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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF GUINEA-BISSAU  
FOR THE 49<sup>TH</sup> SESSION OF THE  
UNIVERSAL PERIODIC REVIEW**

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## Status of Human Rights in Guinea-Bissau for the 49<sup>th</sup> Session of the Universal Periodic Review

### Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Guinea-Bissau (Guinea-Bissau) for the 49<sup>th</sup> session of the Universal Periodic Review (UPR).

### Background

2. Guinea-Bissau is a country located in western Africa and has a population of approximately 1.6 million people.<sup>1</sup> Approximately 44.7% of the population identifies as Muslim, 41.2% belong to different ethnic religions, 13% identify as Christian, and 1.2% as nonreligious.<sup>2</sup>

3. Guinea-Bissau's last review was held on January 24, 2020.<sup>3</sup> As a result of the review, Guinea Bissau received 252 recommendations, 239 of which Guinea-Bissau supported.<sup>4</sup> It was recommended by Cabo Verde, and supported by Guinea-Bissau, that the government “[a]dopt additional measures to combat discriminatory practices against women and girls, namely female genital mutilation . . . .”<sup>5</sup> On the issue of child trafficking, it was recommended by the United Kingdom of Great Britain and Northern Ireland, and supported by Guinea-Bissau, that the government “[i]nvestigate, prosecute and convict those responsible for child trafficking and forced child labour, including forced begging and sex trafficking.”<sup>6</sup>

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<sup>1</sup> David Birmingham et al, *Economy of Guinea-Bissau*, BRITANNICA (Sept. 29, 2024), <https://www.britannica.com/place/Guinea-Bissau/Economy>.

<sup>2</sup> *Guinea-Bissau: Major World Religions (1900-2050)* (World Religion Database, 2020), THE ASSOCIATION OF RELIGION DATA ARCHIVES, <https://www.thearda.com/world-religion/national-profiles?u=100c> (last visited Sep. 19, 2024).

<sup>3</sup> *Universal Periodic Review – Guinea-Bissau*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/gw-index> (last visited July 10, 2024).

<sup>4</sup> *Infographic – Guinea-Bissau*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GW/guinea-bissau\\_50954949.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GW/guinea-bissau_50954949.pdf) (last visited July 11, 2024).

<sup>5</sup> OHCHR, UPR of Guinea-Bissau (3rd Cycle-35th Session): Thematic List of Recommendations, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GW/MatriceRecommendations\\_Guinea-Bissau\\_E.docx](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session35/GW/MatriceRecommendations_Guinea-Bissau_E.docx) (last visited July 18, 2024).

<sup>6</sup> *Id.*

## Legal Framework

### *Female Genital Mutilation*

4. Article 35 of the Constitution of Guinea-Bissau states, “[t]he moral and physical integrity of citizens cannot be violated. No one shall be submitted to torture or to cruel, inhuman or degrading treatment.”<sup>7</sup>

5. Article 3(1) of Law No. 14/2011 expressly prohibits and criminalizes all forms of female genital mutilation (FGM).<sup>8</sup>

6. Guinea-Bissau is a party to the Convention on the Rights of the Child (CRC)<sup>9</sup> and the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (Maputo Protocol).<sup>10</sup> Article 19 of the CRC requires that children be protected from all forms of physical or mental violence.<sup>11</sup> Further, Article 5 (b) of the Maputo Protocol requires States Parties to “take all necessary legislative and other measures to eliminate such practices, including . . . [p]rohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them.”<sup>12</sup>

### *Child Trafficking*

7. Under Article 4 of Law 12/2011 Law to Prevent and Combat Human Trafficking:

(1) Everyone who recruit, be supplied, transport, accommodate a person for prostitution purposes, forced labor, involuntary servitude slavery or servitude for debt and punished with the penalty of prison from 3 to 15 years.

