

A FAVOURABLE *&* **SAFE**
ENVIRONMENT TO DEFEND
RIGHTS IN GUINEA-BISSAU

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ABBREVIATIONS

OHCHR	Office of the United Nations High Commissioner for Human Rights
CAJ	Centre for Access to Justice
UN DHRD	United Nations Declaration on Human Rights Defenders
DSF	Defence and Security Forces
DIHR	The Danish Institute for Human Rights
INE	National Statistics Institute
LGDH	Guinean Human Rights League
SDG	Sustainable Development Goals
NGO	Non-Governmental Organisations
UN	United Nations
PJ	Judicial Police [Polícia Judiciária]
UNDP	United Nations Development Programme
RDDH-GB	Network of Human Rights Defenders of Guinea-Bissau
UPR	Universal Periodic Review
UNICEF	United Nations Children's Fund

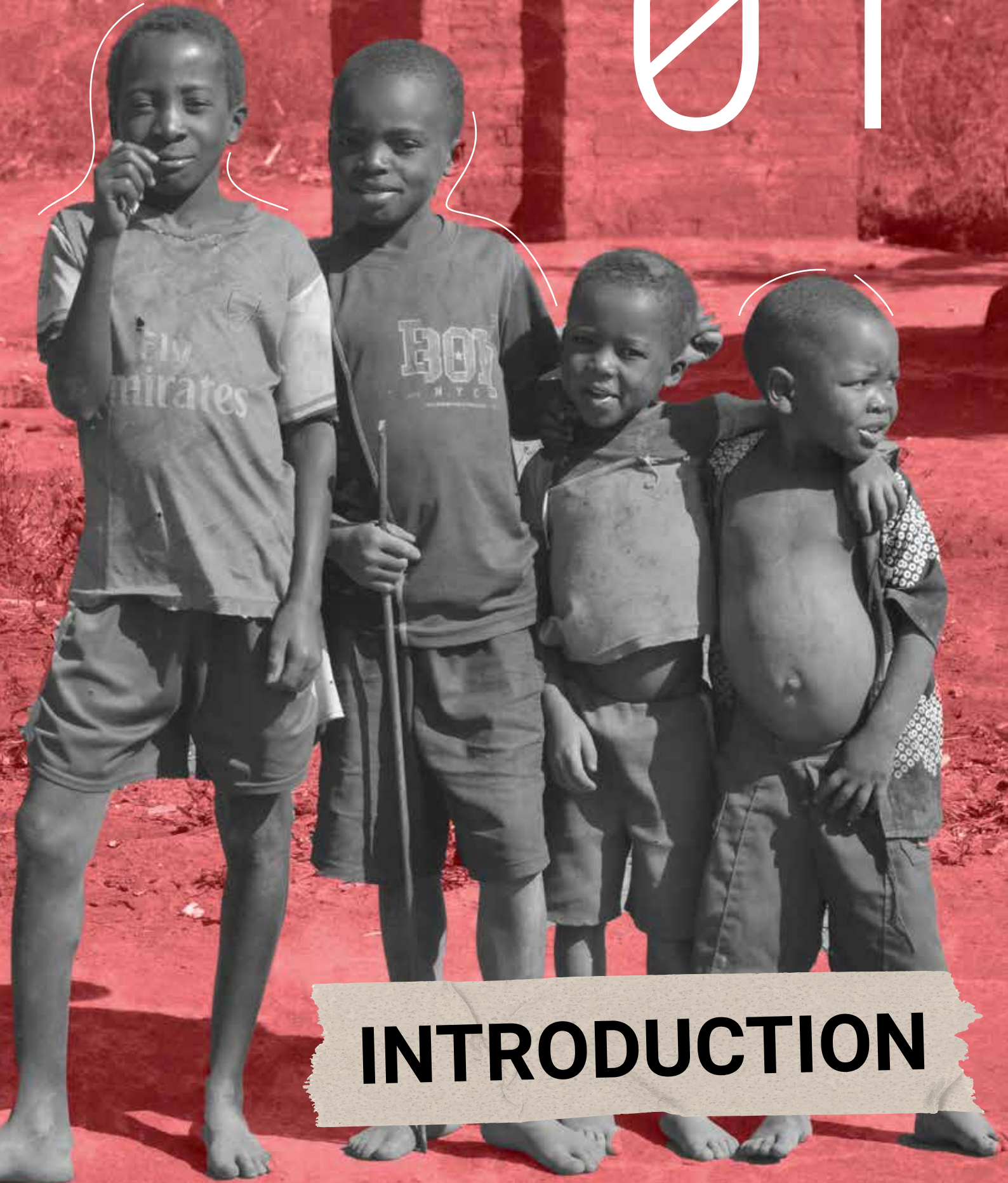
EXECUTIVE SUMMARY

The work of this report is based on the monitoring tool “The Right to Defend Rights”¹, which provides a questionnaire built on human rights indicators to systematically monitor the favourable and safe environment for the activity of human rights defenders.

This document summarises the analysis of data collected and systematised by a working group led by the Network of Human Rights Defenders of Guinea-Bissau (RDDH-GB) and including its member organisations, the National Institute of Statistics and the Centre for Access to Justice to provide an overview of the country’s level of performance in relation to its human rights obligations. The main reference for this work is the United Nations Declaration on Human Rights Defenders (UN-DHRD) and other international standards related to the right to defend rights.

This report shows that the situation of human rights defenders in the country during the period covered by this study is precarious in many respects. Despite a relatively good legal framework in general terms, the data shows that there is a gap between the reality of practical experience and what is stated in the law. Monitoring is divided into five categories (thematic areas) detailed in chapter 4 (methodology). According to the data revealed in this study, the country’s overall performance falls far short of what is desirable in relation to the five categories monitored in this exercise. This leads us to conclude that, in fact, the country’s situation is not encouraging in terms of respect for human rights, especially when it comes to defenders. Therefore, after analysing the data in relation to the five categories, the report presents a series of recommendations to the state apparatus to strengthen the content and implementation of the legislation that already exists, to create additional laws and mechanisms, and to strengthen civil society.

01



INTRODUCTION

The monitoring tool “The Right to Defend Rights” is built on a set of 73 human rights indicators anchored in the UN-DHRD and international human rights treaties. It also addresses the human rights indicators of the 2030 Agenda for Sustainable Development which, in essence, emphasises the responsibility of states “to respect, protect and promote human rights and fundamental freedoms for all without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status”².

This work is based on this tool, which takes as its starting point target 16.10 of the Sustainable Development Goals (SDGs), which in turn aims to guarantee public access to information and protect fundamental freedoms in accordance with national legislation and international agreements.

Target 16.10 of the SDGs is central and closely linked to monitoring the enabling environment for human rights defenders, especially with regard to its indicator 16.10.1. This indicator essentially measures “verified cases of murder, kidnapping, enforced disappearances, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights defenders”. As such, it is an important indicator for assessing the extent and impact of the most serious violations and abuses against human rights defenders. However, indicators of this kind (known as outcome indicators) are often slow and fail to assess the more structural, procedural and administrative measures that need to be in place to guarantee a safe operating environment for human rights defenders.

For this reason, this report, based on the tool used, manages to address some of these shortcomings and gaps. The tool is built on a set of human rights indicators that complement indicator 16.10.1 and therefore help measure progress in ensuring an enabling environment for human rights defenders in a deeper and more comprehensive way.

The information in this document can be used to support monitoring and reporting efforts for national and international human rights bodies and bodies measuring progress on the SDGs, for stakeholder dialogue or advocacy.

02

COUNTRY CONTEXT

2.1 A multi-ethnic society

Guinea-Bissau is a developing country located in the western region of Africa, with around [1.9 million](#) inhabitants. The country is bordered to the west by the Atlantic Ocean, to the north by Senegal and to the south and east by Guinea-Conakry.

The society is multi-ethnic. Despite the difficulties in finding up-to-date population statistics, according to the 2009 general population and housing census by the National Statistics Institute, “the Fulas are the ethnic group with the greatest expression in the country (28.5 per cent). They are followed by the Balantas (22.5 per cent) and Mandingas (14.7 per cent). The population belonging to the Papel ethnic group is 9.1 per cent and those belonging to the Manjaco ethnic group is 8.3 per cent. People belonging to the Nalu, Saracole and Sosso ethnic groups account for proportions of less than 1%.” In addition, 2.2% of the population do not recognise themselves in any ethnic group.³

2.2 Political context

The country has a long history of political and military instability⁴ dating back to its independence in 1973, which has greatly conditioned the public authorities’ ability to respond effectively to the basic needs of citizens. As a result, the socio-economic situation is becoming increasingly worrying, with an impact on the exercise of fundamental rights and freedoms, especially those of human rights defenders.

