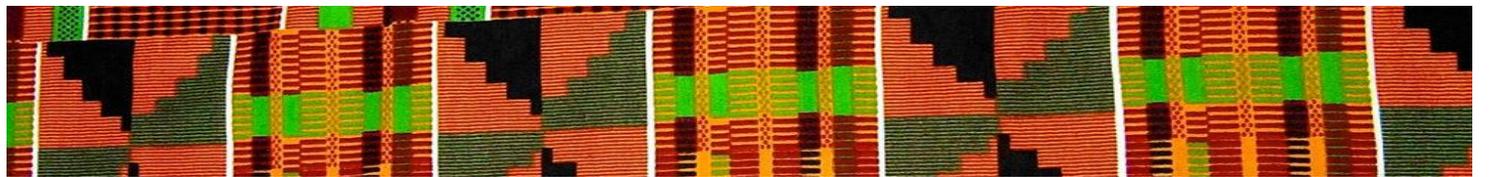


# TRAINING MANUAL ON GENDER-BASED VIOLENCE IN GUINEA-BISSAU



**INITIATIVE FOR CREATING AWARENESS TOWARDS  
REDUCING GENDER-BASED VIOLENCE IN GUINEA-BISSAU**

**June 2020**



## Methodology and Acknowledgements:

The Training Manual on Gender-Based Violence in Guinea-Bissau was developed within the framework of the World Bank's Advisory Services and Analytics (ASA) on Creating Awareness Towards Reducing Gender Based Violence (GBV) in Guinea-Bissau. The project aims to contribute to awareness-raising and capacity-building actions of stakeholders such as civil society organizations and communities in terms of prevention, protection and response to GBV. Underpinning this work is the need to strengthen the World Bank's intervention to reduce potential GBV risks and impacts connected to its projects and operations in the country. The initiative is part of the World Bank's activities to reduce extreme poverty and boost shared prosperity by promoting gender equality and full socio-economic participation of women and girls.

The manual was developed by a World Bank team composed by Sara Guerreiro and Natália Mazoni, under the supervision and with contributions from Paula Tavares, and collaboration of Helder Pires. The content presented in this manual is based on information obtained through data collection, research and collaboration with local organizations working on GBV. The aim was to identify the GBV context and map the mechanisms of protection and response. In February 2019, a first training was held in Guinea-Bissau to present and validate the preliminary version of the manual, as well as to engage relevant organizations with the material. In the meeting, the following entities participated and contributed to the validation process, to which the technical team is thankful: ADPP, AGMJ, Ahernog, AMAE, AMBB, AMJ, AMPROCS, AMPROF, AMUF, AMUPEIXE, APALCOF, CAJ, CNAPN, FDB, GTO-Bxo, MANITESE, MERS, PPM-GB, RDN, Redisse II Project, RENLUV, TGB, and Tiniguena, among other representatives. Subsequently, the manual was revised by the World Bank team, with the aim that its final version will contribute to the awareness raising of stakeholders, relevant institutions, civil society organizations and communities in relation to GBV issues.

The manual was then used in three subsequent GBV trainings throughout the country between May 2019 and January 2020<sup>1</sup>. The trainings were held in Bula, Mansoa and Bissau, and were targeted to local professionals and stakeholders including legal and health professionals, namely judges, representatives of the Public Prosecutor's Office and the Access to Justice Centers ("Centros de Acesso à Justiça" - CAJ), law enforcement officers, as well as social workers, regional administration officials, traditional and religious leaders, and civil society organizations working with GBV issues, based on which two further rounds of review and updates were undertaken. This version is updated as of June 2020 and incorporates lessons learned and inputs from the trainings and review process.

The preparation and support team for the development of the original manual and training included Sara Guerreiro and Helder Pires, both legal consultants, and Paula Tavares, Senior Private Sector Development Specialist. At the World Bank country office in Guinea-Bissau, the team was supported by Sonia Sánchez, Operations Officer, Rama Barbosa, Executive Assistant, and Djacumbá Cassamá, Team Assistant. The team also counted on the invaluable support and guidance from Amadou Oumar Ba, World Bank Country Manager for Guinea-Bissau. Our partners and colleagues in Bissau included Fatumata Baldé, President of the National Committee for the Abandonment of Harmful Practices (CNAPN), Aissatú Câmara Injai and Toneca Sila, both from the National Network for Combatting Gender-Based Violence (RENLUV), and local legal consultant Ivo de Barros, all whom contributed to the different trainings.

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<sup>1</sup> The GBV awareness raising and capacity building workshops were delivered to stakeholders in target areas of intervention of World Bank projects in Guinea-Bissau, including: (i) GBV training held 14-16 May 2019 in Bula to stakeholders of the Rural Transport project, (ii) GBV training held Oct 28-30, 2019 in Mansoa to stakeholders of the OMVG project, and (iii) GBV training held Feb 10-11, 2020 to stakeholders of the Education for All project.



## Table of Contents

ACCRONYMS.....	5
<b>Part 1 – Context and Framework.....</b>	<b>6</b>
1.1. Introduction to Gender-Based Violence.....	6
1.2. Types of Gender Based Violence.....	6
1.3. GBV during the life cycle .....	8
1.4. Main consequences of GBV.....	8
<b>Part 2 – GBV in Guinea-Bissau: context, factors and existing data .....</b>	<b>9</b>
2.1 Summary of Guinea-Bissau’s GBV context .....	9
2.2 Risk Factors.....	13
<b>Part 3 – GBV by subject-matter and respective legal framework .....</b>	<b>13</b>
3.1 Summary of the main international and national legal frameworks on GBV .....	14
3.1.1 International Legal Framework on GBV .....	14
3.1.2 National Legal Framework on GBV .....	15
3.2 Specific legal framework on GBV .....	16
3.2.1. Domestic Violence Legal Framework .....	16
3.2.2. Legal Framework on Sexual Harassment.....	23
3.2.3. Sexual Violence and harassment in schools .....	24
3.2.4. Key areas and specific actions for integrating VAWG into Education .....	25
3.2.5. Brief reference to comparative Law on domestic violence and sexual harassment.....	25
3.3 Early, child and forced marriage .....	26
3.3.1 Context .....	27
3.3.2 Legal framework on early/forced marriage and related issues.....	27
3.4 Female Genital Mutilation/Excision .....	28
3.4.1 Context .....	29
3.4.2 Female Excision Law.....	30
3.5 Trafficking in women and children – brief framework.....	32
3.6 Violence and sexual exploitation.....	34
<b>Part 4 – Relevant Policies .....</b>	<b>36</b>
4.1 Reference to PNIEG II .....	37
4.2 Reference to the Justice Reform Program.....	38
<b>Part 5 – Relevant GBV institutions and services .....</b>	<b>38</b>
5.1. Public Institutions and Civil Society .....	38
5.2. Services from a multisectoral perspective.....	41
5.3. Recommendations to improve care for GBV survivors.....	44
<b>Brief note on the World Bank as a responsible agent for change regarding gender-based violence.....</b>	<b>46</b>

## ACCRONYMS

AMIC	Association of Friends of the Child ( <i>“Associação Amigos da Criança”</i> )
APAV	Portuguese Victim Support Association ( <i>“Associação Portuguesa de Apoio à Vítima”</i> )
CAJ	Access to Justice Centers ( <i>“Centros de Acesso à Justiça”</i> )
CC	Criminal Code
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CNAPN	National Committee for the Abandonment of Harmful Practices ( <i>“Comité Nacional para o Abandono das Práticas Nefastas”</i> )
CPC	Criminal Procedure Code
CPLP	Community of Portuguese Speaking Countries ( <i>“Comunidade dos Países de Língua Portuguesa”</i> )
CRC	Convention on the Rights of the Child
EU	European Union
FCSH-UNL	School of Social and Human Sciences of the University of Lisbon ( <i>“Faculdade de Ciências Sociais e Humanas da Universidade de Lisboa”</i> )
FGM or FGM/E	Female Genital Mutilation or Female Genital Mutilation/Excision
GBV	Gender Based Violence
GICJU	Legal Information and Consultation Office ( <i>“Gabinete de Informação e Consulta Jurídica”</i> )
HDI	Human Development Index
HIV/AIDS	Human Immunodeficiency Virus infection/Acquired Immune Deficiency Syndrome
ILAP	Rapid Poverty Assessment Survey ( <i>“Inquérito Ligeiro de Avaliação de Pobreza”</i> )
ILO	International Labour Organization
IMC	Women and Children Institute ( <i>“Instituto da Mulher e Criança”</i> )
INE	National Statistics Institute ( <i>“Instituto Nacional de Estatística”</i> )
INEP	National Studies and Research Institute ( <i>“Instituto Nacional de Estudos e Pesquisa”</i> )
IOM	International Organization for Migration
LGDH	Guinean Human Rights League (NGO) ( <i>“ONG Liga Guineense dos Direitos Humanos”</i> )
MICS	Multiple Indicator Cluster Survey
NGO	Non-governmental Organization
PNIEG	National Policy on Gender Equality and Equity ( <i>“Política Nacional de Igualdade e Equidade de Género”</i> )
RENLUV	National Network to Fight Gender-Based Violence ( <i>“Rede Nacional de Luta contra Violência Baseada no Género”</i> )
SITAN	Situation Analysis of Children and Women
UN	United Nations
UNDP	United Nations Development Programme
UEFGM	United to End FGM
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UNIOGBIS	United Nations Integrated Peacebuilding Office in Guinea-Bissau
UNHCR	United Nations High Commissioner for Refugees
WBG/WB	World Bank Group/World Bank
WHO	World Health Organization

## Part 1 – Context and Framework

### Purpose of this section:

- Assess the context and framework regarding GBV;
- Identify the different types of GBV, their definitions and consequences;
- Understand the impact of GBV on women’s lives, as well as on their health, education and society.

### 1.1. Introduction to Gender-Based Violence

According to the World Health Organization (WHO), the term ‘gender’ refers to socially constructed characteristics of women and men, such as norms, roles and relationships between groups of both sexes. When individuals or groups do not fit the gender norms established in particular societies, they might be stigmatized or face discriminatory practices, social exclusion and gender-based violence.<sup>1</sup>

Gender-based violence (GBV) is a generic term for any harmful act perpetrated against the will of a person based on socially attributed differences between men and women because of their biological sex or gender identity.

GBV reflects the underlying and systematic inequality associated with unequal distribution of power between men and women and rooted norms and rigid expectations of gender roles.<sup>2</sup> GBV is considered to be a manifestation of these historically unequal power relations between men and women, that affect mainly women and girls from before birth to their old age, their subordination may or may not be absolute, and may vary according to culture and region.<sup>3</sup> It includes acts that inflict physical, sexual or mental harm or suffering threats of such acts, coercion, and other liberty and economic deprivations. These acts may occur in public or in private. GBV occurs in all countries of the world and is most prevalent against women and girls.

GBV is one of the most prevalent human rights violations in the world. It has no social, economic or geographical boundaries. Worldwide, it is estimated that one in three women has already experienced physical or sexual abuse in their lives.<sup>4</sup>

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*“GBV is the violence that is directed at an individual on the basis of his/her biological sex, gender identity, or perceived adherence to socially defined norms of masculinity and femininity. It includes sexual, physical, and psychological abuse; threats; coercion; arbitrary deprivation of liberty; and economic deprivation, whether in public or private life.” (USAID)*

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*Training Manual - Preventing Gender-Based Violence, Mozambique<sup>5</sup>*

### 1.2. Types of Gender Based Violence

There are several types of GBV that affect both the physical and emotional integrity of women and girls in Guinea-Bissau and around the world. The table below describes the different types of GBV, including psychological, emotional and moral violence; sexual violence; physical violence; sociocultural violence; political violence; and patrimonial or economic violence.<sup>6</sup> The main causes of GBV, risk factors, and Guinea-Bissau's specific context will be addressed in the following sections.

**Table 1 – Summary table of types of GBV**

<b>Types of Violence</b>	<b>Definition</b>
<b>Psychological, Emotional and Moral Violence</b>	Acts or omissions aimed at controlling a person's behavior, actions, beliefs and decision-making capacity through manipulation, intimidation, insult, threat, isolation, humiliation, bullying <sup>2</sup> or stalking. <sup>3</sup>
<b>Sexual Violence</b>	Any sexual act or conduct imposed on a person to engage in or maintain unwanted sexual acts through intimidation, threats, coercion or by force.
<b>Physical Violence</b>	Aggression against someone resulting in bodily injury. Physical violence can happen through various ways, such as kicking, pushing, hitting, burning, tying, commanding excessive physical work, and flogging, among others.
<b>Sociocultural Violence</b>	Any traditional or cultural practice that can endanger an individual's self-esteem, health and life. Examples of sociocultural violence include female genital mutilation, early marriage, forced labor, forced sexual exposure, as well as preventing women from socializing with other people, friends, family or neighbors, etc.
<b>Political Violence</b>	Any practice or act of discrimination or verbal, psychological, physical, sexual or economic violence. It also includes threats of such acts or intimidation that prevent or hinder women's access to public or political office.
<b>Patrimonial or Economic Violence</b>	Any action or omission, including threats or attempts, to make an individual financially dependent by controlling assets and financial resources, preventing access to income, assets or economic means, the destruction or evasion (refusal of transfer) of property or inheritance, deprivation of basic needs, prohibition of working or studying or by controlling a person's work income, as well as preventing individuals from making decisions that directly affect the way they lead their lives.

Both men and women can be victims of GBV. Violence against men has only recently begun to be treated as GBV. There is a lack of research and data available on GBV among men, and the various ways in which they may be victims of this type of violence. Some examples cited in studies include forced marriage<sup>7</sup>, rape, forced sexual intercourse, and castration.<sup>8</sup>

Even when the violence is perpetrated by women, as in the case of female genital mutilation, it is still considered a form of GBV, since women are used as a vehicle for perpetuating a culture of inequality that subdues and violates their moral and physical integrity, causing irreparable damage and undermining the free development of their personality, and the right to control their own life.<sup>9</sup>

Due to the higher incidence of gender-based violence against women and girls, as well as the lack of data/ studies on other forms of GBV in Guinea-Bissau, this manual will focus primarily on violence against women. Where possible, and data and information are available on other forms of GBV in Guinea-Bissau, such as that directed against men and boys, these will be included.

<sup>2</sup> Bullying is a form of moral violence. It happens when an individual or group of people with power, repeatedly and deliberately, cause damages or mistreat another person or group of persons who feel incapable of stopping it from happening. Definition adapted from the National Centre Against Bullying, available at <https://www.ncab.org.au/bullying-advice/bullying-for-parents/definition-of-bullying/>.

<sup>3</sup> Stalking means pursuing, following or otherwise engaging in a similar course of conduct directed at someone that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Available at <https://www.justice.gov/ovw/stalking>.

### 1.3. GBV during the life cycle

It is important to highlight that violence does not only affect adult women. GBV cases occur throughout the woman's life cycle, from conception and the stage before the woman's birth, to old age. See examples below:

- **Prenatal stage** - Selective Sex, selective abortion, violence against pregnant women affecting the fetus.
- **Childhood/Children** – Infanticide of boys and girls, negligence (nutrition and medical care), FGM, sexual abuse and incest; child trafficking and prostitution.<sup>4</sup>
- **Adolescence/Reproductive Age** - incest, sexual abuse and rape, coercive sex, forced and/or early marriage, psychological and physical abuse, marital rape, contraception use prohibition, safe sex and STI/HIV prevention prohibition, forced sterilization and postpartum FGM.
- **Old Age** - Physical and psychological abuse, witchcraft accusation, forced suicide or widow murder (such as for economic purposes), violence and/or sexual harassment.

