



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Initial report submitted by Guinea-Bissau under article 35 of the Convention, due in 2016*

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* The present document is being issued without formal editing.



I. Context and framework

A. Geographical aspects

1. The Republic of Guinea-Bissau, a Portuguese-speaking country that has been independent since 1973, is located on the West African coast, bordered by Senegal to the north and east and the Republic of Guinea to the south. To the west, it is bathed by the Atlantic Ocean and has an area of 36,125 square kilometres, including the insular Bijagós Archipelago, which has more than eight dozen islands and islets.

2. The country has a territorial administrative organisation comprising 8 administrative regions, in addition to the Autonomous Sector of Bissau (SAB), the capital, namely Bafatá, Biombo, Bolama, Quinara, Cacheu, Gabú, Oio and Tombali, each of which covers several sectors, a total of 37, subdivided into numerous Sections and these into “*Tabancas*” (villages) where the rural population lives. Although the Constitution of the Republic provides in Chapter VI, Article 105, for the existence of Local Authorities, as the organisation of the political power of the state with administrative and financial autonomy, this issue of decentralisation of power has not been developed and incorporated into the political sphere so far once no local elections were held.

B. Demographic aspects

3. The measurement of demographic indices and other statistical values is carried out by an organisation responsible for this purpose. The state of Guinea-Bissau, concerned with social, economic and cultural development, created an official statistical data system to monitor the country’s development. The first law created after independence was Decree-Law 2/1991 of 25 March, which institutionalised the National Statistical Information System (SNIE) and created the National Institute of Statistics and Censuses (INEC). On 10 September, Law no. 6/2007 created the Bases of the National Statistical System (SEN). INE’s regulations and Organic Statute were created respectively by Decree no. 4/2023, of 31 March, and Decree-Law no. 2/2023, of 31 March.

4. The INE has carried out three population and housing censuses, the last one in 2009. For structural reasons, it is only now that the conditions have been met for another census, so the demographic data can be found in the 2009 census, adapting it to existing projections.

5. Then statistical information presented in this report is from the INE’s data and documents.

C. Report preparation process

6. To prepare this report, members of different ministries took part in a training on how to prepare a report on the implementation of the Convention on the Rights of Persons with Disabilities. A five-member working group was then formed to collect information, draft texts and finalise the report. Various sectors of the state were consulted, such as the Ministry of Public Health, the Ministry of National Education, the Ministry of Justice and Human Rights, the Ministry of Women, Family and Social Solidarity, the Ministry of Sports, the Ministry of Public Works, Housing and Urban Planning, the Ministry of Foreign Affairs, International Cooperation and Communities, the Ministry of Economy and Regional Integration, the Ministry of Public Administration, Administrative Reform, Employment, Vocational Training and Social Security, the National Institute of Statistics, the Institute for Women and Children, the Ministry of the Interior (Civil Protection) and the Motor Rehabilitation Centre. In addition, interviews were conducted with civil society organisations such as the Federation of Associations for the Defence and Promotion of the Rights of People with Disabilities in Guinea-Bissau, the National Union of Disabled Victims of Landmines, the National Association of the Deaf, the Guinean Association for the Rehabilitation and Integration of the Blind and the National Red Cross. On 9 September 2024, a consultation with civil society organisations was organised to hear their voices and enrich this report. On

8 October 2024, a validation meeting was held with representatives from almost all the State Ministries so that the contents of the report would be known to the members of the Government.

7. The working group finalised the report, which was submitted to the Minister for Women, Family and Social Solidarity for her approval. The report was then translated and sent to the Ministry of Foreign Affairs for International Cooperation and Communities for submission to the Committee.

D. The Convention on the Rights of Persons with Disabilities in Guinea-Bissau

8. The State of Guinea-Bissau has made significant progress, but it still faces major challenges in fulfilling the international obligations it entered into when it ratified human rights treaties, in particular the International Convention on the Rights of Persons with Disabilities. These progresses and challenges will be described in this document. The incidence of extreme poverty, according to data from the National Statistics Institute in 2009, affects around 33 per cent of the population (corresponding to 483,474 people) and affects people with disabilities even more, while 69 per cent of the population is considered relatively poor, i.e. they live on less than two (2) US dollars a day. Approximately 25% of the country's population is concentrated in the capital Bissau due to the high rate of rural exodus of young people, followed by the administrative regions of Oio with 14.8% of the population, Gabú with 14.2%, Bafatá with 13.8% and Cacheu with 12.7%.

9. Poverty mainly affects people with disabilities who have less access to education, work and employment.

10. With regard to people with disabilities, according to the World Health Organisation it is estimated that the world population with some kind of disability is 16%¹. In Guinea-Bissau, according to data from the General Population Census (2009), only 0.94% of the Guinean population has a disability. This discrepancy in data on the real demographics of people with disabilities in Guinea-Bissau reflects the country's challenge to update studies (through the use of tools capable of collecting information on people with disabilities). (Washington Group: <http://www.washingtongroup-disability.com/>).

11. It is necessary to have a uniform idea of the national demography of this group of people, in accordance with the prerogatives defined by the Convention on the Rights of Persons with Disabilities, which was ratified by Guinea-Bissau in 2014. New questions in the surveys and new methodologies should be included in the next general population census scheduled for 2025.

12. According to statistics, the majority of victims of violence within the Guinean society are women of all ages, social classes, religions, races and ethnicities. Women with disabilities suffer more violence than women without disabilities.

II. Legal framework

13. The Convention on the Rights of Persons with Disabilities, as a fundamental instrument for the protection of people with disabilities, was ratified by Guinea-Bissau on 24 September 2014. The country also ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities on 22 October 2018. Guinea-Bissau has not yet ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

14. Also at international level, Guinea-Bissau has ratified several legal instruments on children's rights, including the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child, which contain provisions on the rights of children with disabilities.

¹ Information available at: https://www.who.int/health-topics/disability#tab=tab_1.

15. Although Guinea-Bissau has ratified the International Convention on the Rights of Persons with Disabilities as a way of strengthening its actions in favour of defending the rights of people with disabilities, the state still encounters obstacles to incorporating the rights of people with disabilities into specific actions in public and macroeconomic policies. Political instability and successive coups and coup attempts are the main obstacles to the continuity and effectiveness of public policies.

16. In addition to the Convention, the Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006) was ratified in 2018. This reinforces the state's commitment to protecting and promoting the rights of people with disabilities.

17. The Constitution of the Republic of Guinea-Bissau, with regard to human rights treaties, has a single article, Article 29(2), which reads as follows: "Constitutional and legal precepts relating to fundamental rights shall be interpreted in harmony with the Universal Declaration of Human Rights" (UDHR). International instruments enter into force in the domestic legal system through the open clause of fundamental rights, allowing for the subsequent enshrinement of matters in the catalogue, without the need to amend the Constitution. Rules enshrining fundamental rights are interpreted in accordance with the UDHR.

