



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

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

Summary record of the 903rd meeting

Held at Headquarters, New York, on Monday, 3 August 2009, at 10 a.m.

Chairperson: Ms. Gabr

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The meeting was called to order at 10 a.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 (CEDAW/C/GNB/6; CEDAW/C/GNB/Q/6 and Rev.1)

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

2. **Ms. Rosario** (Guinea-Bissau) said that Guinea-Bissau had over twenty ethnic groups, speaking Portuguese, and Creole and other local languages. Women represented 52 per cent of the population. Some 61 per cent of the population was rural, 39 per cent urban, with pockets of poverty around the capital city as a result of migration to urban areas. The population was young, with 42 per cent under 15 years of age. The fertility rate was higher in rural areas, and overall stood at 6.8. Maternal mortality was 405 deaths per 100,000 live births, with early marriage and female genital mutilation being essentially responsible. The HIV/AIDS pandemic posed a major obstacle to development, women being particularly affected. Awareness was limited with, for example, only 53 per cent of women understanding the importance of sexual fidelity, and only 17 per cent being aware of the existence of an HIV/AIDS testing centre.

3. Guinea-Bissau formed part of the group of least developed countries. In recent years political and institutional instability had hampered Government efforts to improve the standard of living, with gross domestic product having increased by only 1 per cent a year between 2000 and 2004, poverty being widespread. Foreign indebtedness also constituted a major burden.

4. Nevertheless, the country had abundant agricultural, mineral and fisheries resources, with good tourist potential, so that with the end of conflict renewed interest on the part of development partners gave room for hope.

5. In Guinea-Bissau, the first former Portuguese colony in Africa to gain independence, there was complete freedom to organize political parties as an expression of the will of the people in a context of political pluralism. The past decade had seen an

increase in the awareness among women of the need to organize to defend their rights, resulting in the formation of a number of non-governmental organizations (NGOs) active in the economic, social and political fields.

6. Noting that Guinea-Bissau had a semi-presidential system, she said that local elections were currently pending. Once held, they would complete the democratization process, providing a counter-weight to central authority.

7. Guinea-Bissau had ratified the Convention in 1985, and the Optional Protocol in 2008, having recognized their importance in the defence of women's rights. The Convention was, in effect, a programme of action for ensuring respect for those rights.

8. While the delegation was only now introducing the combined initial to sixth periodic reports, women's rights had been protected through a number of legislative, administrative and practical measures to promote equality. In particular, the Ministry of Social Affairs and the Advancement of Women was responsible for the implementation of policies for the protection and advancement of women. Follow-up had been given to the Beijing Platform for Action, leading to the adoption of measures to improve the socio-political status of women and encourage their advancement.

9. The delay in submitting the reports had been due to institutional instability, the lack of qualified personnel and of financial resources, and the absence of a national policy on gender. The combined reports had been prepared in conjunction with the Institute for Women and Children, with support from the United Nations programme in Guinea-Bissau, and detailed the steps taken by the Government to implement the Convention.

10. While the Constitution allowed for the incorporation of the provisions of international agreements into the domestic legal order, there was a lack of specific legislation for such incorporation. A legislative review was, however, currently under way, with particular reference to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Nevertheless, the State encouraged public, private and judicial authorities to protect women against discrimination, and neither constitutional provisions nor legislation discriminated against women. The role

of the Institute for Women and Children was particularly important in that regard.

11. Scholarships had been established for women to study in the country and abroad, while labour legislation offered protection relating to motherhood and childbirth. The Government had taken steps, including awareness-raising activities, to promote gender equality and eliminate stereotypes. NGOs played an important role in combating female genital mutilation and other forms of violence against women. Consideration was currently being given to establishing a national committee on the protection of women's rights.

12. With regard to prostitution, the focus had been on those who made use of such services or encouraged them. Draft legislation on trafficking and gender-based violence was also under consideration in the National Popular Assembly.

