

GUINEA-BISSAU

Articles 24 and 25 of the 1984 Constitution of Guinea-Bissau prohibit all forms of discrimination on the grounds of sex, race or religion.¹ The country ratified the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) in 1985, and the Optional Protocol on violence against women in 2009.² Guinea-Bissau ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2008.³ In practice, there is a lack of legislation in place that would enable the realisation of these national and international commitments.⁴

Overall, there is a lack of detailed data regarding gender-related indicators in Guinea-Bissau; however, the government is seeking to acquire a better understanding of the inequalities relating to gender through the National Strategy for the Reduction of Poverty (2011-2015). Some of the other gender objectives in the plan include: bettering the situation of women in the police and armed forces, enhance girls school enrolment and achievement, protect students from sexual harassment, etc.⁵

1. Discriminatory family code

Under civil law, men and women are granted equal rights within marriage, and women have the right to choose their spouse.⁶ While customary law is not recognized as a formal source of law it is, however, still employed in some areas.⁷ For example, in many rural communities where customary law is followed, women do not always choose when and whom to marry, and most marriages are not registered.⁸ The **legal age of marriage** in Guinea-Bissau is 18 for women and men,⁹ but there are no penalties in place to punish those who force children into marriage.¹⁰ In terms of **early marriage**, Multiple Indicator Cluster Survey (MICS) data from 2010 indicates that 7% of 15-49 years old women were married before the age of 15. Among women 20-49, 29% were married or in a union before the age of 18, and 8% before the age of 15.¹¹

While article 25 of the Constitution establishes the principle of equality between men and women, some provisions of the Civil Code and Family Code, inherited from the colonial period, discriminate against women.

¹ CEDAW (2009a) p.28

² United Nations Human Rights (n.d.)

³ Africa Union (2010)

⁴ CEDAW (2009a) p.29

⁵ Ministry of Economy, Planning and Regional Integration (2011)

⁶ CEDAW (2009a) p.73

⁷ CEDAW (2009a) p.73

⁸ CEDAW (2009a) p.33, 74, 75

⁹ CEDAW (2009e) p.8

¹⁰ CEDAW (2009a) p.75; CEDAW (2009b) p.32

¹¹ MICS4 (2011) p.124

For example, although under civil law both parents have equal **parental authority** within marriage and following **divorce**,¹² article 1674 of the Civil Code states that the husband is a head of family, thus providing him the right to represent his wife and make decisions of behalf of entire family.¹³

There is an absence of clear information on laws governing **inheritance**. Article 1678 of the Civil Code, however, establishes that the couple's assets belong to husband but woman can take them over in case for some reasons husband is unable to do so.¹⁴ Customary laws that govern some ethnic groups prohibit women from inheriting property and the latter is passed on to a male heir.¹⁵ Some communities practice widow inheritance, whereby a widowed woman is forced to marry one of her husband's male relatives.¹⁶ If she refuses, she and her children can be evicted from the family's land.¹⁷

More

Although **polygamous marriages** are not legally recognized,¹⁸ survey data from 2010 reports that 48% of 15-49 year old women are in polygamous marriages.¹⁹ In addition to forced and early marriages and polygamy, the practice of levirate continues to be practiced.²⁰

Under the Civil Code, both spouses have the same **right to divorce**, and property is to be divided equally between the two.²¹ In practice, women often retain custody of underage children, but lose any right to the family property; they seldom appeal to the courts for assistance in securing financial assistance from their former partners.²²

The adolescent **fertility rate** is 141 per 1000, according to the 2010 Multiple Indicator Cluster Survey (MICS4).²³

2. Restricted physical integrity

A draft bill on **domestic violence** pending before the National People's Assembly²⁴ was recently passed in July 2013. The bill criminalises domestic violence and establishes sentences of up to 12 years in prison. The bill has yet, however, to be implemented or published in the official gazette. While prevalence data on domestic violence is not available, it is considered to be widespread as an acceptable expression of male authority over women and a means of settling family disputes.²⁵ Although police intervene in domestic disputes if requested to do so, women are often reluctant to report abuse due to stigma and social pressure to avoid filing complaints.²⁶

¹² CEDAW (2009a) p.55

¹³ FIDH (2009)

¹⁴ Idem

¹⁵ CEDAW (2009a) p.31

¹⁶ CEDAW (2009a) p.55

¹⁷ CEDAW (2009b) p.31

¹⁸ CEDAW (2009b) p.32

¹⁹ MICS4 (2011) p.124

²⁰ CEDAW (2009d) p.10

²¹ CEDAW (2009a) p.74

²² CEDAW (2009b) p.31

²³ MICS4 (2011) p.89

²⁴ CEDAW (2009b) p.14; CEDAW (2009d) p.6

²⁵ CEDAW (2009a) p.34

²⁶ CEDAW (2009a) p.35; US State Department (2012)

According to the 2010 Multiple Indicator Cluster Survey (MICS4), 40.2% of women felt their partners or husbands were justified in beating their wives for at least one of five different 'reasons' presented.²⁷

Rape - including spousal rape - is a criminal offence punishable with two to six years in prison, but government enforcement is limited. Reporting is also rare, due to stigmatization of victims; the issue is generally seen as one to be resolved privately, within the family.²⁸ Data on prevalence is not available.