Public administration, including the defence and security sectors, needs far-reaching reforms in the face of the threats posed by insecurity and organised crime, which pose serious risks to efforts to consolidate the peace that everyone wants.

The organisation of political power provided for in the Constitution of the Republic (Article 59) states that “the organs of sovereignty are the President of the Republic, the National People’s Assembly, the Government and the Courts”. It also states that “the organisation of political power is based on the separation and interdependence of the organs of sovereignty and the subordination of all of them to the Constitution”.



2.3 Recommendations of the Universal Periodic Review on the activity of human rights defenders

Regarding the favourable environment for the activity of human rights defenders, it should be noted that in the last five years the country has been confronted with recommendations of the Universal Periodic Review (UPR), among which the following should be highlighted:

- Create and maintain, in law and in practice, a safe and enabling environment for civil society and human rights defenders, including by providing adequate protection for the rights to freedom of expression and peaceful assembly and by taking steps to decriminalise defamation and insult, and bringing them within the Civil Code, in line with international standards (Ireland). (A/HRC/44/11, para. 119.78)
- Safeguard the right to freedom of expression, refraining from interfering in peaceful assemblies and ensuring that cases of excessive use of force by law enforcement officials are properly investigated (Netherlands). (A/HRC/44/11, para. 119.77)
- Intensify efforts to guarantee access to justice for all citizens, taking measures such as exemption from costs for the most disadvantaged and the creation of a system for the protection of victims and witnesses (Spain). (A/HRC/44/11, para. 119.67)
- Intensify action to guarantee respect for the fundamental rights and freedoms of the entire population, in particular women, girls and boys, and adopt all necessary measures to combat impunity by carrying out investigations to identify the perpetrators of acts of violence and all human rights violations (Argentina). (A/HRC/44/11, para. 119.49)

Based on this context, the RDDH-GB felt obliged to create this report to help monitor the human rights situation and the favourable environment for defenders' activities in the country, and to strengthen its internal capacities in order to better fulfil its mission.



03

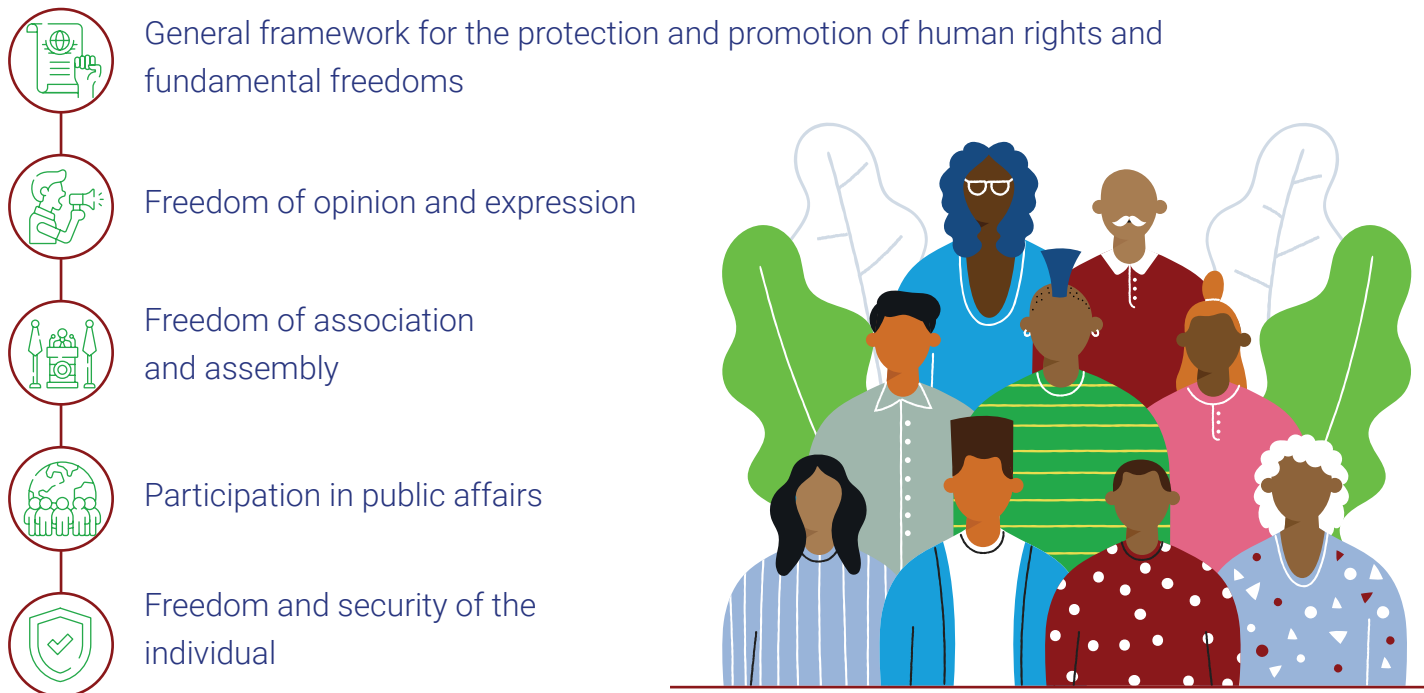
 **UN**
VOLUNTEERS
Guiné-Bissau

METHODOLOGY

The report covers the period from 2021 to 2023. The methodology adopted to create this report consists primarily of collecting, compiling and analysing public information, with the exception of one indicator, for which RDDH-GB carried out a survey with its member organisations.

3.1 The issues monitored

The monitoring study is divided into five categories (thematic areas), namely:



→ These five categories are portrayed in a questionnaire with questions dedicated to each of them.

3.2 Data sources

Different sources of information and data were used for each topic and the respective questions. In this particular case, we should highlight the following sources:

- RDDH-GB Archives.
- Report by the Guinean Human Rights League (LGDH): “Report on the Human Rights Situation in Guinea-Bissau 2020-2022: Resisting Authoritarianism, Reviving Cabral”;⁵
- The Constitution of the Republic of Guinea-Bissau;
- The major codes: Civil, Criminal, Civil Procedure and Criminal Procedure;
- Websites of different UN agencies;

- Websites of different media organisations: DW, RDP, RTP, CAPITAL-FM, among others;
- Other open sources.

The respective sources for each indicator in the questionnaire are available on the platform “The Right to Defend Rights”, where the data from this study is also published.⁶

3.3 Data collection methods

The methods used for data collection included:

1. Specialised analysis of legislation and other relevant documents to assess their level of compliance with international human rights standards and treaties.
2. Analysis of archives and reports from civil society organisations, the UN, the state and the media to identify cases of violations of the rights monitored in the study. It is important to emphasise that the number of cases identified in this work is only the minimum known to the group, meaning that the data presented in this report may not represent all cases of violations or restrictions suffered by human rights defenders in the country during the three years under analysis. The number of cases relating to 2023 is particularly low due to the lack of data available for this period.
3. Survey of member organisations of the RDDH-GB to assess their perception of the level of freedom of expression for working on human rights issues.

The data collection process was led by RDDH-GB with the involvement of its member civil society organisations. It also involved a multidisciplinary team, from development partners to state institutions.

Specifically, the report was developed by RDDH-GB in collaboration with its partners, namely the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children’s Fund (UNICEF), United Nations Development Programme (UNDP) and state entities through these institutions: Judicial Police (Polícia Judiciária), National Statistics Institute (Instituto Nacional de Estatística) and Legal Information and Consultation Office (Gabinete de Informação e Consulta Jurídica) through Access to Justice Centres and different institutions.

The data used in this report was discussed, verified and validated in a collective meeting with RDDH-GB and its partners.



The work for this report was carried out with the technical support of The Danish Institute for Human Rights and on the basis of the project “Enhancing the Human Rights Protection System in Guinea-Bissau”, financed by the United Nations Peacebuilding Fund.

3.4 Interpretation of the lists presented in this report

To make the information easier to visualise, the report presents the information as a “checklist”, using symbols with the following meaning:

-
- ✓ The statement is true, there is conformity with what is stated.

 - ! The statement is partially true, there is no total conformity with what is stated.