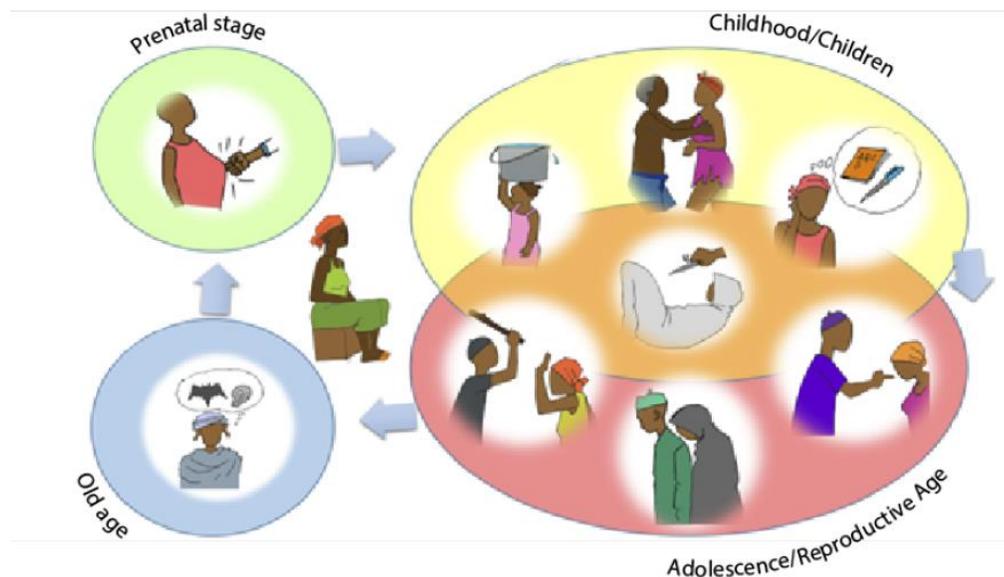


Figure 1 – GBV throughout the women's life cycle

### 1.4. Main consequences of GBV

GBV undermines the health, dignity, safety and autonomy of its victims and generally remains shrouded in a culture of silence. The effects of GBV on women and girls are severe, intense and lasting. These can be of a physical, psychological, social or socio-economic<sup>10</sup> nature, affecting:

- ❖ Physical, sexual and reproductive health, including forced and unwanted pregnancy and sexually transmitted infections (e.g., HIV), and even death.<sup>11</sup>
- ❖ Mental health, including trauma, loss of self-esteem or depression.

<sup>4</sup> In Guinea-Bissau, a cultural practice of violence against children is the "Iran child" ("Criança Irã").

The effects of GBV also manifest themselves in following sectors of society:

- ❖ Economic, including a decrease in productivity, increase in poverty rates and a decrease in national income.
- ❖ Social, including social and community rejection, stigmatization, increased violent behavior (mainly by boys) and increased acceptance of violent behavior (mainly by girls).



A number of real and serious problems are still shrouded in a code of silence or indifference, such as domestic and sexual violence cases, and a constant and participatory dialogue is needed at local level, where the real problems or their real dimensions are identified, together with women and children, without any fear of reprisal.

Justice Reform Program 2015-2019

Figure 2 – Consequences of GBV on women

## Part 2 – GBV in Guinea-Bissau: context, factors and existing data

### Purpose of this section:

- Comprehend the general context of Guinea-Bissau and the predominant types of GBV in the country.
- Understand Guinea-Bissau's main socio-economic and cultural indicators in key areas for gender equality.
- Understand the causes and the risk factors associated to GBV.

### 2.1 Summary of Guinea-Bissau's GBV context

*"Suffering has no limit, I accept to "suffer" my man, there is no way".*

*(girl, Bubaque)*

*Original quote: "Sofrimento não tem limite, eu aceito "sofrer" o meu homem, não tem jeito"*

A Portrait of Violence Against Women in Guinea-Bissau  
(*"Um retrato da violência contra mulheres na Guiné-Bissau"*), p. 41. Sílvia Roque (2011)

Currently, Guinea-Bissau is one of the least developed countries in Africa, despite its natural resources and favorable climate and location. The negative socio-economic conditions are more strongly reflected in women than in men. Their triple gender-specific role in the labor market, domestic work and reproductive role is costlier, and women have more limited access to resources.

Without a viable state committed to the rule of law and human rights, traditional gender discrimination has become pervasive in all spheres of life (social, economic and political) and specific abuses such as female genital

mutilation and early/forced marriage persist.<sup>12</sup>

**Table 2 – Summary table of the situation in key areas in Guinea-Bissau**

General Data
<ul style="list-style-type: none"> <li>• Population (2018): 1.9 million (ADB<sup>13</sup>)</li> <li>• Female Population (2017): 49.7% (ADB)</li> <li>• Human Development Index (2018): 177 place, among 189 countries (HDI<sup>14</sup>)</li> <li>• Life Expectancy (2018): 57.8 years (UN<sup>15</sup>)</li> <li>• Poverty: 69.3% (2010 data) (WB<sup>16</sup>)</li> <li>• Extreme poverty (people living with less than \$1.9 per day): 33% (2010 data) (WB)</li> </ul>

In Guinea-Bissau, women experience various types of gender-based violence, including serious incidents of domestic and sexual violence, sexual harassment, early and child marriage, and female genital mutilation (FGM). These types of violence constitute serious violations of the law and can happen at home, in institutions, at school, at the workplace and within communities. Incidents of gender-based violence have serious physical, psychological and social repercussions, not only for victims but also for their families and communities. In Figure 3, we present some examples of the most common forms of GBV in the country, as well as some of its main causes. It is important to note that this list is not exhaustive.

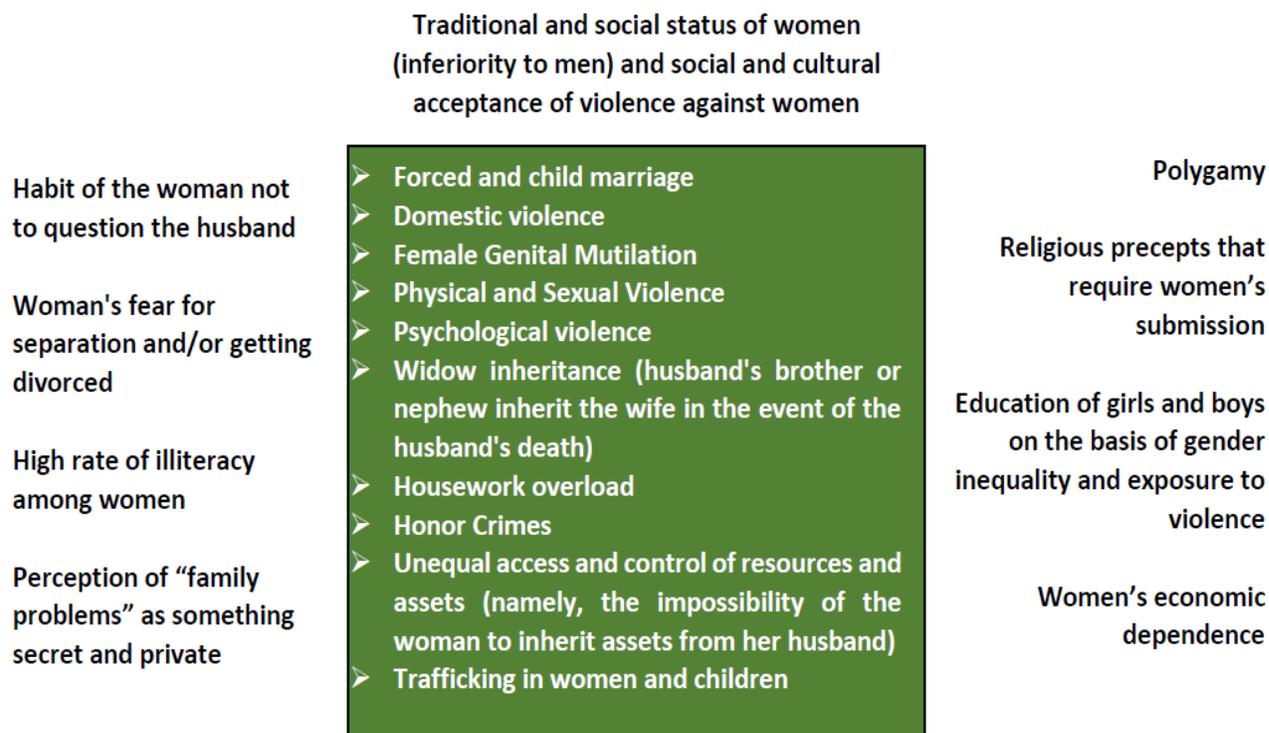


Figure 3 – Main forms and types of GBV

The persistence of stereotypes is perpetuated by patriarchal norms, which shape the behavior and attitudes of various communities. These norms prohibit women and children from fully exercising their fundamental rights and expose them to various types of violence. **Gender-based violence is very common in Guinea-Bissau. It encompasses harmful social practices such as female genital mutilation, levirate, forced and/or early marriage, sororate, polygenic polygamy, gerontocracy and domestic violence.** This aspect of violence has a destabilizing impact on the social stability of families, with highly negative consequences for their children's future, due to the situation of economic dependence in which many women find themselves in relation to men.

Source: Justice Reform Program in Guinea-Bissau (2015-2019)

**Table 3 – Summary of available data on violence against women in Guinea-Bissau** <sup>5,6</sup>

Some existing data on violence against women in Guinea-Bissau	
<b>Violence against women in numbers</b>	<p>Of the women interviewed in a 2010 Study:<sup>17</sup></p> <ul style="list-style-type: none"> <li>- 44% claim to be victims of physical violence</li> <li>- 43% claim to be victim of sexual violence (21%: violation and unwanted touches: 22%)</li> <li>- 80% were victims of psychological violence acts (insults and threats)</li> <li>- 11% reported having been threatened with non-fire-arm weapon and 6% with firearm</li> <li>- 34% reported situations of deprivation of liberty, stating that at some point they were prevented from leaving home and talking with friends</li> </ul>
<b>Domestic violence</b>	<ul style="list-style-type: none"> <li>- 85% of violence against women occurs within the family environment</li> <li>- In 67% of cases the perpetrators are the spouses of the victims and 35% other family members</li> </ul> <p>The same study<sup>18</sup> indicates that 23,193 cases of domestic violence were reported in the country between 2006 and 2010 by judicial and security authorities.</p> <p>However, these figures do not reflect the full reality of the situation, as 71% of the victims interviewed stated that they had never filed a complaint. The study estimates that, on average, only five cases of domestic violence are reported per day in Guinea-Bissau.</p>
<b>Perceptions regarding violence</b>	<p><b>42% of women aged 15-49 consider it acceptable for a husband to beat his wife</b> in at least one of the following circumstances<sup>19</sup>:</p> <ul style="list-style-type: none"> <li>- If she argues with him (28%)</li> <li>- If she does not take care of the children (25%)</li> <li>- If she goes out without telling him (21%)</li> <li>- If she refuses to have sex with him (19%)</li> <li>- If she burns the food (8%)</li> </ul>
<b>Factors contributing to violence against women</b>	<p>Factors contributing to violence against women<sup>20</sup>:</p> <ul style="list-style-type: none"> <li>- 49% pointed out the fact that women are considered inferior in relation to men</li> <li>- 34% noted the fact that the government does not defend or protect victims</li> <li>- 33% noted the fact that women have no economic assets</li> </ul>
<b>Factors preventing proper victim assistance<sup>21</sup></b>	<ul style="list-style-type: none"> <li>- The victims do not receive timely care</li> <li>- GBV cases are under-reported, especially cases of sexual violence</li> <li>- Family members refuse to provide information on cases</li> <li>- They are often resolved by the community, traditional authority, family or police without court intervention</li> <li>- Healthcare professionals are unprepared to deal with victims (lack of sensitivity, ability and qualification)</li> <li>- Services are insufficient and there is no focal point</li> <li>- Lack of confidentiality in relation to victim assistance</li> <li>- Delays within the judicial system</li> </ul>

<sup>5</sup> As noted above, other forms of GBV are possible in Guinea-Bissau, e.g., violence against men and boys. However, such data does not exist for this country. Thus, this manual focuses on violence against women and girls.

<sup>6</sup> A Study on Typologies of Violence, by RENLUV, financed by UN Women, is under preparation. This Study will bring more updated data than the ones presented here. However, at the time of publication of this Manual, the results of the Study were not yet available. Thus, this Manual included the most current and accurate data available and publicly accessible.

Some existing data on violence against women in Guinea-Bissau	
Factors preventing women from presenting complaints <sup>22</sup>	<ul style="list-style-type: none"> <li>- Lack of knowledge of laws against violence and ones that promote women's rights</li> <li>- Lack of competence of state structures, especially of the police, to deal with GBV</li> <li>- Lack of ability of the State, traditional authorities or civil society organizations to advise and protect victims</li> <li>- Sociocultural barriers</li> <li>- Lack of female healthcare professionals that provide specialized assistance</li> </ul>

Violence against women in Guinea-Bissau is a general and socially accepted phenomenon, especially domestic violence perpetrated by spouses, or intimate partners. Many studies confirm high levels of violence, but few present reliable and/or up-to-date quantitative data. Most of the identified practices, related to physical, psychological, sexual and economic violence against women, originate mainly within the family, both in the original and in the marriage family. Domestic violence manifests itself in different ways, such as physical, psychological, moral and verbal aggression and limitation of freedom of movement. According to the study “A portrait of violence against women in Guinea-Bissau” (“*Um Retrato da Violência contra Mulheres na Guiné-Bissau*”) <sup>7</sup>, the main perpetrators of violence against the women surveyed are their husbands, boyfriends or partners, or their extended family and the husband’s family, depending on the age group. This distribution of violence follows global patterns and is the norm in a society with low crime rates and no declared armed confrontation.

Besides the home, other places where violence occurs include: the school, the workplace and the streets. In addition, public institutions such as police, health centers – and even the State itself - were often identified as violent places and actors, not only through direct aggression, but above all through omission and lack of services given that access to services almost always depend on the economic power of those who request them. Understanding this characteristic of violence is critical to acknowledging the high degree of underreporting that occurs regarding violent acts against women: impunity leads to a lack of confidence and interest in reporting.

According to the House of Rights (“*Casa dos Direitos*”) report on violence against women and girls<sup>23</sup>, cases of sexual abuse are one of the most complicated and difficult situations to solve. There are technical limitations that **make it difficult to diagnose and gather evidence of violence** in an expedient manner, while also respecting the victim’s dignity. Sexual abuse happens in different contexts and with women of different ages. Interviews conducted with the management of Simão Mendes National Hospital and Casa Emanuel revealed that sexual abuse and sexually transmitted diseases are often found in girls under 10 years old.

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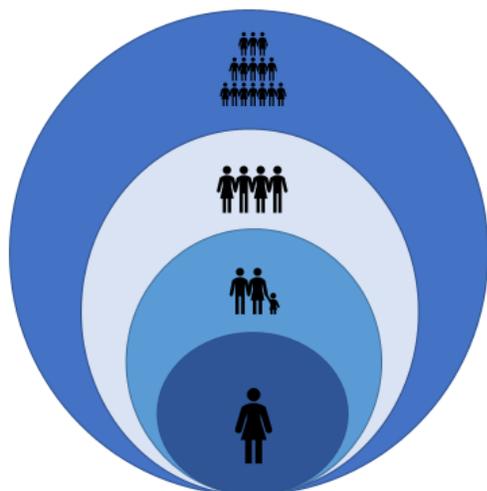
*In most cases, the woman can neither allege being tired or any other reason to refuse having sex with her husband. In such cases, she is readily deemed negligent or as having had sex with a lover, and therefore already sexually satisfied. These situations always lead to conflict, since they are considered disrespectful to the husband.*

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Study on the Knowledge, Attitudes and Practices on the Rights of Women and Girls in the Regions of Batatá, Gabú, Oio And Bolama /Bijagós: Final Report <sup>24</sup>

## 2.2 Risk Factors

GBV is a multifaceted problem with risk factors that operate on an individual, familial, community and societal level. The likelihood of someone becoming a victim or perpetrator of violence is increased by factors that create a climate in which violence is accepted and / or inequalities are legitimized. These factors are identified in different sectors and conceptualized as follows:



**Society:** formal system of rules and regulations, as well as religious laws and rules that create an environment that allows for or legitimizes violence.

