

Equatorial Guinea, CEDAW, A/59/38 part II (2004)

172. The Committee considered the combined second and third periodic report (CEDAW/C/GNQ/2-3) and the combined fourth and fifth periodic report of Equatorial Guinea (CEDAW/C/GNQ/4-5) at its 651st and 652nd meetings, held on 8 July 2004 (see EDAW/C/SR.651 and 652).

Introduction by the State party

173. In introducing the report, the representative of Equatorial Guinea noted that the Government was making increasing efforts to ensure equal opportunities for women. Its commitment was reflected in the recent adoption of the document containing the National Policy for the Advancement of Women in May 2002, which contained strategies for promoting equality between women and men in areas such as the legal, economic, institutional, social and educational fields.

174. The representative referred to the adoption of the Presidential Decree prohibiting the imprisonment of women for dowry-related reasons as being one of the most significant steps benefiting women. She also noted that seminars and awareness-raising activities were being conducted to bring home the importance of subjects such as domestic violence, gender and development, prostitution and HIV/AIDS, compilation of data on women and children and human rights conventions ratified by the Government.

175. The representative briefed the Committee about the Government's plans in the legislative area and mentioned in particular the work being done on drafting a Family Code, in an effort to improve the legal and traditional status of women, and the draft law to regulate customary marriages, which attempted to provide a legal framework for protecting women with regard to dowries, consent, inheritance and widowhood. The text had been in the drafting stage for three years without coming to fruition. Work was also in hand to draft a law on violence against women and a law on trafficking in children and immigrants.

176. Regarding women's political participation, the representative indicated that the 2004 elections to the House of Representatives, the National Parliament, had resulted in a 14 per cent increase in women members. In the field of education, the analysis of schooling for girls conducted in 1997 showed that the drop-out rate for girls at the higher/university level had increased drastically, due among other causes to early pregnancies. In view of that situation, the Government had prepared the National Programme on Education for All, intended to provide greater parity between females and males at all levels of education. In that connection, it had prepared a National Literacy Programme and improved night classes for older children completing primary school and those provided for adults who dropped out of school before completing their school-leaving examination, as well as the training centres for women.

177. The representative noted the measures adopted for women in the labour sector, such as free and preferential vocational training, reduced social security payments for companies that hired women and

maternity benefits. She also stressed efforts by the Government and First Lady through programmes on behalf of women, including projects such as the Rural Women's Self-Employment Project being carried out in partnership with Canada, which provided support for women in the cultivation of horticultural products and made interest-free loans available to them. She also pointed out that women made up 81 per cent of the workforce in the agriculture sector, although the level of pay was low. She said that in the area of health, women were the hardest hit by HIV/AIDS and that access to health centres and the availability of health workers, contraceptive measures and information were more limited in rural areas, where HIV/AIDS infection rates were fortunately low. In that connection she said that draft legislation on reproductive health, which included programmes of action to combat HIV/AIDS, was awaiting adoption.

178. The representative stated that although trafficking in women was not a phenomenon deeply rooted in the society of Equatorial Guinea, there had been a few isolated cases involving children from Benin, and that trafficking in women and children was condemned by the Penal Code. She also indicated that prostitution, which was considered to be illegal, had increased significantly in recent years. Measures taken by the Government to address that problem included awareness-raising programmes and an order prohibiting the use of tourist establishments as centres for prostitution.

179. In conclusion, the representative reaffirmed the Government's commitment to achieving equality between men and women, in accordance with the provisions of the Convention, and reiterated her delegation's willingness to participate in a constructive dialogue.

Concluding comments of the Committee

Introduction

180. The Committee expresses its appreciation to the State party for its combined second and third periodic report and its combined fourth and fifth periodic report, while regretting that they were overdue. The Committee expresses its appreciation to the State party for the written replies to the list of issues and questions raised by the pre-session working group and for the oral presentation and further clarification in response to the questions posed orally by the Committee.