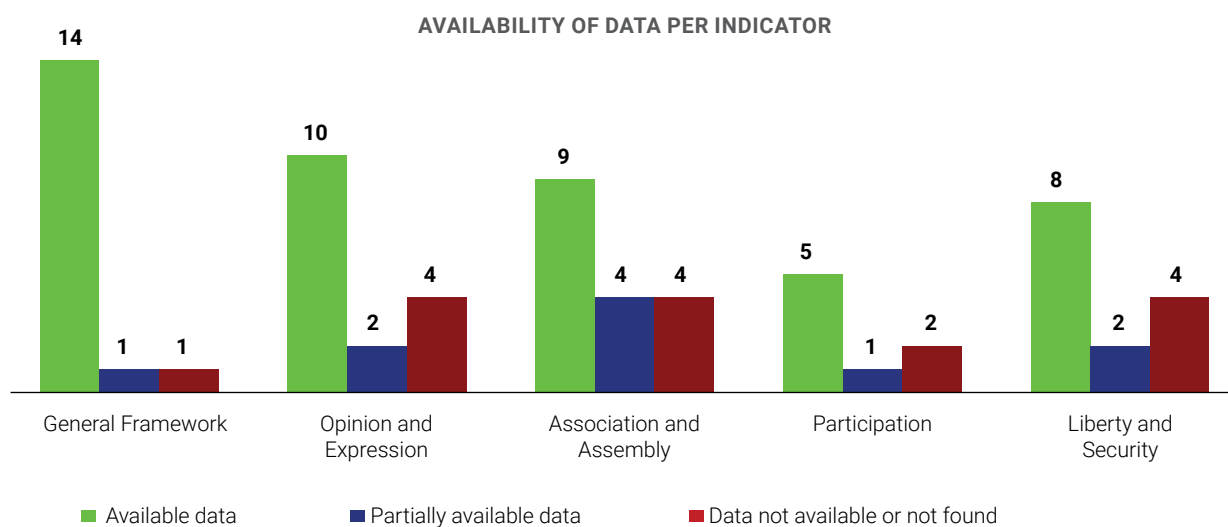
 - ✗ The statement is not true, there is no conformity with what is stated.



3.5 Availability of data on the favourable environment in which defenders operate

This report was based on a questionnaire which, in total, has 73 indicators, 71 of which were taken into account in this monitoring exercise. The graph below (Figure 1) represents the availability of data according to the number of indicators for each category:

Figure 1: Number of indicators in the “The Right to Defend Rights” tool relating to data availability (available, partially available or not available/ found during the monitoring exercise on which this report is based).



A large part of the indicators that have partially available data refer to the lack of systematised quantitative data for situations where it is known that there are violations, but the specific number of cases is not known and/or disaggregated. This leads to a conditional analysis in which it is identified that there are cases of rights violations, but the numbers are not specified, since it was only a question of commenting, by way of example, on a minimum number of cases popularly known to the work team. This analysis therefore does not refer to a systematised database. This issue has been identified as a point for future work by the RDDH-GB.

Finally, the “The Right to Defend Rights” tool generates, at the end of data collection, an automated report (e.g. Figure 2) which calculates, using an index, the level of exercise of the rights and guarantees relating to each of the five categories monitored and to their specific indicators. To do this, each indicator is assigned a value for the calculation. It should be noted that the indicators that do not have data (Figure 1) negatively influence the calculation of the index, as the tool assumes that the lack of availability of data corresponds to a negative aspect in the protection or exercise of the right in question.⁷ The full list of indicators used in this monitoring exercise, along with the respective reference to the availability of data for each indicator, can be found in Annex A at the end of this document.

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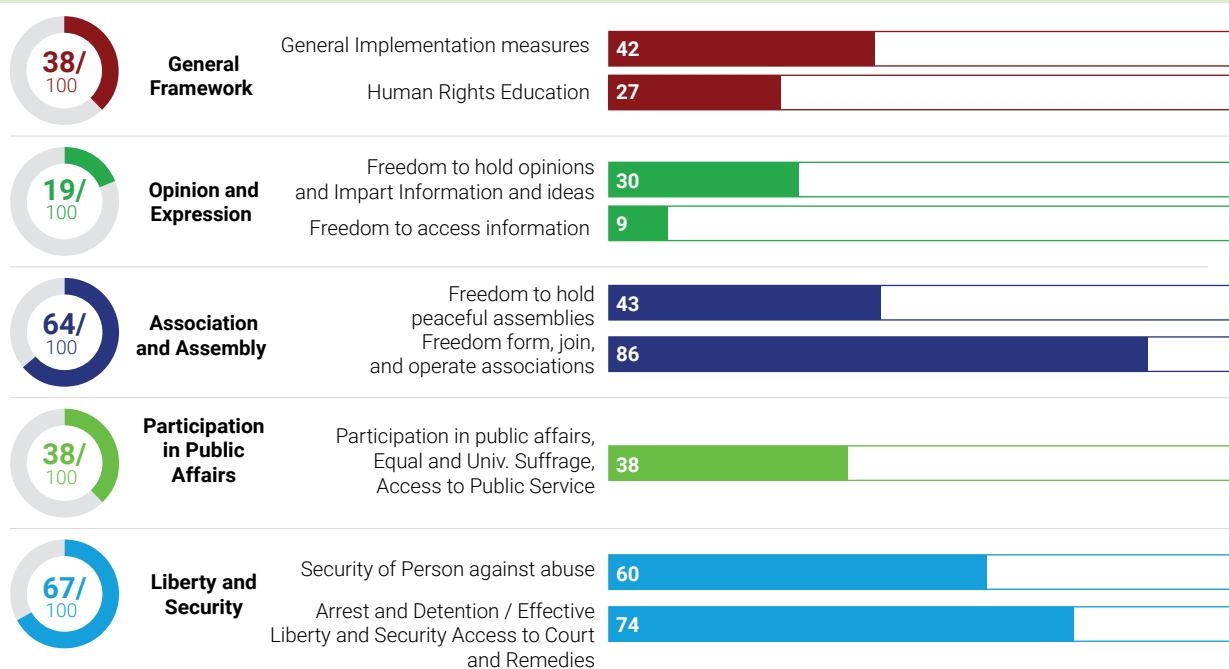
CASA DOS DIREITOS

**MAIN
CONCLUSIONS**

The situation of human rights defenders in the country during the period covered by this report is precarious in many respects. Despite a relatively good legal framework in general terms, the data shows that there is a gap between the reality of practical experience and what is stated in the law.

The image below (Figure 2) gives an overview of Guinea-Bissau's performance in relation to the five categories monitored in this exercise. This calculation includes result indicators, structural indicators and process indicators, i.e. cases of violations of defenders' rights, the analysis of legislation and the existence of structures and mechanisms necessary to ensure the effective exercise of rights.

Figure 2: Result of the index calculating Guinea-Bissau's performance in relation to each category of the platform monitored with the "The Right to Defend Rights" tool.



According to the automated report generated by the "Right to Defend Rights" tool⁸, Guinea-Bissau has a performance of only 38 per cent in terms of the general framework for the protection and promotion of defenders' rights. This shows a performance of 42 per cent for general implementation measures and only 27 per cent for the attribute of human rights education.

As far as compliance with fundamental freedoms is concerned, the country's situation is not at all promising (or favourable), as many of the indicators present a less positive picture. Regarding the attribute of freedom to hold opinions and to impart information and ideas, as well as the right of access to information, the situation is quite critical. Considering freedom of opinion and expression, the overall performance is 19 per cent. Analysed in detail, the performance in terms of freedom to hold opinions and to impart information and ideas is 30 per cent, and 9 per cent in terms of access to information.

As for freedom of association and assembly, although we have relatively strong legislation, especially regarding the freedom to form, join, operate and participate in associations, the reality regarding the freedom to hold peaceful assemblies is not at all encouraging. Thus, the results of this monitoring show a performance of 86 per cent for freedom of association, and only 43 per cent for freedom to hold peaceful assemblies.