**Community:** context in which social relationships occur and include schools, workplaces, neighborhoods, etc.

**Family:** factors related to the nearest social circle, such as family.

**Individual:** includes biological and personal history factors.

Figure 4 – GBV Risk Factors

The risk factors demonstrate that habits and exposure to violence during childhood contribute decisively to a predisposition to violence. They also help foster an attitude of acceptance toward violence in adulthood.<sup>8</sup>

## Part 3 – GBV by subject-matter and respective legal framework

### Purpose of this section:

- Explain GBV in its different forms (domestic violence, early marriage, female excision, trafficking in women and children) and their legal solutions
- Explain the main international instruments and national legislation on GBV and related topics
- Briefly explain the legal framework of other countries on the covered topics

<sup>8</sup> Another example of violence against children in Guinea-Bissau is the infanticide of “Iran children” (“crianças Irã”). This practice is inflicted on boys and girls without distinction; thus, it is not about GBV, but a form of violence against children. In Guinea-Bissau, the term “Iran children” is defined by UNDP (2011) as disabled children and/or children with abnormal growth (which may be associated with aspects of malnutrition). These issues are also associated with demonization of these characteristics (in many cases with the attribution of magic or witchcraft). Numerous concerns are raised in terms of abuse and violence against children who are victims, which may result in disguised or even accepted infanticides.

For more information, see: Iran Children: A Violation of the Rights of the Child in Guinea-Bissau. Faith and Cooperation Foundation Case Study, 2015 (“Crianças Irã: Uma Violação dos Direitos da Criança na Guiné-Bissau. Estudo de Caso da Fundação Fé e Cooperação, 2015”).

## 3.1 Summary of the main international and national legal frameworks on GBV

### 3.1.1 International Legal Framework on GBV

Guinea-Bissau has signed and ratified most of the relevant international and regional agreements on GBV, which are summarized in the table below. While this demonstrates the country's commitment to eliminating different forms of gender-based violence and influencing local policy, much remains to be done at a regional level to raise awareness of the damage caused by GBV and the need for change.

**Table 4 – Summary table of GBV-related international legislation signed and/or ratified by Guinea-Bissau**

Title	Year	GBV related content	Guinea-Bissau status
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	1979	<ul style="list-style-type: none"> <li>Although this instrument was adopted in 1979, the CEDAW Committee only adopted General Recommendation no. 19 on violence against women in 1992, recognizing GBV as a form of discrimination, and recommending that States take measures to prevent and respond to violence against women.</li> <li>Article 6 calls on signatory States to “suppress all forms of trafficking in women and exploitation of prostitution of women.”</li> </ul>	Ratified by Guinea-Bissau in 1985
African Charter on Human and People’s Rights (ACHPR)	1981	<ul style="list-style-type: none"> <li>Calls for the elimination of discrimination against women and the protection of the rights of women and children.</li> <li>Prohibits all forms of exploitation, particularly slavery.</li> </ul>	Ratified by Guinea-Bissau in 1985
Convention on the Rights of the Child (CRC)	1989	<ul style="list-style-type: none"> <li>Defines “child” as any individual below the age of 18 years.</li> <li>States Parties undertake to protect children from all forms of physical and mental violence, as well as from sexual exploitation, child marriage, abuse, harmful traditional practices and prostitution.</li> </ul>	Ratified by Guinea-Bissau in 1990.
African Charter on the Rights and Welfare of the Child	1990	<ul style="list-style-type: none"> <li>Defines “child” as any individual below the age of 18 years.</li> <li>States Parties undertake to protect children from physical and sexual abuse.</li> </ul>	Signed by Guinea-Bissau in 2005. Ratified in 2008.
Rome Statute of the International and Criminal Court	1998	<ul style="list-style-type: none"> <li>Recognizes certain types of GBV as war crimes and crimes against humanity, including rape, sexual slavery, enforced prostitution and enforced sterilization.</li> </ul>	Signed by Guinea-Bissau in 2000 but not yet ratified.
Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	2000	<ul style="list-style-type: none"> <li>Calls on states to criminalize and take measures to prevent trafficking.</li> <li>State Parties undertake to provide assistance to victims of human trafficking, such as physical, psychological and social support.</li> </ul>	Signed by Guinea-Bissau in 2000, ratified in 2007.
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa	2003	<ul style="list-style-type: none"> <li>Calls on States to protect various rights of women and girls, including property rights, right to consensual marriage, protection against child marriage, widows’ rights, inheritance rights, and protection against all forms of violence.</li> </ul>	Signed by Guinea-Bissau in 2005. Ratified in 2008.

### 3.1.2 National Legal Framework on GBV

**Table 5 – Summary table of GBV-related national legislation in Guinea-Bissau**

Legislative Act	Summary
<b>Civil Code</b> Decree-Law n. 47.344/1966, dated November 25 <sup>th</sup>	<ul style="list-style-type: none"> <li>Establishes the legal regime of Family Law (marriage, kinship, adoption, etc.).</li> <li>Establishes the legal regime of Succession Law (right to inherit, ability to write a will, etc.).</li> </ul>
<b>Judicial Assistance Statute for Overseas Minors - Decree n. 417/1971</b>	<ul style="list-style-type: none"> <li>Intended to assist minors in the area of criminal prevention, through protection, assistance or education measures. It aims to protect their rights or interests, through the adoption of appropriate civil measures.</li> <li>Establishes the regime for situations of minors who are facing judicial proceedings and protects the rights of minors against certain violations.</li> <li>Complemented and updated by the Fundamental Law of the Public Prosecutor's Office (<i>"Lei Orgânica do Ministério Público"</i>) and by the Minor Curatorship (<i>"Curadoria do Menor"</i>) regulations.</li> </ul>
<b>Law on civil union</b> – Law n. 3/1976, dated May 3.	<ul style="list-style-type: none"> <li>Regulates the recognition of the civil union with certain requirements, including that of singularity, i.e. civil union is only possible between only one man and one woman.</li> </ul>
<b>Law establishing the age of majority</b> Law n. 5/1976, dated May 3.	<ul style="list-style-type: none"> <li>Establishes 18 years as the age of majority for both sexes.</li> <li>Clarifies that the emancipation of a minor can only be granted at 16 years of age, subject to the requirements determined by law, without discrimination on the basis of sex (article 2).</li> </ul>
<b>Penal Code</b> Decree-Law n. 4/1993, dated October 13.	<ul style="list-style-type: none"> <li>Some relevant crimes: murder (107th) and aggravated murder (108th); minor (114th) and grave bodily injury (115th); threats (122nd); coercion (123rd); kidnapping (124th); abduction (125th); defamation and insults (126th); violation (133rd); sexual abuse (134th); exhibitionism (135th); exploitation of third party sexual activity (136th).</li> </ul>
<b>Law on the Prevention, Treatment and Control of HIV/AIDS</b> Law n. 5/2007, dated September 10.	<ul style="list-style-type: none"> <li>Defines the terms and expressions related to HIV / AIDS.</li> <li>Provides for education and information on HIV / AIDS in public and private schools, health services, workplaces and grassroots communities.</li> <li>Establishes protective and procedural measures for blood, tissues or organs donations, and for surgical interventions.</li> <li>Provides for counseling on prevention and treatment, and for health services and assistance to patients.</li> </ul>
<b>Reproductive Health and Family Planning Law</b> Law n. 11/2010, dated September 29.	<ul style="list-style-type: none"> <li>Defines reproductive health, reproductive care, services and rights (right to reproductive health, information, non-discrimination, self-determination, family planning, etc.), and establishes sanctions for violations.</li> <li>Regulates reproductive health structures.</li> </ul>
<b>Access to the Law</b> Decree-Law n. 11/2010, dated June 14	<ul style="list-style-type: none"> <li>Establishes the legal framework for solutions that ensure effective conditions for citizens to have access to the right to justice and to guarantee the exercise or defense of their rights.</li> <li>Regulates legal aid, establishing the following modalities: legal consultation; legal aid in the form of total or partial waiver of costs and of prior payment of court fees; Legal aid through unofficial sponsorship.</li> </ul>
<b>Institute for Women and Children (IMC) Creation Statute</b> Decree n. 17/2010, dated September 30	<ul style="list-style-type: none"> <li>Creates the Institute for Women and Children, a public institution of a socio-humanitarian nature regulated by law and , endowed with administrative, financial and patrimonial autonomy, created with the purpose of defending and promoting human rights, particularly those of women and children.</li> </ul>
<b>Access to the Law</b> Decree n. 11/2011, dated February 3	<ul style="list-style-type: none"> <li>Establishes a public information and legal consultation service for the general population and regulates the collaboration to be provided by civil society organizations on the matter.</li> <li>Establishes the Access to Justice Centers (CAJs) which, under the coordination and supervision of the Legal Information and Consultation Office (GICJU), promote, participate and carry out, in their respective territorial jurisdictions, dissemination and information campaigns aimed at educating the general population about the law and the national legal system.</li> </ul>
<b>Law that prevents, combats and suppresses female excision.</b>	<ul style="list-style-type: none"> <li>Establishes the duty to prevent the practice of FGM, which includes all efforts to protect children or women at risk, through the dissemination of information, and mechanisms to provide assistance to girls at risk, etc. Articles 12 and 13 specify preventive measures.</li> </ul>

Legislative Act	Summary
Law n. 14/2011, dated July 6.	<ul style="list-style-type: none"> <li>Establishes mechanisms to prevent FGM, which include punishing those who practice FGM. Articles 4 to 11 of the Law provide for concrete measures on FGM prevention.</li> </ul>
<b>Law to Prevent and Fight Human Trafficking</b> Law n. 12/2011, dated July 6 <sup>th</sup> .	<ul style="list-style-type: none"> <li>Establishes the regime for preventing and combating human trafficking, in particular of women and children.</li> <li>Criminalizes certain behaviors related to human trafficking.</li> </ul>
<b>CNAPN Bylaws</b> Decree n. 28/2011, dated August 30	<ul style="list-style-type: none"> <li>Creates the National Committee for the Abandonment of Traditional Practices Harmful to the Health of Women and Children (<i>"Comité Nacional para o Abandono de Práticas Tradicionais Nefastas à Saúde da Mulher e Criança" – CNAPN</i>), a public institution, which includes civil society organizations, religious institutions, international organizations dedicated to advance its objectives and individuals of recognized reputation, who agree to be part of its structures. The Committee enjoys administrative and financial autonomy.</li> </ul>
<b>Law against Domestic Violence</b> Law n. 6/2014, dated February 4 <sup>th</sup> .	<ul style="list-style-type: none"> <li>Criminalizes all acts of violence practiced in the context of domestic and family relationships that do not result in death.</li> <li>Specifically criminalizes the following behaviors: Simple assault (up to 4 years) and severe assault (3 - 9 years); psychological violence (up to 1 year); sexual violence (3 - 12 years); property crimes (up to 2 years); restriction of freedom (up to 4 years).</li> <li>Establishes the victim's status and rights.</li> </ul>
<b>Parity Law</b> Law n. 4/2018, dated December 3.	<ul style="list-style-type: none"> <li>Purpose: to achieve greater equality of opportunities in the decision-making spheres and promote parity between men and women (art. 1).</li> <li>Sets minimum quotas for women in decision-making spheres, establishes a minimum representation of 36% of women on the candidate lists for elected positions.</li> <li>Establishes sanctions in case of non-compliance, such as reductions in the total amount of State subsidies for election campaigns and loss of tax benefits, as well as incentives for compliance with the law.</li> </ul>

## 3.2 Specific legal framework on GBV

The Constitution of Guinea-Bissau, in its art. 37, states that all forms of violence against the physical and moral integrity of citizens in Guinea-Bissau are prohibited. The reproductive health law establishes the "right not to be subject to torture and cruel, inhuman and degrading treatment of your body in general" (art. 8/1). Furthermore, it establishes that "all forms of sexual violence and sexual harassment are prohibited" (art. 8/2).

Such determinations, however, are general and do not specifically address the different types of GBV. To this end, specific laws were passed to address specific types of gender-based violence, such as domestic violence, sexual harassment, early, child and/or forced marriage, female genital mutilation, human trafficking, etc.

### 3.2.1. Domestic Violence Legal Framework

In order to address the specific risk factors and consequences of domestic violence, Law n. 6/2014 (Domestic Violence Law) was approved in 2014, criminalizing all acts of violence practiced within domestic and family relationships.

*"Often the woman does not know her place in the marriage, so the man hits her. The woman must not challenge the man. If she doesn't behave well, hitting is a way of educating to show her what to do."*

*(Group of men, Quinhamel)*

*Original quote: "Muitas vezes a mulher não conhece o seu lugar no casamento, por isso o homem bate. A mulher não deve desafiar o homem. Se ela não se porta bem, bater é uma forma de educar para mostrar o que fazer."*

*A Portrait of Violence Against Women in Guinea-Bissau ("Um retrato da violência contra mulheres na Guiné-Bissau"), p. 56. Sílvia Roque (2011)*

Although there is no concrete data on the percentage of women and girls who have suffered or witnessed domestic violence, the high rates of violence and levels of acceptance of it indicate that this percentage is very high in Guinea-Bissau. As the table below shows, data on risk factors for intimate partner violence in the world match the reality in Guinea-Bissau.

**Table 6 – Comparative table of risk factors in the world and in Guinea-Bissau**

<u>DOMESTIC VIOLENCE RISK FACTORS IN THE WORLD</u> <sup>25</sup>	<u>REALITY IN GUINEA-BISSAU</u>
<p>Women who have witnessed some type of violence in the family as children (i.e. father beat his mother) <b>are 2.5 times more likely to suffer violence by an intimate partner</b> than those who have never witnessed this type of violence.</p> <p><b>Agreeing with any justification for physical violence</b> against the wife increases the chances of the woman suffering this type of violence by 45%.</p> <p>Women with secondary education have <b>an 11% lower risk of suffering violence</b>, and women with a high school or higher education degree have a 36% lower risk, compared to those who have not had a formal education.</p> <p>Being in a <b>polygamous marriage increases the risk of intimate partner violence</b> by 24%.</p> <p>Women <b>married before the age of 18 are 22% more likely</b> to suffer this type of violence.</p> <p>The <b>husband's degree of alcoholism increases the woman's chances</b> of suffering violence.</p> <p>Women with <b>greater family wealth have a 45% lower risk</b>.</p>	<p>In Guinea-Bissau, the percentage of women and girls who have suffered or witnessed domestic violence is high, as well as their acceptance:</p> <p>42% of women aged 15 to 49 consider it acceptable for a husband to beat his wife.</p> <p>Among young people in Guinea-Bissau, only 51% of women and 70% of men are literate. Among the women who have declared that primary school is their highest level of education, only 33% were able to read the sentence shown to them.</p> <p>In Guinea-Bissau, 44% of the women claim to be in polygamous relationships but given the high level of acceptance of these relationships, the percentage is estimated to be higher.<sup>9</sup></p> <p>37% of women in Guinea-Bissau get married before the age of 18.</p> <p>Alcoholism is a social problem in Guinea-Bissau, which is reflected on violence rates. However, the extent of this phenomenon is unknown, due to the lack of reliable studies on the matter.</p> <p>The levels of poverty in Guinea-Bissau are significant, covering the majority of the population.</p> <p style="text-align: right;">Source: MICS-5, 2014</p>

➤ **Domestic Violence Law**

The law defines "domestic violence" as any type of behavior, conduct or omission thereof of a criminal nature, whether repeated or not, that directly or indirectly inflicts physical, sexual, psychological or economic suffering, practiced **within the family environment against anyone who habitually resides in the same domestic space** or who is otherwise the person with whom the victim has intimate relations. (art. 4/1)

<sup>9</sup> According to the Study on Customary Law ("*Estudo sobre o Direito Consuetudinário*"), all 6 ethnic groups studied (mandinga, manjaca, balanta, papel, mancanha and fula) accept and practice polygamy, in the form of polygyny.