18. It is therefore clear that the commitments made by the country in terms of international law, both at the level of the United Nations and at the level of the African Regional Organisations (AU, ECOWAS, OHADA and WAEMU), have direct applicability and immediate effect in the domestic legal order, and revoke any previous or subsequent domestic rule to the contrary.

19. The only legal provision concerning the protection of people with disabilities is found in the Constitution of the Republic, in which there is a perfunctory reference to people with disabilities, but limited to those who have suffered physical impairment as a result of participating in the national liberation struggle, Article 5(2)(a). Since the issue of people with disabilities is dealt with in broad terms, we refer to the abstract procedures for dealing with solidarity.

A. Infra-constitutional rules

20. Several rules in the Guinean legal system make reference to the principle of non-discrimination with explicit reference to people with disabilities, such as the Domestic Violence Law (No. 06/2014), the Basic Law on the Education System (No. 04/2011) and the draft Basic Law on Sport (no date has been set for its discussion and approval in the National People's Assembly).

21. The draft law on the Basic Law for the Protection, Promotion and Inclusion of People with Disabilities was finalised in 2018 and needs to be approved by the Council of Ministers before it can go to the National People's Assembly for approval.

B. Policies, strategies and institutional framework

22. The National Strategy for Human Rights (2022-2026) in its Axis No. 5, Objective 2 recommends that the state adopts a law on people with disabilities. In addition, in general terms, it calls on the state to draw up indicators and monitor them in relation to groups in situations of vulnerability, including people with disabilities.

23. On 7 July 2022, the state adopted a National Strategy for the Inclusion of People with Disabilities, which recognises that the government does not yet have specific legislation on people with disabilities and which defines the obligations of state institutions, civil society organisations and society in general towards them.

24. The Strategy is the first document of its kind to be adopted in the country. The key elements of the Strategy are as follows:

25. The Strategy recognises that the situation of people with disabilities is characterised by different forms of exclusion. In general terms, society continues to have interpretations

that do not accord people with disabilities the dignity of human beings in general and, as mentioned above, there are no structured public policies for the sector. For example, within families, people with disabilities are the target of negative discrimination from the people who should be their main support - their parents, siblings or other close relatives. During the process of gathering information for the Strategy, various accounts of situations of exclusion within the family were heard, such as “don’t spend money to buy medicine for this one, because it will never do anyone any good”.

26. The Strategy’s general objectives are to contribute to promoting the rights, participation and effective inclusion of people with disabilities in Guinea-Bissau.

27. The Strategy’s specific objectives are:

(a) Mobilising and guiding national and international efforts through projects that promote and defend the rights of people with disabilities;

(b) Adopting legal instruments and public policies to improve the living conditions of people with disabilities in the country;

(c) Promoting full participation and access to basic services, employment and decent work for the well-being of people with disabilities;

(d) Sensitising and raising awareness among authorities and the general public about respect for the fundamental principles of the human rights of people with disabilities enshrined in the CRPD and related instruments;

(e) Monitoring and evaluating the implementation of national and international legal instruments.

28. There are also demands from civil society to improve the protection and promotion of the rights of people with disabilities:

(a) Updating lists of pension beneficiaries (pensions/subsidies paid by the state to people with disabilities).

(b) Given the high cost of living in the country, it is necessary to review the value of the pension in order to cover the basic expenses of people with disabilities.

(c) Revision of figures in the State Budget to increase the amounts earmarked for the protection and promotion of the rights of people with disabilities.

(d) Creating and budgeting for the Evaluation and Monitoring Committee for the implementation of the Strategy on the Rights of Persons with Disabilities.

29. The strategic vision of inclusion is one of effective inclusion, coherence and solidarity, involving the responsibility of all sectors of society, namely the community, public authorities, the family, religious and traditional authorities.

30. In 2019, the General Directorate for Social Inclusion was created, which is a service of the Ministry of Women, Family and Social Solidarity, and its mission is to define, formulate and evaluate public policies that promote the social inclusion of the most vulnerable individuals, families and groups, namely people with disabilities, people with albinism, etc.

31. The Directorate’s remit is set out in Article 75 of the Organic Law of the Ministry of Women, Family and Social Solidarity.

32. In 2021, the Multisectoral Technical Committee for the Monitoring of Inclusive Public Policies was created, whose responsibility, among others, is to create the mechanism for monitoring and evaluating all documents that favour the inclusion of people with disabilities (laws, programmes, projects and plans). This committee is currently not functioning and effective measures need to be taken to reactivate and energise it.

33. The National Strategy for the Inclusion of People with Disabilities in Guinea-Bissau was adopted on 22 July 2022.

34. The state also has a National Policy on Equity and Gender Equality - approved in December 2017. The Policy does not expressly mention women with disabilities, but it does

make reference to important documents that can be used to guarantee the rights of these women, including women with disabilities.

35. Guinea-Bissau also has a National Policy for the Integral Protection of Children which has an Action Plan on the integral protection of children (2021-2032) that includes specific aspects on the rights of children with disabilities.

36. In addition, the State of Guinea-Bissau has adopted the Education Sector Plan 2017-2025, which includes important measures for the inclusion of children with disabilities in the education sector.

37. The Minister of National Education issued Order No. 02/GM/MEESJCD/2018 in August 2018 exempting students with disabilities from paying monthly and periodic fees.

III. Specific articles of the Convention

Article 5

Equality and non-discrimination

38. Article 24 of the Constitution of the Republic refers to the principle of equality and non-discrimination, although it does not mention the rights of people with disabilities. However, by virtue of Article 29 of the Constitution, the principle must also be applied to people with disabilities.

39. Article 113 of the Guinea-Bissau Penal Code makes direct reference to the abandonment of a person with disabilities (paragraph b), and article 110 punishes a person who takes the life of a child because it was born with a manifest physical or mental disability with a prison sentence of between 2 and 8 years.

Article 6

Women with disabilities

40. Article 25 of the Constitution of the Republic recognises equality between men and women, which can be extended to women with disabilities.

41. The National Policy for Equity and Gender Equality [PNIEG] - approved in December 2017, makes no express reference to policies aimed at women with disabilities, but only presents a table showing the articulation between the objectives of the PNIEG (objective no. 4) and the Sustainable Development Goals (SDGs), given the need to highlight the alignment and correspondence between these two documents. In the same vein, it also shows the alignment between PNIEG objective no. 6 and the SDGs.

Article 7

Children with disabilities

42. Internationally, Guinea-Bissau has ratified several legal instruments on children's rights, including the African Charter on the Rights and Welfare of the Child and the United Nations Convention on the Rights of the Child.

43. According to Article 13 of the African Charter on the Rights and Welfare of the Child: "Every child with a disability has the right to special protection measures that ensure his or her dignity, promote self-esteem and active participation in the community."

