



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-first session

Summary record of the 652nd meeting

Held at Headquarters, New York, on Thursday, 8 July 2004, at 3 p.m.

Chairperson: Ms. Açar

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The meeting was called to order at 3.15 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined second and third periodic reports and combined fourth and fifth periodic reports of Equatorial Guinea (continued)
(CEDAW/C/GNQ/2-3 and CEDAW/C/GNQ/4-5;
CEDAW/PSWG/2004/II/CRP.1/Add.3 and
CEDAW/PSWG/2004/II/CRP.2/Add.2)

1. At the invitation of the Chairperson, the members of the delegation of Equatorial Guinea took places at the Committee table.

Articles 10 to 14

2. **The Chairperson** invited the delegation of Equatorial Guinea to answer the questions raised at the previous meeting concerning articles 10 to 14 of the Convention.

3. **Ms. Obono Engono** (Equatorial Guinea) said that the Constitution of Equatorial Guinea did not allow for discrimination against women in any sphere. The low rates of women's political participation were due not to legal discrimination but to local custom and indeed to women's own traditional attitudes. Women did not perceive their true worth and needed to be made aware of the importance of their participation. The problem was real, but the Government was not ignoring it and was taking measures, since it took seriously its obligations under the Convention.

4. In the sphere of education, the laws did not discriminate against women. Education was compulsory from the age of five for girls as well as boys. At the primary level enrolment rates for boys and girls were similar, but the dropout rate at the secondary level was higher for girls, primarily owing to pregnancy. To attend school, girls often had to live away from parental authority, which increased their vulnerability to unprotected sex. However, pregnancy was no longer a bar to continued schooling. Moreover, experimental adult education programmes had been established in the major cities, as described in the responses to the list of issues (CEDAW/PSWG/2004/II/CRP.2/Add.2). They were open to young people who had been unable to finish high school at the normal age, including girls who had been married very early according to traditional custom and then divorced. The

Government had established 160 primary education centres in rural areas and 64 high school diploma programmes in district and municipal capitals. All teachers were trained. The National Programme on Education for All was in place, with the stated goal of ensuring basic education for all segments of society, both rural and urban; statistics by ethnic group were unavailable, however, because the programme made a point of not asking for information on ethnic origin. Occupational training in such areas as administration, carpentry, electricity, machines and tools, auto mechanics and the like were open to both girls and boys. In Equatorial Guinea, women were represented in all fields, as engineers, petroleum geologists and jurists, with master's and doctoral degrees.

5. **Ms. Librada** (Equatorial Guinea) explained that, where the report stated that there was no discrimination, what was meant was that there was no institutional discrimination under the country's laws and regulations. Schools, for example, were co-educational, and in theory the individual could freely choose any career. However, the Government was well aware that there were serious problems in practice due to traditional attitudes, and that teenage pregnancy constituted a major dropout problem. For that reason, the new school curriculum included sex education courses. Awareness-raising campaigns for schools targeted teachers and parents as well as children.

6. **Mr. Esono Mbengono** (Equatorial Guinea) said that the problem in terms of jobs was similar; the law provided for equal opportunity, but stereotypes prevailed within the family and workplace. Access to vocational training was the same for boys and girls, but girls were often induced to opt for less lucrative skills training, choosing sewing, for example, over carpentry. In an effort to redress employment inequalities the Government offered tax incentives to enterprises to hire young women graduating from school. It gave preference in its own hiring to women who had completed university, so that they could serve as role models to younger students. In the case of girls who had been married young and divorced, the Government promoted and subsidized associations to help them achieve financial independence.

7. In response to a question about scholarship quotas, he explained that at least 20 per cent of government scholarships were mandated to go to young women; that figure was a minimum, not a ceiling.

8. Until recently five years of schooling had been compulsory, but educational reforms had increased that number to nine, consisting of five years of primary school followed by at least four years of secondary school. To make that feasible, the Government had instituted a system of subsidies to low-income students with good grades to enable them to stay in school and, in the case of rural students, to attend school in the major cities. The regulations had been changed so that pregnant girls, far from being forced to drop out, were required to continue their studies, and both the father and the mother of the child were held responsible for its maintenance. Sex education in the schools had been strengthened. Efforts were being made to raise teacher awareness of gender equality through mass media campaigns, seminars, workshops and refresher courses. The Government hoped to influence the next generation through the educational system so that it would pass on new attitudes to the following generation.