181. The Committee commends the State party for its high-level delegation, headed by the Minister of Social Affairs and the Status of Women, and expresses its appreciation for the constructive dialogue held between the delegation and the members of the Committee.

Positive aspects

182. The Committee welcomes the declared commitment and political will of the State party to implement its international human rights obligations and in particular the provisions of the Convention.

183. The Committee notes with satisfaction that under the State party's Constitution, international conventions prevail over domestic law following approval by the House of Representatives and ratification.

184. The Committee appreciates the adoption by Presidential Decree of the National Policy for the Advancement of Women, containing the strategy and national plan of action for the advancement of women in the State party.

Principal areas of concern and recommendations

185. The Committee expresses concern about the State party's limited understanding of its obligations under the Convention, and in particular the State party's exclusive focus on formal equality and the lack of progress in achieving de facto equality in all sectors.

186. The Committee recommends that the State party take all appropriate measures in all sectors to ensure that women enjoy de facto equality with men and requests the State party to provide information on the impact of these measures in the next report.

187. The Committee expresses concern that, while article 13 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation. The Committee is also concerned about the lack or insufficiency of legislation in important areas covered by the Convention, such as violence against women and civil and family matters.

188. The Committee recommends that a definition of discrimination against women in line with that set forth in article 1 of the Convention be included in the Constitution or other appropriate legislation and urges the State party to give high priority to putting in place comprehensive legislation in conformity with the Convention.

189. The Committee is concerned that widespread poverty among women and poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against women. The Committee is especially concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

190. The Committee urges the State party to make the promotion of gender equality an explicit component of its national development plans and policies, and in particular those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. The Committee invites the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women, including those impacting women in rural areas, through all available sources of support.

191. The Committee is concerned about the existence of the dual legal system of civil law and customary law, which results in continuing discrimination against women, particularly in the field of marriage and family relations. The Committee is also concerned about the lack of legislation regulating customary marriages and other aspects of family law that discriminate against women, including in respect of polygamy, inheritance and child custody, and that efforts to adopt legislation regulating customary marriages have so far not been successful. The Committee is further concerned that most women lack the necessary information and resources to gain access to the civil courts and are still subject to the jurisdiction of traditional courts that apply customary law.

192. The Committee urges the State party to accelerate the process of law reform to remove inconsistencies between civil law and customary law, including by enacting legislation and ensuring that any conflict of law with regard to women's rights to equality and non-discrimination is resolved in full compliance with the provisions of the Convention and general recommendation 21, on equality in marriage and family relations. In this regard, the Committee urges the State party to put in effect measures to discourage polygamy and to ensure women's equal rights in inheritance and child custody. The Committee further urges the State party to put in place measures to ensure women's access to the civil courts, including raising awareness on available legal remedies and the provision of legal aid.

193. The Committee is concerned at the low rate of female literacy, the low rate of enrolment of girls in schools and the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls' education by families. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious impediments to their full enjoyment of human rights.

194. The Committee urges the State party to raise awareness of the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles to girls' education. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women, ensure equal access of girls and young women to all levels of education, retain girls in school and strengthen the implementation of re-entry policies providing for girls to return to school after pregnancy. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further special measures, including incentives for parents to send girls to schools.

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural

practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures, and to report thereon to the Committee in its next report.

197. While welcoming the abolition, by presidential decree, of imprisonment of women for non-repayment of dowries following separation or divorce from their husbands, the Committee remains concerned about lack of knowledge and implementation of the decree.

198. The Committee recommends that the State party put in place measures to raise awareness about the decree prohibiting imprisonment of women for non-repayment of dowries.

199. The Committee expresses concern about the absence of policies and programmes, including legislation, to address violence against women. The Committee is particularly concerned about occurrences of domestic violence, rape, including marital rape, and all forms of sexual abuse of women, and about the persistence of patriarchal attitudes that consider the physical chastisement of family members, including women, acceptable. The Committee further expresses concern about the paucity of information and statistics in the report on the incidence of violence against women.

200. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19, on violence against women. The Committee calls on the State party to enact legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual abuse as soon as possible to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends the implementation of

training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women. It also recommends the establishment of counselling services for victims of violence, the implementation of public awareness campaigns through the media and public education programmes towards a zero-tolerance policy on all forms of violence against women. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures.

201. The Committee is concerned that the number of women in decision-making positions remains extremely low in politics, the judiciary, and the civil service. It notes with concern that the persistence of stereotypical and patriarchal attitudes may preclude women from seeking positions of leadership.

202. The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25, to strengthen and accelerate its efforts to promote and elect women to decision-making positions. To that end, the Committee urges the State party to implement and strengthen training and awareness-raising programmes to highlight the importance of women's participation in decision-making at all levels and to create enabling, encouraging and supportive conditions for such participation.

203. The Committee expresses concern that prostitution continues to thrive, particularly in urban areas. The Committee also expresses concern about the lack of adequate enforcement of the law and imposition of penalties on those who exploit prostitutes.

204. The Committee requests the State party to take all appropriate measures to combat the exploitation of prostitution of women with a view to address its root causes including poverty, as well as through the discouragement of the demand for prostitution. It recommends that a holistic approach be pursued in order to provide women with economic alternatives to prostitution and to facilitate the reintegration of prostitutes into society and urges the State party to provide rehabilitation and other programmes to women and girls exploited in prostitution. The Committee urges the State party to ensure the prosecution and punishment of those who exploit prostitutes.

205. The Committee expresses concern about the lack of access of women and girls to adequate health-care services, including pre-natal and post-natal care and family planning information, particularly in rural areas. The Committee is also concerned about the alarming rate of teenage pregnancy, which presents a significant obstacle to girls' educational opportunities and economic empowerment.

206. The Committee recommends that the State party make every effort to raise awareness of and increase access to health-care

facilities and medical assistance by trained personnel, particularly in rural areas, and in pre- and post-natal care. The Committee urges the State party to take immediate steps to make family planning information available to women and girls, including in rural areas.

207. The Committee notes with concern the high incidence of HIV/AIDS among women, particularly younger women, and the absence of an adequately funded strategic plan to address HIV/AIDS.

208. The Committee urges the State party to take comprehensive measures and allocate sufficient funds to combat HIV/AIDS, to take strong preventive measures, including education and awareness-raising, and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance and medical treatment.

209. The Committee is concerned that the law relating to nationality precludes foreign women from retaining their own nationality on marriage to a national of the State party.

210. The Committee requests the State party to remove all discriminatory laws relating to nationality, in accordance with article 9 of the Convention.

211. The Committee regrets that the reports do not provide sufficient information and statistical data on the situation of women, the scope of programmes and the impact of measures taken to eliminate discrimination against women.

212. The Committee requests that the State party's next report contain more detailed, specific and analytical information on the situation of women, supported by sex-disaggregated data describing the results achieved.

213. The Committee recommends that the State party take concrete steps to create an enabling environment for the establishment and operation of women's non-governmental organizations and to encourage and facilitate the active participation of civil society in the full implementation of the Convention, including in the follow-up to the concluding comments, for the promotion and protection of women's human rights. The Committee encourages the State party to consult with non-governmental organizations in the preparation of the next periodic report.

214. The Committee encourages the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

215. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.

216. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly for the overall review and

appraisal of the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.

217. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Woman (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) the Convention on the Rights of the Child (CRC) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Equatorial Guinea to consider ratifying the treaty to which it is not yet a party, i.e. the international Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

218. The Committee requests the wide dissemination in Equatorial Guinea of the present concluding comments in order to make the people of Equatorial Guinea, in particular government officials, politicians, parliamentarians and women's non-governmental organizations aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".