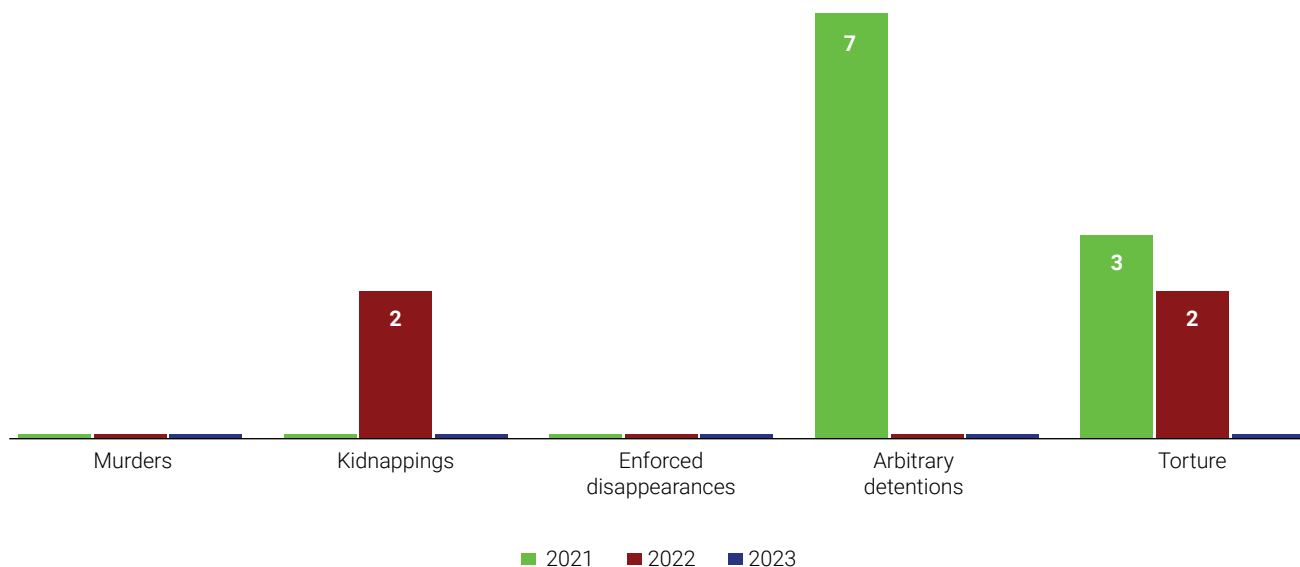
On the other hand, connected to participation in public affairs, the results generated by the platform show that we haven't even reached 40 per cent, i.e. citizens continue to have a low level of participation in the conduct of public affairs and their opinions are not taken into account even in decisions that concern them.

On issues related to liberty and security of the person, high performance is related to good legislation in this area. On the topic of security against abuse, which includes, for example, formal protection against the use of force and the existence of protection mechanisms for defenders, performance stands at 60 per cent, while the attribute of arrest and detention/ effective access to court and appeal stands at 74 per cent.

On the other hand, in terms of serious violations of the rights of human rights defenders (Figure 3), especially when it comes to murders, kidnappings, enforced disappearances, arbitrary detentions and torture of human rights defenders, the figures show that in 2021 there were a total of seven cases of arbitrary detention of defenders and three cases of torture. In 2022, there were a total of two cases of kidnapping and two cases of torture of defenders.



Figure 3: Number of cases in the last three years for indicator 16.10.1 of the Sustainable Development Goals. The study had difficulties obtaining data for 2023, which means that the absence of figures for this year in the graph does not necessarily mean that there were no cases, but rather that these cases had not yet been documented or systematised by the time the report was finalised.



In 2023, although the number of cases relating to the above violations has not been systematised, the RDDH-GB has identified in public sources one case of abuse of authority against a trade unionist, two cases of threats and one case of harassment against a trade union centre and its officials, one case of intimidation and one case of aggression against a human rights defender. Taking all this into account, it can be concluded that the situation in the country is not encouraging in terms of respect for human rights, especially when it comes to human rights defenders. It is worth remembering that the cases studied represent the minimum that is known or systematised. There are other situations on which we were unable to obtain data due to difficulties in collecting data on the one hand and, on the other, the failure to record cases, even if they have been reported.

4.1 General Protection for the Promotion and Exercise of Human Rights and Fundamental Freedoms

General Measures

With regard to the general framework for the promotion and exercise of human rights and fundamental freedoms, especially in relation to general measures for the implementation of these rights, we have to say that, in overall terms and despite the fact that some indicators point to a better situation, the fact remains that we still have a situation that falls far short of what was desired.

In terms of ratification of the main international human rights treaties⁹ with provisions relevant to the protection of human rights defenders, the state of Guinea-Bissau has ratified almost all of them, except for the International Convention for the Protection against Enforced Disappearances. In addition, some protocols allowing victims to seek international justice for violations of their rights have yet to be ratified.

For its part, the state of Guinea-Bissau is far behind in its reporting on the relevant international human rights mechanisms in the last five years, which include some developments in law, policy and practice to guarantee the rights and freedoms mentioned in the UN DHRD.



Table 1: The table shows in the “Reported” column whether the country has reported to the respective human rights treaty monitoring mechanisms; the “Recommendation” column indicates whether it received recommendations relevant to the Right to Defend Rights between 2019 and 2024 and, finally, the “Implementation” column states whether (according to the RDDH-GB’s assessment) it has implemented such recommendations.

Human Rights Committees	Reported	Recommendation	Implementation
Universal Periodic Review (UPR)	Yes	Yes	No recommendation implemented
International Covenant on Civil and Political Rights (CCPR)	No	No	Not relevant
Int’l Covenant on Economic, Social and Cultural Rights (CESCR)	No	No	Not relevant
Int’l Convention on the Elimination of All Forms of Racial Discrimination (CERD);	No	No	Not relevant
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	No	No	Not relevant
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	No	No	Not relevant
Convention on the Rights of the Child (CRC)	Yes	No	Not relevant
Convention on the Rights of Persons with Disabilities (CRPD)	No	No	Not relevant
Int’l Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)	No	No	Not relevant
International Convention for the Protection of All Persons from Enforced Disappearance (CED)	N/A	No	Not relevant

If we extend the period from 2009 to 2024, Guinea-Bissau has received more than 50 recommendations from international human rights mechanisms in relation to the rights of the UN Declaration on Human Rights Defenders. These recommendations address issues such as: the participation and representation of women in political spaces and public office, the adoption of a law on access to information, the establishment of a national human rights institution in accordance with the Paris Principles, state interference in peaceful protests, among others. Only three of these recommendations explicitly refer to human rights

defenders. This may demonstrate a lack of attention paid to this group as reports sent to these mechanisms are drafted and a latent need for civil society to become more involved in these processes and to draw attention to the situation in which the country finds itself in relation to the favourable environment in which defenders operate.

If we check, in terms of national legislation or policy, the recognition of the role of human rights defenders in accordance with the UN DHRD, we see that it does not exist. There is also no national action plan developed by the state with specific measures to promote the rights underlying the UN DHRD.

Similarly, although there is an institution in the country that claims to be a national human rights institution, it does not comply with the Paris Principles¹⁰, since it is an institution under the direct supervision of the Ministry of Justice and Human Rights¹¹.

To summarise, there are critical deficiencies in state structures that, if resolved, would play an important role in improving and maintaining an environment conducive to the work of defenders. The following list shows the results of the points verified in the process and which require attention and action on the part of the state:

-
- ✘ Legislation that recognises the role and rights of human rights defenders.
 - ✘ Existence of a National Human Rights Institution in accordance with the Paris Principles.
 - ✘ Existence of a National Action Plan to promote the rights and freedoms referred to in the UN Declaration on Human Rights Defenders.
-

It was also noted that the country did not receive any judgements from regional or international courts or judicial bodies during the evaluation period, although there is currently a case pending before the African Court on Human and Peoples' Rights (Application 010/2023). This demonstrates the low utilisation of these mechanisms. Given the unfavourable environment for defenders to operate in, the fragility of the national judicial system and the fact that there is no independent National Human Rights Institution to receive complaints, it is important that defenders gain knowledge and are able to access these regional and international mechanisms in the future.

Although the country does not have the number of verified cases of murders, kidnappings and forced disappearances of defenders, it can be seen that in the last three years there have been arbitrary detentions and torture of journalists, media personnel, trade unionists and human rights defenders (Figure 3). On the other hand, there are no reported cases of the use of legislation to criminalise and harass human rights defenders in the last three years, but there is a very hostile environment for defenders in the exercise of their functions.

Human Rights Education

Regarding the integration of human rights education into national education policies, an issue adopted by SDG 4.7.1 and in international treaties¹², it can be seen that some measures are actually provided for in the law¹³. For example, according to the Basic Law of the Education System (Law 4/2011), education at all levels aims to “contribute to knowledge of and respect for human rights and develop a sense and spirit of tolerance and solidarity” (Article 10, 1, i). However, aspects of non-discrimination and equality, which are missing in the law, still need to be included.

Furthermore, it is very important to note that human rights standards are only partially incorporated into school curricula and that they are not incorporated into teacher training curricula, which makes it difficult to translate the objectives of the Basic Law into practical reality.

Below we summarise how the subject of human rights education is reflected in primary and secondary education:

	Primary education (1st cycle)	Primary education (2nd and 3rd cycles)	Secondary education
The aim of education is to promote human rights	✓	✓	✓
Human rights standards are incorporated into school curricula	✓	✗	✗
Human rights standards are incorporated into teacher training curricula	✗	✗	✗

As for the proportion of civil servants who have received training on the rights underpinning the UN DHRD in the last three years, the data points to a total lack of training. However, it’s worth pointing out that there have been some one-off training programmes (capacity-building seminars), provided mainly with the support of international partners. For example, prison guards are known to have received initial training that includes human rights. However, it is not known whether this curriculum is institutionalised or whether there was just initial training for these professionals. Similarly, it is known that the UNDP and OHCHR have already carried out training on human rights, equality and non-discrimination (including the rights of LGBTI people) for officers of the Public Order Police and the National Guard. However, these trainings are not part of the police’s continuing education curriculum.