44. "Children with disabilities enjoy the same rights as other children, but given their physical or mental impairment, they deserve special protection, which must be defined in terms of an integrated policy aimed at creating conditions that dignify the lives of these children. In this case, it is up to the state to create mechanisms and conditions for the education and socio-professional integration of children and young people with disabilities, social security schemes, to withstand the isolation and social marginalisation that many children face."

45. Children's rights are not covered by the Constitution of Guinea-Bissau. The general constitutional provisions that are applicable to the case are the aforementioned Articles 24, 26 and 37 (moral and physical integrity of persons, prohibition of torture and forced labour), all of the CRGB.

46. At the infra-constitutional level, the Code for the Integral Protection of Children stands out, a document awaiting promulgation by the National People's Assembly. Although not approved, the document is innovative in that it includes a whole chapter on the rights of children with disabilities.

47. Among other important elements, the new Code defines a child with a disability in accordance with the Convention's guidelines. Article 88 (2) states: "For the purposes of this Code, a child with a disability is a child with a physical, mental, psychosocial, intellectual, neurological or other sensory impairment which, in interaction with various environmental, behavioural or other barriers, may obstruct his or her full and effective participation in society on an equal basis with other children."

48. The Code follows the general lines of the Convention and also guarantees access to public and private institutions through reasonable adaptations and accessibility, the right to education and the right to live in the community.

49. The National Strategy for the Inclusion of People with Disabilities was also adopted, which also emphasises the rights of children with disabilities and the state's obligation to promote and protect their rights.

50. Article 13 (2) of the African Charter on the Rights and Welfare of the Child stipulates that all member states must ensure that resources are available to children with disabilities and their carers to provide appropriate assistance that guarantees access to training, preparation for employment and recreational opportunities in order to ensure that the child achieves the best possible social integration, individual development and moral and spiritual development.

51. The unavailability of resources should not be used as a justification for not taking action to protect and develop children with disabilities. Every state must prioritise the protection and care of children with disabilities. Guinea-Bissau is working to adopt legislation to fulfil this standard.

52. Although Guinea-Bissau ratified the International Convention on the Rights of Persons with Disabilities as a way of strengthening its action in favour of defending the rights of people with disabilities, the state has faced difficulties in translating the content of the standard into specific actions in public and macroeconomic policies.

53. In the field of quality and inclusive education, the state, through its international partners, mainly international organisations and members of civil society, has created access facilities such as ramps, accessible classrooms, blackboards, latrines, etc. in some schools. Work was carried out on 15 schools in the Autonomous Sector of Bissau, 15 schools were rehabilitated in Oio, and 8 schools were rehabilitated in Cacheu. In addition, one school in Bafatá, one in Gabú and one in Quinara were rehabilitated with the support of international partners. Teacher training and the development of accessible teaching materials (such as in Braille or sign language) continue to be challenges faced by the state in order to accommodate the specific needs of children with disabilities. As a result, students with disabilities can be excluded from inclusive education, especially in traditional communities.

54. Access to medical services and medication is insufficient, as there is a shortage of health professionals specialised in sign language to talk to children with disabilities if they are not accompanied by an assistant.

55. Guinea-Bissau has a National Policy for the Integral Protection of Children with an Action Plan on the integral protection of children (2021-2032) that includes specific aspects on the rights of children with disabilities.

56. Among the Policy's priorities is the expansion of comprehensive protection for children in situations of special vulnerability, including children with disabilities, children at risk of statelessness, and *talibé* children.

57. As the institution responsible for protecting and promoting children's rights, the Institute for Women and Children's main mission is to coordinate, supervise and promote children's human rights in programmes, policies and legislation. Among its competences is collaboration with national bodies and partners to set up specialised social centres to support and promote children, particularly children with physical disabilities, abandoned children, victims of violence and ill-treatment.

58. There are indicators that reveal the country's fragility in terms of quality of life, for example, the neonatal mortality rate in the most recent period is 36 per 1,000 live births. Post-neonatal mortality is 20 per 1,000 live births in the same period. This shows that just over half of infant deaths in Guinea-Bissau occurred during the first month of life. The infant mortality rate stands at 55 per 1,000 live births and the child mortality rate (under 5) is 89 per 1,000 live births (MICS, 2014). New data shows that infant mortality has fallen to 51 per 1,000 live births (MICS, 2019).

59. These figures demonstrate the challenges faced by the national health system, despite the fact that the number of children who survive is not high, but they grow up with disabilities due to the lack of response from health institutions.

60. Discrimination and lack of inclusion of children with disabilities is a serious problem in the country. Children with disabilities suffer multiple violations of their rights. Children referred to as "irã", in the belief of many ethnic groups in Guinea-Bissau, represent the incarnation of spiritual entities that make them "witch children". These children are kept invisible, considered to be an "economic burden" and the object of psychological, physical and sexual violence. In addition, children with disabilities have reported difficulties in accessing birth registration, health services and do not benefit from school inclusion.

61. Children born with malformations continue to be vulnerable to infanticide rituals, despite the provisions of Article 110(1) of the Penal Code, which stipulates that a mother, father or grandparents who, during the first month of their child's or grandchild's life, take their child's life because they were born with a manifest physical disability or illness, or understandably influenced by the uses and customs in force in the ethnic group to which they belong, shall be punished with imprisonment.

Article 8

Awareness-raising

62. Axis 5 of the National Strategy for Human Rights and Citizenship includes the need to publicise and disseminate information on the rights of vulnerable groups, including people with disabilities, through inclusive seminars and the production of materials in Braille, sign language and posters on equality, non-discrimination, diversity and inclusion.

63. The Action Plan of the National Strategy for the Inclusion of People with Disabilities in Guinea-Bissau establishes the need to sensitise and raise awareness among the authorities and the population in general about respect for the fundamental principles of the human rights of people with disabilities enshrined in the CRPD and related instruments, through the dissemination of the International Convention on the Rights of Persons with Disabilities and other texts that defend and promote the rights of people with disabilities.

64. The Action Plan also calls for sensitising the community to the texts on the rights of people with disabilities and related instruments.

65. In the same vein, the Action Plan of the National Strategy for Inclusive Education establishes that the General Directorate for Inclusive Education should develop a community awareness campaign addressing the benefits of inclusive education, early intervention, with special attention to disability, bullying, diversity, learning for all, human rights, etc.

66. In 2020, as part of the commemoration of the 16 days of activism, the Ministry of Women, Family and Social Solidarity through the Institute for Women and Children, the General Directorate for Social Inclusion and in partnership with members of the Federation of Associations for the Defence and Promotion of the Rights of People with Disabilities (FADPD-GB), held an activity entitled "In the Skin of the Other" with the aim of raising

awareness among the highest authorities (members of the Government: Ministers and Secretaries of State, and Members of Parliament) on the issue of accessibility for people with disabilities in different public and private places, as this is an essential right for this group.

