



Submission by the United Nations High Commissioner for Refugees
for the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review:
Guinea Bissau

I. Background and Current Conditions

Guinea Bissau is a State Party to the 1951 Convention relating to the Status of Refugees, and its 1967 Protocol and to the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention). Guinea Bissau is neither a State Party to the 1954 Convention relating to the Status of Stateless Persons, nor to the 1961 Convention on the Reduction of Statelessness.

Following the March 2009 assassinations of President Joao Bernardo Vieira and Minister of Interior Baciro Dabo, Guinea Bissau is now going through a period of high instability and insecurity, which could lead to forced displacement.

Despite reoccurring internal tensions between the civil political regime and the military, Guinea Bissau continues to host large numbers of refugees and asylum-seekers from neighbouring countries.

Guinea Bissau presently hosts 7,731 refugees, the majority of whom originate from Senegal (7,492). They are settled in the rural areas of the northern regions of the country, in particular Canchungo and Cacheu regions. Most of the Senegalese refugees have arrived already in the 1990s, fleeing the conflict prevailing in the southern Casamance region.

In addition, Guinea Bissau granted asylum to some 239 refugees of other nationalities, in particular to those fleeing the civil wars in Liberia and Sierra Leone. As of 1 January 2009 the ceased circumstances cessation clause was applied to Sierra Leonean refugees. While the majority of Senegalese refugees reside in the northern rural areas and work in the agricultural sector, the urban refugees are mostly scattered all over the country.

Although they often possess the necessary skills, most of them face difficulties in accessing the formal labour market and are forced to resort to informal jobs.

II. Achievements and Best Practices

On 27 May 2008, Guinea Bissau adopted a new refugee legislation which entered into force in April 2009. The new law provides a legal framework for the establishment of the *Comissão Nacional para Réfugiados e Deslocados Internos* (National Commission for Refugees and Internally Displaced Persons) and presents a breakthrough in the legal protection of refugees in the region. While the refugee legislation in neighbouring countries is mostly limited to setting criteria for recognition of refugees and to spelling out their rights and obligations, the refugee law of Guinea Bissau also contains detailed provisions on exclusion, cessation, non-refoulement, registration and documentation of asylum-seekers. The law incorporates both the 1951 Convention refugee definition and the wider definition contained in the OAU Convention. As regards social services, education and employment refugees enjoy the same rights as nationals.

It is worth noting that prior to the adoption of the new refugee law, Guinea Bissau established a National Refugee Commission through an *ad hoc* arrangement. This body will now be replaced by the new National Commission for Refugees and Internally Displaced Persons, the President and members of which are yet to be appointed in accordance with the provisions of the law.

For ensuring a fair and effective appeal, there is a provision in the law creating the “*Comité de Recurso*” (Appeal Committee) to decide on appeals against first instance decisions. In September 2009, the Minister of Justice nominated the President and the members of the Committee which is now ready to examine the submitted appeals.

In the context of durable solutions for refugees, the authorities of Guinea Bissau have shown commitment to facilitate the implementation of a local integration program, in cooperation with UNHCR and other implementing partners. Although refugees are entitled to work, the difficult socio-economic conditions prevailing in the country pose challenges to local integration and often prevent refugees from meeting even their basic subsistence needs.

Regarding the access to public healthcare, refugees are accorded equal treatment as nationals, in accordance with Article 23 of the 1951 Refugee Convention.

III. Challenges and Constraints

One of the main challenges in Guinea Bissau is the access to sustainable livelihoods. Due to the lack of appropriate means of livelihood, including land for cultivation, many refugees face difficulties to fully integrate in the society and to become self-reliant. The local integration programs aim at providing livelihood support for both refugees and host communities in order to foster self-reliance.

In January 2002, the Government in cooperation with UNHCR issued refugee identity cards to some 6,000 *prima facie* Senegalese refugees. Although these documents expired in 2006, the Government was reluctant to renew them due to financial constraints. This resulted in restricted movement and limited access to education, bank services and employment opportunities of many refugees. With the support of UNHCR, the authorities have decided to issue new documents in 2010. Access to individual documentation is essential for enabling refugees to move freely within the territory and to engage in livelihood activities leading towards self-reliance.

IV. Recommendations

The UNHCR wishes to recommend that the Republic of Guinea Bissau continues its efforts to provide protection to asylum-seekers and refugees.

The UNHCR would like to recommend that the Government proceeds with the nomination procedure of the members of the National Commission for Refugees and Internally Displaced Persons.

V. Capacity Building and Technical Assistance

UNHCR stands ready to provide technical support and training in the field of refugee status determination for the members of the Appeal Committee, as well as for the newly appointed members of the National Commission for Refugees and Internally Displaced Persons.

UNHCR will also continue to offer training on international protection and refugee law to Immigration and Security Officials, including police and army officers.

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