## Aspects covered by the Domestic Violence Law (DVL)

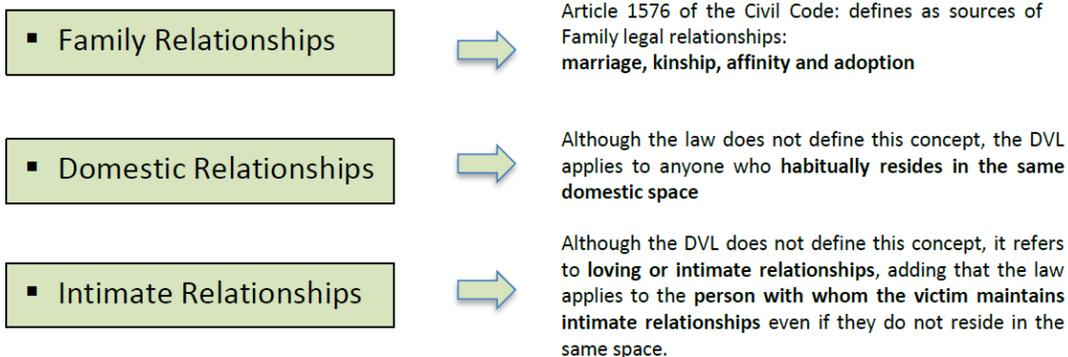


Figure 5 – Summary of the aspects covered by the Domestic Violence Law

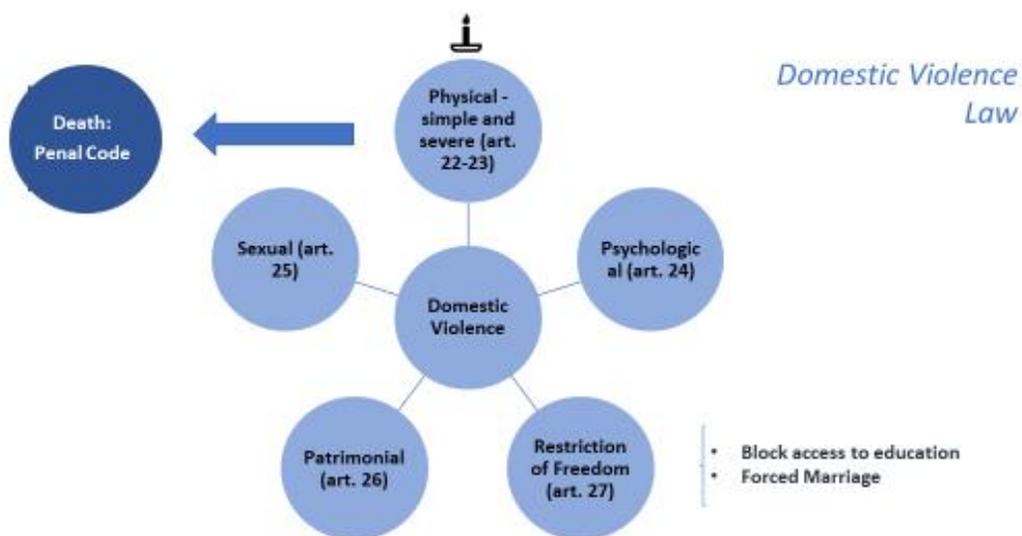


### Can only the people who live in the same house as the aggressor be victims of domestic violence?

**NO.** The law states that it is not necessary for the victim to live in the same space as the aggressor. If the aggressor and the victim do not live in the same space, it is enough that they maintain intimate relationships for the aggression to be considered as "domestic violence". This aspect is **particularly important in Guinea-Bissau**, given that polygamy is common (these marriages are not formally recognized), with the existence of the so-called "house 2" or "house 3". In these situations, violence against individuals who do not live in the same house is usually considered domestic violence.

### Which acts of violence are criminalized by this law?

Figure 6 – Types of violence covered by the Domestic Violence Law



The law specifically criminalizes the following acts:

**Table 7 – Summary table of the acts criminalized by the Domestic Violence Law**

Crime	Description	Punishment	Examples/Notes*
Simple physical abuse Art. 22	<ul style="list-style-type: none"> <li>An act of physical violence against an individual with whom the perpetrator has family ties or intimate relations with. It may or may not involve the use of a tool, weapon etc. and causes any immediate or mediate physical or psychological damage.</li> </ul>	Up to 4 years (or fine)	Hitting an individual with the hand(s), a stick, punching, slapping, pinching, etc.
Severe physical abuse Art. 23	<ul style="list-style-type: none"> <li>An act of physical violence against an individual with whom the perpetrator has family ties or intimate relations, which results in:               <ul style="list-style-type: none"> <li>Serious injury to their body, senses and/or speech. It may impair the individual's ability to conceive a child, or their manual or intellectual work capacity;</li> <li>Serious and irreparable damages to any organ or body member;</li> <li>Life-threatening illness or injury.</li> </ul> </li> </ul>	3 to 9 years	Hitting an individual and causing injuries affecting the victim's movement. Examples of injury include permanent damage to the limbs, loss of ability to conceive a child, loss of ability to work, etc.
Psychological abuse Art. 24	<ul style="list-style-type: none"> <li>An act or omission which causes or may cause disparage, humiliation, discrimination or disrespect toward the woman with whom the perpetrator has family ties or intimate relations with, in a way that affects the individual's psychological and emotional wellbeing.</li> </ul>	Up to 1 year (or fine)	Insult, making disparaging remarks, shouting, being totally indifferent to an individual's needs, etc.
Sexual assault Art. 25	<ul style="list-style-type: none"> <li>An act that forces the victim with whom the perpetrator has family ties or intimate relations with, to maintain physical or verbal sexual contact, or to participate in other interactions or sexual relations through the use of force, intimidation, coercion, blackmail, bribery, manipulation, threat, or any other act that vitiates the individuals ability to consent, with the perpetrator or third parties.</li> </ul>	3 to 12 years	Sexual assault, forced vaginal or anal intercourse (rape), sexual abuse, unwanted touching, forcing an individual/the victim to have oral sex, etc. Note: even if the individual is married to the perpetrator, one <b>always has the right</b> to decide whether or not to have sexual relations.
Crimes affecting property Art. 26	<ul style="list-style-type: none"> <li>Intentionally causing the destruction or loss of objects, animals, or material property belonging to the victim or the victim's family.</li> <li>After the death of the spouse, illicitly and consciously taking possession of assets belonging to his/her family.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 2 years (or fine)</li> <li>2 to 8 years</li> </ul>	Destroying the individual's property or killing the individual's animals without the victim's consent, with the aim of harming/taking revenge against the victim
Restriction of freedom Art. 27	<ul style="list-style-type: none"> <li>Preventing or depriving an individual, with whom the aggressor has familial or intimate relations with, of freedom of movement, having contact with people, or preventing them from leaving their home.</li> <li>Preventing an individual, with whom the aggressor has family ties or intimate relations from accessing education, through coercion or threat.</li> <li>Compelling a minor, as a parent or guardian, to marry someone against their will by coercion or threat.</li> </ul>	<ul style="list-style-type: none"> <li>Up to 4 years (or fine)</li> <li>Same punishment</li> <li>Same punishment</li> </ul>	Preventing the victim from leaving the house or from communicating with other people. Preventing access to education.  Forced and Child marriage

*\*The examples of acts which may constitute crime are for illustrative purposes only. In practice, courts are responsible for determining in concrete cases whether or not specific behaviors constitute crimes.*



## What happens if domestic violence results in death?

The law criminalizes all acts of violence practiced within the family and domestic relationships and **that do not result in death**. If the act results in death, the following provisions of the Penal Code are applicable:

### **ARTICLE 107 (Murder)**

*Whoever takes the life of another person is punished with imprisonment from **eight to eighteen years**.*

### **ARTICLE 108 (Aggravated murder)**

*The punishment is aggravated if the murder is:*

- a) committed against someone who, because of their social position or **the type of relationship that exists between the victim and the perpetrator accentuates in a special and highly significant way the degree to which the action is considered to be reprehensible.***
- b) committed by a method of preparation or execution of the act or means used that reveal a special and high degree of unlawfulness;*
- c) committed for reasons or purposes that show a special increase in the culpability of the agent; the latter is punished with a prison sentence of **twelve to twenty-five years**.*



## Is it necessary for the victim of the crime to register a complaint for a criminal procedure to be initiated?

**NO.** One of the innovations of this law is that it considers domestic violence as a “public crime” (art. 3). This means that it does not depend on the victim’s complaint for the Public Prosecutors Office to take action. It is enough that the latter becomes aware of the situation to initiate a criminal procedure.

However, the law also respects the autonomy of an individual who is a victim. Any intervention to support them must be carried out only after the victim has given free and informed consent (art. 7).

## Application of the Domestic Violence Law

Each woman's reaction to her situation as a victim is unique. These reactions should be seen as psychological survival mechanisms, triggered through different behaviors in order to sustain their situations as victims.

**Many women do not consider mistreatment, kidnapping, harm, insults, defamation, sexual coercion, sexual assault and rape committed by spouses or partners as crimes.**

In most cases, women are involved in situations of domestic violence due to the domination and control that their aggressors exert over them through a variety of mechanisms, such as: isolation from other relationships; physical and psychological violence; intimidation; economic domination, etc.

Domestic violence cannot be seen as the fate that a woman must passively accept. **The destiny over her own life belongs to her, she must be the one to decide it without having to accept resignedly the violence that refrains her from being personally fulfilled.**

Victim Support Association (“Associação de Apoio à Vitima”), Portugal<sup>26</sup>



## Are you a victim?

There are some questions that can help an individual to understand whether she/he is a victim of the crime of domestic violence, such as<sup>27</sup>:

- ✓ Are you afraid of the temper of your boyfriend/girlfriend?
- ✓ Are you afraid of his/her reaction when you disagree?
- ✓ Does he/she constantly ignore your feelings?
- ✓ Does he/she make fun of the things you say to him/her?
- ✓ Does he/she try to ridicule you or make you feel bad in front of your friends or other people?
- ✓ Has he/she ever threatened to attack you?
- ✓ Has he/she ever hit, kicked, pushed you or threw an object at you?
- ✓ Does he/she prevent you from spending time with your friends and family because of jealousy?
- ✓ Have you ever been forced to have sexual intercourse?
- ✓ Are you afraid of saying “no” when you do not want to have sexual intercourse?
- ✓ Are you forced to justify everything you do?
- ✓ Does he/she constantly threaten to reveal your relationship?
- ✓ Have you ever been accused of having an affair?
- ✓ Do you have to ask permission to go out?

### ➤ Aggravated Punishments

Art. 20.: the penalties applied to domestic violence crimes **will be increased by one third** of their minimum and maximum limits whenever they are proven to have been committed in particularly reprehensible circumstances, including:

- In presence of children or other minors;
- Against minors;
- Against someone with a disability or against the elderly;
- By an individual with a record of violence;
- Against a pregnant woman;
- By an individual who is under the effects of alcohol or drugs when the crime is committed;
- By an individual who has sexually transmittable infections, such as HIV.

### ➤ Victims' Rights

The law protects potential victims by making available legal and psychological assistance as per article 28. Specifically, the following rights are granted to victims of domestic violence:

- To be informed about the cycle of violence and what their rights are;
- To be provided urgent assistance by police, health and other authorities and having her/his privacy always protected;
- To be guaranteed, during police assistance, a private and calm space for victims of violence to present their complaints without intimidation and in a manner that safeguards their dignity and privacy;
- To benefit from assistance, such as free medical examination (...);
- To be compensated for losses and damages suffered due to domestic violence.

The law additionally provides for the following:

- The duty to assist with providing information and access to justice ;
- The duty to provide direct assistance to victims by the National Health Service, through its specialized healthcare professionals, and ensure the provision and availability of assistance and clinics for health treatment in situations of domestic violence;
- Basic rules regarding victim care centers.

## Cycle of Violence

“The repetitive sequence of stages that are characterized by the accumulation of tension, verbal or physical violence explosion and the perpetrator’s regret, which can often end with the death of one of the parties” (Art. 4/(i))

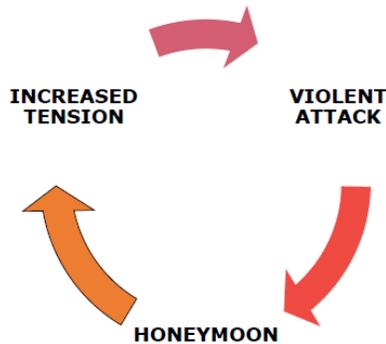


Figure 7 – Violence Cycle/Source: [Portuguese Victim Support Association \(APAV\)](#) <sup>28</sup>

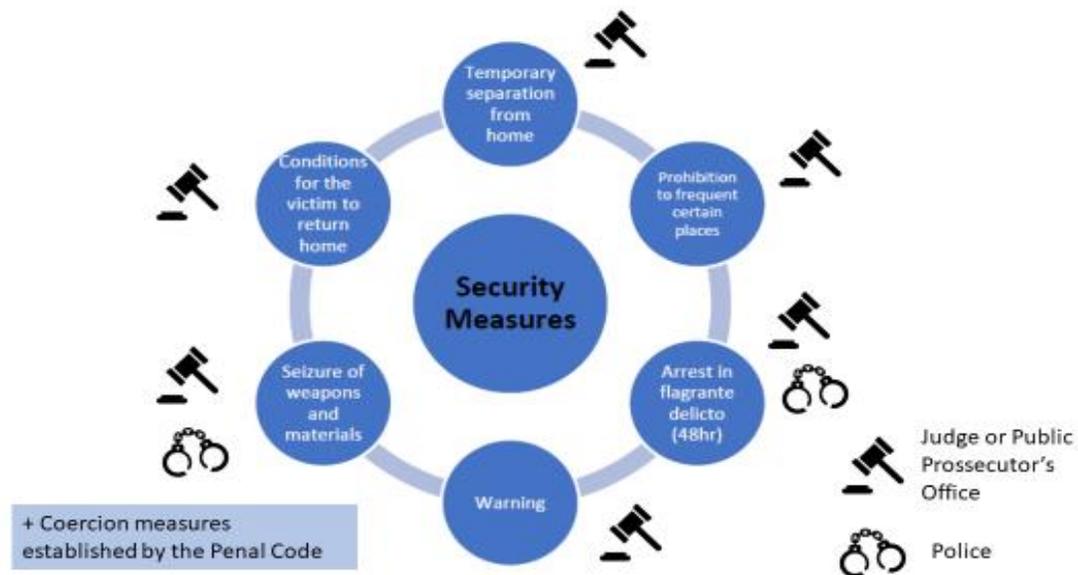


Figure 8 – Measures to protect victims in the Domestic Violence Law

### ➤ Protection Orders

**Aim:** prevent violence in any of its forms (Art. 15)

### ➤ Precautionary Measures (Art. 16)

**Aim:** prevent the recurrence of domestic violence through the re-education of the perpetrator, measures to strengthen the victim's self-esteem and ensure the fulfillment of the perpetrator's family responsibilities.

- Provide mandatory re-education for the perpetrator;
- Refer the victim to social services, counseling and legal advice center;
- The establishment of a temporary allowance, which amount shall be determined in accordance with the perpetrator’s economic capacity;
- Suspend the perpetrator's parental rights over children under the age of majority;
- Prohibit the perpetrator from entering into contracts on movable and immovable property, as well as

from removing movable property from the common residence to another location.

*The low rate of complaints does not seem to be related to the lack of knowledge about the institutions to which complaints should be reported in case a woman is victim of violence: 84% of women answering the survey say that they know institutions which intervene in these cases(...)*

Source: A Portrait of Violence Against Women in Guinea-Bissau (*“Um retrato da violência contra mulheres na Guiné-Bissau”*), *Silvia Roque (2011)*

**The Police must (art. 16/5):** ... if an act of domestic violence is imminent or an act of domestic violence has been committed, immediately adopt the appropriate legal measures, including:

- Guarantee **police protection** and when necessary, immediately report it to the public prosecutor and the judicial authorities;
- **Refer the victim to a hospital or health clinic;**
- In case of risk of life, **refer the victim** and their dependents to a shelter or to a **safe place;**
- If necessary, **accompany the victim during the removal of their belongings** from the place where the crime happened or from their family home;
- **Inform the victim** about their rights and the services available for their defense.

### 3.2.2. Legal Framework on Sexual Harassment

As defined above, sexual harassment is an undesirable and offensive behavior of sexual nature, such as unwanted sexual advances, requests for sexual favors and other unwanted verbal and physical conducts.

Sexual harassment can occur in several ways. It can be:

- **Verbal**, when the perpetrator makes comments on a woman’s body, spreads rumors on her sexual life, makes accusations or sexual comments, tell jokes or dirty stories.
- **Physical**, when the perpetrator commits acts such as grabbing, touching, pinching in a sexual way, rubbing, or touching someone’s private parts without consent.
- **Visual**, when obscene photos and objects associated with sex are displayed or obscene gestures are made.