67. This was a way of making the authorities feel the difficulties faced by people with disabilities on a daily basis. Wheelchairs, blindfolds and crutches were used to assimilate the different types of disabilities.

Article 9 Accessibility

68. There is no specific legislation in the country on priority service for people with disabilities, but in practice some public and private institutions adopt priority service mechanisms for this target group. Banks and hospitals, for example, offer priority service to people with disabilities.

69. According to data from the National Strategy for the Inclusion of People with Disabilities, approved on 7 July 2022 by the Council of Ministers, some public institutions such as the Government Palace, the Palace of Justice and the National People's Assembly have accessibility problems because, despite being new buildings, they are not equipped with lifts, which makes it impossible for people with disabilities to access the upper floors. And often, when they don't encounter physical barriers, they find it difficult to access the information they need, because they are not served properly due to a lack of people able to communicate with them. People with visual or hearing impairments don't have access to documents produced specifically for their case, and the right regulatory framework is very important.

70. In 2023, the National People's Assembly underwent a renovation process and now has a lift to help with accessibility.

71. This Strategy provides for the development and implementation of public and inclusive accessibility policies as strategic actions. This involves removing architectural barriers, especially in public and private spaces, communication and altitudinal barriers; and ensuring access to information, goods and services and economic accessibility without discrimination.

72. In terms of government education policy, the Education Sector Plan prioritises that "New buildings will continue to be equipped with access ramps to allow access for children with motor difficulties". (MENES, Education Sector Plan 2017-2025, pg.31).

73. The National Strategy for Inclusive Education (2022-2028), approved on 23 March 2023 by the Council of Ministers, refers to the lack of school enrolment, difficulties in physical access to school and the lack of specific teaching resources, as well as the absence of systematic policies to support schools and teacher training in the field of disability, while advocating for the improvement of the education system for the inclusion of children with disabilities.

74. Point 2 of the Action Plan calls on the state to act on these problems in order to include children with disabilities.

75. The country does not have any legislation on sign language, but there is a Practical Dictionary of Guinean Sign Language. Guinea-Bissau also has a manual on learning Braille and mobility techniques for visually impaired people.

76. The Action Plan of the Strategy for Inclusive Education (2022-2028), in its objective 8, establishes as strategic actions the need to create and finance courses for technicians specialising in Braille and mobility, as well as Guinean Sign Language, to work at national level. It also provides for the drafting of a guide for the design and implementation of initial and ongoing teacher and educator training programmes for all teachers in inclusive education.

77. In 2016, the AGRICE organisation signed a partnership agreement with the "SAMORA MOISÉS MACHEL" public school in Bissau and the Lusophone University of Guinea (ULG) to help train a group of teachers in sign language and Braille. The same school

provides technical support in the field of adapted teaching resources for people with disabilities.

Article 10

Right to Life

78. There is no express reference in Guinea-Bissau's legislation to the right to life. In other words, there is no specific article guaranteeing the right to life. However, it is safeguarded in Article 107 of the Penal Code, which punishes homicide, and Article 110 (1), which punishes infanticide. However, there is no express reference to people with disabilities.

Article 11

Risk situations and humanitarian emergencies

79. The country has a basic civil protection law (Law no. 9/2011 of 15 June) and its regulation (Decree-Law no. 17/2017) which establishes the general bases of the national civil protection system applicable throughout the country. However, in the event of a public disaster, it does not define priority service mechanisms for people with disabilities.

80. It is understood that, under the constitutional principle of equality, people with disabilities cannot be discriminated against in situations of risk and humanitarian emergencies.

Article 12

Equal recognition before the law

81. Article 24 of the Constitution of the Republic recognises that "All citizens are equal before the law, enjoy the same rights and are subject to the same duties, without distinction of race, sex, social, intellectual or cultural level, religious belief or philosophical conviction." Although not expressly stated, the equality of people with disabilities is implicit.

82. In addition, Article 44 of the Constitution recognises the right to personal identity, civil capacity and citizenship, including for people with disabilities.

Article 13

Access to justice

83. The Constitution of the Republic of Guinea-Bissau enshrines the right of access to justice, the right to information and legal protection, under the terms of Articles 32 and 34.

84. The obligation for this right stems not only from the Constitution of the Republic, but also from international standards, especially the Convention on the Rights of Persons with Disabilities in its Article 13.

85. Just guaranteeing the right to information and legal protection (Article 34 of the Constitution) is not enough to solve the problem of access to justice.

86. The Organic Law of the Courts (No. 3/2002) under the heading "Access to justice" states that: "Everyone is guaranteed access to the judicial courts as a means of defending their legally protected rights and interests, and justice may not be denied on the grounds of insufficient financial means."

87. In order to effectively materialise the right of access to justice, the government has created mechanisms for citizens to access the law and justice. A legal aid programme has been made available to the Guinea-Bissau Bar Association (OAGB) by the UNDP, which consists of unofficially sponsoring people who are in financial need to pursue legal proceedings. This assistance includes people with disabilities.

88. In the same vein, and in line with the recommendations of the 2010 UPR, the state adopted Decree-Law 11/2011, which created the Legal Information and Consultation Office

and the respective Access to Justice Centres (CAJ). Seven (7) Access to Justice Centres were set up, operating: two in Bissau, one in Mansôa, one in Canchungo, one in Bafatá, one in Gabú, and one in Buba, to deal with situations of people in need and unable to afford legal costs, scattered in different locations throughout the country. These centres work in conjunction with the courts, police stations, detention centres and prisons and the Bar Association.

89. With regard to Decree-Law no. 11/2011, Article 8, people with disabilities are prioritised by the CAJs, although there is no express provision on the subject.

90. Regarding the specific data on CAJs by priority groups, there is no specific treatment column for people with disabilities.

91. Not all regions of Guinea-Bissau have a functioning court, and when they do exist, they don't have the structure to cater for everyone, and in many cases suffer from minimal conditions for people with disabilities.

92. As mentioned with regard to the rights of children with disabilities, children born with malformations are vulnerable to infanticide rituals, despite the provisions of article 110 (1) of the Penal Code, which stipulates that a mother, father or grandparents who, during the first month of their child's or grandchild's life, take their child's life because they were born with a manifest physical disability or illness, or understandably influenced by the uses and customs in force in the ethnic group to which they belong, shall be punished with imprisonment.

93. The Bissau Regional Criminal Court tried and convicted two cases of abandonment offences (2022/2023), one case of infanticide and corpse desecration.

Article 14

Freedom and security of the person

94. Under Article 38 of the Constitution, people with disabilities cannot be deprived of their liberty except by a final judgement.