9. **Ms. Obono Engono** (Equatorial Guinea) said, with regard to the increase in HIV/AIDS, that the disease was a global problem, from which her country was not exempt. The Government of Equatorial Guinea had instituted programmes to combat it, including awareness-raising campaigns and information seminars throughout the country. She wished to emphasize that all draft legislation being prepared by the Government in all areas was completely in conformity with the Convention.

10. **Ms. Nzang Ndong** (Equatorial Guinea) said, with regard to a national AIDS policy, that the Ministry of Health had prepared a health policy document, which awaited approval by the Government. With regard to HIV/AIDS testing, while no one could be forced to have a lab test, the Government had purchased such test materials and distributed them free of charge to hospital centres. It was conducting awareness campaigns to stress the seriousness of the disease and encourage testing. If test results were positive, the individual would receive counselling. Drugs were available free of charge, especially for pregnant women and children born HIV-positive. One reason why the incidence of HIV/AIDS was higher among women than men was the prevalence of prostitutes who serviced sex tourists or foreign oil workers. Moreover, the rate of use of condoms was still low, despite radio campaigns, because it was generally believed that condom use diminished sexual pleasure. Information was lacking

on HIV/AIDS in the rural population. Those in rural areas were harder to reach with mass-media information campaigns; to fill the gap the Government had prepared leaflets for distribution.

11. **Ms. Librada** (Equatorial Guinea) said that the country had a national programme to address the problem of HIV/AIDS, which was run by a national committee, on which the Ministry of Social Affairs and the Status of Women was represented. The problem it faced was social as well as medical. People were extremely sceptical about the reality of the threat and reluctant to use contraceptives. Within marriage condom use was not generally accepted. The existence of polygamy, which institutionalized multiple partners, was also a factor in the spread of the disease.

12. **The Chairperson** invited the members of the Committee to pose further questions concerning articles 10 and 14 of the Convention.

13. **Ms. Schöpp-Schilling** commented on the lack of accurate data regarding the spread of HIV/AIDS in rural areas. She wished to know whether men migrated between urban and rural areas, thereby bringing the virus to their families.

14. She wondered whether the 1996 Family Planning Act gave women the right to choose contraception on their own and whether young girls had easy access to contraception free of charge. She realized that termination of pregnancy was illegal, but wondered whether the procedure was permitted under certain conditions.

15. She wished to know whether women, who comprised 80 per cent of the agricultural workforce, could own land. Statistics regarding the number of women working the land to feed their families versus the number actually selling their products on local markets would be welcome. More information on the situation of rural women should be included in the next report.

16. **Ms. Tavares da Silva** noted that the delegation's statements regarding gender equality were not supported by the data. Access to resources and loans, which was essential to development, revealed hidden discrimination. Although women made up more than half the population, they owned only one tenth of the money in circulation. Similarly, they performed 50 per cent of manual work but only one third of that was paid. There were no discriminatory rules with respect

to access to credit but the de facto situation clearly revealed structural discrimination. The Government had a responsibility to guarantee not only formal equality through the laws but also real equality. It could follow the example set by other States by setting up microcredit and other special programmes.

17. **Ms. Morvai** pointed out that early motherhood had a devastating effect on gender equality. If the State did not address the situation, there was absolutely no hope for gender equality in the future. She requested clarification of the situations in which young women became pregnant and contracted HIV/AIDS. She wished to know the general age of their sexual partners and asked for further information about the social pressure put on children to begin an early sex life. Distributing information on contraception would not solve the problem; the way to stop teenage pregnancy and the spread of HIV/AIDS was to discourage children from having sex.

18. The title of the sex education manual should be changed to "Human Relationships Manual" or "Gender Equality Manual" and should promote mutual respect and the value of long-term, stable, monogamous relationships.

19. **Ms. Obono Engono** (Equatorial Guinea) said that the incidence of AIDS was much higher in the cities than in the rural areas. The number of HIV/AIDS cases in the two largest cities, Malabo and Bata, was growing daily.

20. Lack of knowledge was not the issue. In fact, the Government had begun financing comprehensive awareness campaigns as soon as AIDS had become a global problem. At the end of June 2004, the Government had promulgated a law according to which the State paid 80 per cent of the cost of medication. The Ministry of Social Affairs and the Status of Women (MINASCOM) had gone into the field to educate children and had organized conferences and seminars. The Government could not possibly do more.

21. With respect to gender equality, all women had full access to family planning information and contraceptives were provided by hospitals at no cost to the patient, under the Family Planning Act. Truckloads of condoms had been sent into the countryside; it was not the Government's fault if the population did not use them.