Sexual harassment can happen to boys and girls, men and women, within school, academic, or professional life and even in public places, such as squares, parks, streets, or commercial establishments.<sup>29</sup> We exemplify below some situations of sexual harassment in different environments:

**Table 8 – Types and examples of sexual harassment**

Sexual Harassment within the work environment <sup>30</sup>	Sexual Harassment within Education <sup>31</sup>	Sexual Harassment in Public Places
Inappropriate conduct practiced within the employment relationship or within a functional or professional hierarchy	Inappropriate conduct practiced by classmates, teachers, principals, janitors, trainers, tutors and other school staff	Inappropriate conduct in public spaces, streets or transportation.
<b>Examples</b>	<b>Examples</b>	<b>Examples</b>
<ul style="list-style-type: none"> <li>• Abuse of power</li> <li>• Sexualized comments</li> <li>• Requests for sexual favors,</li> <li>• Intimidation, persecution and threats.</li> <li>• <i>“Quid pro quo”</i>: attitudes such as</li> </ul>	<ul style="list-style-type: none"> <li>• <i>“Quid pro quo”</i>: attitudes in exchange for sexual favors, such as the teacher offering better grades or threatening to give low grades or failing the student</li> <li>• Unwelcome sexual touches, comments and/or gestures</li> </ul>	<ul style="list-style-type: none"> <li>• Unwanted looks and comments</li> <li>• Touching and/or touching someone in a sexually way inside public transportation</li> <li>• Making obscene remarks</li> <li>• A person exposing themselves to</li> </ul>

refusing a promotion or promising a promotion in exchange for sexual favors.	• Jokes with sexual content made by colleagues or teachers / tutors	someone without consent.
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In Guinea-Bissau, a **behavior equivalent to sexual harassment in public places, defined as “sexual exhibitionism”**, is considered a crime according to **article 135 of the Penal Code**:

Article 135 (sexual exhibitionism):

1. Whoever publicly harasses another person through sexual acts is punished with imprisonment of up to three years or a fine.
2. The same penalty applies to anyone who performs a significant sexual act or sexual intercourse in front of another person, against their will or even in private.
3. *The attempt of the crime is punishable.*

Some forms of **sexual harassment** and even **abuse** suffered by girls, from teachers, in exchange for good grades, are known.

*“There is sexual harassment at school, teachers harass girls as a condition to give them good grades, but go unpunished because teachers protect each other, this has already happened with my daughter.”* (woman, Bissorã)<sup>32</sup>

*Original quote: “Existe assédio sexual na escola, os professores assediam as raparigas como condição para lhe darem boas notas mas ficam impunes porque os professores protegem-se uns aos outros, isso já aconteceu com a minha filha”.*

### 3.2.3. Sexual Violence and harassment in schools<sup>10</sup>

#### KEY POINTS

- Experiencing violence in schools can negatively impact girls’ enrollment as well as the quality of the education they receive. Evidence suggests that sexual harassment is widespread in educational settings in many parts of the world. For example, one study in Brazil found that 8% of students from 5th to 8th grade had witnessed sexual violence within the school environment.
- Parental concerns about girls’ safety in school and while traveling to and from school appear to lower female school enrollment in settings such as South Asia, Africa and the Middle East.<sup>33</sup>
- Children who have witnessed violence at home or experienced violence have lower educational attainment. A study in Nicaragua, for example, found that 63% of the children of abused women had to repeat a school year and dropped out of school on average four years earlier than others.<sup>34</sup>
- In Zambia, girls who experienced sexual violence were found to have more difficulty concentrating on their studies, some students transferred to another school to escape harassment, and others dropped out of school because of pregnancy.
- Few ministries of education around the world have explicit policies on sexual violence and harassment as unacceptable, and few have developed guidelines on the definition of harassment and how educational institutions should respond. Often, only the most egregious cases of school-based sexual violence result in criminal prosecution.<sup>35</sup>

<sup>10</sup> The information in this section, including key points and key and specific actions for integrating VAWG into Education are adapted from the World Bank Group’s Violence Against Women and Girls (VAWG) Resource Guide: Education Sector Brief, which can be accessed at <http://documents.worldbank.org/curated/en/874771468126896029/Violence-against-women-and-girls-resource-guide-education-sector-brief>

### 3.2.4. Key areas and specific actions for integrating VAWG into Education<sup>36</sup>

Below are some key areas and specific actions for integrating strategies toward addressing violence against women and girls in education.

#### Policy Level:

- Support laws and policy design or reforms to establish a role for the education sector in preventing, identifying, and responding to VAWG.
- Support the preparation of national action plans to address VAWG in schools.
- Develop institutional codes of conduct for teachers and administrative enforcement mechanisms that, among other elements, prohibit sexual harassment, sexual contact with students, or other abuses of students.

#### Institutional/Sectoral Level:

- Develop and carry out a training curriculum for teachers and school staff to build their capabilities to promote gender equitable norms as well as to detect and prevent sexual abuse
- Foster the integration of the prevention of VAWG, including school-based harassment, in sexual and reproductive health and/or life-skills curricula for students.
- Promote curricular reform to update textbooks with content that promotes gender-equitable norms and nonviolence among students and educators.
- Expand school-based counseling and referral services by putting in place at least one counselor or teacher who can be a first point of contact for students experiencing VAWG.
- Carry out school-based programs specifically targeting the prevention of dating violence among youth
- Address cyberbullying, a growing form of violence to which girls are particularly susceptible
- Employ edutainment approaches to promote changes in attitudes and behavior among youth
- Improve girls' safety at school and on the way to and from school.
- Carry out sexual assault prevention programs at the university or college level.

#### Community Level:

- Increase buy-in for VAWG prevention and response through strategies to engage the entire community

In Guinea-Bissau, there is little to no data on the incidence and forms of sexual harassment, and the legal framework addressing the behavior is not sufficient to prevent and curb its practice. Sexual harassment in schools is generally considered a common and frequent issue, but also deemed a “taboo topic”, as one which has not been examined or addressed specifically by studies or policy measures.<sup>11</sup> It is extremely important to raise awareness and build capacity for addressing the issue of sexual harassment, as well as adopt appropriate policies and regulations on the matter. There are clear implications not only at the individual level, including physical and mental health impacts on women and girls, but also more broadly, by limiting the rights and access to education, which in turn has negative impacts on progress and development for the country.

### 3.2.5. Brief reference to comparative Law on domestic violence and sexual harassment

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<sup>11</sup> In November 2019, a project titled “zero sexual harassment in schools” was implemented by the National Network of Young Women Leaders (RENAJELF-GB), in partnership with the Council of Women Facilitators of Dialogue in the Autonomous Sector of Bissau and supported by UN Women and Plan International. The work included the preparation of a Training Manual on Sexual Harassment in Schools, which highlights the different forms of addressing the issue with regards to perpetrators, including the possibility of disciplinary action (regarding perpetrators employed by the school); civil responsibility, for compensation of material and imaterial damage caused to victims of sexual harassment; and even criminal responsibility, which can result in restriction of freedom for perpetrators. For additional information, see: Pires, Hélder, *Manual de Formação sobre Assédio Sexual nas Escolas, Bissau – Rede Nacional de Jovens Mulheres líderes e Conselho de Mulheres Facilitadoras do Diálogo* – December 2019).

Guinea-Bissau is among the Community of Portuguese Speaking Countries (CPLP) countries that have specific legislation on domestic violence and is one of the only countries to have specific legislation on sexual harassment in public places. However, Guinea-Bissau does not have specific legislation on sexual harassment in the workplace or in educational institutions. The table below summarizes the specific provisions and legislation available in other CPLP member countries compared to Guinea-Bissau.

**Table 9 – Summary table of legal sources in CPLP countries**

Country	Legislation on Domestic Violence	Legislation on Sexual Harassment (General Legislation)	Legislation on Sexual Harassment within the Work Environment	Legislation on Sexual Harassment in Education	Legislation on Sexual Harassment in Public Spaces
Angola	Law n. 25 of 2011	Nonexistent	Nonexistent	Nonexistent	Nonexistent
Brazil	Law n. 11.340 of 2006	Penal Code, Article 216-A	Penal Code, Article 216-A	Nonexistent	Decree-Law n. 3.688 of 1941, Article 61
Cape Verde	Act n. 84/VII of 2001 and Penal Code, Article 134	Penal Code, Article 152	Labor Code, Article 410	Nonexistent	Nonexistent
Guinea-Bissau	Law n. 6 de 2014	Penal Code, Article 35	Nonexistent	Nonexistent	Penal Code, Article 35
Equatorial Guinea	Nonexistent	Nonexistent	Nonexistent	Nonexistent	Nonexistent
Mozambique	Law n. 29 of 2009 and Criminal Code n. 35 of 2014, Article 37(aa)	Criminal Code n. 35 of 2014, Article 224	Labor Law, Article 66(2)	Criminal Code n. 35 of 2014, Articles 222 e 224	Nonexistent
Portugal	Law n. 112 of 2009 and Penal Code, Article 152	Penal Code, Article 170	Labor Code, Article 29	Nonexistent	Nonexistent
São Tomé and Príncipe	Law n. 11 of 2008	Criminal Code, Article 166(2)	Criminal Code, Article 166(2)	Nonexistent	Nonexistent
East Timor	Law n. 7 of 2010 and Criminal Code, Articles 52(2)(l), 154 and 173(a)	Labor Law, Article 7	Labor Law, Article 7	Nonexistent	Nonexistent

Women, Business and the Law database, 2018.

### 3.3 Early, child and forced marriage

The United Nations (UN)<sup>37</sup> provides the following definitions:

- **Forced Marriage:** marriages in which at least one of the parties has not personally expressed their full and free consent to the union. It is considered by the United Nations as a Human Rights violation, since it infringes the basic rights of autonomy and freedom. Forced marriage is a practice that integrates various types of violence. It can occur in adulthood or in childhood/adolescence, which is the most common and affects mainly the female sex.
- **Child Marriage:** it is a marriage or union, formal or informal, in which at least one of the parties is a child. According to the Convention on the Rights of the Child (CRC), a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

- **Early Marriage:** it is a marriage or union in which at least one of the two people who are getting married is not yet 18 years old, in countries where the majority is attained earlier or by marriage or where one of the individuals getting married is considered to be of insufficient emotional or physical maturity, although he/she has reached the majority age.
- **Arranged marriage:** it is a marriage in which the union is agreed by the families (usually the parents). There may or may not be acceptance of the arranged marriage by those who are getting married.

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*“Before, all marriages were arranged, almost all of us have a history of forced marriage, but some of us were later able to return to our family home, because they realized that it didn't work”.*  
(group of women, Catio).

*Original quote: “Antes, todos os casamentos eram dados, quase todas nós temos história de casamento forçado, mas algumas de nós depois pudemos voltar para casa da família, porque viam que não resultava.”*

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Source: A Portrait of Violence Against Women in Guinea-Bissau  
(“Um retrato da violência contra mulheres na Guiné-Bissau”), *Sílvia Roque (2011), p. 40*

### 3.3.1 Context

#### **Relevant Marriage Related Numbers in Guinea-Bissau:**

- **60 % of women are married to or in union with men at least 10 years older;**
- **37% of girls get married before age 18 (only 3.7% of boys get married before age 18);**
- **12% of women currently married or in an intimate relationship are between 15-19 years old (against less than 1% among men of the same age group)**  
(Source: MICS-5, 2014)

In Guinea-Bissau, the practice of forced marriage is common to all ethnicities: **41% of women say** they did not choose or participate in the choice of their husband (2011)<sup>38</sup>

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*The physical and psychological consequences are varied and serious, namely because a girl who gets married as a child has not completed her physical and emotional development. As a result, they are more vulnerable to violence and abuse by their husbands.*

### 3.3.2 Legal framework on early/forced marriage and related issues

The legal marriage regime is defined by the Civil Code (see Table 5 above), which regulates, among other matters:

- The preliminary process for marriage and the impediments thereof;
- The minimum age for marriage and emancipation;
- The effects of marriage, including spouses' rights and duties and property regimes;
- Separation and dissolution regimes.

According to article 1577 of Guinea-Bissau's Civil Code, marriage is a contract concluded between two people of different sex who intend to legitimately constitute a family through a full communion of their lives.

Regarding the legal regime of marriage, the Civil Code also determines:

- Only two people, one female and one male, are allowed to get married (singularity): **polygamy and same-sex marriage are not allowed;**
- Only two people over the age of 18 can get married. **As a rule, early marriage is not allowed, but there are exceptions;** minors under the age of 18 can get married with parental consent or judicial authorization (Article 1612 of the Civil Code), or if they are emancipated;
- Marriage must be by mutual agreement between the parties: **forced marriage is not allowed;**
- Cohabiting partnerships recognized, but with the characteristics of singularity, and the respective acknowledgment must be required.

The **reproductive health law** is established by the Civil Code, it provides that anyone who has reached 18 years of age has the right to freely choose, whether to get married or not and whether to start a family or not (art. 5/2). It has been argued that this law raised the marriage age in Guinea-Bissau, but there is no general agreement on this viewpoint.

The **domestic violence law** (art. 27/3) criminalizes the behavior of parents or guardians of minors, where those minors are forced into marriage, under the following conditions:

*Whoever, as a parent or guardian, obliges a minor by means of coercion or threat to marry someone against their will incur the same penalty provided for in point one of this article - the penalty is imprisonment up to 4 years or a fine.*

In addition, the government of Guinea-Bissau has expressed the intent to pass several laws to establish a complete and strong legal regime on early and forced marriage, such as the Child Protection Code and, eventually, a Law that criminalizes forced marriage. Nonetheless, the current status of this normative is unknown. Furthermore, it is known that the government of Guinea-Bissau has the intention to revise the Guinean Civil Code, in order to create a modern marriage regime, more in line with the principle of gender non-discrimination and potentially more appropriate to the Guinean reality.

Customary law - based on local customs and traditions - permits early marriage, with the girl's maturity being determined according to her physical development.<sup>39</sup> This right **does not prevail over the law**. However, in practice, it is applied by communities, due to a lack of knowledge of the formal law as well as a lack of the State's presence, especially in rural areas.

On the other hand, most families in Guinea-Bissau are constituted through traditional, often polygamous, marriages. This reality is completely disconnected from the formal law. This results in a number of issues:

- 1) Law No. 3/76, which regulates the situations of the so-called civil unions, sets for formal (judicial recognition) and material (singularity, that is, only a man and a woman) requirements that are not common. Thus, the Law applicability to these cases is limited.<sup>40</sup>
- 2) Inheritance Law only recognizes the rights of women who are formally married or in a civil union but does not recognize any rights to traditionally married women, other than to the first woman, so in practice, they are not entitled to inheritance rights. This leaves them often unprotected in the event of their husband's death.

### 3.4 Female Genital Mutilation/Excision

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*"I have 5 daughters and 4 of them were subjected to excision, but I did not let them do that to the*

*youngest. When I traveled with her to Canchungo I would tell them that she had been circumcised in Bafatá and when we went to Bafatá I would say that she had already been excised in Canchungo, and that's how she escaped.” (EM16, 38 years old)*

Source: FCSH-UNL (2015)<sup>12</sup>

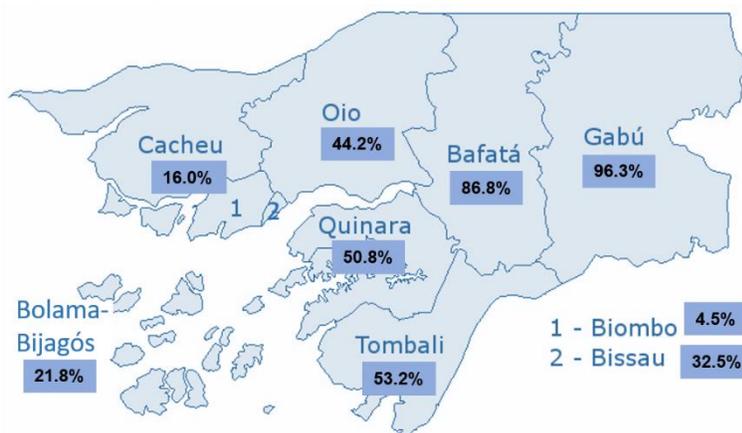
### 3.4.1 Context

The MICS-5 survey (2014) shows that 44.9% of women in Guinea-Bissau suffered FGM

FGM/female excision<sup>13</sup> (FGM) is defined by the WHO as being “any procedure involving the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons” (WHO, 1997 and 2008).<sup>14</sup> **FGM is internationally recognized as a violation of the human rights of women and girls**, and as an extreme form of discrimination and violence directed exclusively at girls and women, based on gender.