95. No one will be deprived of their liberty in Guinea-Bissau simply because they have a disability.

96. In Guinea-Bissau, the mental health centre, located in one of the outlying districts of the capital, does not have a detention centre for people with disabilities. There is therefore no deprivation of liberty for people with disabilities in the country.

Article 15

Freedom from torture, cruel, inhuman or degrading treatment or punishment

97. Torture, cruel or inhuman treatment or punishment are prohibited by the Constitution of Guinea-Bissau, which in its Article 37 states: "The moral and physical integrity of citizens is inviolable". It also states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." People with disabilities, like all Guinean citizens, must not be subjected to torture.

98. Furthermore, Article 42 prohibits evidence being obtained through torture, which includes the right of people with disabilities not to be tortured.

Article 16

Protection against exploitation, violence and abuse

99. Guinea-Bissau's legislation makes express reference to sexual abuse offences against people with disabilities, mentioning physical and mental disabilities. Cases of sexual abuse against people with disabilities can be punished with between two and eight years in prison, according to Article 134 of the Penal Code.

100. In addition, in 2014 the state adopted the Domestic Violence Law (No. 6), which, among other provisions, prohibits sexual abuse within the family. The penalty is 3 to 12 years in cases where the offence is committed within the family sphere.

101. In Guinea-Bissau it is not uncommon for women with disabilities to be sexually abused because it is believed that they are unable to obtain sexual partners, so Law No. 6 of 2014 punishes people who use this belief to rape women with disabilities with a sentence of 3 to 12 years.

102. The same law (No. 6 of 2014) also provides for an increase in the penalty in cases where violence is committed against people with disabilities.

103. Article 5 of Law No. 6 states that every victim, regardless of ancestry, nationality, social status, gender, ethnicity, language, age, religion, disability, political or ideological conviction, sexual orientation, culture and educational level, enjoys the fundamental rights inherent in the dignity of the human person, and is guaranteed equal opportunities for a life without violence and for physical and mental health.

Article 17

Protection of the Integrity of the Person

104. The physical integrity of all people, including people with disabilities, is guaranteed in Article 37 of the Constitution.

105. Under Article 112 of the Penal Code, no woman, including women with disabilities, can be forced to have an abortion. Anyone who causes such an abortion can be punished with between 3 and 12 years in prison.

106. The state of Guinea-Bissau has encountered difficulties in publicising the content of laws protecting the rights of people with disabilities.

107. Furthermore, one of the state's other difficulties has been overseeing the application of the same laws. In the context of this report, no judgements on abortion were found.

108. Finally, the state has struggled to find ways to protect whistleblowers in need of protection, as the country still has no witness protection law.

Article 18

Freedom of movement and nationality

109. Law No. 2 of 1992 stipulates that the child of a Guinean father or mother born in Guinea-Bissau or abroad if the parents are in the service of Guinea-Bissau will be Guinean, as will the child of a Guinean father or mother born abroad if they so declare. This rule also includes people with disabilities.

110. Guinean nationality may be granted to the minor or incapacitated children of a parent who has acquired Guinean nationality and who so request, and they may opt for another nationality when they reach the age of majority.

111. The Constitution guarantees that all citizens have the right to travel within the national territory (art. 53), which includes the right of people with disabilities.

112. As a member of ECOWAS, Guinea-Bissau has an agreement on the free movement of goods and services, which allows people from the region, including people with disabilities, to enter and leave Guinea-Bissau. In order to comply with the rule, in 2014 the Minister of Internal Affairs issued an order suspending some entry checkpoints on national territory.

113. Guinea-Bissau has encountered challenges in guaranteeing freedom of movement within ECOWAS.

Article 19

Right to live independently and be included in the community

114. The state guarantees the payment of a monthly subsidy of 10,000 XOF to people with disabilities who are registered with the Ministry of Finance. This aid represents assistance for the independence of people with disabilities.

Article 20

Personal mobility

115. The National Strategy for the Inclusion of People with Disabilities demands that public accessibility policies be drawn up and implemented, which means removing architectural barriers, especially in public spaces.

116. Between 2022 and 2024, the state carried out work to renovate *Bissau Velho* (the city's historical centre), making it easier to get around in the centre of Bissau.

Article 21

Freedom of expression and opinion and access to information

117. The Constitution of the Republic guarantees freedom of the press in Article 56, without discrimination, including discrimination against people with disabilities.

118. Additionally, the right to information is guaranteed in Article 34 of the Constitution.

119. Article 51 of the Constitution also guarantees that everyone has the right to freely express and disseminate their thoughts by any means at their disposal, as well as the right to inform, to search information and to be informed without hindrance or discrimination.

120. The National Strategy for the Inclusion of People with Disabilities plans to ensure access to information for people with disabilities by drawing up a training and information plan for social service technicians (education, health, justice) and public and private service agents in sign language.

121. The Strategy also provides for the implementation of a sign language communication plan. The state already has agreements with schools to provide sign language education. There is a partnership with the Lusófona University for training in sign language.

122. However, the state has faced budgetary challenges in implementing information access measures. In addition, given the challenges with access to electricity and the internet in the country, the use of information technology to advance the rights of people with disabilities is still limited.

Article 22

Respect for privacy

123. Article 44 of the Constitution of the Republic guarantees respect for privacy and private and family life. This rule includes respect for the privacy of people with disabilities.

124. Article 143 of the Penal Code punishes anyone who violates a person's right to privacy with a prison sentence of up to three months or a fine.

125. The Domestic Violence Act, Law No. 6/2014 stipulates that victims (including people with disabilities) must have their right to privacy respected (Articles 10 and 28).

126. The African Union Convention on Cyber Security has been signed by Guinea-Bissau, but the instrument is pending ratification. There is a need for harmonised legislation in the field of cyber security in the member states of the African Union and to create a law on cyber security in Guinea-Bissau.

Article 23

Respect for Home and Family

127. In Guinea-Bissau's legislation, nothing prevents the right of people with disabilities to marry and start a family, based on free and full consent, and likewise, people with disabilities have equal access to family planning programmes, assisted reproduction and social assistance for children.

128. Article 26 of the Constitution of the Republic states that the state recognises the family as a fundamental element of society that must be protected by all.

Article 24

Education

129. The State of Guinea-Bissau recognises the right to education for the entire population. It offers an integrative education system at all levels, based on the principle of equal opportunities in accordance with the following constitutional provisions.

130. According to Article 16 of the Constitution of Guinea-Bissau, education is aimed at the formation of man. It must remain closely linked to productive work, provide the acquisition of skills, knowledge and values that enable citizens to fit into the community and contribute to its constant progress. The state considers the elimination of illiteracy to be a fundamental task.

131. Article 49 (1) of Guinea-Bissau's Magna Carta guarantees that all citizens have the right to education and other forms of instruction that society reserves for them. It is therefore understandable that the Constitution of Guinea-Bissau recognises various levels of education, and also recognises private initiative in the education sector in order to complement the state in its mission to combat illiteracy and social discrimination in education.

