

## Women's rights protection instruments ratified by Guinea-Bissau:

- **CEDAW:** ratified in 1985
- **CEDAW Protocol:** ratified in 2009
- **Maputo Protocol:** signed in 2008, not ratified

**Ratify!** While Guinea-Bissau has ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol to CEDAW, it has still not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

**Respect!** The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Guinea Bissau: persistence of discriminatory legislation; discrimination within the family, violence against women, including female genital mutilation; limited access to education, decision-making positions, health services and justice; and the particular vulnerability of women in rural areas.

## / Some positive developments...

The Coalition of the Campaign acknowledges the recent adoption of several laws and policies aimed at improving respect for women's rights, including:

- The ratification in 2007 of the UN Convention Against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- The ratification of the Optional Protocol to CEDAW in August 2009.
- The introduction of strategies specifically targeting women in the National Strategy to Reduce Poverty.

## / But discrimination and violence persist

### IN LAW

In Guinea-Bissau, although customary law does not represent a formal source of law, it continues to be applied alongside statutory law.

### STATUTORY LAW

Although article 25 of the Constitution establishes equality between men and women, many provisions of the Civil Code and Family Code, inherited from the colonial period (1966) remain discriminatory, including:

**Legal age of marriage:** the legal age for marriage is 14 years for women and 16 years for men.

**Marital authority:** According to section 1674 of the Civil Code, the husband is the head of the family. He can thus represent his wife and make decisions on all matters concerning their married life. According to article 1686, a wife cannot do busi-

ness without the consent of the husband, unless she is the administrator of all the couple's assets.

**Administration of the couple's assets:** Art. 1678 of the Civil Code establishes that the couple's assets belong to the husband as head of the family. The wife can only administer assets if the husband is prevented from doing so.

The Coalition of the Campaign also regrets the absence of an explicit provision within the Constitution stipulating that international and regional conventions take precedence over national laws. Finally, although articles 24 and 25 of the Constitution guarantee the principles of equality and non-discrimination, there is no precise definition of the term discrimination, in conformity with CEDAW.

## **CUSTOMARY LAW**

Numerous provisions of customary law are discriminatory and widely applied, including the authorisation of early and forced marriages, polygamy and levirate.

### **IN PRACTICE**

The effective application of laws protecting women's rights conflicts runs up against the widespread patriarchal conception of society, especially in rural areas.

#### **• Discrimination in the family**

Society in Guinea-Bissau is deeply patriarchal and authority is perceived to reside with the father as head of the family. Polygamy remains a common practice. Concerning inheritance, customary law applied by certain ethnic groups is particularly discriminatory against women, allowing inheritance only from father to son.

#### **• Violence**

In the absence of a specific law prohibiting violence against women, violence including incest and domestic violence are particularly widespread. Although rape is criminalised, the law is rarely applied and perpetrators rarely prosecuted, notably because of a lack of resources. Female genital mutilation (FGM), or "fanado", is not criminalised. The World Health Organization estimates that around half of women in Guinea-Bissau have been subjected to FGM, rising to 70% or 80% in the rural Fula and Mandingue communities.

#### **• Specific vulnerability of rural women**

The situation of rural women (the majority of women in Guinea-Bissau) remains extremely precarious. These women live in extreme poverty. They have very little access to education, to health and other basic social services, to land ownership, to credit or to technology. Moreover, discriminatory customs and harmful traditional practices, such as early and forced marriage, polygamy and levirate are particularly widespread in rural areas.

#### **• Obstacles to access to education**

Despite efforts made by the government in the area of education, including school lunch programmes, a system of micro-loans for parents who send their daughters to school, literacy programmes aimed at women and girls and a resolution of the

Council of Ministers in 2006 establishing a 50% quota for educational grants to girls, women and girls continue to suffer from a lack of access to education. According to UNICEF, only 11% of girls attend primary school and 6% secondary school (figures for the period 2000-2007).

## The Coalition of the Campaign calls on the authorities of Guinea-Bissau to:

- **Reform all discriminatory legislation** in conformity with CEDAW, particularly the discriminatory provisions of the Civil Code and the Family Code; and ensure - by adopting a provision in the Constitution - that international conventions have supremacy over national laws.
- **Harmonise civil and customary law**, in conformity with CEDAW, in order to prohibit forced marriage, levirate marriage, genital mutilation and other traditional practices harmful to women.
- **Strengthen laws and policies to protect women from violence and support victims**, including by adopting a specific law to prohibit all forms of violence against women, including domestic violence and spousal rape; adopting the draft law to criminalise FGM; strengthening the political and operational mandate of the Institute for Women and Children; and allocate additional financial resources to the fight against domestic violence.
- **Adopt measures aimed at eliminating obstacles to the education of girls and women**, in particular by: taking measures ensure equal access to all levels of education ensuring, to retain girls within the education system, including pregnant; launching awareness programmes to overcome stereotypes and traditional attitudes; increasing the budget for education to improve educational infrastructure and teacher training; and establishing courses for adults aimed at reducing high levels of illiteracy among women.
- **Take measures to encourage women's participation in public and political life**, in particular by adopting the bill on quotas.
- **Take measures to ensure that all women have access to healthcare**, including obstetrics and family planning, in particular by: ensuring access to contraception, particularly in rural areas; allocating additional funds to health, particularly in rural areas.
- **Take emergency measures to improve the particularly vulnerable situation of women in rural areas.**
- **Take all necessary measures to ensure women access to justice**, including by implementing training programmes for police and all legal personnel.
- **Adopt all necessary measures to reform or eliminate discriminatory cultural practices and stereotypes**, including awareness-raising programmes targeting men and women, governmental, traditional and community leaders.
- **Ratify the Maputo Protocol.**
- **Implement all the recommendations issued by the CEDAW Committee** in August 2009.

### • Under-representation in political life

The level of participation of women in political and public life remains very low. During the last legislative elections in November 2008, only 10 women were elected out of 102 members of parliament (i.e. 10%).

### • Obstacles to access to health

Despite efforts made by the government to reduce maternal mortality rates and to combat the country's HIV/Aids epidemic, women suffer from a lack of access to adequate health services, notably because of inadequate health infrastructure and human and financial resources. Thus, the maternal mortality rate is particularly high (1100 per 100,000 births in 2005).

### • Obstacles to access to justice

Women in Guinea-Bissau face extreme obstacles in seeking justice to assert their rights. This is principally due to a lack of information on women's rights and the laws that protect them, the cost of proceedings and lack of training for police and legal personnel.

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## PRINCIPAL SOURCES

- Focal Point: LGDH
- Recommendations from the CEDAW Committee, August 2009
- UNICEF, [www.unicef.org](http://www.unicef.org)
- Interparliamentary union: [www.ipu.org](http://www.ipu.org)
- Wikigender, [www.wikigender.org](http://www.wikigender.org)

**For more information on women's rights and the actions of the campaign in Guinea-Bissau, see: [www.africa4womensrights.org](http://www.africa4womensrights.org)**

## THE CAMPAIGN FOCAL POINT IN GUINEA-BISSAU

### Liga Guineense dos direitos do homen (LGDH)



Created in 1991, LGDH aims at the promotion and protection of human rights, defense of peace and conflict prevention. Through a public denunciation, advocacy, lobbying and legal assistance to victims, it seeks to contribute to respect of the rights of women and children, freedom of the press, freedom of expression and the fight against torture.

[www.lgdh.org](http://www.lgdh.org)