(2) If, as a result of the facts referred to in the preceding paragraph, the victim is injured or killed, the agent is punished with a sentence of 15 to 20 years in prison.<sup>13</sup>

8. Further, Article 15 states that it shall be considered an aggravating circumstance when the victim is a child.<sup>14</sup>

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<sup>7</sup> CONSTITUTION OF GUINEA-BISSAU 1984 (rev. 1996) art. 35, [https://www.constituteproject.org/constitution/Guinea\\_Bissau\\_1996](https://www.constituteproject.org/constitution/Guinea_Bissau_1996).

<sup>8</sup> *Guinea Bissau: The Law and FGM*, 28 TOO MANY (JULY 2020), [https://www.fgmcri.org/media/uploads/Law%20Reports/guinea\\_bissau\\_law\\_report\\_v3\\_\(april\\_2021\).pdf](https://www.fgmcri.org/media/uploads/Law%20Reports/guinea_bissau_law_report_v3_(april_2021).pdf).

<sup>9</sup> *Ratification Status for Guinea-Bissau*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=72&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=72&Lang=EN).

<sup>10</sup> Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, *adopted* July 11, 2003, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>.

<sup>11</sup> Convention on the Rights of the Child art. 19, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

<sup>12</sup> Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa art. 5(b), *supra* note10.

<sup>13</sup> LAW 12/2011 LAW TO PREVENT AND COMBAT HUMAN TRAFFICKING 2011 art. 4, <https://antislaverylaw.ac.uk/country/guinea-bissau/>.

<sup>14</sup> LAW 12/2011 LAW TO PREVENT AND COMBAT HUMAN TRAFFICKING 2011 art. 15, <https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Guinea-Bissau-Trafficking-in-Persons-Law-2011.pdf> (unofficial internal translation).

9. Guinea-Bissau is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>15</sup> Article 8 of the ICCPR states that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”<sup>16</sup>

10. Further, under Article 32 of the CRC:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.<sup>17</sup>

11. Additionally, Guinea-Bissau is a party to the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime.<sup>18</sup> Under Article 9 sec. 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.<sup>19</sup>

## Female Genital Mutilation

12. Even though Guinea-Bissau has criminalized female genital mutilation (FGM), the harmful practice continues in many regions across the country.<sup>20</sup> In Guinea-Bissau, approximately 52.1% of women between the ages of fifteen and forty-nine have undergone

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<sup>15</sup>Ratification Status for Guinea-Bissau, *supra* note 9.

<sup>16</sup> International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>17</sup> Convention on the Rights of the Child art. 32, *supra* note 11.

<sup>18</sup> *Chapter XVIII Penal Matters: 12. A Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, UNITED NATIONS TREATY COLLECTION, [https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg\\_no=xviii-12-a&chapter=18](https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18) (Sep. 19, 2024).

<sup>19</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9 § 1, *adopted* Nov. 15, 2000, 2237 U.N.T.S. 319, [https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch\\_XVIII\\_12\\_ap.pdf](https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf).

<sup>20</sup> *Women in Guinea-Bissau Speak Out Against Female Genital Mutilation: "I'm lucky to be alive"*, UNFPA (Sept. 13, 2023), <https://www.unfpa.org/news/women-guinea-bissau-speak-out-against-female-genital-mutilation-%E2%80%9Cm-lucky-be-alive%E2%80%9D#:~:text=News-,Women%20in%20Guinea%20Bissau%20speak%20out%20against%20female%20genital%20mutilation,m%20lucky%20to%20be%20alive%E2%80%9D&text=BURUNTUMA%2C%20Guinea%20Bissau%20%E2%80%93%20of%20her%20children>.

FGM.<sup>21</sup> The law criminalizing FGM has done nothing to slow the rates of FGM, as rates have remained constant for the past four decades.<sup>22</sup>

13. The reason FGM continues to be carried out, despite being illegal, is multifaceted.<sup>23</sup> The practice is entrenched in local culture, and a weak national infrastructure provides barriers to combating the practice, especially in remote regions.<sup>24</sup> Although the rate with which FGM continues has not currently changed, there is hope that could change in the future. One activist shared that religious and traditional leaders are becoming more open to discussing FGM, a topic that has long been considered taboo.<sup>25</sup>

14. FGM is an extremely dangerous practice that results in both short-term and long-term health complications. One woman who had undergone FGM when she was a child shared how she suffered from hemorrhaging while delivering all four of her children.<sup>26</sup> Additionally, the United Nations Population Fund (UNFPA) has reported both immediate and long-term complications resulting from FGM:

Immediate complications include severe pain, shock, haemorrhage, tetanus or infection, urine retention, ulceration of the genital region and injury to adjacent tissue, wound infection, urinary infection, fever and septicemia. Haemorrhage and infection can be severe enough to cause death.