132. The country drew up the National Strategy for the Inclusion of People with Disabilities and took into account the issue of education, and also adopted the National Strategy for Inclusive Education, which took into account the issue of inclusive education for people with disabilities at country level.

133. Axis 2 of the National Social Protection Strategy (adopted on 27 June 2024) took into account the issue of access to essential education services, especially with regard to free basic education for all in the first two cycles. According to the Basic Law of the Education System (Law 4/2011), this measure covers all fees previously charged. Free education does not yet apply to the 3rd cycle, although such an extension is contemplated in the Basic Law of the Education System when it is financially feasible.

134. The gradual promotion of free and equal access for all citizens to the various levels of education is the task of the state and includes the right of children and young people with disabilities.

135. The education referred to by the law does not refer to a standard of living, much less the physical condition or aesthetics of any citizen.

136. Education remains one of the most promising and problematic areas in Guinea-Bissau. Despite the efforts that have been made by different governments, the international community and civil society organisations, Guinea-Bissau's education system faces challenges in achieving the minimum standards of educational quality.

137. Article 53 of the Comprehensive Child Protection Code, which is awaiting approval by the National People's Assembly, states that every child has the right to education, with compulsory minimum schooling being free under the terms of the law.

138. Article 12 of the Basic Law on the Education System states that primary education is universal, free and compulsory. Free basic education means exemption from tuition fees, fees and emoluments relating to enrolment, attendance and certification, as well as free use of books and teaching materials.

139. With regard to people with disabilities, Articles 35 and 36 of the Basic Law on the Education System state that special education aims to provide appropriate educational care for individuals with physical or mental disabilities and gifted children.

140. According to the Education Sector Plan, education is expected to catalyse the emergence of the country, ensure equal access and success for all, contribute to the development of every citizen, and support efforts towards democracy and social progress.

141. With regard to access to the first two cycles of basic education, the sector plan outlined various strategies to achieve the goal of universal schooling.

142. As far as people with disabilities are concerned, these include:

- Preparing the implementation of an inclusive school for children with specific needs. To this end, the planning services will collect the necessary data to draw up a map of disabilities. The relative prevalence of the different types of disabilities and their geographical distribution will make it possible to determine the most appropriate ways of favouring schooling for children with disabilities.²

143. The creation of a General Directorate for Inclusive Education (DGEI) within the Ministry of Education and Higher Education in 2020 is to be commended. This is proof of the political sphere's clear interest in taking ownership and increasing the importance of the issue in Guinea-Bissau, reinforcing the interest already observed in the public sphere.

144. The General Directorate for Inclusive Education (DGEI) has developed the National Strategy and Action Plan for Inclusive Education in Guinea-Bissau, which is a major challenge in that, while creating conditions that benefit all students, it is necessary to create measures that guarantee the participation, education, inclusion and learning of students with particular conditions of vulnerability, such as students with disabilities.

145. The strategy proposes the promotion of inclusive education at the level of overcoming reinforcement of the General Directorate for Inclusive Education, thus contributing to its effectiveness and efficiency around public policies at national level, aiming to be based on 2 pillars: an inclusive government education policy and a training and overcoming process.

146. The Inclusive Education Strategy is designed to be developed over seven years, divided into three phases: the first phase of organisation and installation in the years 2022-2023; a second and third phase of development in the years 2024-2026 and 2027-2028, respectively. The actions leading to each dimension of the strategy cut across all three phases, but are organised by level.

147. Accessibility for people with disabilities in public or private schools is a major barrier for many people with disabilities in Guinea-Bissau, and most of the time families don't think that children with disabilities have the right to education and don't enrol them in school. Many families feel ashamed to let their relative attend public spaces, some even prefer that people with disabilities stay at home without having access to education, thus perpetuating forms of social discrimination against people with disabilities (Report of the Human Rights League of Guinea-Bissau, 2010-2012). For children with disabilities, the barriers are often physical, as they cannot, for example, get to school.

148. Statistical data from the study on people with disabilities (INEP) shows that 57.4% of people with disabilities of school age is outside the education system. A comparative analysis by gender reveals that women with disabilities are the most disadvantaged, as they represent around 71.8% of the disabled population who have never attended an educational establishment, compared to 45.1% of men. More than 20% of the female population in urban areas have never attended an educational establishment, compared to 10.5% of the male population; 11.4% of women compared to 24.8% of men have ever attended an educational establishment and only 5.4% of women compared to 6.9% of men said they were attending. In rural areas, the situation is more alarming, with 51.2 per cent of women having never attended, compared to 34.6 per cent of men; 4.9 per cent of the female population, compared to 16 per cent of the male population, had attended and only 3.4 per cent of women, compared to 4.6 per cent of men, were attending at the time of the census. Among people with

² Education Sector Plan (2017-2025).

disabilities, 23% have Unified Basic Education (EBU), 11% secondary education, 1% vocational education, 1% secondary education and 1% university education. Meanwhile, 61 per cent did not declare their level of education.

149. The lack of basic conditions in schools is also a major obstacle to the attendance of all pupils, particularly pupils with disabilities. The obvious reality is the lack of drinking water, electricity, sanitary facilities and school furniture.

150. Despite the aforementioned problems in the education system, especially with regard to people with disabilities, some progress has been made in this area. In 2016, the first edition of the sign language dictionary was launched, updated and relaunched in 2017 by the Association of the Deaf of Guinea-Bissau, a curriculum plan for initial teacher training in inclusive education is underway - INDE 2017 - and an inclusive education programme was launched by *Humanité et Inclusion* integrating 26 schools in Bissau and the Oio Region.

151. On the other hand, Guinean public education has shown little capacity for innovation in the sense of integration, of a formal inclusion approach, either through curricular subjects or through lesson plans that favour the dual approach of gender and inclusion of people with disabilities.

152. The state has provided specialised training for physical education and sports teachers on inclusion. However, the provision of equipment adapted for people with disabilities to take part in physical education subjects is still a challenge.

153. In the 8 administrative regions and 36 sectors, as well as in the Bissau sector, the state has 38 schools with an inclusive education initiative. There are approximately 2,811 schools in Guinea-Bissau. Of these 38 schools, only 3 are equipped to accommodate students with visual and hearing impairments. The others still lack adequate equipment. The equipped schools are the inclusive schools of AGRICE (BENGALA BRANCA school) in Safim, ASGB (ASGB inclusive school) in Prábis and another in Bissorã.

154. There is also a centre of the Deaf and Dumb School in the Autonomous Sector of Bissau. It is important to note that children without disabilities can also attend these educational establishments. This programme does not extend to higher education (university and polytechnic education).

155. Some of the country's public schools are examples of good practice with regard to people with disabilities, as they admit them (people with hearing impairments, people with partial physical and visual impairments) into the system.

