpetrators of rape were referred to the judicial authorities. The bill on female genital mutilation, which was supported by the Government and most of civil society, would be resubmitted. Practitioners of harmful traditional practices faced criminal prosecution under existing law. Counselling for victims of psychological violence was not available in many parts of the country, especially not in remote districts, owing to the scarcity of resources and the distances involved. Family planning campaigns promoted the use of condoms and tried to raise awareness of the risk of sexually transmitted diseases. Poverty hampered the success of any family-planning strategy.

Article 13

42. **Ms. Murillo de la Vega** asked whether women needed to obtain their husband's permission in order to obtain credit or loans or to buy and sell goods and whether women could obtain training in how to manage money or a business. It would also be useful to know to what extent traditional customs, tribal allegiance or religion influenced the process of obtaining a loan or starting a small business.

43. **Ms. do Rosário** (Guinea-Bissau) said that women could apply for and obtain credit without their husband's approval. Business and money management training specifically for women had not yet started, but the Bank of National Solidarity was working on such ideas, including the provision of credit and training for women.

44. **Mr. Ferreira** (Guinea-Bissau) said that there were NGOs that made microcredit available to women, which was often combined with training. Sometimes the NGOs even made the attendance of all the family's

children at school one of the conditions for granting microcredits to mothers. However, traditional customs and attitudes could still impede women's access to credit and business opportunities. The Civil Code, which had been inherited from the Portuguese and was often very reactionary in that respect, was now being reviewed.

Article 14

45. **Ms. Zou Xiaqiao** noted that the report contained no clear information about the situation of women in rural areas, including their involvement in agriculture, access to education, health care, and participation in public life. She requested that the next report contain more gender-disaggregated information on the subject.

46. Although the report had included information about projects run by NGOs to combat rural poverty, it had not mentioned any specific Government efforts in that regard, apart from stating that rural areas were given particular attention within the framework of the national strategy for poverty reduction. The Committee would appreciate further information, including the priorities of the strategy and whether it contained a gender perspective or targeted support for rural women, including single mothers and ethnic minorities, and whether specific targets had been set, in line with the Millennium Development Goals. She would also like to know how the strategy was being implemented and how many rural women it had benefited since its adoption.

47. Given that illiteracy among rural women was very high and school enrolment was much lower in rural areas, it would be useful to know what measures had been taken to close the gap in the enrolment rates in urban and rural areas and between girls and boys. She also asked whether the Government was running any literacy programmes or providing technical training for rural women.

48. **Ms. Begum** asked for clarification of the situation of women with regard to property rights, since the written responses to the list of issues indicated that in customary law they had no claim on their family property in a number of regions. If that was the case, it went against the principles of the Convention and violated women's fundamental right to property and inheritance. The Committee would also like to know more about any considerations to meet the health-care and economic needs of older or disabled

women in rural areas. She also asked whether refugee or internally displaced women in rural areas were included in the Government planning process.

49. **Ms. Ameline** asked whether the Government envisaged a comprehensive national agriculture strategy, drawing on the successful experiences of NGOs in that sphere, since that would be the best way of ensuring food security. It was also important to train the women who worked in agriculture, since that would enable them to improve their productivity. Social protection measures were also important, to provide health guarantees for those at the very heart of economic development.

50. The international community was concerned about drugs in the region and there was a risk that poverty might drive people into trafficking. Strengthening the agriculture and fisheries sectors, which had been acknowledged as having strong potential, would help avoid such an eventuality.

51. **Ms. do Rosário** (Guinea-Bissau) said that her country did indeed have a national development plan for agriculture. Medical services were important and there were centres providing free family planning and other services. The Government recognized that poverty was a serious problem in Guinea-Bissau and had strategies and policies in place to address it. However, the country still lacked the stability that would allow it to develop.

52. The national strategy was benefiting the rural workforce, of which women formed a major part. Rural women had access to credit but still lacked farming equipment and basic education and training. Women in Guinea-Bissau worked very hard to support their families, but they needed help, so she appealed to the Committee for assistance.

53. The Government was aware that school enrolment was low among girls in rural areas but both the Government and NGOs were doing everything they could to improve the situation. Literacy classes were also conducted for women in rural areas.

54. The new Ministry of Social Solidarity, Family and Poverty Reduction was doing a study that would help it tackle poverty among disabled and older women.