Similarly, with regard to the explicit reference to fundamental rights and freedoms in the training curriculum for civil servants, the study points to a performance of 0 per cent, although there is a draft plan to update the curriculum for initial teacher training, but it is aimed more at higher education.¹⁴

4.2 Freedom of Expression and Opinion

Freedom of opinion and of transmitting information and ideas

In the case of freedom of expression and opinion, according to the information gathered, there are indeed provisions in the Constitution of the Republic of Guinea-Bissau that enshrine the protection of freedom of opinion and expression. Despite this recognition in the Constitution of the Republic (Art. 51) and in other laws (for example, the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights), the experience of those working on human rights issues is precarious. Among the civil society organisations that took part in an RDDH-GB survey carried out for this report, there is a feeling of insecurity about speaking out on issues such as civil and political rights, the rights of migrants, women's rights, among many others.

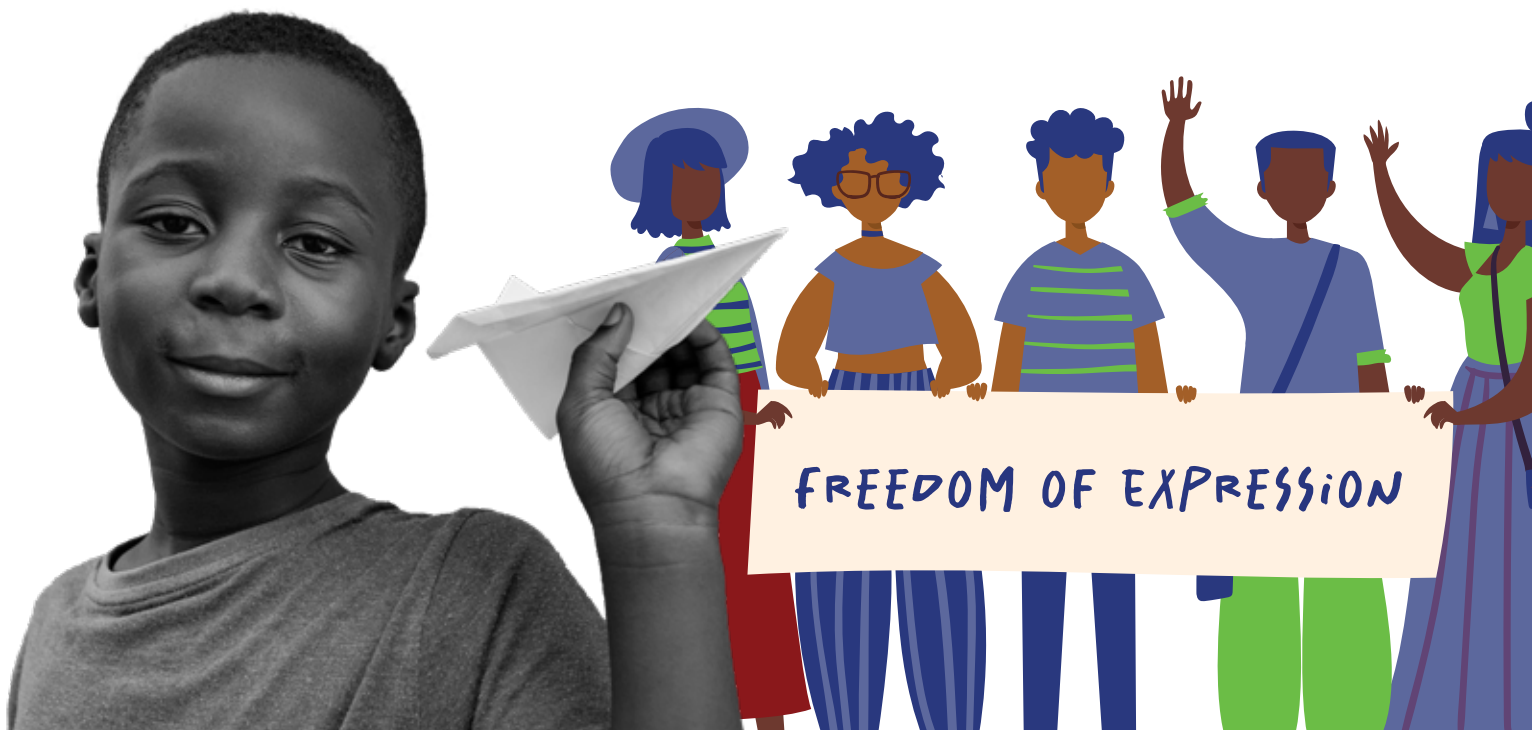
We also note that there have been many reported cases of state censorship of the media when reporting on human rights issues over the last three years. We are witnessing and living in a permanent climate of media intimidation. Although the Constitution guarantees freedom of the press and stipulates that it must be independent of economic and political interests, this is not the case in practice. It is also worth noting that there is a press law (Law No. 4/91 of 3 October 1991) and a journalist's statute in force in the country.

Figure 4: Percentage of civil society organisations that have felt free in the last three years to speak out on human rights issues



However, journalists face chronic political instability. For example, a few days after the dissolution of parliament and consequent resignation of the government in December 2023, heavily armed and hooded soldiers stormed the offices of *Televisão da Guiné-Bissau* and *Rádio Difusão Nacional*, allegedly at the behest of the President of the Republic, to order the broadcast of a news sequence on the dissolution of parliament. Subsequently, a former director of the national radio forcibly took over management of the media on the orders of the head of state, who considered the then director too close to the opposition. In early 2024, the President also asked the Interior Ministry to create “brigades” responsible for monitoring radio programmes and arresting people deemed insulting. In recent years, the President has threatened to close several radio stations that did not have definitive authorisation to operate. He has also repeatedly used the term “mouthpieces for hire” to refer to journalists. The final operating licence was set at 10 million CFA francs.¹⁵

It should also be noted that, with regard to the existence of provisions in national legislation aimed at guaranteeing the right to freedom of opinion and expression, the data points to a low level of performance - the legislation only complies with 10 per cent of international human rights standards in this area.¹⁶ In other words, despite the legal realisation, the fact is that the country needs more legislative development to be able to effectively protect people and guarantee the execution of this right.



Compliance of law in Guinea-Bissau	International human rights standards for national legislation on freedom of opinion and expression
✘	Defamation and slander are not criminalised
✘	There are anti-SLAPP (strategic litigation against public participation) measures in place.
✘	There is provision for monitoring the legality and necessity of decisions on state surveillance of private communications.
✘	Criminal liability for hate speech is restricted to the most serious expressions of hatred, i.e. the defence of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.
✘	Permitted restrictions must be provided for by law and necessary to respect the rights of third parties and to protect national security or public order, health and morals.
✔	All groups in society (e.g. children, women, etc.) can express themselves without unjustified or discriminatory legal barriers.
✘	Absence of general prohibitions or sanctions based on vague and ambiguous definitions, such as the dissemination of "fake news" or "false information".
✘	There is free use of the internet or other means of communication.
✘	There is protection against censorship (offline and online).
✘	Digital service providers respect the right to freedom of expression in any removal of content from their platforms or services; digital service providers are transparent about their content policies and content moderation methods and have complaints mechanisms in place.

Access to information

As for public access to information, which is also the subject of SDG 16.10, we note that there are effectively no constitutional or legal guarantees in this regard. However, the Ministry of Justice and Human Rights has a bill on access to information which was developed with technical support from UNESCO. Similarly, the country has no provision in national legislation or policies to promote equal access to the internet and digital information technologies.

It is relatively easy to access the texts of the UN DHRD and the main international human rights treaties in the state's official languages, although there is no Guinea-Bissau website on this subject. They can easily be found on Portuguese and Brazilian websites. But the contents are not known by all human rights defenders and not everyone has access to these instruments and documents due to limited internet access in the country.

Similarly, there is no institution dedicated to overseeing the implementation of legal guarantees of access to information. The country has numerous deficiencies in its functioning and these deficiencies do not contribute to a strong institutional structure with a body that oversees access to information.

For the most part, we found that there are no specific units in public institutions to deal with requests for access to information from the public. Furthermore, it is often state agents who make it difficult for both defenders and citizens in general to get information out.

To summarise, the list below provides an overview of whether the country complies with the fundamental conditions for guaranteeing the right of access to information:

x	There is a legal guarantee of public access to information.
x	Equal access to the internet and digital technology is promoted.
x	There is an institution that oversees access to information.
x	Public bodies have a specific unit to deal with requests for access to information.