*“When you love someone, you protect them.”*  
Fatumata Baldé

FGM violates fundamental human rights such as equality, dignity physical integrity, and the free development of personality. It hinders the right of girls and women to have control over their own lives. This violation has a



prolonged effect on the body and therefore affects the entire life and autonomy of women. **About half of the women in Guinea-Bissau are affected by FGM.**

Figure 9 – Prevalence of FGM in the regions of Guinea-Bissau <sup>41</sup>

In Guinea-Bissau, FGM is present in all regions: Tombali, Quinara, Oio, Biombo, Bolama / Bijagós, Bafatá, Gabú, Cacheu and

<sup>12</sup> Manuel Lisboa (coord.) et al., FCSH-UNL, Female Genital Mutilation: prevalence, socio-cultural dynamics and recommendations for its elimination, Final Report (“*Mutilação Genital Feminina: prevalências, dinâmicas socioculturais e recomendações para a sua eliminação, Relatório Final*”), March 2015 (in: [https://www.cig.gov.pt/wp-content/uploads/2015/07/Relat\\_Mut\\_Genital\\_Feminina\\_p.pdf](https://www.cig.gov.pt/wp-content/uploads/2015/07/Relat_Mut_Genital_Feminina_p.pdf)).

<sup>13</sup> Although the term “female genital mutilation” is preferable, as it clearly expresses the seriousness of the practice as well as it corresponds to the term adopted by international standards that report this practice, the term used by Guinean legislation is “female excision”. Thus, the expression FGM or female excision will be used interchangeably in this manual.

<sup>14</sup> There are four most common types of FGM:

- Type I: partial or total removal of the clitoris and/or the prepuce (clitoridectomy);
- Type II: partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora (excision);
- Type III: Narrowing of the vaginal orifice through the creation of a covering seal. This is done by cutting and positioning the labia minora and/or the labia majora, with or without the excision of the clitoris (infibulation); and
- Type IV: All other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.” (WHO 2008). Type IV includes, in addition, according to the WHO, practices such as stretching of the clitoris and the introduction of corrosive substances into the vagina. It is worth noting that type IV is already documented in Mozambique, in the province of Tete. In fact, in this region, it is common for girls to begin, from the age of 8-9, to stretching the labia minora (locally known as puxa-puxa or kukhuna or kupfuna). In this province, it is also common for girls/women to introduce products into the vagina in order to tighten it, dry it or treat diseases. (Bagnol and Mariano 2012).

Bissau, with prevalence and type of procedure varying widely among and within regions and ethnic groups. **The practice is highly concentrated in the East (91.5%) and significantly lower in the West (32.5%).** Higher levels of FGM are also observed predominantly in rural areas (50.1%) rather than in urban regions (39.8%) (MICS 2014).

More than 80% of women and girls are mutilated before age 14, with more than 40% of the cases of FGM happening before age 4 (UNICEF 2016). FGM is more common among illiterate women (61,8%) than among those with primary (41,2%) and secondary (24,2%) education (MICS 2014).

FGM can also cause serious **complications (physical, mental and social) that may result in death.** Besides the individual immediate and long-term consequences, FGM can increase the risks for adverse events during pregnancy and childbirth<sup>42</sup>. These risks are more common in women who have undergone more severe FGM procedures.

**Table 10 – Summary of the consequences of FGM on women’s health**

Immediate Consequences	Long-term consequences
<p><b>Excessive bleeding (hemorrhage)</b>  <b>Severe pain:</b> injuries when cutting tissues and nerves, swelling and pressure, no anesthesia.  <b>Shock:</b> hemorrhage (blood loss), neurogenic (severe pain and trauma) or septicemia, which can be fatal.  <b>Genital tissue swelling:</b> due to inflammatory response or local infection.  <b>Fever:</b> inflammation, trauma, infection.  <b>Infections:</b> acute local infections, abscess formation, septicemia, genital and reproductive tract infections, urinary tract infections, skin destructions, tetanus, hepatitis, HIV/AIDS.  <b>Urinary problems:</b> acute urinary retention, pain when urinating, swelling, injury to the urethra.  <b>Wound healing problems:</b> the wound does not heal due to infection or other conditions.  <b>Death:</b> due to hemorrhage, pain and shock or severe infections.</p>	<p><b>Vaginal discharge and vaginal itching</b>  <b>Painful urination:</b> damage to the urethral opening or scarring of the urinary meatus.  <b>Menstrual problems:</b> due to partial obstruction of the vaginal opening.  <b>Chronic genital-urinary infections:</b> urinary tract infection, which may lead to kidney failure and death.  <b>Reproductive tract infections:</b> occlusion of the vagina and urethra causing stasis and infections.  <b>Sexually Transmitted Diseases and HIV/AIDS.</b>  <b>Infertility:</b> pelvic infections, reproductive tract damage, painful sexual intercourse.  <b>Psychological syndromes:</b> depression, anxiety and post-traumatic stress disorder (PTSD).  <b>Sexual Complications:</b> painful intercourse, lack of sexual desire, less sexual satisfaction and less experience of orgasm.</p>

*Bogado, 2018<sup>43</sup>*

### 3.4.2 Female Excision Law

In 2011, **Law N. 14/2011, of July 6, that aims at preventing, combating and suppressing female excision**, was approved in Guinea-Bissau.<sup>15</sup> The judicial system in Guinea Bissau has been responding to the 2011 Law against FGM.

#### Main features of the Law:

##### ➤ Concept of FGM

Article 2 of the Female Excision Law defines excision as any form of amputation, incision, partial or total ablation of female external genitalia, as well as any physical alterations practiced on the female external genital organ for social, cultural, religious, hygienic or any other reasons. Although the term used in Guinea-Bissau legislation is “female excision”, it would have been preferable to adopt the term “female genital mutilation”, because it more clearly expresses the serious impacts of the practice, as well as corresponding to the definition adopted

<sup>15</sup> In 2018, a National Strategy to Combat FGM was approved for 2018–2022, with the following objectives: achieve complete eradication of FGM throughout the territory of the Republic of Guinea-Bissau by 2030, thereby creating a safe environment for the rights of women and girls and ensuring them access to good health care, high-quality education, physical integrity and respect for all their rights; Provide the country with a (technical-political) strategic instrument to steer the eradication of FGM; Create an institutional environment favorable to the coordination of actions and their respective monitoring and assessment.

by leading international organizations (UNICEF, UNFPA, etc.). Regardless of the term used, the concept provided by the law is in line with the WHO definition. This concept is sufficiently broad to include the prohibition of medicalized female genital mutilation, which is also considered unacceptable by the WHO. This means that there are no circumstances under which the practice of FGM by health care professionals is allowed.

### ➤ FGM Criminalization

FGM is explicitly criminalized by the Law, and typified in Article 4. Article 5 covers the excision of minors. The law further stipulates the following penalties for the act: imprisonment of 2 to 6 years when practiced against adults and 3 to 9 years when practiced against minors.

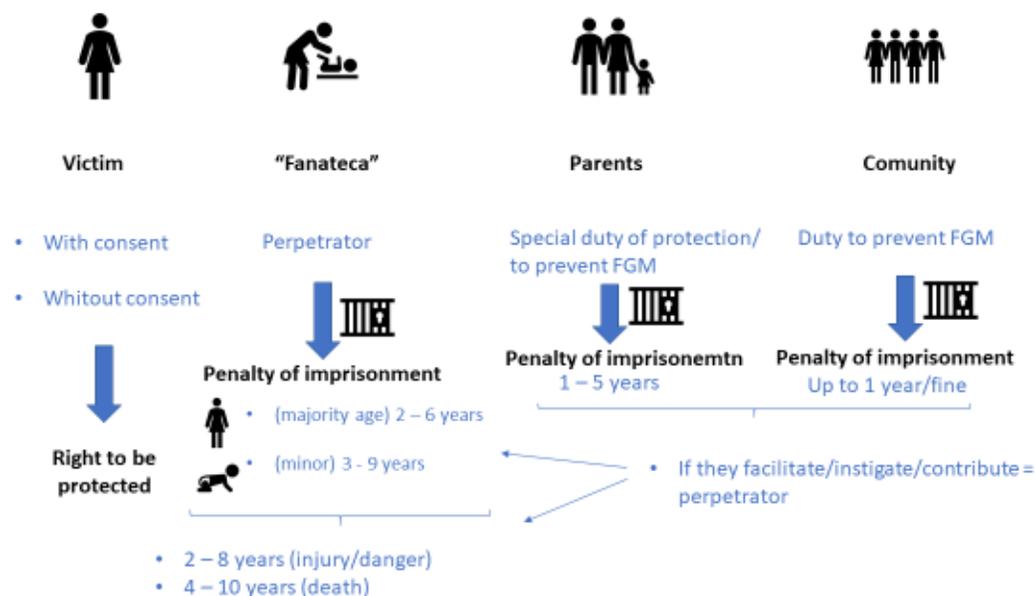


Figure 10 – Summary of the law and criminal consequences for FGM perpetrators.<sup>44</sup>

Article 10 of this Law explicitly states that the criminal procedure for the crimes provided for in it are public, meaning that they do not depend on complaint, report, participation of the victims or their legal representatives.

### ➤ Public Crime

This is a crime for which prosecution requires only that judicial or police authorities become aware of its existence, whereby a statement or report by the victim is optional. Police authorities and government employees are required to report any crimes they learn about in the performance of their duties. In public crimes, proceedings take place even regardless of the victim's will.

### ➤ Consent

Consent of the victims is irrelevant in terms of FGM. The victims are usually minors, but even in cases where they have already reached the age of majority, consent would not be relevant for purposes of applicability of the law or attributing culpability regarding perpetrators under both the Criminal Code and this specific law.

### ➤ Parents' duties

The Law establishes that parents, guardians, or any person who have custody over the child have the duty to prevent the practice of excision.

### ➤ Duty to report

The Law establishes a general duty to report (to the Judicial Police, the Public Prosecutor's Office or the Public Order Police) for anyone who becomes aware of the practice of excision in the course of their duties.

### ➤ Co-participation

The law establishes criminal penalties that apply to whoever facilitates or in any way contributes to the practice of FGM and to whoever fails to take measures to prevent the practice.

### ➤ Duties of health care professionals

Point number 1 of Article 12 establishes that health care professionals have a duty to provide physical and psychological assistance to FGM victims. The specific training of health care professionals is essential, as well as the approval of clear procedural guidelines for these cases, with a set of steps to follow. Point number 1 of Article 12 establishes the legal duty to report the practice of FGM to the Judiciary Police, the Public Prosecutor's Office or the Public Order Police.

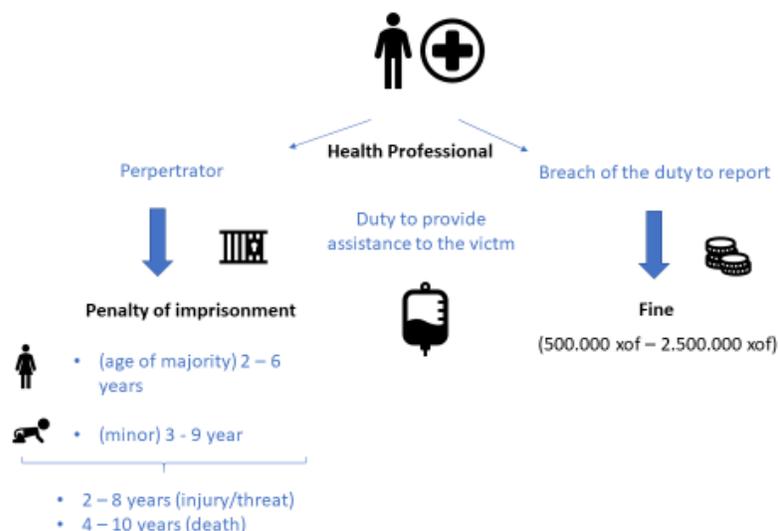


Figure 11 – Summary of health care providers' duties with regard to FGM<sup>45</sup>

### ➤ Duty to prevent

The Law establishes a duty to prevent the practice of FGM, which includes efforts to protect children and women at risk, through information dissemination, awareness-raising and other mechanisms that can assist girls at risk, etc.

## 3.5 Trafficking in women and children – brief framework

Human trafficking is a crime that occurs on a global scale; it constitutes a serious violation of Human Rights. A legal framework has been created to combat this problem: thus, in addition to general instruments of protection, the UN has adopted instruments that specifically address the crime of human trafficking. These instruments are the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Rights of the Child, CEDAW and, more specifically, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crimes, Especially Women (Palermo Protocol). Except for the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, all these instruments have been ratified by Guinea-Bissau.

CEDAW establishes, in its Article 6, that:

*States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.*

Bissau-Guinean girls are victims of sex trafficking and forced labor as street vendors and domestic worker in Guinea, The Gambia, and Senegal. Senegalese trafficking networks recruit Bissau-Guinean girls for modeling jobs but subject them to sex trafficking. Bissau-Guinean girls are exploited in domestic servitude and in sex trafficking in bars, nightclubs, and hotels in Bissau. Bissau-Guinean girls from the Bijagos—and to a lesser extent mainland girls and boys—are exploited in child sex tourism in the Bijagos, an archipelago off the coast of Guinea-Bissau that is far from the mainland and largely devoid of government and law enforcement presence. Although the extent of the problem is unknown, it is widely acknowledged among civil society, NGOs, and mid-level government officials. In most cases, French nationals own hotels on the islands and use Bissau-Guinean intermediaries to exploit island girls aged 13-17-years-old for French and Belgian child sex tourists. International sources report these same hotel owners provide jobs and significant support to the island community, wielding influence that can deter victims from notifying law enforcement. (...) There were reports of official complicity in human trafficking among island officials and in the judiciary. Guinea-Bissau's judicial system lacks sufficient human and physical capital to function properly, and corruption remains pervasive.

**Conclusion:** The government made key achievements during the reporting period; therefore, Guinea-Bissau was upgraded to Tier 2 Watch List. These achievements included launching its first trafficking investigations since 2015, identifying its first trafficking victims in 10 years, and referring the identified victims to NGOs for care. The government also partnered with an NGO to raise awareness cross-border child trafficking between communities and child sex trafficking in the tourism industry. Despite these achievements, however, the lack of dedicated resources and high-level engagement continues to jeopardize any adequate anti-trafficking efforts.

*In: Trafficking in Persons Report; Guinea-Bissau (2018)<sup>46</sup>*

There are several reports of abduction of minors in border areas, in which the perpetrators are not brought to justice, even in situations where children are rescued.<sup>47</sup> Judicial officials, especially magistrates, are not involved in awareness-raising activities on rights in general, although they are available for that purpose as the courts do not only have a role in imposing penalties, but also in raising awareness and changing attitudes. Judicial officials complain about the lack of cooperation and even certain competition between traditional authorities and other State services.

Law No. 12/2011, of 6 July (Guinean Trafficking Act), establishes the regime for preventing and combating trafficking in persons, in particular women and children. Some of the most relevant aspects of this law are as follows:

➤ **Definition of trafficking in persons**

Guinean law defines human trafficking as the act of recruiting or holding in shelter any individual by means of threat, moral or physical coercion, kidnapping, fraud, deception, forced marriage, abuse of authority or by taking advantage of their vulnerability or physical disability, whether natural or accidental, or their mental impairment or through the delivery or acceptance of payments or benefits to obtain the consent of persons with authority over the victim, for the purpose of sexual exploitation, forced marriage, human organ harvesting, work, slavery or similar practices as well as servitude (art. 3(a)).<sup>16</sup>

<sup>16</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crimes, Especially Women (Palermo Protocol), in its Article 3, point 'a', provides for a broader definition establishing that *"Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs".*

The material elements of the crime are divided into two parts: the action taken and the means used to practice the action.

