



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-seventh session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations: Equatorial Guinea

1. The Committee considered the initial report of Equatorial Guinea (CRC/C/11/Add.26), submitted on 12 September 2003, at its 989th and 990th meetings (see CRC/C/SR.989 and 990), held on 24 September 2004, and adopted at the 999th meeting (CRC/C/SR.999), held on 1 October 2004, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, as well as the detailed written replies to its list of issues (CRC/C/Q/GNQ/1), which gave a clearer understanding of the situation of children in the State party. It nevertheless regrets that the initial report was submitted almost 10 years after its due date. It further notes with appreciation the high-level delegation sent by the State party and welcomes the constructive and frank dialogue.

B. Positive aspects

3. The Committee notes with appreciation:

(a) The establishment of a National Plan of Action for Children (1992) and a National Children's Rights Committee (1997);

(b) The Adoption of the Education Law (1995) establishing compulsory, free and guaranteed primary school and the Labour Act regulating child labour (1990);

(c) The adoption and implementation of a National Plan on Education for All, which resulted in some improvements in education;

- (d) The ratification of:
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in February 2003;
 - The Worst Forms of Child Labour Convention, 1999 (No. 182), in 2001;
 - The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003;
 - The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, in 1997.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party became independent in 1968 and that only recently (1992) has it initiated a process of democratization. The Committee also notes that the State party continues to face serious economic, social and political challenges, including the poor economic conditions in which most of the population live and the persistence of traditional attitudes and behaviours that hinder the implementation of the rights of the child.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

5. The Committee notes the efforts undertaken by the State party to examine the compatibility of the domestic legislation with the Convention and that the Constitution and some laws have been adopted to harmonize the existing legislation with the Convention and other international human rights standards. It also welcomes the information that a new Family Code is being prepared in a consultative process. However, the Committee is concerned about the effective implementation of the existing laws and that in some cases newly enacted legislation does not fully reflect the principles and provisions of the Convention or other international human rights standards. It also raises concern about the fact that some customary laws are incompatible with the principles and provisions of the Convention. The Committee is particularly concerned about the application on a subsidiary basis of a number of Spanish laws dating back to the period before independence.

6. **The Committee recommends that the State party continue and complete its efforts to draft a new Family Code and ensure that the new Code as well as the other laws are in full conformity with the principles and provisions of the Convention and other international human rights standards, and that national laws prevail over conflicting customary laws. The Committee also recommends that the State party ensure the effective implementation, dissemination and publication of the new laws and amendments to existing ones. It further recommends that the State party repeal or amend all provisions of Spanish law that are incompatible with the Convention.**

National Plan of Action

7. **While the Committee notes the adoption of a National Plan of Action for Children 1992-2000, it is concerned at the lack of information about a new National Plan of Action for Children.**

8. **The Committee recommends that the State party develop and implement a new comprehensive National Plan of Action for Children aiming at the realization of the principles and provision of the Convention and which takes into account “A world fit for children”, the outcome of the special session of the General Assembly held in May 2002.**

Coordination

9. While the Committee notes the establishment of the National Children’s Rights Committee (CNDN) in 1997 and its role in the coordination and evaluation of the implementation of the Convention, it is concerned at the fact that the Committee is not effectively functioning. The Committee is also concerned at the lack of coordination of the State party’s activities at the level of ministries and between the national and local levels.

10. **The Committee recommends that the State party reconsider the composition of the CNDN - as well as of its provincial and district committees - by ensuring its intersectoral and multidisciplinary nature and NGO participation, and provide it with adequate financial and human resources. It also recommends that the State party create within its administration a body in charge of coordinating all the activities for the implementation of the Convention, both at the interministerial level and between the national and local levels. Finally, the Committee recommends that the State party undertake measures to improve the capacity and quality of the civil service, particularly in relation to the implementation of the Convention. The State party should seek technical and other assistance in this regard from, inter alia, UNICEF.**

Independent monitoring

11. The Committee is concerned at the absence of an independent mechanism with a mandate to regularly monitor and evaluate progress in the implementation of the Convention and which is empowered to receive and address individual complaints.

12. **In light of its General Comment No. 2 on national human rights institutions and the Paris Principles (General Assembly resolution 48/134, annex), the Committee encourages**