13. Significant legislative and administrative progress had been made in encouraging participation by women in the social, labour, economic and political spheres. Women competed in public life on an equal basis with men, including in the Foreign Service and in international organizations. There was no discrimination against women in terms of citizenship.

14. While the Government had adopted many measures relating to education, health, social security, employment, literacy and poverty alleviation with the aim of improving the status of women, and the principle of equality of opportunity was fully respected in domestic legislation, factors hindering their full advancement persisted. In that regard, rural women were assisted by NGOs active in the field of poverty alleviation and promotion of women's rights.

15. Citizens had full equality in the enjoyment of their civil status without discrimination. Legal assistance, if needed, was provided by the State, and by the Bar Association. Radio programmes also provided information on fundamental rights. The Government's current focus was on putting an end to early marriage and eradicating female genital mutilation.

16. While participation by women in public life had been minimal, implementation of the provisions of the Convention would become a reality in Guinea-Bissau, ensuring their advancement in the political, economic and cultural spheres.

Articles 1 to 6

17. **Ms. Šimonović** welcomed the explanation of the 24-year delay in reporting, and trusted that in future reporting would be on a regular basis. Preparation of the report had afforded the Government an opportunity to assess compliance with the provisions of the Convention. She noted that the report had been prepared by a consultant and asked whether the Government and Parliament had approved it, and whether there had been any consultation with non-governmental organizations. She trusted that the Government would prepare its next report on the basis of the Committee's concluding observations in coordination with the competent ministries and agencies and without involvement of consultants.

18. Noting that in its conclusions the report recognized the need for wide dissemination of the Convention, she wondered how the Government proposed to achieve that goal, given the high level of illiteracy in the country. Were there concrete plans for translation and publication of the Convention?

19. She observed that the position of the Convention in the national legal system was not made clear in the report or the responses to the list of issues and questions. Was there a specific provision in the Constitution that clarified the legal status of international treaties, including the Convention in domestic law?

20. As the report noted, articles 24 and 25 of the Constitution stated that all citizens were equal before the law, without distinction as to race, social status, intellectual or cultural level, religious belief or philosophical conviction. However, there was no mention of discrimination on the grounds of sex. She wondered whether there was another article in the Constitution, or perhaps a specific law, that prohibited sex-based discrimination. The Committee had received information that some discriminatory legal provisions had not been repealed even when they were not in conformity with the Constitution. She asked how the State party intended to deal with those discriminatory laws, and what was the time frame for doing so.

21. **Mr. Flinterman**, observing that the Constitution stipulated that its provisions were to be interpreted in harmony with the Universal Declaration of Human Rights, asked whether it was clear to all government organs and to the judiciary that articles 24 and 25 of the Constitution were also to be interpreted in light of

the equality principle contained in the Convention, and that that principle was very wide in scope, covering both formal and substantive equality.

22. In paragraph 40 of the responses to the list of issues and questions it was stated that the Government encouraged the judicial authorities to implement the relevant provisions of international conventions in order to discourage discriminatory practices or acts against women. He asked what form that encouragement took, and whether it would not be better to provide explicitly, for example in the Constitution, that the judicial authorities were to apply the provisions of international human rights conventions.

23. Noting that paragraph 78 of the report provided that every citizen whose rights were violated had the right to resort to the courts, he wanted to know how that right operated in practice, when, for example, a woman wished to defend her rights under the Convention and the Constitution. Was there legal aid, or any low-cost or free mechanism of assistance to women who claimed violations of their rights, such as the services of an ombudsman?

24. **Ms. Popescu** suggested that, if Guinea-Bissau, which had been a State party for 24 years, had reported to the Committee sooner, greater progress might have been made in promoting the advancement of women in the country. She fully understood the country's complex situation, with its colonial history followed by a long period of political instability, but stressed that it was extremely important to respect the human rights of women and to involve women in the reform and rebuilding of society at all levels.

25. The report and the responses to the list of issues and questions indicated that some laws that were discriminatory against women still existed, such as those governing inheritance, or the participation of women in trade. She wished to know how the Government intended systematically to eliminate those discriminatory provisions.