1) Under Bissau-Guinean Law the action may consist of recruiting or holding in shelter any individual. Compared with the Portuguese law, which includes recruitment, transportation, offering, delivery, enticement, acceptance, housing and holding in shelter a person victim of trafficking, the elements in the Guinean legal system appear to be more limited.<sup>17</sup>

2) The means used to practice the action, as provided for under Guinean law include: threat, moral or physical coercion, kidnapping, fraud, deception, forced marriage, abuse of authority or taking advantage of the victim's situation of vulnerability or physical disability, whether natural or accidental, or their mental anomaly or the delivery or acceptance of payments or benefits to obtain the consent of the person or persons who have authority over the victim.

#### ➤ **Criminalization of trafficking-related behavior**

The Law criminalizes trafficking in persons in the following ways:

- Trafficking for purposes of:
  - Prostitution, forced labor, slavery or servitude (penalty of 3-15 years)
  - Pornography and sexual exploitation (5-8 years)
  - Adoption for illicit purposes (10 - 15 years)
- Transportation and kidnapping for the sale of organs (16-20 years)
- Property lease for trafficking (8-12 years)
- Advertising and promotion of trafficking (2-8 years)
- Destruction of the victim's travel documents (2-8 years)

#### ➤ **Duty to report**

The Law establishes a general duty to report the crimes set forth on it.

#### ➤ **Protection Duties**

The Law provides for the protection of victims, whistleblowers and witnesses; it establishes protective measures (namely medical assistance and legal advice) and reintegration of victims.

### **3.6 Violence and sexual exploitation**

The concepts of trafficking, sexual violence and exploitation, as well as forced participation in pornography and prostitution are often linked. These concepts have in common the fact that they involve harmful and/or non-consenting sexual behaviors. In the Guinean legal system, the following concepts are distinguished:

**Sexual violence:** sexual violence focuses more widely on unwanted or harmful sexual behavior. A behavior is harmful or unwanted when it is imposed on someone who has not consented to it. Consent is therefore a

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<sup>17</sup> See article 160 of the Portuguese Penal Code, on trafficking in persons:

1 - Whoever offers, delivers, recruits, entices, accepts, transports, accommodates or keeps in shelter a person for the purpose of exploitation, including sexual exploitation, labor exploitation, begging, slavery, organ removal or the exploitation of other criminal activities: a) Through violence, abduction or serious threat; b) Through trickery or fraudulent maneuver; c) Through abuse of authority resulting from a hierarchical, economic, labor or family relationship; d) Taking advantage of the victim's mental disability or situation of special vulnerability; or e) By obtaining the consent of the person who has control over the victim; is punished with a prison sentence of three to ten years.

2 - The same penalty is applied to anyone who, by any means, recruits, entices, transports, accommodates or receives minors, or delivers, offers or accepts them for purposes of exploitation, including sexual exploitation, exploitation of work, begging, slavery, organ removal, the adoption or exploitation of other criminal activities. [...]

8 - The consent of the victim of the crimes provided for in the preceding paragraphs does not in any case exclude the illegality of the fact.

fundamental element in considering whether or not there is sexual violence.<sup>18</sup> Sexual violence is mentioned in the Guinean Penal Code (articles 133 to 137) as well as in the Domestic Violence Law (article 25).

**Sexual exploitation:** represents an abuse of a position of vulnerability, abuse of power or trust for a sexual purpose. In the Guinean Trafficking Act, it is defined as the subjection of a person to prostitution or the production of pornographic material through threat, deception, coercion, abandonment, abuse of authority, or debt servitude, in order to obtain an advantage, whether financial or not. (Article 3 (b)).

<b>Sexual Violence (act practiced without consent)</b>	<b>Sexual Exploitation (exploitation of a person for sexual purposes)</b>
Sexual violation	Sexual exploitation through threats
Sexual abuse	Sexual exploitation for monetary gain
Sexual harassment	Sexual exploitation for social benefit
Verbal abuse with sexual content	Sexual exploitation for political benefit
Exhibitionism with sexual content	
Unwanted touching or physical contact of sexual nature	
Incest	

Sexual exploitation is a form of sexual violence and, more broadly, gender-based violence. Sexual exploitation may be one of the objectives of human trafficking (among others, such as forced marriage), but it is not the only one. However, sexual exploitation can occur without trafficking.

Sexual exploitation is addressed by article 136 of the Guinean Penal Code (exploitation of sexual activity by a third party):

1. *Whoever, whether for financial gain or as a way of making a living, , promotes, facilitates or in any way contributes to another person's engagement in prostitution or the practice significant sexual activity, is punished with a prison sentence of up to three years or a fine.*
2. *If the perpetrator takes advantage of any of the following circumstances:*
  - a) *Exploitation of the victim's situation of abandonment or economic need;*
  - b) *Exercising violence, serious threat or coercion over the victim; or*
  - c) *Displacing the victim to a foreign country; is punished with a prison sentence of two to ten years.*
3. *The attempt of acts described under paragraph 1 is also punishable.*

**General Recommendation n. 19  
(Violence against women)<sup>48</sup>**

Article 6.

[...] 13. State parties are required by article 6 to take measures to suppress all forms of trafficking of women and exploitation of female prostitution.

14. **Poverty and unemployment increase opportunities for trafficking of women.** In addition to established forms of trafficking there are new forms of sexual exploitation, such as sex tourism, the recruitment of domestic labor from developing countries to work in developed countries, and organized marriages between women from developing countries and foreign nationals. **These practices are incompatible with the equal enjoyment of rights by women and respect for their rights and dignity,** and put women at special risk of

<sup>18</sup> As a rule, children are considered to not be able to consent to the practice of sexual intercourse, although each country's criminal codes/internal legislation establish different consenting ages, varying from country to country..

violence and abuse.

15. **Poverty and unemployment force many women, including young girls, into prostitution.** Prostitutes are especially vulnerable to violence because their status, which may be unlawful, tends to marginalize them. They need the equal protection of laws against rape and other forms of violence.

[...]

Source: General Recommendation n. 19, adopted by the UN's Committee on the Elimination of Discrimination Against Women

Finally, sexual exploitation is different from prostitution, although they are commonly linked.

**Prostitution:** The Guinean Trafficking Act defines prostitution as the act of systematically engaging in sexual relations or other similar acts in exchange for money, or any other financial or non-financial advantage.

The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), considers that prostitution and its "accompanying harm", such as trafficking in persons for sexual purposes, are incompatible with human dignity and value and endanger the well-being of individuals, families and communities.

There are several models that states adopt to deal with the phenomenon of prostitution. The main models are the following:

- **Prohibitionist system**, prohibits and punishes prostitution by criminalizing, in many cases, the behaviors associated with it (soliciting or facilitating prostitution, self-prostitution, exploitation of places where prostitution is practiced, etc.). Many African countries adopt prohibitionist models<sup>49</sup>, such as South Africa or Uganda<sup>50</sup>. In Europe, this is the model adopted by 16% of the States.<sup>51</sup>
- **Abolitionism system**, which considers that prostitution is not, by itself, an act incompatible with human dignity and does not prohibit it. This system is adopted by States that, while not criminalizing prostitution itself, criminalizes and/or prohibits sexual exploitation associated to it (also known as "new abolitionists"<sup>52</sup>). Thus, an abolitionist State does not prohibit the prostitution that takes place either on the streets or inside the home, but it considers the monetary profit from another person's prostitution, to be a crime (crime of sexual exploitation). This is the case in Portugal, Cape Verde, Mozambique and Guinea-Bissau. This model is adopted in 24% of European states.<sup>53</sup>
- **Regulationist system**, which regulates the activity of prostitution, subjecting it to certain rules that must be complied with and supervised (for example, prostitutes must be registered by local authorities, subject to medical controls, etc.). In Europe, this is the model adopted by 28% of the States (for example, the United Kingdom or Germany). Senegal is an example of an African regulationist country.

## Part 4 – Relevant Policies

### Purposes of this section:

- Explain the relevant policies in Guinea-Bissau to combat GBV (PNIEG II and Justice Reform Program)
- Understand the objectives and action plans of each project;
- Understand the areas that still need regulation/legislation, or what needs to be revised and/or implemented in the legislation currently in force

*"Men are the head and women the body! But the home is managed by women. Today women do not accept to*

*be dependent upon men. I have a husband and I respect him because he is the head of the family, but things need to be discussed. Men are not the head solely, , but rather alongside women. Africans likes to rule everything!” (girl, Bissau).*

In A Portrait of Violence Against Women in Guinea-Bissau  
 (“Um retrato da violência contra mulheres na Guiné-Bissau”), p. 40. Sílvia Roque (2011)

## 4.1 Reference to PNIEG II

The National Policy on Gender Equality and Equity II - PNIEG II (“*Política Nacional de Igualdade e Equidade de Género*”) aims to extend the rule of law to women in Guinea-Bissau, by fostering an environment where equal rights, duties and opportunities prevail, regardless of gender.

The objective of PNIEG II is to integrate gender equality, in a regular, systematic and transversal way, into all development and bilateral and multilateral cooperation policies, strategies, projects and programs in the country.

PNIEG II has 7 specific objectives, each with strategic actions and plans to achieve it. Objective n. 5 aims to prevent and combat all forms of violence and trafficking against women and girls, and describes its action plan as follows:

**Table 11 - Summary table of Specific Objective n. 5 of PNIEG II**

Specific Objective n. 5	Goals	Strategies	Action Plan
Prevent and combat all forms of violence and trafficking against women and girls	Strict enforcement of existing laws against violence and trafficking of women and girls	Disclosure and appropriation of existing laws	Action 1 – Create television and radio programs to promote awareness, communication, and information explaining the risks of being dependent; Action 2 - Update, reproduce and disclose all existing laws that aim to combat all forms of violence and trafficking in women and girls, by 2025; Action 3 - Support the proper functioning of the office for the assistance of women who are victims of violence; Action 4 - Create a free public helpline to report cases of violence.
	Create structures for assisting victims at national level	Creation of reception and assistance centers for victims	Action 1 - Training and qualification of technicians so that they can provide necessary assistance to the victims; Action 2 - Extend the network of the Access to Justice Center at national level; Action 3 - Monitor the functioning of assistance facilities for victims; Action 4 - Create a program and technical team to monitor the violent individuals; Action 5 - Establish partnerships with hospitals and health centers to exempt victims of violence from consultation fees.
	Expand and improve border control services	Strengthen border control mechanisms	Action 1 - Training and qualification of border service agents and placement of experts who are sensitive to the practice of violence; Action 2 - Promote awareness campaigns that involve communities in the border, sea, air and land areas with greater vulnerability in terms of violence and trafficking in women and girls;

Specific Objective n. 5	Goals	Strategies	Action Plan
			Action 3 - Cross-border meetings and adoption of common strategies to eradicate violence.

## 4.2 Reference to the Justice Reform Program

The Justice Reform Program in Guinea-Bissau (2015-2019) is a set of actions that aims to transform Guinean justice and make it more effective and efficient, while taking into account gender equality and equity. The Program aims to protect citizens' rights, to guarantee socio-political pacification, to preserve constitutional values, to enable economic development, and to consolidate the Democratic Rule of Law.

The Program lists a series of activities to be carried out that aim to achieve gender equality and eradicate GBV, some of which are exemplified below:

- Implementation of the 'Citizen's Right Initiative' (*"Iniciativa do Direito do Cidadão"*) (DIREITO-CID) in the House of Rights (*"Casa dos Direitos"*) area through the Legal Information and Consultation Office and the Access to Justice Centers (CAJ) (Activity 5.2.2.4), with assistance and support in the following aspects:
  - a. Develop CAJs as multifunctional centers with protocols executed with NGOs and grassroots associations in the area of access to justice and protection of human rights on the use of CAJ infrastructures;
  - b. Establish CAJ's as a 'one-stop shop center' for access to legal services for all, including the establishment of a community legal clinic;
  - c. Improve CAJs capabilities as training centers for NGOs and grassroots associations in the areas of access to justice, citizen's rights and human rights;
  - d. Improve CAJs capability to provide mediation and conciliation activities, as well as training centers in mediation and conciliation methods.
  - e. Help CAJ's to serve as a coordinating body for other services that provide assistance to victims of sexual and domestic violence.
- Promotion of **coordination protocols between health centers, hospitals, police and NGOs for the identification and care of women and children victims of sexual violence identified by the CAJs** (Activity 5.2.2.12);
- Establish interinstitutional collaboration that invests in women leaders to improve their status.

## Part 5 – Relevant GBV institutions and services

### Purposes of this Section:

- Explain how the main institutions and services that play a relevant role in the prevention and repression of GBV;
- Understand the desirable responses, involving the provision of multisectoral services;
- Understand the challenges and forces of the current scenario in Guinea-Bissau

### 5.1. Public Institutions and Civil Society

Very few institutions in Guinea-Bissau implement GBV prevention policies. Most government institutions, non-governmental organizations and agencies of the United Nations system focus their resources and provision of

response services only in the capital (Bissau).

Regarding public institutions, there is lack of definition of clear mandates in relation to GBV and insufficient implementation of violence prevention strategies. Budget allocations are insufficient to provide social welfare, justice, education and health services to women and children who are victims of GBV.

Historically, the institutional defender of women's and children's rights and GBV issues within the Government has been the Ministry of Women, Family and Social Cohesion, which was recently merged with the Ministry of Health. However, even before the merger, this Ministry had limited influence on the policymaking of other government ministries or agencies, insufficient budgetary resources and weak institutional capacity to implement its mandate. The two public institutes that are supervised by this Ministry and that have a focus on GBV are the Institute for Women and Children (IMC) and the National Committee for the Abandonment of Harmful Practices (CNAPN).

**Table 12 - Overview of public institutions and services in the area of GBV**

Supervised Ministries and Institutions	Mission
<b>Ministry of Women, Family and Social Cohesion</b>	It includes the government department, which is responsible for designing, coordinating and executing Government policy on integration, social cohesion, the protection of women and family and the reduction of poverty. It supervises the IMC and the CNAPN and coordinates the National Committee to the Prevent and Combat of Human Trafficking.
<b>Ministry of Justice and Human Rights</b>	It includes the government department in charge of preparing the legislative reforms necessary to protect the rights of women and children. It protects the GICJU.
<b>Institute for Women and Children (IMC)</b>	<p>The IMC mandate is to coordinate, supervise and promote the incorporation of a gender perspective and women's empowerment in all Government policies and programs and in legislation, as well as articulate specific policies and develop programs for the promotion of gender equality and the protection of women's rights.</p> <p>The Institute's bylaws were approved by Decree no. 17/2010. One of its main competences (established in article 6 of the Decree) is to ensure that strategies, programs and legislation exist at the national level to protect women, children and society from harmful practices, all forms of discrimination and domestic violence, sexual abuse and exploitation, as well as other practices that endanger the health and physical integrity of women and children.</p> <p>Due to insufficient resources allocated to the IMC through the State budget, the institute is only able to develop and implement effective actions when supported by international donors, including ongoing technical and financial support from UN agencies (UN Women, UNFPA, UNICEF and UNIOGBIS). This also means that concrete actions depend on the priorities of the project and the donor, lacking a systematic and sustainable approach.</p>
<b>National Committee for the Abandonment of Harmful Practices (CNAPN)</b>	<p>CNAPN's goal is to promote the abandonment of all harmful practices that undermine the rights of women and children, such as FGM, early and forced marriage, domestic violence, insufficient schooling for girls, women's illiteracy and other related practices. Its mandate covers specifically the promotion of gender equality and equity. CNAPN's bylaws were approved by Decree no. 28/2011, dated August 30.</p> <p>CNAPN integrates civil society organizations, religious institutions and international organizations dedicated to promoting the defense of women and children, eradicating harmful practices and promoting gender equity and equality.</p> <p>The Committee has a regional presence and has regular cooperation with community and grassroots organizations as well as NGOs, especially in the east of the country, where it has developed consistent action to reduce the prevalence of FGM. The Committee frequently runs awareness campaigns, in partnership with NGOs such as Plan International and Tostan. They focus on regions with high rates of FGM.</p> <p>CNAPN is supported by the State budget, but State resources are not sufficient and cover neither</p>

	headquarters salaries nor lease expenses, which are supported by international donors (but dependent on projects). Similarly, to the IMC, CNAPN can only develop and implement effective actions when supported by international donors, including ongoing technical and financial support from the UN, especially UNICEF, UNFPA, the EU and the World Bank.
<b>National Committee to Prevent and Combat Trafficking in Persons</b>	<p>The National Committee to Prevent and Combat Human Trafficking (CNPCT) was created in 2008, under the auspices of the IMC. This interministerial committee is coordinated by the IMC and includes government agencies, NGOs and religious groups.</p> <p>The National Committee to Prevent and Combat Trafficking in Persons is a forum for consultation and institutional coordination between different public and private institutions working on prevention and combating of human trafficking.</p> <p>This Committee does not have enough funding and resources to implement prevention activities, and relevant actions to combat trafficking (according to the 2018 Trafficking in Persons Report in Guinea-Bissau).</p>
<b>Legal Information and Consultation Office (GICJU) and Access to Justice Centers (CAJs)</b>	<p>The Legal Information and Consultation Office (GICJU) ensures coordination and effective implementation of appropriate actions to guarantee access to information and legal consultation to the population in general and in a very specific way to the most vulnerable and at-risk groups and is supervised by the Ministry of Justice</p> <p>The Access to Justice Centers (CAJs), under the coordination and supervision of the GICJU, promote, participate and carry out in their respective territorial districts information campaigns aimed at raising awareness of the law and the national legal system. There are CAJs in Bissau, Cacheu, Oio, Bafatá and Buba.</p>
<b>National People's Assembly - Specialized Commission for Women and Children</b>	<p>The Specialized Commission for Women and Children works together with the National People's Assembly. The Permanent Specialized Commissions are working groups specialized in certain matters, whose function is to provide technical assistance to the Plenary and prepare necessary documents.</p> <p>This Commission influenced the approval of key laws in the area of GBV, including the recent Parity Law. It is one of the entities responsible for drafting the Child Protection Code, together with the Ministry of Justice and international partners.</p>