22. According to the Penal Code, abortion constituted a crime unless the mother's life was in danger.

23. The State had an agricultural economy, in which women played a predominant role. Through agricultural women's associations, they were able to sell their products, deposit the income in commercial banks and apply for loans. Women who owned real estate had the same direct access to credit as men with real estate. However, in the rural areas the situation was slightly more complicated because the income earned was too low to give the women a sufficient level of credit. A programme sponsored by the First Lady granted interest-free credit to rural women so that they could engage in trade. Fifty women had used the credit to travel to China to buy merchandise, which they had sold on returning home; the earned income was then used to pay back the bank loan.

24. **Ms. Librada** (Equatorial Guinea) pointed out that teenage pregnancy was the principal reason for young women dropping out of school. They were often migrant rural women who had been forced to turn to prostitution for survival. Many had contracted AIDS, obviously through contact with older men, not boys their own age. Information seminars on AIDS and prostitution as well as on women's rights were offered. Training courses were also available, through which some young women had been able to give up prostitution. No other country had done as much to eliminate AIDS and prostitution.

Articles 15 and 16

25. **The Chairperson** invited the members of the Committee to pose further questions concerning articles 15 and 16 of the Convention.

26. **Ms. Belmihoub-Zerdani** drew attention to the fact that the Convention on the Elimination of All Forms of Discrimination against Women helped the world community view issues through women's eyes. Africa was one of the poorest continents and was entitled to claim assistance from the United Nations specialized agencies. It had been agreed in the Beijing Declaration and Platform for Action and at the Beijing Plus Five conference that the wealthy nations would donate 0.7 per cent of their gross national product (GNP) to official development assistance and that increased funds should be channelled towards the implementation of United Nations programmes.

27. **Ms. Gnacadja** noted that, although the Government of Equatorial Guinea was in the process of drafting two new laws on matters relating to women's rights, those texts were not yet in force. In that connection, she wondered what the legal basis was for the anticipated change in the minimum legal marriageable age from 12 (as cited in the combined second and third periodic reports) to the age of civil majority (as cited in the combined fourth and fifth periodic reports). Similarly, under customary laws on marriage, the consent of both spouses was not required, but, according to the combined fourth and fifth reports, both men and women now had the same right to enter into marriage and choose their spouses. What was the legal basis for that change? She also wished to know which legal regime prevailed in the event of marital disputes and whether the various regimes obeyed a hierarchy.

28. She had mixed feelings about the situation in Equatorial Guinea. Although she felt reassured that the Government was committed to implementing the Convention, she was still concerned about the legal status of women. While technically there might be no de jure discrimination against women in Equatorial Guinea, there were also no legal provisions promoting their advancement. In addition, traditional practices and customs that perpetuated gender stereotypes were still prevalent. She wondered whether the authorities had resigned themselves to the continued existence of such discrimination, and urged the Government to reaffirm its political will to pursue the advancement of women, in accordance with its responsibilities pursuant to article 2 of the Convention.

29. **Ms. Shin** observed that most of the difficulties facing women in Equatorial Guinea related to family life and marriage. She wondered whether the Government was truly cognizant of the need to eradicate discriminatory practices such as the dowry system, polygamy and early marriage. With regard to the latter, she stressed that negotiating pre-arranged marriages for girls as young as three amounted to child bondage. As long as the State authorities considered themselves powerless to change those practices, the situation on the ground would remain the same.

30. The combined fourth and fifth periodic reports referred to the disputes section of the Department of the Status of Women, which was responsible for dealing with complaints from female victims of violence. She suggested changing the name of the

section to "Violence Complaints Centre" or "Hotline for Women in Crisis", in order to underline the fact that its primary function was to protect and support women.

31. **Ms. Gabr** said that de facto discrimination against women was still clearly present in Equatorial Guinea. Since legislation alone was not enough to combat all forms of discrimination, the Government must demonstrate its political will to intervene and improve the situation on the ground. In that regard, it could learn from the example of other African countries and pursue cooperation with French-speaking countries through the Ministry of Foreign and Francophone Affairs.

32. She enquired when the new family code currently being drafted was due to enter into force and also wondered how all the relevant aspects of family law could be regulated through a single instrument. Lastly, the combined fourth and fifth periodic reports stated that women were no longer required to obtain permission from their husbands if they wished to travel but that, in practice, to ensure marital harmony, the consent of both spouses must be obtained before wives travelled or changed their place of residence. She would appreciate further clarification regarding that apparent contradiction.

