

1 April 2004
English
Original: Spanish

**Committee on the Elimination of Discrimination
against Women**
Thirty-first session
6-23 July 2004

**Responses to the list of issues and questions for consideration of
the combined second, third, fourth and fifth periodic reports**

Equatorial Guinea*

* The present report is being issued without formal editing.

Constitution, laws and national machinery

2. Under Equatorial Guinea's legal system, international conventions prevail over any existing or future domestic law once they have been ratified by the President of the Republic following approval by the House of Representatives (article 64 (h) of the Constitution of Equatorial Guinea).

The applicability of international conventions derives from the provisions of article 8 of the Constitution, which states: "The State of Equatorial Guinea shall abide by the principles of international law and hereby reaffirms its support for the rights and obligations deriving from the charters of the international organizations and agencies to which it belongs".

There have been some cases — albeit very few — in which parties to litigation have invoked the application of a ratified international convention and, in such cases, the provisions of the respective conventions have, of course, been applied.

Steps are being taken to publish the decisions of the Supreme Court, but it is currently difficult to access the Court's archives.

3. Article 15 of the Constitution also stipulates that any duly confirmed act of bias or discrimination based on tribal or ethnic status, gender, religion, social or political status, corruption or other similar grounds shall be punishable by law.

Decree-Law No. 7/1990 of 27 September, creating the Commission on Human Rights of Equatorial Guinea, establishes respect for human rights in the country: not only those enshrined in the Universal Declaration of Human Rights, but also those that are contained in all international conventions ratified by Equatorial Guinea.

The Commission is accordingly responsible for receiving complaints and, if necessary, for investigating possible human rights violations (article 2).

4. The report was prepared following consultations with, and requests for information from, the various sectors of society, with a view to responding to each article of the Convention. Because the questions in this second phase were more specific and related to particular sectors, a number of working meetings were held, and these produced the following responses.

5. The phrase "differences are observed in practice" refers to the disparity that exists between the law, which provides for equality between men and women, and the reality of people's everyday lives, especially among rural families and people with limited education, which is that women are subordinate to men and are treated like second-class citizens.

All major family decisions are taken by the husband, after consultation with his wife. However, there are plenty of cases, both in rural families and in those with limited education, of wives not even being informed of these decisions. Another key factor is the dominance of the husband's family over his wife, and its involvement in certain areas of the couple's relationship.

This is the situation — with some minor differences — in all ethnic groups, although women from one group are not subordinate to those of another group.

The aim of the "Advocacy" Information, Education and Communication (IEC) programme is to raise awareness of gender issues through the press, radio and television, in an effort to reach the broadest possible spectrum of the population, as

well as to promote media coverage of events designed for the same purpose. The Local Development project, which is active mainly in rural areas, plays an important role in educating and training men and women to show respect for the law by showing respect for women.

These two projects are supported by other awareness-raising activities, seminars, round tables and conferences, which are held throughout the country, without distinction as to ethnicity, in both rural and urban areas.

6. The Presidential Decree has done much to promote women's advancement. Many widows, divorcees and abandoned women have been imprisoned because they were unable to repay their dowry, a vital element of a customary marriage.

If the marital bonds are to be dissolved, the dowry must be repaid so that the woman can be "freed". The Decree has helped many women find a way to repay their dowries without having to go to prison.

It should be noted that the Decree in question is facing difficulties in rural areas, due to their relatively remote locations and the resulting communications problems.

7. The National Committee for the Integration of Women in Development has not been a success, and is being restructured.

The Ministry of Social Affairs and the Status of Women is responsible for coordinating the National Policy for the Advancement of Women and, in conjunction with all relevant departments and social services, for taking the lead in issues of that nature. It also sees to it that the Government allocates substantial budgetary resources in order to meet the needs of women, children, the elderly, and the disabled.

8. The National Policy for the Advancement of Women is part of the country's overall development strategy and was set out in the documents prepared for the national economic conference of September 1997, and the interim (1999) and final (2004) evaluations thereof.

The national policy was also based on actions undertaken by the international community, through the United Nations, and, at the regional level, the African Union (AU), formerly the Organization of African Unity (OAU). Equatorial Guinea is concerned about its people. It has always played a leading role in all international and regional meetings and has also taken the domestic measures necessary to give concrete form to its political will to promote women's advancement.

The conceptual framework for the national policy is based on the principles of sustainable human development which places human beings at the centre of the social and economic development process and requires that men and women be provided with the maximum possible opportunities, possibilities and options. Based on the participatory approach, the national policy was formulated with the assistance of all elements of society, including ministerial departments, national and international institutions, non-governmental organizations, rural and urban population groups, civil society, religious leaders, and representatives of opposition political parties.

The aim of the policy is to give the country a short, medium and long-term framework in which to ensure that women and men enjoy equal access to services,

national resources and management of the nation's wealth, and are equitably represented in the country's political, social, economic and cultural structures. In order to achieve this goal, the policy is divided into four strategic areas, each of which encompasses many strategic goals.

The policy's main strategic aims are to:

(a) Improve the legal framework and improve women's access to decision-making bodies. (Law);

(b) Promote women's capacity to sustain themselves economically. (Economy);

(c) Ensure that women and men enjoy equal access to basic services and a healthy environment. (Health);

(d) Strengthen institutional machinery for women's advancement. (Education).

The policy will be implemented, and given concrete form, through a Plan of Action. Although this Plan is still at the drafting stage, actions and activities are already being carried out under the National Gender Policy.