4.3 Freedom of Association and Assembly

Freedom to hold peaceful assemblies

Our Constitution contains provisions for the protection of the right to freedom of peaceful assembly (Articles 54 to 56). There is also a law on freedom of demonstration and assembly, Law 3/92. It should be noted that the Constitution and the law do not provide for any additional formalities in order to hold a demonstration, only prior notice. It is precisely because of this fact that the state is obliged to ensure that peaceful demonstrations can take place once prior notice has been given. However, public authorities have been brutally banning and repelling demonstrations and meetings, claiming that they lack authorisation.¹⁷ And to make matters worse, demonstrations were banned by a simple communiqué from the Ministry of the Interior and Public Order (dated 15 January 2024), in force until the date of publication of this report.¹⁸

It also emerges that the proportion of law enforcement officers who have received training on policing meetings based on human rights standards falls far short of what is desirable, as there is no consistent training of officers. What has happened is occasional training provided by development partners and some non-governmental organisations (NGOs), as well as by some United Nations organisations.

Furthermore, it has been observed that the selection and recruitment of many of the agents of the country's Defence and Security Forces (DSF), with the exception of the Judicial Police (PJ), is done in an obscure way and without criteria¹⁹, with evidence that "since its independence, Guinea-Bissau has been recruiting its public order agents through a less

scientific selection process”.²⁰ This situation further aggravates the feeling of insecurity among people who defend human rights and jeopardises the environment conducive to exercising the freedom to hold peaceful assemblies and demonstrations.

Freedom to form, join, operate and participate in associations

In fact, we must point out that in our Constitution (Article 55), in the Law on Associations (Decree-Law 23/92 for non-governmental organisations) and in the Civil Code (Article 157) there are administrative procedures for registering associations or obtaining legal personality that are accessible, non-discriminatory, without undue and onerous demands, and without unjustified restrictions. However, it should be emphasised that the public administration, as a whole, has not been efficient in aligning itself with legal provisions, thus ending up hindering certain procedures that are guaranteed from a legal point of view.

In addition, there are cases of unlawful state interference in the functioning of associations working on human rights issues, particularly with regard to trade union organisations. To cite a notorious case reported in detail in the Report of the Guinean Human Rights League,²¹ the National Union of Workers of Guinea-Bissau (UNTG) and its leaders have suffered persecution and various forms of interference. In 2023, for example, the state imposed a new secretariat on the UNTG, elected through a parallel assembly convened outside the UNTG statutes, and without respecting the decision of the congress of 22 October 2022 that had legitimised another leader. As a result, we must emphasise that although this prerogative is guaranteed by law, in practice the state is interfering in civil society.

With regard to the reported cases of violations of the right to seek, receive or use financial resources for the protection and exercise of human rights and fundamental freedoms in the last three years, it should be noted that there is effectively no such legal prohibition, but the government, in 2022, through the Ministry of Finance and by means of an order, decided to end the exemptions given to NGOs for imports, thus limiting their actions on the ground.

The list below gives an overview of the country’s compliance with the fundamental conditions for guaranteeing the right to exercise freedom of association:

✓	Freedom of association is recognised in the Constitution and the legislation that safeguards this right is in line with international human rights standards.
✓	The process of registering associations is accessible, non-discriminatory, reasonable and free of illegitimate restrictions.
✓	Applications to register associations were not denied between 2021-2023.
✓	Individuals and groups are free to seek, receive and use financial resources for human rights work, including internationally, without illegitimate interference.
✗	In practice, the state did not interfere in the operation of the associations between 2021-2023.

4.4 Participation in Public Affairs

Participation in the conduct of public affairs, equal and universal suffrage and access to public service

The right to participate in public affairs finds its answer and legal protection in our Constitution (Article 3). On the basis of this article, the state of Guinea-Bissau is a constitutionally established democracy, founded on national unity and effective popular participation in the performance, control and direction of public activities and orientated towards building a free and just society. Therefore, from a formal point of view, this right is very well enshrined.

Despite this observation, it can be seen that these provisions actually reveal some shortcomings and do not take into account the need for specific consultations with certain groups in situations of vulnerability, such as children and people with disabilities, when their rights are being violated or when the state is developing policies, programmes or legislation that could affect their rights.

There is still no legislation obliging companies to address their impact on human rights. Therefore, there is a need for a law that obliges companies to analyse the impact of their activities on communities, groups of rights-holders or the general population, in a way that is aligned with human rights standards and norms.²²

We have also seen that the country does not have institutionalised mechanisms for people to make public contributions to the development of laws, policies and regulations. In practice, citizens organised in associations or NGOs contribute to the drafting and implementation of laws, policies and regulations by *lobbying* MPs, the government and the President of the Republic.

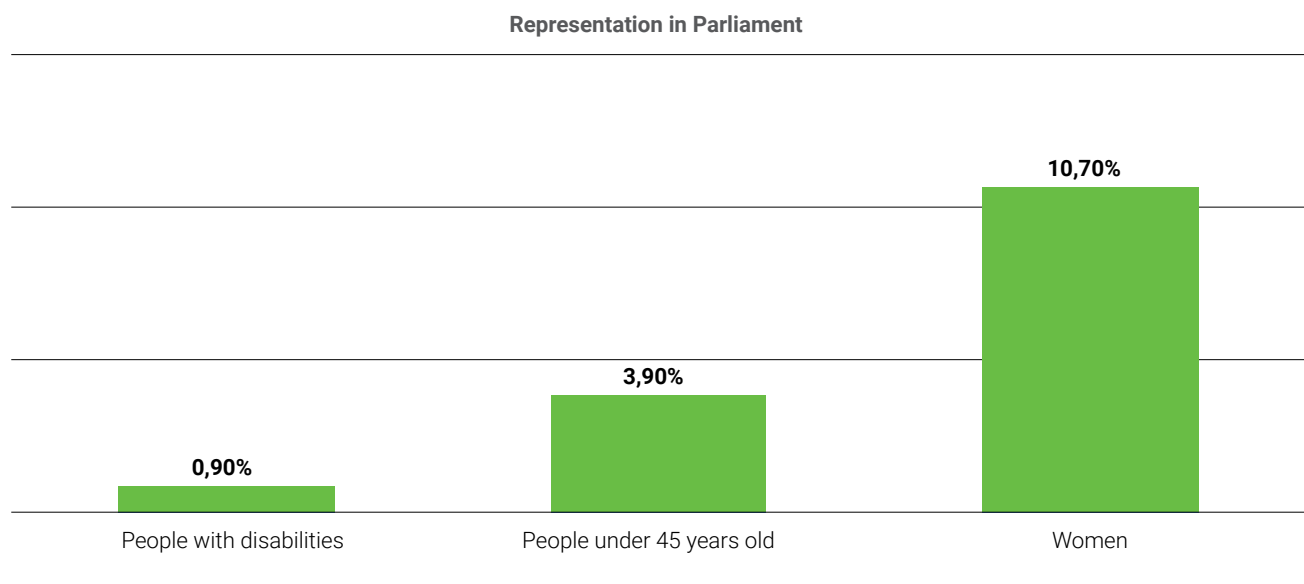


The list below summarises the country's situation with regard to the fundamental conditions for guaranteeing the right to participate in public affairs:

✓	The right to participate in public affairs is recognised in the Constitution and the national legislation implementing this right complies with human rights standards.
!	Rights-holders groups have the right to meaningful consultation when they are affected by legislative and administrative measures.
✗	There is legislation obliging companies to consult those who may be affected by their operations.
✗	There are institutionalised channels for public participation in the development of laws, policies and regulations.

On the subject of representation at the highest levels of politics, it was noted that there is low representation of social minorities, for example in parliament. Representation of the various groups in society in politics is important to ensure that the perspectives, needs and priorities of rights-holding groups have a space for dialogue and advancement of their agendas. The graph below (Figure 6) shows the levels of representation in Parliament of people with disabilities, young people and women:

Figure 5: Percentage of Members of Parliament elected in June 2023 who correspond to their respective groups



4.5 Freedom and security of the person

Safety from abuse

The analysis of this topic revealed the existence of provisions in national legislation and regulations on the conduct of law enforcement officials in accordance with human rights standards. However, despite the legal provisions both in our Constitution (Article 39) and in the major codes, Civil, Civil Procedure, Criminal and Criminal Procedure, the reality experienced in practice contrasts with the legal provisions. In other words, people's rights are constantly violated, people are detained and heard without being guaranteed the right to access to a lawyer, the legal deadlines are far exceeded, among many other violations. It should also be noted that, over the last three years, there is no knowledge of formal investigations into the misconduct of law enforcement agents against human rights defenders that have resulted in disciplinary action, prosecution or convictions. In other words, there is no knowledge of any case brought to justice or to the competent disciplinary services that has resulted in any prosecution or conviction of the perpetrating agents.