33. **Ms. González Martínez** said that the mere existence of legal provisions establishing equality between women and men was not enough to ensure that women could exercise their legal rights. It seemed as though the Ministry of Social Affairs and the Status of Women lacked the will to challenge the practices and customs that had existed since colonial times. Women in Equatorial Guinea were not sufficiently educated about their rights and were therefore not in a position to exercise them. In order to remedy the situation, the Government must reaffirm its political will to implement the provisions of article 5, paragraph 1, of the Convention.

34. **Ms. Khan** asked whether polygamy was legal in Equatorial Guinea. If not, how were the parties to polygamous marriages penalized? She also enquired whether the law afforded men and women equal rights in areas of divorce, child custody and inheritance and, if so, what procedures were in place to address violations.

35. **Ms. Šimonovič** noted that the majority of ethnic groups in Equatorial Guinea were patrilineal. However, one group, the Bubi, were matrilineal, and in that

respect she enquired whether mothers were able to pass their inheritance on to their daughters as well as their sons. She would be grateful to know whether the general public in Equatorial Guinea perceived patrilineal traditions as just or unjust and whether the Government had any intention of attempting to change them.

36. **Ms. Librada** (Equatorial Guinea) said that, by law, parties to civil marriages must be 18 years old. There were no age restrictions in respect of customary marriages. As far as consent was concerned, arranged marriages had been the norm in Equatorial Guinea until fairly recently and the issue of consent was unregulated under the customary system. However, the draft law on the regulation of customary marriage would contain provisions to address that situation. Polygamy was an integral and valid part of the customary system, and could not be regarded as legal or illegal since no laws existed to regulate it. Similarly, the provisions of civil law governing separations could not be applied to marriages contracted under customary law. In patriarchal societies, any children born to the couple belonged to the father's family until they reached the age of majority, but in the event of a separation, children under the age of seven years stayed with the mother. There were plans to increase that age to 10 years.

37. In response to the question posed by Ms. Gnacadja, she said that, in theory, written law always took precedence over unwritten law. However, in practice, customary law was considered to have the same status as written law.

38. **Ms. Obono Engono** (Equatorial Guinea) said that the Government would explore the assistance and funding options Ms. Belmihoub-Zerdani had mentioned. With reference to the remarks made by Ms. Gnacadja, she stressed that the State authorities had the will to confirm de jure equality between women and men: although a number of the relevant legal provisions were still in draft form, the transitional measures taken by the Government had the force of law. For instance, measures had been introduced to ensure that women married under customary law would not have to repay their dowry in the event of separation.

39. Traditional marriage customs were evolving. The practice of negotiating a match without the consent of one or both spouses was dying out and those who

continued to carry out such negotiations were punished. The Government had undertaken a series of awareness-raising campaigns to promote the eradication of discriminatory practices and, as a result, the number of early marriages had decreased considerably.

40. Lastly, she was confident in stating that the adoption of the new Family Code was one of the Government's priorities for 2004. Her department would do everything in its power to ensure that it was finalized and approved as soon as possible.

41. **Ms. Librada** (Equatorial Guinea), replying to the point raised by Ms. González Martínez, said she had not intended to imply, in the context of education, that families were free to impose their own rules on children. It was certainly true that the State did not go into people's homes to enforce its education policy. However, education was compulsory and was free of charge for both boys and girls, from the age of five, at all levels of society. In that sense, there was no discrimination.

42. Nor was there any discrimination when women neglected the opportunity to participate in political life. They were reluctant to do so because they were clinging to tradition. In recent years, however, women had become aware of the importance of equality with men, and society was gradually evolving away from tradition and towards the ways of the developed world. Many women in rural areas lacked the information to be fully aware of their rights, and that was why the State promoted education and literacy for rural women.

43. It had also been asked whether the Constitution contained any definition of discrimination. As explained in the combined second and third reports (CEDAW/C/GNQ/2-3), article 13 (c) of the new revised text of the Constitution stated: "Women, regardless of their marital status, have equal rights and opportunities with men, before the law, in all spheres of public, private and family life, in the civil, political, economic, social and cultural fields". That was a statement of non-discrimination.

44. **Ms. Morvai** said she still could not understand why so many girls were becoming pregnant at an early age, or whether all the schoolgirls who became pregnant were in fact prostitutes. If they were, that was a tragedy on a massive scale. The problem would not be solved by putting the girls into awareness-raising

groups. Instead, the men responsible should be prosecuted for rape or child abuse.