There is no specific law that addresses **sexual harassment**.²⁹

In 2011, Guinea-Bissau approved a law prohibiting **female genital mutilation** (FGM) and cutting nationwide. Based on MICS4 data, it is estimated that in 2010, 50% of women aged 15-49 had experienced some form of FGM³⁰ and 38.7% of women who age 15-49 have at least one daughter who has experienced FGM.³¹ While over half of women (56.4%) thought the practice should end, 33.5% believed it should be maintained.³²

More

Abortion is illegal in Guinea-Bissau, except to save a woman's life.³³

Women and men have the right to access reproductive health information and services.³⁴ A National Reproductive Health Programme was launched in 2004.³⁵ Government-run health centres provide access to reproductive health services, but use of **contraception** is very low – in 2010 only 10.3% of women reported using a modern form contraception.³⁶ In part, this may be due to lack access to health facilities, as in some rural areas people have to travel great distances to reach clinics.³⁷

3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.94 and the sex ratio at birth is 1.03.³⁸

There is no evidence to suggest that Guinea-Bissau is a country of concern in regard to **missing women**.

More

Gender-disaggregated data is available as to early childhood mortality, vaccination, and nutrition rates shows no evidence of son preference in terms of infant and early childhood care.³⁹ There is a marked discrepancy between

²⁷ MICS4 (2011) p.138

²⁸ US State Department (2012)

²⁹ CEDAW (2009c) p.8

³⁰ MICS4 (2011) p.132

³¹ MICS4 (2011) p.134

³² MICS4 (2011) p.138

³³ Center for Reproductive Rights (2013)

³⁴ US State Department (2012)

³⁵ CEDAW (2009a) p.56

³⁶ MICS4 (2011) p.92

³⁷ CEDAW (2009a) p.71

³⁸ Central Intelligence Agency (2013)

³⁹ MICS4 (2010)

male and female attendance rates at primary and secondary school – 53% to 37% at primary level, and 11% to 6% at secondary level.⁴⁰

4. Restricted resources and assets

Legally, women have the same rights as men to ownership⁴¹ but among certain ethnic groups, women have no **access to land or non-land assets**, largely because of discriminatory customary laws relating to inheritance.⁴²

Women also have the same legal rights as men with respect to **accessing financial services**, including bank loans and other forms of credit.⁴³ There are various microcredit schemes available directly targeting women, run by NGOs.⁴⁴ In practice, however, women's access to property other than land and their access to bank loans are heavily restricted in that, as heads of households, men hold sole authority over most family matters.

In addition, according to article 1686 of the Civil Code, a woman cannot run a business without her husband's consent unless she is an owner of all of household's property or if couple has a separate property.⁴⁵

5. Restricted civil liberties

There are no legal restrictions on women's freedom of movement and **access to public space** inside or outside the country.⁴⁶ No data is available as to day-to-day restrictions on women's movements.

The right to freedom of assembly is protected in law and by the constitution, although neither the deposed nor transitional government have always respected this right in practice. Permits are required for all demonstrations and public meetings and security forces intervene in unlicensed demonstrations.⁴⁷

The right of women to participate in political life is recognised in the Constitution of Guinea-Bissau.⁴⁸ There is currently no legislation in place (such as **quotas**) to ensure the more equal representation of women in politics (although a bill has been under discussion), and women are underrepresented in decision-making positions in Guinea-Bissau: only 14% of delegates to the National Assembly are women.⁴⁹ There is also no active women's movement in the country, according to the report submitted to the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) Committee in 2009.⁵⁰ That said, the same report notes that women's rights NGOs have been active in campaigning for the eradication of FGM, and that more women-headed civil society organisations have emerged in recent years.⁵¹

More

⁴⁰ UNICEF (2007) p.119

⁴¹ CEDAW (2009a) p.76

⁴² Idem p.55

⁴³ Idem p.68

⁴⁴ Idem

⁴⁵ FIDH (2013)

⁴⁶ US State Department (2012)

⁴⁷ Idem

⁴⁸ Amnesty International (2009) p.162; US State Department (2012)

⁴⁹ CEDAW (2009a) pp.29, 40, 43; Inter-Parliamentary Union (2013)

⁵⁰ CEDAW (2009a) p.29

⁵¹ Idem pp.36, 40

The World Bank estimates that in 2011, 68% of women in Guinea-Bissau were economically active.⁵² Pregnant women are entitled to 60 days paid **maternity leave** (by the social security and the employer), and discrimination on the basis of gender is banned under the Labour Code.⁵³ This legislation only applies to those working in the formal economy, and hence, does not benefit the majority of women, who work in agriculture.⁵⁴

⁵² World Bank (n.d.) Data: labour force participation rate

⁵³ International Labour Organisation (ILO) (2011); CEDAW (2009a) p.41

⁵⁴ CEDAW (2009b) p.6

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