Long-term consequences include complications during childbirth, anaemia, the formation of cysts and abscesses, keloid scar formation, damage to the urethra resulting in urinary incontinence, dyspareunia (painful sexual intercourse), sexual dysfunction, hypersensitivity of the genital area and potentially increased risk [sic] of HIV transmission, as well as psychological effects.<sup>27</sup>

## Child Trafficking

15. One of the most prominent forms of human trafficking in Guinea-Bissau involves the trafficking of children to Senegal.<sup>28</sup> This form of human trafficking involves Quranic teachers and intermediaries targeting poor and vulnerable families in Guinea-Bissau. They tell these families that they will provide their children with education and religious instruction in Senegal if they agree to let them take their children.<sup>29</sup> These children who go to study at Quranic schools are called talibé children.<sup>30</sup> The problem is so prevalent that one shelter for children in Senegal

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<sup>21</sup> *Guinea-Bissau*, FGM/C RESEARCH INITIATIVE, <https://www.fgmc.org/country/guinea-bissau/#:~:text=The%20prevalence%20of%20FGM%2FC,believe%20it%20should%20be%20stopped> (last visited July 18, 2024).

<sup>22</sup> *Female Genital Mutilation in Guinea-Bissau*, UNICEF (Mar. 30, 2021), <https://data.unicef.org/resources/female-genital-mutilation-in-guinea-bissau/>.

<sup>23</sup> Ana Ernesto, *Men Using Their Voice to End Female Genital Mutilation*, UNICEF (Oct. 10, 2023), <https://www.unicef.org/guineabissau/stories/men-using-their-voice-end-female-genital-mutilation>.

<sup>24</sup> *Id.*

<sup>25</sup> *Women in Guinea-Bissau Speak Out Against Female Genital Mutilation: "I'm Lucky to Be Alive"*, *supra* note 20.

<sup>26</sup> *Id.*

<sup>27</sup> *Female Genital Mutilation (FGM) Frequently Asked Questions*, UNFPA (Mar. 2024), <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions>.

<sup>28</sup> *Forced to Beg: Child Trafficking from Guinea-Bissau to Senegal*, ENACT (Mar. 18, 2021), <https://enactafrica.org/research/policy-briefs/forced-to-beg-child-trafficking-from-guinea-bissau-to-senegal>.

<sup>29</sup> *Id.*

<sup>30</sup> *Children of Guinea-Bissau*, HUMANIUM (Sept. 9, 2021), <https://www.humanium.org/en/guinea-bissau/>.

provided aid to 400 children who were trafficked from Guinea-Bissau in just the first six months of 2024.<sup>31</sup>

16. While the parents believe that their children will be receiving an education, the reality is much different. Talibé children are often exploited and taken advantage of and exploited for monetary gain.<sup>32</sup> These children are forced into begging for money and being exploited for forced labor.<sup>33</sup> In return, the children receive little food and are often forced to sleep on the streets.<sup>34</sup> For example, one child, who was eight when he was sent to Senegal to study at a Quranic school, was forced to beg on the street.<sup>35</sup> If he did not raise enough money, his “teacher” would beat him.<sup>36</sup> After three years, he managed to escape and return home.<sup>37</sup>

17. While some children do receive some level of education at these schools, this is not always the case.<sup>38</sup> For example, one eleven-year-old boy who was rescued from Dakar, Senegal, was forced by his “teacher” to beg for money on the streets and never received an education while there.<sup>39</sup>