It was also concluded that there is no effective protection programme or mechanism for human rights defenders at imminent risk. Added to this is the absence of a law protecting defenders and public policies in this regard. However, it should be noted that there is a draft law that was initiated from defence actions that were interrupted with the dissolution of Parliament in December 2023.

➤ Arrest, detention and effective access to court and redress.

In relation to this item, it must be said that, from a formal point of view, the legislation is very protective. There are provisions in the Constitution, the Code of Civil and Criminal Procedure and other legislation against arbitrary arrest and detention guaranteeing a fair trial that is in line with human rights standards.

Despite the legal guarantees, this does not prevent such acts from happening. In practice, it can be seen that cases of violations of defenders' rights end up not becoming the subject of legal proceedings, even if they are reported to the competent authorities, once it is state agents who are accused of being the perpetrators of these violations. As a result, we found no reported cases of violations of the right to a fair trial for human rights defenders in the last three years, because the cases do not reach the courts.

In order to guarantee the realisation of these rights, which are guaranteed by law, it is essential that judges, prosecutors and lawyers are trained in human rights standards for the administration of justice. It should be noted that the National Judicial Training Centre (CENFOJ) has an initial training course for judges that includes human rights, but there is no knowledge of similar training available or mandatory for prosecutors and lawyers.

Furthermore, it was not possible to find data on the situation in prisons, which would include knowing the percentage of the prison population that is subject to imprisonment without a judgement from a competent judicial authority. It is important that this data is made public because an excessively high percentage of people detained without a formal conviction could indicate a situation in which the right to trial within a reasonable time may be being violated. Adequate administration of justice and the guarantee of the right to a fair trial are important to avoid the use of the justice apparatus against defenders.

With regard to the freedom and security of the individual, the following picture emerges:

✓ National laws and regulations on the conduct of law enforcement officials comply with human rights standards.

✗ There is an effective programme or mechanism for the protection of human rights defenders at imminent risk.

✓ Protection against arbitrary arrest and detention is recognised in the Constitution and national legislation implementing this right complies with human rights standards.

✓ Protection against arbitrary arrest and detention is recognised in the Constitution and the provisions of national implementing legislation are in line with human rights standards.

! Judges, prosecutors and lawyers are trained taking into account human rights standards on the administration of justice.



05

CONCLUSIONS

5.1 Challenges and opportunities

It is important to emphasise that, despite a relatively good legal framework, the practical experience of human rights defenders, including independent defenders, NGO members, trade unionists, lawyers and journalists, is not the best. Analysing available data and the experience shared between defenders shows that the environment is not conducive to them being able to carry out their activities freely and effectively. All of this is fuelled and aggravated by the political instability that has plagued the country in recent times, especially during the period covered by this report.



Notwithstanding this scenario, it is worth mentioning that we have some strengths and **opportunities** to exploit:

- a. A civil society that is very active and committed to the cause of human rights.
- b. A relatively good legal framework that protects human rights, particularly those of defenders.
- c. A relatively strong presence of the international community in the country, which has to some extent supported civil society organisations in general.



At the same time, we face numerous **challenges** to overcome, including the following:

- a. The unfavourable environment for human rights defenders to carry out their activities.
- b. A strong limitation in terms of access to information, not only because of the lack of legislation in this regard, but also because of the urgent need to implement reforms throughout the Guinean public administration.
- c. A certain weakness generated by the division within civil society organisations.
- d. Low funding for civil society organisations, both from the state and from international organisations.

5.2 Recommendations

For all that has been seen and evidenced in the analysis of the different indicators that are the subject of this report, especially during the period reviewed, we must make some recommendations on the following issues:

a. **Promotion and exercise of human rights and fundamental freedoms**

- That Parliament adopts measures and mechanisms and enacts or amends legislation in order to fulfil international standards on the safe and enabling environment for human rights defenders, namely:
 - i. Legislation that recognises the role and rights of human rights defenders;
 - ii. Creation of a National Human Rights Institution in accordance with the Paris Principles;
 - iii. Development of a National Action Plan to promote the rights and freedoms set out in the UN Declaration on Human Rights Defenders.
- That education on human rights norms and principles be incorporated into the training curricula of teachers, police officers, military personnel and other state agents, as well as at all levels of education.

b. **Freedom of expression and opinion**

In this area, a particular legal weakness was noted, which means that the law needs to be reviewed and updated so as not to allow dubious interpretations that could jeopardise this right, and that mechanisms are put in place to ensure respect for international human rights standards in relation to the exercise of freedom of expression and opinion, including access to information. Specifically, it is recommended that the government ensure that:

- The provisions of national legislation that protect the right to freedom of opinion and expression are in full compliance with international human rights standards and norms, according to the table in Chapter 5.2;
- Public access to information is legally guaranteed;
- There is an institution that oversees access to information;
- Public organisations should set up a specific unit to deal with requests for access to information;
- Promote equal access to the internet and digital technology.

c. **Freedom of association and assembly**

Despite the existence of laws guaranteeing non-intervention by the state in these right and legal guarantees for holding meetings and setting up associations, in practice we see this right being limited in various ways. It is therefore recommended that the state:

- Refrain from any kind of interference in the associations and respect their management autonomy;
- Revoke the Communiqué of the Ministry of the Interior and Public Order of 15 January 2024 restricting the right to meetings and assemblies;
- Promote in-depth reforms (administrative and legal) in the country's Defence and Security Forces and ensure the transparent and impartial recruitment of police officers and agents of these Forces;
- Establish effective and mandatory training services for police officers and other law enforcement officials on the right of every citizen to defend rights, in accordance with the United Nations Declaration on Human Rights Defenders and other relevant international standards.

d. **Participation in public affairs**

- That mechanisms and measures be adopted to allow subject groups the right to be meaningfully consulted when they are affected by legislative and administrative measures;
- That legislation be adopted requiring companies to consult those who may be affected by their operations or actions;
- That channels for public participation in the development of laws, policies and regulations be institutionalised.



e. **Freedom and security of the person**

- Include in the training curricula of judges, prosecutors and lawyers in-depth and compulsory training on the administration of justice according to human rights standards.
- That an effective programme or mechanism be adopted for the protection of human rights defenders at imminent risk and that its creation and operation adhere to the following human rights standards
 - > Consultation: that it be developed in consultation with human rights defenders.
 - > Inclusive: that its eligibility criteria and operation are sensitive and non-discriminatory and that there are special measures to protect defenders facing specific threats or vulnerabilities (e.g. women, children, people with disabilities, etc.).
 - > Voluntary: that the defender can decide on a voluntary and well-informed basis whether to get involved in the mechanism.
 - > Preventive: including measures to prevent threats and attacks.
 - > Timely: able to respond quickly.
 - > Proportional: that the measures are proportionate to the specific risks or threats.
 - > Confidential: that the confidentiality of individuals is always respected.
 - > Resourceful: that adequate capacity and resources are available to respond effectively.

f. **Recommendations for strengthening civil society**

- That civil society organisations receive training on regional and international mechanisms so that they know how to access them in defence of human rights and human rights defenders, for example, the Treaty Bodies, the Universal Periodic Review and the UN Special Rapporteurs, as well as regional and international courts.
- There should be support for the creation of mechanisms to coordinate the interventions of civil society organisations.
- The development of data skills among civil society and support for the creation of databases and tools to facilitate the systematisation and collection of data on different human rights issues.