26. **Ms. do Rosário** (Guinea-Bissau) said that in preparing the report the Government had worked very closely with NGOs dealing with women's rights, with religious organizations and with all the relevant government ministries.

27. Aware that the low literacy rate was an impediment to wider awareness of the Convention, the Government was taking measures to promote the Convention in local languages and in the country's Creole. Articles 24 and 25 of the Constitution recognized the equal rights of women and men and the Government was conscious of its duty to ensure such equality throughout the national territory. Some measures had already been taken to that end. For example, several NGOs had been created to protect the rights of women, with which the Government was cooperating in an effort to guarantee women's rights in the educational, health, economic and political spheres.

28. **Mr. Ferreira** (Guinea-Bissau) confirmed that the report had been drafted after a national consultation process, in which all segments of society had participated. As a party to international conventions, Guinea-Bissau was committed to meeting its obligations thereunder. The judiciary tacitly accepted the integration into domestic law of the principles embodied in the various international instruments.

29. Some of the concerns expressed by members of the Committee would appear to be prompted by the absence of such terms as "gender" and "non-discrimination" from the country's Constitution, which dated from 1996, and many of its laws. The Government was well aware of the need to update its legislation by introducing the terminology used in the various international instruments. It had already done so in its labour laws, but in other areas the effort was still lagging.

30. The Penal Code provided the possibility for any citizen, male or female, to lodge a complaint with the Attorney-General's office if they believed their rights had been violated.

31. Like its Constitution, Guinea-Bissau's Civil Code was a carry-over from colonial times. The Government was trying to adjust outdated laws to the country's current reality, incorporating a gender sensitivity that had not been current when those laws had originally been enacted. In the meantime, women were encouraged to defend their rights by all available means. The Government had tried to be very clear in the report that laws that violated those rights were themselves a violation of the Constitution.

Article 3

32. **Ms. Neubauer** expressed concern that the report and the responses to the list of issues and questions did not provide a clear picture enabling the Committee to judge the effectiveness of the existing institutional mechanisms at the national level. There was the Ministry of Social Solidarity, Family and Poverty Eradication, on the one hand, and the Institute for Women and Children, on the other. However there was no clear information with regard to the respective mandates of those two government bodies in the context of implementation of the Convention. The report indicated that resources for the regular functioning of the Institute were provided from the State budget, while its various activities were funded mainly by United Nations agencies and programmes. She sought more detailed information on the Institute's human and financial resources and about its awareness-raising and training activities, in particular with regard to the beneficiaries. She also asked whether there were focal points for women's issues within other departments and regional authorities, and whether there was any interdepartmental coordinating structure apart from the Guinea-Bissau Network of African Women Ministers and Women Parliamentarians to ensure effective gender mainstreaming. Lastly, she wished to know whether there were any current action plans or programmes that would constitute a programmatic and policy framework for the implementation of the Convention.

33. **Ms. do Rosário** (Guinea-Bissau) replied that the Ministry of Social Solidarity, Family and Poverty Reduction had been created to defend and protect women. The Institute for Women and Children was a government department that was overseen by the Ministry whose purpose was to help bring about a better balance between the sexes in the areas of justice, health, education, politics, the economy, access to credit, work, environment and culture. The Institute pursued that objective through training, awareness-raising, coordination and follow-up. It sought to develop partnerships with civil society organizations and to collaborate with government entities and international organizations on issues pertaining to women and children. It also played a part in bringing about greater democratization and decentralization in the country and in promoting an exchange of experience at the national and international levels. Its strategic objective was to influence the appropriate

agencies so as to ensure that they would apply the Convention and other human rights instruments.

34. There were now focal points in all government ministries and they held periodic meetings, training sessions and information-sharing events in order to promote awareness of the policies in operation in the various ministries, thereby contributing to the incorporation of those policies in the national action plan for gender equality that would be drafted shortly.