55. Family planning was also an important issue in rural areas owing to polygamy. The situation called for stepped-up efforts, including the passage of a proposed

family planning bill. Generally speaking, more investment was needed in rural areas in order to resolve the precarious food security situation resulting from the country's instability. Even the provision of child-care facilities would help rural working women.

56. **Mr. Ferreira** (Guinea-Bissau) said that women were still not well informed about their legal rights to land and property, but an awareness-raising campaign was under way. Women's low level of education hindered their ability to realize their legal rights to land or improve local agricultural production. Since subsistence farming predominated, the creation of small cooperatives could help women derive more benefits from their work and lift them out of poverty. The Government's national plan for agriculture was being implemented with the assistance of the social partners, and involved projects such as providing women with seeds so that overall production levels would increase.

Articles 15 and 16

57. **Ms. Awori** said that article 15 of the Convention obliged States parties to accord women equality with men before the law. The Committee had requested further information about any legislation that had been passed to abolish discriminatory provisions in the Civil Code and give effect to article 15, paragraph 3, in particular. The explanations that had been given in the written responses to the list of issues were not at all clear. She therefore asked the delegation to clarify how the cited paragraphs of the Civil Code related to article 25 of the Constitution and how they were applied so as to protect women's rights on an equal basis with men. It had been noted that the Civil Code was a hangover from the colonial period and therefore contained some discriminatory provisions that had been repealed under article 25 of the Constitution. However, she asked whether a specific law had been enacted to amend the discriminatory provisions to bring the legislation into line with article 15 of the Convention, since the legal supremacy of the Constitution alone was not sufficient.

58. **Ms. Halperin-Kaddari** echoed her colleague's serious concern at the discriminatory provisions of the Civil Code seemingly still in place in Guinea-Bissau.

59. The report had indicated that de facto unions were recognized in Guinea-Bissau but traditional marriages had also been mentioned in the written responses, so she asked how many categories of

marriage there were in total. She asked whether women could be evicted by their husbands as a result of spousal conflict in all types of unions or only under customary law. The Committee would also appreciate more information about women's inheritance rights under the different types of marriage, since the written responses also indicated that widows could be disinherited unless they married a relative of their husband. Clarification would be welcome on the legal status of child marriages, particularly with regard to the minimum legal age.

60. **Mr. Ferreira** (Guinea-Bissau) said that civil marriage was the only kind recognized in law. If a couple had children and had lived together for three years they could apply for recognition as a de facto union, which would enable their partnership to be recognized as a marriage and give them marriage rights dating from the beginning of the union. The minimum legal age for marriage was 18. If a child was legally emancipated, the minimum age was lowered to 16, though with certain limits on property and other rights until the age of 18.

61. All of the former provisions that discriminated against women had been revoked under article 25 of the Constitution. The Civil Code was applied but must be interpreted in accordance with the Constitution and could not contradict general principles of law. The practice of expelling a widow who refused to marry a relative of her husband was linked to the customs of certain tribes, but was not supported in law. The Government was aware that more work needed to be done to improve the situation and raise awareness of women's rights.

62. **Ms. Hayashi** said that the question of whether article 1686 of the Civil Code had been abolished or whether it should merely be interpreted in accordance with the principles of the Constitution was still not clear.

63. **Ms. Awori** urged the Government to introduce further legislation in support of article 25 of the Constitution, in the absence of which the Civil Code would remain discriminatory.

64. **Mr. Cabral** (Guinea-Bissau) said that it was evident that Guinea-Bissau needed a new Civil Code and nobody in the delegation would dispute that. However, as stated in the report, for the time being, the spirit of article 25 of the Constitution abolished any

discriminatory practice and established the principle of equality between spouses in marriage.

65. **Ms. do Rosário** (Guinea-Bissau) thanked the Committee for the opportunity to discuss for the first time the problems faced by women in Guinea-Bissau. The delegation would leave in the full knowledge that more needed to be done. The issues that had been raised would be addressed with conviction, knowing that the support of many women was behind them.

66. **The Chairperson** said that the constructive dialogue had been very useful for all concerned. She encouraged the delegation to ensure that the next periodic report was drafted in accordance with the reporting guidelines and contained more analytical data. She acknowledged the difficulties that Guinea-Bissau faced but urged the Government to focus on implementation of the Convention and national legislation. A variety of draft laws relating to women's rights had been discussed and the Committee looked forward to their adoption. Lastly, she encouraged Guinea-Bissau to ratify the other human rights instruments.

The meeting rose at 6 p.m.