45. **Ms. Šimonovič**, returning to the question whether the Constitution defined discrimination, said that the text of article 13 (c) defined gender equality, not discrimination within the meaning of article 1 of the Convention. The Government might consider including in its new family law a clear definition in line with article 1, to cover de jure and de facto discrimination and both direct and indirect discrimination.

46. **Ms. Patten** said she would welcome more information about the new Family Code and how it would operate in practice.

47. **Ms. Obono Engono** (Equatorial Guinea) said the Constitution did in fact provide for discrimination to be defined in accordance with the Convention, because article 64 (h) of the Constitution stated that international conventions prevailed over any existing or future domestic law once they had been ratified, following approval by the House of Representatives.

48. **Ms. Librada** (Equatorial Guinea) explained that the dowry system would not be lightly given up, because it went hand in hand with the system of traditional marriages. To renounce it would be to deny the very existence of parents, family and one's people. As for the question about pregnancy among young girls, it was certainly not the case that all girls who became pregnant at an early age were prostitutes. The situation in Equatorial Guinea must be seen in its proper context. In other countries too there were numerous pregnancies at an early age, and thousands of abortions as well. She welcomed the recommendation to address the problem through preventive work among children and adolescents, to encourage them to defer sexual activity, and would transmit that recommendation to the higher authorities of her Government.

49. **Ms. Obono Engono** (Equatorial Guinea) said that because pregnancy at an early age was an obstacle to the education and advancement of women, the Government was taking special measures to ensure that pregnant schoolgirls continued their education. The problem of pregnancy in adolescence was a worldwide problem, by no means confined to Equatorial Guinea.

50. **The Chairperson**, summing up the debate, thanked the delegation for its presentation of both combined reports, and its responses to the issues raised

by the pre-sessional working group. She welcomed the serious approach shown by the Government towards its obligations under the Convention. It was evident that in many cases, the root causes of violations of human rights and of discrimination against women in Equatorial Guinea could be traced to socio-economic conditions. It was essential to research and analyse those causes and to address them, especially where they resulted in problems such as prostitution, pregnancy among young girls, violence against women and inequality in education, employment and participation in decision-making. There was every indication that custom and tradition also posed major obstacles to women's full enjoyment of their rights. Where customs and traditions promoted or perpetuated discrimination they must be directly addressed, and measures must be taken to modify and eradicate them. That was an obligation incumbent on any State party that had ratified the Convention. It was not acceptable to wait until customs changed or died out of their own accord. It was evident from the reports and their consideration that Equatorial Guinea needed to step up significantly its efforts to eradicate discrimination against women. Since it had now presented its fifth report, the Committee expected to see tangible results, in terms of measures to eliminate discriminatory traditions in education, marriage and divorce, economic life, land ownership and political life. Parents could not be expected to change their preferences for sons' education, or their practice of negotiating early marriage for girls, without programmes and incentives devised by the Government to encourage them to do so. Some such programmes had been described, but much more remained to be done. Women were not likely to go into politics, or refuse to enter a polygamous marriage, merely because the law gave them that right; they must also be given incentives, by way of special temporary measures, and they needed to feel secure that the State, with its laws, its policies and its personnel, was behind them.

51. The Committee had expressed concern at the lack of media promotion of women's rights and of appropriate educational materials, teacher training and public information. She urged the Government to demonstrate its political will by stepping up its efforts in that regard. As for marriage and family life, the Committee's experience was that multiple legal traditions tended to create disadvantages for women. She therefore encouraged the State party to adopt legislation to protect women in all types of marriage.

Early marriage and polygamy should be combated through legal and policy action, including educational and media activities. The support of community leaders should also be enlisted. The Committee's General Recommendation No. 21 stated that polygamy contravened article 5 of the Convention and should be actively discouraged. She welcomed the efforts made to abolish imprisonment as a penalty for non-payment of dowries.

52. The Committee remained concerned about the lack of a comprehensive definition of discrimination in the national law, to cover both direct and indirect discrimination. Moreover, legal definitions were not enough in themselves; progress must be judged by results. Women must be enabled both to know and to use their legal rights. That process took time, and she appreciated the efforts being made by the Government to fulfil its obligations under the Convention. Since it had not in the past given priority to gender equality, it was now time for a change of pace and for intensified efforts on its part. In its next report, she hoped for concrete evidence of the results of policies to address inequalities in women's education, health, political participation and the other areas discussed.

53. Finally, she urged Equatorial Guinea to ratify the Optional Protocol to the Convention and the amendment to article 20, paragraph 1.

The meeting rose at 5.35 p.m.