35. **Mr. Ramalho** (Guinea-Bissau) added that the Ministry was responsible for implementing social protection policies, while the Institute was responsible for applying sectoral policies specifically concerned with women and children. With reference to financial resources, the Government was currently in a very difficult situation, and consequently could do no more than pay the salaries of the Institute's employees, which at least were up-to-date. The financial support that the Institute received from United Nations agencies went straight to programmes and projects. The Institute had a total staff of 22 including four senior officers.

36. **Mr. Fernandes** (Guinea-Bissau) stressed that the Government was fully committed to improving the status of women, and was currently drafting a policy that would bring women's issues to the attention of every ministry and monitor implementation of gender policies by in the ministries.

37. Given the limited human resources of the Institute itself, a "training of trainers" approach was followed. The beneficiaries of training provided by the Institute included non-governmental organizations; personnel, once trained, could cover the farthest reaches of the country.

38. **Mr. Sanhá** (Guinea-Bissau) added that the Ministry was seeking in particular to improve the situation of women in rural areas, where the role played by the judiciary was very weak. Those efforts focused on training in a broad range of areas, including literacy, help to small business, microcredit, reproductive rights, gender equality and a general effort to raise rural women's awareness of their own human rights.

39. **Ms. Hayashi** said that while she applauded the report's frank admission of the challenges that the country faced, she was at the same time, compelled to comment on the shortage of data and statistics in the

report, and the fact that sometimes such information was contradictory. She hoped that future reports would be better in that regard.

40. She wondered how the Government interpreted the definition of the temporary special measures under the Convention, especially in the light of the statement in the report to the effect that the Government set in motion mechanisms intended to accelerate the achievement of equality between men and women. The decision by the Council of Ministers in 2006 to earmark half of all scholarships for females would appear on the face of it to constitute a temporary special measure. In that connection the Committee's General Recommendation No. 25 provided helpful guidance for States parties on how the concept was to be interpreted. She also asked whether the target of 50 per cent female representation in the scholarship programme had been achieved.

41. Referring to the literacy programme for girls and women mentioned in paragraph 155 of the report, she commended the clear target set for the programme but wished to know whether the target had been achieved, and, if not, what the main obstacles had been.

42. She enquired about the status of the bill establishing a 40 per cent quota for women in all decision-making structures.

43. **Ms. Neubauer** said that it was not enough to ensure gender mainstreaming and the equality of opportunities between women and men. In order to fulfil the obligations of the Convention, specific policies, including temporary special measures, must also be established. In that regard, she wondered whether such measures had been included in the plans of action drawn up by the workshop organized in December 2007 by the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS) with a view to increasing the participation of women in reconciliation efforts, and what role had been envisaged for the Ministry of Social Solidarity, Family, and Poverty Reduction and the Institute for Women and Children in implementing the plans.

44. **Mr. Ferreira** said the Government had not adopted any temporary special measures within the meaning of the Convention because, although it had the political will to implement the provisions of the Convention, they had not yet been incorporated into domestic law. Measures aimed at accelerating equality

between men and women were, however, slowly being developed.

45. The report contained some conflicting statistics because a large amount of data had been lost during the recent period of civil war and turmoil and many sources were unreliable; it had not been the delegation's intention to deceive the Committee. With regard to the literacy programme launched in 1997, with an initial target group of 5,000 women, the programme had in fact continued to operate throughout the period, although no information had been provided in the report owing to a lack of data. The work of the National Institute of Statistics and Census in compiling reliable data, together with the latest multiple indicator cluster survey (MICS), should allow accurate information on the literacy rate and the results of the literacy programme to be provided in the next report. With regard to the bill to establish a 40 per cent quota for female representation in all structures, the Institute for Women and Children and the Ministry of Social Solidarity, Family and Poverty Reduction were working with the legislature to achieve that quota. Moreover, 10 out of the 20 judges appointed in a recent recruitment exercise were women, showing that Guinea-Bissau had the will to respect gender equality in accordance with the Convention. Further progress was, however, still needed to overcome some problems.