## Non-governmental organizations

**Table 13 - Overview of some NGOs operating in the area of GBV**

NGOs	Mission
National Network to Fight Gender-Based Violence - RENLUV	<p>RENLUV is a network of organizations that promotes awareness, training, information, advocacy, prevention, protection and monitoring of gender-based violence and child violence. It also has a case management function with referral and monitoring functions. RENLUV has focal points in all areas of the country.</p> <p>RENLUV often serves as the first line of support for victims of GBV, especially in the regions. The regional RENLUV focal points and local organizations that work with RENLUV receive complaints, provide some guidance on the services available and monitor cases that reach police or judicial structures.</p>
NGO Guinean Human Rights League - LGDH	<p>LGDH protects human rights and freedoms. Its mission is the effort to promote a fairer, and more tolerant society, with more dialogues; it promotes equal rights and opportunities for citizens. It also advocates for the primacy of the values of rule of law and democracy over tyranny and totalitarianism.</p> <p>It publishes several studies and reference reports, such as a periodic report on the human rights situation as well as studies on harmful practices and impunity in Guinea-Bissau.</p>
Child Friends Association - AMIC	<p>AMIC has a long tradition of working on the rights and protection of children. AMIC's best known work includes combating human trafficking, supporting the reintegration of victims of human trafficking, preventing early marriage and preventing violence against children. AMIC supports vulnerable children from or in transit to Bissau for family reunification and raises awareness of children's rights in order to prevent cases of trafficking. AMIC runs two shelters for vulnerable children, including girls who are victims of violence in Bissau and Gabú, which, although these have limited capacity, are one of the few residential facilities for victims in the country.</p>

## 5.2. Services from a multisectoral perspective

GBV survivors need first line assistance in an environment where their rights and choices are respected, their safety is guaranteed, and they are treated with dignity and respect. Depending on the type and severity of the violence, they may need different services. Commonly, the most critical issues are the provision of physical health care, mental health and psychosocial support, as well as legal assistance to help victims to understand their rights and options and to have access to justice. If security conditions in their home is not guaranteed, victims may need economic support and temporary accommodation. Addressing the needs of victims of GBV requires coordination between these different services. Thus, it is vital to have a clear referral system that ensures service providers know how to provide assistance in a timely manner and to whom they should refer the victims.

The table below lists the desirable services that should exist in Guinea-Bissau, from an integrated or multisectoral perspective:

**Table 14 – Essential services from a multisectoral perspective**

<b>PROVISION OF MULTISECTORAL SERVICES <sup>54</sup></b>	
<b>HEALTH SERVICES</b>	<b>LEGAL SERVICES</b>
<ul style="list-style-type: none"> <li>- Exams / Treatment</li> <li>- Collection of evidence</li> <li>- Provision of post-exposure prophylaxis services</li> </ul>	<ul style="list-style-type: none"> <li>- Legal assistance and support for victims and witnesses to understand the benefits and barriers of triggering legal channels.</li> <li>- Support to ensure that the judicial system functions without delay.</li> </ul>
<b>SAFETY SERVICES</b>	<b>PSYCHOSOCIAL SUPPORT</b>
<ul style="list-style-type: none"> <li>- Safety and protection of victims and witnesses</li> <li>- Investigation of the case</li> <li>- Arrest of the alleged aggressor</li> </ul>	<ul style="list-style-type: none"> <li>- Emotional support and crisis counseling</li> <li>- Social and community reintegration</li> </ul>
<b>ECONOMIC AUTONOMY</b>	
<ul style="list-style-type: none"> <li>- Enabling self-sufficiency to reduce vulnerability through training and income-generating activities (offered to everyone, not just victims)</li> <li>- Community awareness activities on GBV</li> </ul>	

Guinea-Bissau does not have enough support services for GBV victims in all relevant areas (health, social, psychological, legal and shelter). This situation is particularly worrying in the rural areas, since the few services available are concentrated in the capital Bissau.

While the primary responsibility for the realization of human rights in Guinea Bissau, including the right to physical integrity and health, lies with the State, in its absence other stakeholders have had to step in. The role that individuals, local communities, intergovernmental organizations, religious groups and non-governmental organizations play is crucial. Despite this, these organizations are also under resourced and, at times, have insufficient capacity to deal with the issues. Individuals working in concerned NGOs and partners report that they often host GBV victims in their own homes, due to the devastating lack of available services. These people report that this situation carries risks and involves costs, for themselves and their families, that they cannot bear.

### **DESIRABLE HEALTH SERVICES**

- Health structures:
  - Sufficient and close to the population
  - With adequate equipment and medicines
  - With adequate healthcare professionals with specialized GBV training
- Capacity to carry out appropriate medical exams and treatment for GBV victims
- Capacity to collect evidence, for example, in a situation of sexual assault/rape
- Provision of post-exposure prophylaxis services (PEP - HIV infection prevention using drugs)

Access to quality, confidential health services that can address the emotional, physical, security and support needs of a woman or child who are victims of GBV is essential. This requires, at a minimum, that health professionals are trained to use clinical protocols or standards that can respond to the physical, emotional and safety needs of GBV victims. It is also necessary to have adequate equipment and medicines in order to ensure decent treatment.

Guinea-Bissau does not have a good quality and confidential health service for GBV victims. According to available information, healthcare professionals lack enough training on how to deal with cases of rape and sexual abuse. Moreover, there is no established treatment and/or case referral protocol.

Health services can be summarized as follows:

- **Insufficient health services, with scarce human and material resources**
- **Over 40% of the population lives more than 5 km from the nearest primary care institution**
- **Reproductive and sexual health structures are deficient, with high rates of maternal and neonatal mortality**
- **There are reports of insufficient equipment and medication to deal with sexual violence and STDs**
- **There are reports of difficulties in obtaining medical reports and evidence in cases of sexual violence.**
- **There is a lack of cooperation of medical personnel with police authorities in the event of a criminal case**

### **DESIRABLE JUSTICE SERVICES**

- Justice Structures:
  - Sufficient structures and in close proximity to the population | With sufficient material resources and professionals who are trained to sensitively deal with GBV
- Sufficient legal assistance, legal aid and legal information
- Protection and support of victims and witnesses
- Support to ensure that judicial procedures run effectively and without undue delay

Guinea-Bissau does not have adequate and sufficient judicial response to GBV victims.

The Constitution and national legislation references the protection of rights, including the principle of non-discrimination, access to justice and economic and social rights. Despite this, the law is not enforced in many instances. Access to justice is limited and unequal; there is little confidence in the State and in its justice system. The State is unable to fulfill its function in guaranteeing justice and security throughout the territory. These problems are particularly to the fore in rural areas and especially for women and children.

Thus, in practice, for historical and cultural reasons, most conflicts are resolved by local institutions in charge of conflict resolution, including the family, the heads of *tabanka*, religious and/or traditional leaders. In rural areas, traditional customary law systems and practices are still very much present within communities. This is of particular concern because traditional justice structures and customary law are not inclusive of vulnerable

groups such as women and children.

Justice services can be summarized as follows:

- **A formal justice system that lacks sufficient resources.**
- **Perception that the justice system is ineffective with widespread impunity and provides unequal access to law and justice.**
- **For historical and cultural reasons, most conflicts are resolved by local institutions in charge of conflict resolution, including the family, the heads of tabankas, régulos and/or other local and religious leaders (traditional justice system), whose structures are not inclusive and lack awareness of GBV.**
- **Need for revision of legislation (Family Law, Penal Code, etc.) and lack of a witness protection law**

#### **DESIRABLE SAFETY SERVICES**

- Police authorities: sufficient and close to the population | With sufficient equipment and material resources to take action when an individual makes a report | With human resources trained to sensitively deal with victims of GBV
- Assurance that the border is secure and controlled.
- Raising awareness about the GBV and ensuring adequate and confidential treatment for victims
- Protection of victims and witnesses

There are four internal security forces, three of which are relevant to the prevention of GBV:

1. The Public Order Police (POP), under the Ministry of Internal Administration;
2. The National Guard, (responsible for customs and border patrol), also under the Ministry of Internal Administration;
3. The Judiciary Police, with a mandate to investigate serious crimes (also hosting the Transnational Crime Unit), reporting to the Ministry of Justice.

The only police force specialized in GBV in the country is the Brigade of Women and Children, a unit of the Judiciary Police, based in Bissau. The Women and Children Brigade is a 10-person unit charged with investigating crimes against women and children, including human trafficking. The unit has only one vehicle and does not receive an operational budget financed by the State, which largely limits its efforts to Bissau. However, the Brigade is presented as a good example of effective action in the prevention of GBV. It is also one of the few institutions that has a reliable database.

#### **DESIRABLE PSYCHOSOCIAL SERVICES**

- Psychosocial support structures:
  - Sufficient and close to the population | Sufficient material resources | With human resources prepared and specialized in caring for GBV victims
- Effective existence of emotional support and crisis counseling
- Social and community reintegration services
- Reception centers and health services with trained psychosocial support technicians

There is an evident gap in the provision of psychosocial services in Guinea-Bissau for vulnerable populations in general (people with disabilities, orphaned children, HIV positive, etc.) and specifically for victims of GBV.<sup>19</sup> Of the few social workers who are working in Guinea Bissau, many report having to help vulnerable populations at

<sup>19</sup> Some NGOs report providing psychosocial assistance to people infected with HIV-AIDS, but this is primarily short-term and project-based. According to several reports, the only exception has been a consistent provision of psychosocial services by the “Ce u Terra” association for people at risk and/or infected with HIV-AIDS, especially pregnant women.

their own expense, as they lack the resources and means to provide immediate assistance - the State does not provide resources for social assistance. NGOs - especially religious organizations (episcopal, catholic, etc.) - provide psychosocial assistance. However, while this support is filling an important role, it is *ad hoc* and depends on the priorities of projects and donors. Psychosocial services can be summarized as follows:

- Practically nonexistent psychosocial support.
- It is reported that the psychological service at the Simão Mendes National Hospital and IMC is extremely limited, lacking human and material resources.
- There are reports on the existence of Regional Intervention Units in some regions, however, they lack human and material resources. They lack training in the needs of victims of GBV.
- There are reports on the need to develop vocational courses, specific career paths and a social protection system that clearly defines structures for relevant psychosocial support; NGOs admirably fill this role to the best of their ability but lack coordination and uniformity.

### 5.3. Recommendations to improve care for GBV survivors

- Allocate financial and material resources to the necessary multisectoral services (health, psychosocial area, justice, security, economic support and emergency accommodation, etc.)
- Provide services in the areas mentioned above throughout the country, not just the capital
- Train professionals in the care of victims of GBV for the various vital services listed above
- Develop a concerted strategy, networks and institutional partnerships to help the various public, private and civil society institutions operate effectively in the area of GBV
- Create service protocols and referral systems for GBV cases
- Develop community awareness actions together with the strengthening of the capacities of the main actors, at regional and national level

## List of tables and figures

### Tables:

- Table 1 – Summary table of types of GBV
- Table 2 – Summary table of the situation in key areas in Guinea-Bissau
- Table 3 – Summary of available data on violence against women in Guinea-Bissau
- Table 4 – Summary table of GBV-related international legislation signed and/or ratified by Guinea-Bissau
- Table 5 - Summary table of GBV-related national legislation in Guinea-Bissau
- Table 6 – Comparative table of risk factors in the world and in Guinea-Bissau
- Table 7 – Summary table of the acts criminalized by the Domestic Violence Law
- Table 8 – Types and examples of sexual harassment
- Table 9 – Summary table of legal sources in CPLP countries
- Table 10 – Summary of the consequences of FGM on women’s health
- Table 11 – Summary table of Specific Objective n. 5 of PNIEG II
- Table 12 - Overview of public institutions and services in the area of GBV
- Table 13 - Overview of some NGOs operating in the area of GBV
- Table 14 – Essential services from a multisectoral perspective

### Figures:

- Figure 1 – GBV throughout the women’s life cycle
- Figure 2 - Consequences of GBV on women
- Figure 3 – Main forms and types of GBV
- Figure 4 – GBV Risk Factors
- Figure 5 – Summary of the aspects covered by the Domestic Violence Law
- Figure 6 – Types of violence covered by the Domestic Violence Law
- Figure 7 – Violence Cycle
- Figure 8 – Measures to protect victims in the Domestic Violence Law
- Figure 9 – Prevalence of FGM in the regions of Guinea-Bissau
- Figure 10 – Summary of the law and criminal consequences for FGM perpetrators
- Figure 11 – Summary of health care providers' duties with regard to FGM

## Brief note on the World Bank as a responsible agent for change regarding gender-based violence

The World Bank has been strengthening its intervention to reduce any effects or risks involving gender-based violence (GBV) in its projects, in particular those that involve the development of works or infrastructure.

In Guinea-Bissau, the World Bank carried out a risk analysis of its projects as well as at the country level, and some risk mitigation measures were recommended. The most relevant key recommendations for GBV prevention in the context of World Bank projects in the country are described below:

- Conduct a GBV risk analysis from the beginning of the project preparation;
- Dissemination of information and training of project teams (Bank employees and clients) in tools related to gender and GBV issues;
- Ensure that consultations during project preparation include groups of women and that both women and organizations dealing with the rights of women and children are substantively engaged with throughout the project cycle;
- Identification, within the local community, of conflict resolution structures, including religious and traditional leaders involved in dialogues on GBV and its consequences. This must be done while paying attention to the fact that these structures may not be prepared for action aligned with the direction of the World Bank in the fight against GBV;
- Strengthen grassroots organizations that work to prevent and respond to gender-based violence;
- Establish fluid communication channels in the community before the project starts and continue during implementation to raise awareness on the project activities, including potential GBV risks. Discuss ways in which these risks can be addressed and inform the population of the reporting and redress mechanisms;
- Monitor the implementation of GBV mitigation measures and activities and continuously assessing the evolution of risks at project sites and project teams;
- Ensure that a code of conduct, including unacceptable behaviors and consequences is developed and understood by the project team (PIUs), contracted entities and workers or consultants employed by them as well as by the neighboring communities of the project. Such unacceptable behaviors include different types of GBV, such as sexual abuse and exploitation, sexual harassment, and child abuse;
- Establish an effective grievance redress mechanism (“GRM”) and GBV-sensitive reporting system, allowing victims to feel comfortable and safe to file complaints;
- Evaluation of GBV service mapping information in the area of influence of the projects.

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## End Notes and References

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