18. Since its last UPR, Guinea-Bissau has taken some steps to help those children who have been exploited in these Quranic schools. For example, a digital program called Kobo Collect was created to maintain data on the abuse and exploitation of children.<sup>40</sup> Additionally, the government has partnered with groups such as the Associação Amigos de Criança (AMIC, Friends of Children Association) to help victims and reunite exploited children with their families.<sup>41</sup> At AMIC shelters, victims receive medical and psychological attention before they are eventually returned home.<sup>42</sup> Unfortunately, due to a lack of resources and funding, these shelters have become overcrowded.<sup>43</sup>

19. While these are positive developments, Guinea-Bissau is still lacking in many ways. Even though Guinea-Bissau has strengthened its presence along its border with Senegal, there are still hundreds of kilometers of border between the two countries that make it easy for individuals to traffic children into Senegal.<sup>44</sup> Further, there have been no human trafficking convictions despite the fact that authorities have intercepted traffickers with their victims.<sup>45</sup> Additionally, while the government has created a National Committee to Combat Human Trafficking, its efforts are hindered by a lack of resources and funding.<sup>46</sup>

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<sup>31</sup> *Hope for Victims of Child Trafficking*, MAISON DE LA GARE, <https://www.mdgsl.com/actualites/engjuil2024gambie.html> (last visited Sep. 20, 2024).

<sup>32</sup> *Children of Guinea-Bissau*, *supra* note 30.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Ana Ernesto, *Rescued: Collaborating to Save Trafficked and Abused Children*, UNICEF (June 21, 2024).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Country Profiles Guinea-Bissau*, INTEGRAL HUMAN DEVELOPMENT, <https://migrants-refugees.va/country-profile/guinea-bissau/> (last visited Oct. 9, 2024).

<sup>44</sup> Mouhamadou Kane & Mamadou Abdoul Wane, *Forced to beg: Child trafficking from Guinea-Bissau to Senegal*, ENACT (Feb. 2021), <https://enact-africa.s3.amazonaws.com/site/uploads/2021-03-18-child-trafficking-policy-brief%20.pdf>.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

20. In addition to boys being trafficked and exploited at schools in Senegal, girls and women are also targeted by traffickers for purposes of sexual exploitation.<sup>47</sup> In Guinea-Bissau, women and girls are trafficked internally and exploited for work at bars, nightclubs, and hotels in Bijagos, which has become a hotspot for human trafficking.<sup>48</sup> Bijagos is a group of islands in Guinea-Bissau where many foreigners own hotels.<sup>49</sup> In this region, girls are exploited for use in sex tourism.<sup>50</sup> Unfortunately, this practice has been able to continue because these establishments provide jobs and financial support for the local community, so there is very little incentive to notify law enforcement.<sup>51</sup>

## **Recommendations**

21. In order to stop the harmful practice of FGM, Guinea-Bissau must enforce its laws banning the practice. Further, because the practice is entrenched in the culture, it is imperative that education and awareness campaigns be conducted to inform the population on its harms and the critical need to stop it.

22. Further, Guinea-Bissau must protect its children from being trafficked and exploited at Quranic schools in Senegal. In part, this requires educating the population on the realities of these schools because parents believe they are sending their children off to get a good education. Additionally, because these children are trafficked across borders, the government must allocate resources and training to the border authorities, so that they can stop the human traffickers before they leave the country.

23. In order to effectively combat human trafficking, Guinea-Bissau must allocate more resources and funding to authorities. This critical in ensuring that all cases are investigated and the preparators are held accountable. Because human trafficking also occurs within the country, authorities must also be proactive in investigating cases and identifying victims, especially in regions that have shown to be a hot spot for human trafficking.

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<sup>47</sup> LUSA, *Guinea-Bissau: US Human Trafficking Claims “Unsurprising” – NGO*, MNA INTERNATIONAL (Oct. 27, 2023), <https://www.macaubusiness.com/guinea-bissau-us-human-trafficking-claims-unsurprising-ngo/>.

<sup>48</sup> *Country Profiles Guinea-Bissau*, *supra* note 43.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*