46. **Ms. Patten** requested clarification on whether the provisions of the Convention could be directly invoked before the courts and whether the judiciary received training on the Convention, the Optional Protocol and the Committee's recommendations. With regard to article 32 of the Constitution, she would appreciate additional information on women's access to justice, including how it was affected by the location of courts. The State party should also clarify whether a legal aid system was in place, particularly since the Constitution specified that justice could not be denied on economic grounds. Lastly, according to the State party's response to question 6 of the Committee's list of issues and questions, Guinea-Bissau law did not impose any sanctions or penalties for discrimination against women. That situation must be remedied pursuant to article 2 (b) of the Convention.

47. **Mr. Flinterman** requested clarification on the State party's ratification of the Optional Protocol. Although, according to the report and the introductory statement, it had taken place on 28 February 2008, it

had not yet been recorded by the Secretary-General, in his capacity as depositary. It would also be useful to know whether the process of constitutional reform under way would clarify the legal status of international agreements, including their applicability.

48. **Ms. Hayashi** asked what steps Guinea-Bissau had taken to deposit with the Secretary-General its instrument of ratification of the Optional Protocol, pursuant to article 15, paragraph 2, of the Protocol, and what progress it had made towards accepting the amendment to article 20, paragraph 1, of the Convention. She also wondered whether the State party had misunderstood the concept of temporary special measures, as described in article 4, paragraph 1, of the Convention, since the measures to ensure 50 per cent female representation in the judiciary appeared to fit that description and the Government clearly had the will to take such measures.

49. **Ms. Popescu** requested additional information on the national mechanism for reviewing domestic laws, some of which dated from the colonial period. Bearing in mind that one of the priorities of the Strategic Framework for Peacebuilding in Guinea-Bissau was to consolidate the rule of law, she would also like to know whether discriminatory legislation was being reviewed under that Framework, with the assistance of UNOGBIS. Lastly, she would welcome more information on the current situation regarding the women in peacebuilding programmes carried out by UNOGBIS and the measures being taken in that regard to implement Security Council resolution 1325 (2000).

50. **Ms. Šimonović** asked whether the Constitution prohibited discrimination on the basis of sex. It would also be useful to know what was the envisaged time frame for the constitutional reform process.

51. **Mr. Ferreira** (Guinea-Bissau) said that the instrument of ratification of the Optional Protocol would be deposited with the Secretary-General without delay. With regard to women's access to justice, the structure of the courts was designed to ensure that all citizens had access to the judicial system; courts of original jurisdiction existed throughout the country and were easily accessible by most of the population, although citizens living in the archipelago would have to incur transport expenses in order to reach them. Women's access to justice was, however, often impeded by low levels of schooling. Furthermore, the pursuit of justice through the courts was not

traditionally perceived as an acceptable way to resolve disputes; the Government and NGOs were therefore working to change cultural perceptions and show women that the courts existed to defend their rights. A support office had been established for female victims of domestic violence to provide guidance and facilitate their access to justice. With regard to legal aid, the bar association provided assistance to citizens who could not afford legal representation.

52. Guinea-Bissau believed that the principle of non-discrimination against women should be enshrined in national legislation. It was, however, important to make sure that non-discrimination provisions were enforced. The Institute for Women and Children had, for example, lobbied the labour law reform commission for the inclusion of provisions specifically banning discrimination against women in the areas of employment and access to services, since, although the General Labour Act clearly prohibited discrimination based on sex, that provision was not always applied. With regard to the enforcement of punitive measures, women's rights would in future be better protected in the courts, since many more women were now working in the judiciary.

53. **Mr. Cabral** (Guinea-Bissau) said that, owing to a misunderstanding, the instrument of ratification of the Optional Protocol had been sent to the wrong office. It would, however, be deposited with the Secretary-General that same day.

54. Gender issues were a very important component of the Peacebuilding Commission's work in Guinea-Bissau, as well as an integral part of the Strategic Framework for Peacebuilding in Guinea-Bissau. As mentioned in the report, information on Security Council resolution 1325 (2000) had been widely disseminated at several workshops held in Guinea-Bissau, in order to ensure that women were aware of the Government's obligations under the resolution and were able to participate in the process of implementing it.