156. Despite the weaknesses noted, the Minister of National Education issued Order No. 02/GM/MEESJCD/2018 in August 2018 exempting students with disabilities from paying monthly and periodic fees. This order is renewed annually.

157. Through the Quality and Inclusive Education programme, the government, together with its partners, has been creating access facilities such as ramps, accessible classrooms, low tables, latrines, etc.

158. There are initiatives from civil society organisations (NGOs, DPOs, religious organisations, community radio stations) that manage to provide some assistance and answers to the most urgent needs. This result is due to the contribution made by the Associations of People with Disabilities and other associations that promote these rights, in particular AGRICE, AS-GB and the Federation of Sports for the Disabled, but also the social intervention of religious organisations, in particular Catholic and evangelical missions.

159. The Implementation Strategy for the National Social Protection Policy (2025-2029) calls for the inclusion of special measures for people with disabilities. According to the Strategy: "Additional measures will be taken to encourage school attendance and retention of girls and children with disabilities. The special measure of providing these children with take-home rice rations will be expanded, especially in the second cycle, where the risk of dropping out of school increases. The possibility of adding to these rations the provision of menstrual kits, which could further facilitate and incentivise girls' attendance and retention in the 2nd cycle, will be explored."

160. The low level of education of people with disabilities is highlighted by the fact that 57.6 per cent of adult people with disabilities are illiterate. Nearly half (47.8 per cent) of the adult population with a disability is inactive, but only 3.6 per cent of people with disability receive a disability pension, which is restricted to contributory social protection.

Article 25

Health

161. The current Constitution of Guinea-Bissau (1994) emphasises in Article 15 that “public health aims to promote the physical and mental well-being of the population and their balanced integration into the socio-ecological environment in which they live.” It also states that public health “must be oriented towards prevention and aim at the progressive socialisation of medicine and the medical and medicinal sectors”. Although the Constitution does not expressly mention the right to health, Article 29 notes that constitutional and legal precepts relating to fundamental rights must be interpreted in harmony with the Universal Declaration of Human Rights, which recognises the right to health in Article 25. Furthermore, Article 58 of the Constitution provides for the progressive creation of the “conditions necessary for the full realisation of rights of an economic and social nature” which are recognised in the title of fundamental rights, freedoms, guarantees and duties.

162. The idea of adopting a basic health law was discussed between 2010 and 2011, but abandoned shortly after the coup d’état of 12 April 2012. There is currently no law defining essential goods, services and facilities and the rights of the population in terms of health.

163. Guinea-Bissau faces challenges in creating and guaranteeing accessibility to the health system for people with disabilities. Although the state has created strategies on the right to health, these have not yet been sufficient to ensure that health services are inclusive. Despite the state’s efforts to guarantee the rights of people with disabilities to health, it still faces obstacles to ensuring greater inclusion of people with disabilities in the national public health system.

164. Guinea-Bissau lacks adequate legislation to protect the rights of people with psychosocial disabilities, and the provision of mental health care in the country remains a huge challenge to tackle the population’s mental illness burden.

165. As far as mental health services are concerned, the country has a state structure specialising in this area, the Osvaldo Máximo Vieira Mental Health Reference Centre, located in the Bissau quarter of *Enterramento*, with operational capacity to provide care in the capital Bissau. In terms of human resources, the centre has 2 doctors who are not specialised in psychiatry, only 1 of whom has a postgraduate degree in mental health, 3 social workers, 2 psychologists, 12 nurses, 2 technical analysts and 1 occupational therapy technician.

166. The centre’s current structure does not allow for inpatient services. It only provides outpatient care and consultations. It should be noted that, besides not being structured for inpatient care, the current structure is incompatible with the needs of a service that is so sensitive, both from the point of view of safety for users and professionals. In operational terms, the government pays the salaries of the staff mentioned above, and the centre still has a staff of six on contract, whose salary is paid from the revenue from the payment of 1,000 FCFA for outpatient consultations (report on the right to health in Guinea-Bissau, Guinean Human Rights League, 2018).

167. The government has a partnership agreement with the Amizade Sino Guineense Hospital (Military Hospital) for medical care and medication for people with disabilities. The State, through the Ministry of Women, Family and Social Solidarity, was responsible for signing this agreement.

168. It is important to mention the contribution of some NGOs operating in the country’s administrative regions and fighting to defend the rights of people with disabilities. These organisations have provided support to people with disabilities in the country in the fields of education, rehabilitation, entrepreneurship, financial autonomy, awareness-raising and support for social affirmation.

169. People with disabilities are a priority group for controlling the HIV pandemic. The bio-behavioural study on the vulnerability of people with disabilities to HIV in Guinea-Bissau was carried out by the Ministry of Health with funding from *Humanité et Inclusion* with the aim of obtaining evidence to enable the planning of specific actions to intervene in favour of the rights of people with disabilities. The quantitative, cross-sectional survey was carried out in 192 conglomerates in all the health regions of Guinea-Bissau. The overall prevalence of HIV among people with disabilities was found to be 7.2% (CI: 5.5-9.4) (HIV-1: 4.5%, HIV -2:1.4% and HIV-1+2:1.3%).

Article 26

Qualification and rehabilitation

170. The government of Guinea-Bissau signed a partnership agreement with the International Committee of the Red Cross in December 2012, valid until 2021, to support the rehabilitation of people with disabilities by subsidising wheelchairs, crutches, foot and hearing prostheses.

171. The Motor Rehabilitation Centre, supported by the International Committee of the Red Cross, has treated more than 1,800 people. The Centre made 165 orthopaedic items (prostheses and orthoses) for mine victims and people with disabilities and distributed 62 wheelchairs and 82 pairs of crutches.

172. In 2015/2016, the Motor Rehabilitation Centre offered rehabilitation to 101 children with clubfeet and 13 children were supported in physiotherapy treatments. 22 surgeries were carried out by the team of orthopaedic surgeons from the Simão Mendes National Hospital.

173. Since 2021, the only funds received by the Centre have been from the Ministry of Health. These funds are insufficient.

Article 27

Labour and employment

174. The integration of people with disabilities into the labour market continues to be a challenge in Guinea-Bissau. The legal regime of the Public Administration of Guinea-Bissau, through the Statute of Public Administration Personnel (EPAP), makes general provision for labour and employment in the country, but the regime does not specifically deal with the employment of people with disabilities.

175. According to Article 6 (1) of the Labour Code (freedom of work) everyone can freely pursue professional activities or trades of their choice.

176. Article 7 of the same provision states that everyone has the right to work, which includes the right that everyone has, regardless of their status, sex, race, political or religious conviction, to secure the possibility of earning a living by exercising a productive activity, freely chosen or accepted, in conditions of adequate hygiene, health and safety.