Done in Bissau, on 6 December 2024

Annex A

Indicators used in this monitoring

Indicators of the “Right to Defend Rights” tool

Translation of the colour code in the indicator table:

	Data available during the preparation of this study
	Data partially available during the preparation of this study
	Data not available or not found during the preparation of this study

Category 1 - General framework for the protection and promotion of human rights and fundamental freedoms

Structural indicators	Process indicators	Outcome indicators
Attribute: General measures of implementation		
Ratification and incorporation by the State of international human rights treaties with provisions of relevance to the protection of human rights defenders	State reports to relevant international human rights mechanisms within the last five years include developments in law, policy, and practice to guarantee the rights and freedoms referred to in the UNDHRD	Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists, associated media personnel, trade unionists and human rights advocates (over the last three years)
Existence of national legislation or policy that recognizes the role of human rights defenders in accordance with the United Nations Declaration on Human Rights Defenders (UNDHRD)	Existence of national action plan(s) developed by the state with specific measures to further the underlying rights in the UNDHRD	Reported cases of use of legislation to criminalize and harass human rights defenders (over the last three years)
Existence of independent national human rights institutions in compliance with the Paris Principles	Degree of state implementation of recommendations, decisions and judgements from UN human rights mechanisms and regional courts concerning human rights defenders and/or the rights referred to in the UNDHRD	Reported cases of threats, restrictions, and retaliations against national human rights institutions for protecting and promoting human rights and fundamental freedoms in keeping with their mandated activities (over the last three years)

Category 1 - General framework for the protection and promotion of human rights and fundamental freedoms

Structural indicators	Process indicators	Outcome indicators
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Attribute: General measures of implementation

	Proportion of reported cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of journalists, associated media personnel, trade unionists and human rights advocates that have resulted in a conviction of the perpetrator (over the last three years)	Reported cases of threats to individual human rights defenders (over the last three years)
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Attribute: Human rights education

Extent to which human rights education is mainstreamed in national education policies (adapted from SDG 4.7.1)	Explicit reference to fundamental rights and freedoms in the training curriculum for public officials	
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	Extent to which human rights education is mainstreamed in national education curricula (adapted from SDG 4.7.1)	
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	Extent to which human rights education is mainstreamed in teacher education curricula. (adapted from SDG 4.7.1)	
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Category 2 - Freedom of opinion and expression

Structural indicators	Process indicators	Outcome indicators
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Attribute: Freedom to hold opinions and to impart information and ideas

Existence of provisions in the constitution for the protection of freedom of opinion and expression	Proportion of reported cases of media censorship (online and offline) carried out by the state for reporting on human rights issues which were effectively remedied (over the last three years)	Proportion of civil society organizations working with human rights issues who reported feeling free to express themselves (over the last three years)
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Category 2 - Freedom of opinion and expression

Structural indicators	Process indicators	Outcome indicators
Attribute: Freedom to hold opinions and to impart information and ideas		
Existence of provisions in the national implementation legislation for the protection of freedom of opinion and expression	Proportion of reported cases of intimidation and reprisals against human rights defenders for communicating with international bodies which were effectively remedied (over the last three years)	Reported cases of media censorship carried out by the state for reporting on human rights issues (over the last three years)
Existence of provisions in the constitution and in national legislation that protect the right to have access to, communicate and cooperate with international bodies on human rights		Reported cases of blockage or filtering of websites, social media posts, social media blogs, or social media profiles and accounts that contain information that are critical of the government or discuss human rights issues (over the last three years)
		Reported cases of restrictions or disproportionate sanctions for the expression of thoughts and opinion
		Reported cases of intimidation and reprisals against human rights defenders for communicating with international bodies (over the last three years)
Attribute: Access to information		
Existence of constitutional, statutory and/or other legal guarantees for public access to information (adapted from SDG 16.10.2)	Existence of a dedicated institution to oversee the implementation of access to Information legal guarantees	Reported cases of non-disclosure by state authorities of information of public interest requested by human rights defenders (to be included)
Existence of provisions in national legislation and policies which promote equal access to the internet and digital information technology	Existence of specific units in public bodies to handle access to information (ATI) requests from the public	

Category 2 - Freedom of opinion and expression

Structural indicators	Process indicators	Outcome indicators
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Attribute: Access to information

The text of the UNDHRD and core international human rights treaties are accessible in the official languages of the State		
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Category 3 - Freedom of Association and Assembly

Structural indicators	Process indicators	Outcome indicators
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Attribute: Freedom to hold Peaceful Assemblies

Existence of provisions in the constitution for the protection of the right to freedom of peaceful assembly	Proportion of reported cases of infringement of the right to freedom of peaceful assembly (online and offline) which were effectively remedied (over the last three years)	Reported attacks or other harmful acts against human rights defenders by state and non-state actors after participation in an assembly (over the last three years)
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Existence of provisions in the national implementing legislation for the protection of the right to freedom of peaceful assembly	Proportion of law enforcement officers who have received training on policing of assemblies based on human rights standards	Reported cases of the state blocking or limiting internet connectivity, or blocking or limiting access to online accounts or fora in relation to peaceful assemblies (over the last three years)
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Existence of provisions in national legislation on the duties and powers of law enforcement officials and private security service providers in the context of assemblies, including related		Reported cases of infringements of the right to freedom of peaceful assembly (online and offline) (over the last three years)
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Attribute: Form, join and operate Associations

Existence of provisions in the constitution for the protection of the right to freedom of association	Existence of administrative procedures for registration of associations or for the obtainment of legal personality which are accessible, not discriminatory, and do not impose undue and burdensome requirements or unjustified restrictions.	Reported cases of unlawful interference by the State in the operation of associations working on human rights issues (over the last three year)
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Category 3 - Freedom of Association and Assembly

Structural indicators	Process indicators	Outcome indicators
Attribute: Freedom to hold Peaceful Assemblies		
Existence of provisions in the national implementing legislation for the protection of the right to freedom of association	Proportion of reported cases of unlawful interference by the state in associations working on human rights issues which were effectively remedied (over the last three years)	Reported cases of requests for registration that were denied (over the last three years)
Existence of provisions in national legislation that protect the right of individuals and groups to seek, receive and utilise financial resources for the express purpose of promoting and striving for the protection and realisation of human rights and fundamental freedoms	Proportion of reported cases of infringements to the right to seek, receive or utilize financial resources for the protection and realization of human rights and fundamental freedoms which were effectively remedied (over the last three years)	Reported cases of infringements to the right to seek, receive or utilize financial resources for the protection and realization of human rights and fundamental freedoms (over the last three years)

Category 4 - Right to Participation in Public Affairs

Attribute: Participation in the conduct of public affairs /equal and universal suffrage/ access to public service

Structural indicators	Process indicators	Outcome indicators
Existence of provisions in the constitution which protect the right to participate in public affairs	Existence of accessible and institutionalized mechanisms for public input into the development of laws, policies and regulations including those affecting human rights defenders	Proportion of positions in the legislature by sex, age, persons with disabilities and population groups (adapted from SDG 16.7.1)
Existence of provisions in the national implementing legislation which protect the right to participate in public affairs	Proportion of reported cases of acts aimed at restricting the right of human rights defenders to participate in public affairs which were effectively remedied (over the last three years)	Reported cases of acts aimed at restricting the right of human rights defenders to participate in public affairs (in the last three years)

Category 4 - Right to Participation in Public Affairs

Attribute: Participation in the conduct of public affairs /equal and universal suffrage/ access to public service

Structural indicators	Process indicators	Outcome indicators
Existence of provisions in national legislation and regulations requiring meaningful consultation with groups and communities whose rights are affected by legislative or administrative measures		
Existence of mandatory human rights due diligence legislation requiring meaningful consultation on human rights impact and risks with stakeholders, including human rights defenders, from communities affected by business operations		

Category 5 - Liberty and Security of Persons

Attribute: Security of Person from Abuse

Structural indicators	Process indicators	Outcome indicators
Existence of provisions in national legislation and regulations on the conduct of law enforcement officials in compliance with human rights standards misconduct of law enforcement officials against human rights defenders resulting in disciplinary action, prosecution, and convictions (over the last three years)	Proportion of formal investigations into the	Número de casos verificados de assassinatos, sequestros, desaparecimento forçado, detenção arbitrária e tortura de defensores dos direitos humanos sob medidas de proteção (nos últimos três anos)
	Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention, and torture of human rights defenders under protection measures (over the last three years)	

Category 5 - Liberty and Security of Persons

Attribute: Security of Person from Abuse

Structural indicators	Process indicators	Outcome indicators
	Existence of an effective program or mechanism of protection for human rights defenders at imminent risk	

Attribute: Arrest and Detention/Effective Access to Court and Remedy

Existence of provisions in the constitution against arbitrary arrest and detention in compliance with human rights standards	Proportion of judges, prosecutors, and lawyers who received training in human rights standards for the administration of justice (over the last three years)	Unsentenced detainees as a proportion of the overall prison population
Existence of provisions in the national implementing legislation against arbitrary arrest and detention in compliance with human rights standards	Proportion of reported cases of infringements against the right to a fair trial for human rights defenders which were effectively remedied (over the last three years)	Reported cases of infringements against the right to a fair trial for human rights defenders (over the last three years)
Existence of provisions in the constitution in compliance with human rights standards that protect the right to a fair trial	Proportion of requests submitted by human rights defenders for legal aid in criminal proceedings which were granted (over the last three years)	
Existence of provisions in the national implementing legislation in compliance with human rights standards that protect the right to a fair trial		

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22. For more information on the human rights impact assessment method for companies, see the Danish Institute for Human Rights' "Human Rights Impact Assessment Guidance and Toolbox", available at: <https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox>



**DANISH
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