55. **The Chairperson**, speaking in her capacity as an expert, said she was concerned that Guinea-Bissau had not yet ratified a number of important international human rights treaties. It should take steps to do so as soon as possible. She also stressed the importance of combating harmful traditional practices such as early marriage, food taboos and female genital mutilation. In particular, she wished to know what steps were being

taken to prohibit female genital mutilation. Bearing in mind that a draft law had already been submitted to the legislature but had not been debated owing to the opposition of a group of Muslim deputies, it was important to stress that female genital mutilation was not linked to any religion. The Government had a responsibility to combat a practice that adversely affected women's health and dignity and constituted a form of violence against women.

56. **Ms. Coker-Appiah** said that, although in a patriarchal society such as Guinea-Bissau's, culture and tradition were often used to justify violence against women, it was important to understand that such concepts were dynamic and could be changed. The State party should therefore clarify what steps, including awareness-raising measures, it was taking to address discrimination and all forms of violence against women. In particular, it would be helpful to know whether the Women against Violence SOS Centre mentioned in the response to question 13 of the Committee's list of issues and questions had already been set up, and if so, what services it provided. If, on the other hand, it had not yet been established, the State party should indicate what obstacles had prevented it from doing so. She would also appreciate further information on the awareness-raising campaigns mentioned in paragraph 52 of the responses to the Committee's questions, as well as on the education measures, adult literacy systems and systems of access to education by which the Government sought to minimize the gender-based division of labour and other practices based on the idea of women's inferiority. In particular, the State party should clarify whether those measures included a review of school textbooks to eliminate stereotypes and, if so, what the results had been.

57. **Ms. Begum** said that while the State party had acknowledged the incidence of various types of gender-based violence, including female genital mutilation, forced early marriage and prostitution, it had provided very little data. She would like to know more about the services provided to the victims, such as, for instance, the availability of shelters for victims of domestic violence. Lastly, further information on the time frame for the enactment of a law on violence against women would be welcome.

58. **Ms. Popescu** said that it would be useful to know what the role of the media was in relation to patriarchal mentalities, and what measures the State party had adopted to persuade the media to present positive images of women, rather than merely perpetuating stereotypes.

59. Noting that many types of violence against women were the direct result of harmful practices, she sought detailed information on the national committee established to combat such practices. She asked how the Penal Code dealt with domestic violence, marital rape and rape in general.

60. Further clarification was sought on the time frame for debate and adoption of a draft law on trafficking in children and domestic violence that had been submitted to the National People's Assembly in a package, as well as on whether a formal definition of domestic violence had been established. In closing, in the light of the lengthy period of instability and conflict in Guinea Bissau, it would be helpful to know whether any legal provisions or tribunals existed to address rapes inflicted upon women during the conflict.

61. **Ms. Rosário** (Guinea-Bissau) said that the ministry responsible for combating poverty dealt directly with the protection of persons with disabilities, providing subsidized medication, clothing and school supplies, among other services. More needed to be done, however, in the areas of physical and occupational therapy. Legislation on persons with disabilities was under discussion.

62. It was important to point out that Guinea-Bissau had endured several years of total instability and extreme poverty in the midst of a bloody conflict that, understandably, had spawned a significant amount of violence. Steps were currently being taken to adopt relevant legislation in as timely a manner as possible, including legislation on human trafficking and on harmful practices targeting women. Moreover, the Government was conducting awareness-raising campaigns in rural areas on harmful practices, violence against women, and early and forced marriage. With regard to the latter, there were constitutional protections against marriage under the age of 18; in the event of such a marriage, the parents of the minor were called upon to assume legal responsibility.

63. The Government had recently proposed the creation of an emergency centre for rape victims. While such a centre had yet to be established, assistance was provided to rape victims at police stations, in family courts, as well as through a number of NGOs working to defend women's and children's rights. In addition, the Government used community radio stations as another means of educating the public about the need to combat violence against women.

The meeting rose at 12.50 p.m.