177. Article 10 (1) emphasises that it is up to the state to take measures to ensure the promotion of full employment, which must include:

(a) The protection of people with disabilities, the creation of conditions that guarantee to them access to work and equality at work, according to their physical and mental condition.

178. The Simão Mendes National Hospital (HNSM), in partnership with the National Union of War Victims with Motor Disabilities (UNDEMOV), hired 10 people with disabilities to work in the hospital's different administrative services in 2021. It is important to emphasise that the hiring process was based on a selection process organised by the various Associations of People with Disabilities throughout the country.

179. The Implementation Strategy for the National Social Protection Policy (2025-2029) promotes the inclusion of people with disabilities in work and employment programmes. According to the Strategy: Special attention will be paid to strengthening

micro-entrepreneurship activities for the poorest and most vulnerable sections of the population, including women, young people and people with disabilities, for example through IFAD's Family Farming Diversification, Integrated Markets, Nutrition and Climate Resilience Project (REDE).

Article 28

Adequate standard of living and social protection

180. In the last decade, Guinea-Bissau has taken important steps towards consolidating its social protection system through the implementation of a National Poverty Reduction Strategy.

181. In the social field, the country has developed two key initiatives to reduce poverty. The Second National Poverty Reduction Strategy Document - DENARP (2011-2015) addresses strategies for improving and extending social protection, with the aim of implementing welfare reform measures and combating exclusion and poverty.

182. The World Bank reports advise the country to focus on emergency issues due to the reduced response capacity of public institutions, ensuring the well-being of citizens through basic social protection programmes.

183. Guinea-Bissau's social protection system is based on Law No. 4/2007 (Social Protection Framework Law) and is structured as follows: Social Protection for Citizenship, Compulsory Social Protection and Complementary Social Protection.

184. As far as social protection for citizenship is concerned, it is the responsibility of the Ministry of Women, Family and Social Solidarity, under the management of the General Directorate for Social Inclusion and Solidarity. Its responsibility is to provide benefits in the event of illness, risk, social support and solidarity. People and groups in special situations of need are entitled to benefits.

185. In the particular case of people with disabilities, the Ministry of Women, Family and Social Solidarity is in charge of all activities related to supporting this target group.

186. The survivor's pension, which is actually a subsidy paid through the Ministry of Finance, is paid monthly to people with disabilities in the amount of ten thousand francs (10,000 XOF). This amount is still insufficient to guarantee a dignified life for people with disabilities.

187. People with disabilities can only enjoy a dignified life if they have guaranteed access to fundamental rights.

188. In 2024, the state adopted a National Social Protection Policy that includes, among other points, the need to create a specific fund for people with disabilities. The Policy refers to: "The creation of a social pension for the elderly and people with disabilities, incorporating and rationalising the current pension for former combatants and the Social Assistance Fund benefits, while extending coverage to vulnerable elderly people and people with disabilities who currently do not benefit from existing disbursements."

Article 29

Participation in political and public life

189. The right to participate in political life is guaranteed in Article 3 of the Constitution of the Republic and includes the right of people with disabilities.

190. Most people with disabilities do not exercise their rights to participate in state activities because they do not have access to the means that make their rights possible.

191. Electoral accessibility aims to eradicate the barriers that distance individuals from exercising their political rights. It does not just mean the right to vote easily, it goes beyond that. Its purpose is to overcome, among other things, the architectural obstacles in electoral zones and sections; the prejudice and social ignorance that mitigate the chances of candidates

with disabilities being elected; the inaccessibility of party and electoral propaganda, official reports and television debates that do not have audio description, sign language and subtitles.

192. Physical and socio-economic obstacles that are impeding or too costly, which mainly limit the most vulnerable groups from expressing their political potential, are challenges that the state has been trying to overcome, mainly to guarantee the inclusion of people with disabilities.

193. In this context, the Federation of Associations for the Defence and Promotion of the Rights of People with Disabilities in Guinea-Bissau carried out the Study on the Citizen Participation of People with Disabilities in Guinea-Bissau in 2023 with the aim of taking stock of the barriers to access to citizen and political participation for people with disabilities in the country.

194. With regard to exercising their political rights as national citizens in the last ten years, 85 per cent of the disabled people surveyed confirmed that they had taken part in electoral processes, while only 15 per cent said they had not.

195. With regard to party activism, 58 per cent said they had actively participated in a political party and 42 per cent refused to participate in political parties.³

Article 30

Participation in cultural life, recreation, leisure and sport

196. Sport and culture are seen here as events, as manifestations which, in the case of people with disabilities, are particularly important because they make the connection between a person's subjective condition and the material part of the body where difficulties lie.

197. Unlike inclusion in other social areas, such as education, the involvement of people with disabilities in sports and cultural activities requires the creation of specific material conditions and the adoption of specific rules.

198. Article 17(3) of the Constitution of the Republic stipulates that it is the state's responsibility to encourage the practice and dissemination of sport and physical culture.

199. At an infra-constitutional level, there is a draft Basic Law on Sport which states in Article 4 that everyone has the right to sport, as an indispensable element in the development of the personality. Sport is understood to be any form of physical activity that, through free and voluntary participation, whether organised or not, aims to express or improve physical and mental condition, develop social relationships and achieve results in competitions at all levels.

200. According to Article 35 of this law, the state must encourage the practice of sport for citizens with special needs, adapted to their specific characteristics and geared towards full social integration and participation on equal terms with other citizens.

201. With regard to sport at school, the same law establishes that physical education and sport should be promoted at school as part of the curriculum and as a complement to the curriculum, taking into account the needs of physical expression, education and sports practice, with the aim of encouraging physical exercise, increasing students' interest in sport and their development.

202. Despite the legal provision, the national curriculum does not establish sport adapted to the needs of people with disabilities in the subject of physical education; on the contrary, people with disabilities are exempt from taking part in physical education.

203. The existence of sports federations for people with disabilities and the Paralympic Committee, which manages all the international competitions specifically for people with disabilities at the Olympic and Paralympic Games, is to be commended.

³ Study on the civic and political participation of people with disabilities in Guinea-Bissau, November 2022.

204. At national level, one person with disabilities was appointed Special Adviser to the President of the Guinea-Bissau Football Federation and the same person was elected President of the Guinea-Bissau Disabled Sports Federation for two terms.

205. Apart from Bissau, where there are federated initiatives in adapted sports and which have, to a certain extent, kept pace with regional and sub-regional trends, whose high level of participation is reflected in the encouraging victories of national athletes, there are challenges in terms of what is being done in the regions, as there are no examples of actions or events organised to promote the rights of people with disabilities to practise sport or express their artistic and cultural talents.

206. Because they were aware of the existence of sporting activities and cultural groups in Bissau, local associations of people with disabilities have always expressed their desire to practise sport and to be supported in setting up mandjuandadi groups (groups of people who follow traditional cultural activities).