9. The phrase "differences are observed in practice" thus refers to everyday life and to behaviour that is not based on equal rights and opportunities or on respect for women, as noted in the response to question 5.

Because most marriages are contracted in accordance with tradition or custom, and because there are no laws governing these practices, the Government is currently working on a draft act regulating customary marriages.

Temporary special measures

10. This is an election year for bodies such as the House of Representatives and Parliament, and some 150 women have presented themselves as candidates or delegates. If women accounted for at least 30 per cent of the members of the House of Representatives, more attention would be paid to gender issues in the preparation and adoption of laws and regulations providing for equal rights and opportunities, and those condemning acts of discrimination against women.

Social and cultural patterns of conduct of men and women

11. Many activities have been undertaken in this area, such as the holding of awareness-raising seminars by all departments, throughout the country. These educational and awareness-raising activities have reached around 80 per cent of the target population.

Combating the exploitation of prostitution and eliminating the traffic in women

12. Prostitution is illegal in Equatorial Guinea. It is tacitly prohibited by chapter VII, article 452 (bis) of the Penal Code which, regarding crimes related to prostitution, establishes that anyone who:

"1. Cooperates with, or protects the prostitution of one or more persons, within or outside Equatorial Guinea, or recruits the said person or persons for the purpose of prostitution;

2. Uses deception, violence, or authority against a person over the age of twenty-three in order to satisfy indecent desires ... shall be liable to a sentence of short-term ordinary imprisonment of between four and six years and general disqualification in the case of a public authority or public official and a specific disqualification in the case of other individuals.”

Paragraphs (b) and (c) of the same article provide, respectively, for prison sentences of two to four years for accomplices and sentences of six months to two years and four months for owners, managers, administrators and employees of premises used for prostitution.

Under the Ministerial Order, minors may not be punished for engaging in prostitution, but adults (clients or procurers) may.

13. In 2002, Mr. Jaime Sangale Rondo, of the Inter-American Committee against Terrorism (CICTE), conducted a study on prostitution in the town of Malabo. The study details the motives, family circumstances and earnings of around 40 young women prostitutes the author interviewed over a period of three days.

According to the study, the main reason the women turned to prostitution was the precarious economic situation of their families, which led them to migrate to the city, without family protection.

There are plans to extend the study to the whole country, and especially Bata. There are generally thought to be around 80 (semi-professional) prostitutes, who have been contacted on various occasions. The evidence suggests that the real total may be higher, but there is no officially confirmed, exact figure.

There are plans to offer these young women training in a variety of areas chosen by the group itself. No funding has yet been found for the project, which will ultimately aim to integrate the women into the workforce.

14. The spread of prostitution in Equatorial Guinea is due to a number of factors, including:

- The country’s developing economic situation, which requires that those wishing to enter the labour market be better trained and have better professional skills. This is not presently possible, however
- Large-scale migration to the major cities. Without support or supervision, the migrants turn to these activities as the only means to survive.
- Quite clearly, oil exploration has brought into the country a number of foreigners — mostly from the West — who have ready income and are travelling alone, and who seek out the services of women sex workers.

Although these activities started out a few years ago as a kind of “entertainment”, they are becoming increasingly organized.

- Due to other factors, such as customs and social pressures, many young people are starting to work much earlier than their older siblings.

15. As mentioned in the report, except for a few isolated cases, there is no problem with trafficking in women and adolescents in Equatorial Guinea.

The report refers to women and children from abroad, mainly from Benin, who appear to be related but whose exact relationship is not easy to determine due to the “conspiracy of silence” among them. Mostly, the children are listed in the women’s passports as their own children. However, if, when they reach adolescence, the authorities identify a case of trafficking, the putative family bond is dissolved, and the individual is free either to return to his or her country of origin or to remain in Equatorial Guinea.

Political and public life

16. In stating that women bear considerable responsibility [for the gender gap], the report is alluding to the attitude that is instilled in women from a very early age by those who have the greatest influence on them — members of their family — which causes them to accept their situation. Radical change cannot be achieved in just a few years, since the entire traditional cultural context has relegated women to a second-class status and a position of inferiority.

Younger generations are more aware of the inequalities and are better at assimilating information and education about women’s rights and obligations. However, many middle-aged and elderly women are as chauvinistic as men in their behaviour and attitudes, reflecting the manner in which they were brought up. Constant efforts are being made to raise the awareness of this large population group, who live mainly in rural areas.

There are no obstacles, as such. The real problems are the attitudes, low education levels and high illiteracy rates among the female population. The Government’s solution is to educate the younger generation and promote adult literacy.

The Ministry of Social Affairs and the Status of Women runs two training centres for adult women: the Nana Mangué centre, in Malabo, and the María José Oyarregui centre, in Bata. There are plans to renovate or build similar centres in all provincial capitals, initially, and then throughout the country. There are also a number of private centres, such as the María Auxiliadora and “12 October” centres in Malabo, and the Immaculada and Modesto Gené Roig centres in Bata. These centres offer training courses to adult women, with the Ministry providing material support, advice, and collaboration of various kinds.

Nationality

17 and 18. Article 1 of Act No. 8/1990, of 2 October 1990, regulating nationality in Equatorial Guinea, states: “Nationality of Equatorial Guinea shall be determined either by birth or by naturalization”.

A person is a national by birth either because he or she was born in Equatorial Guinea or, if born abroad, has a mother or father who is a national.

Article 5 of the Act states: “A foreign woman who marries a national of Equatorial Guinea acquires the nationality of her husband by virtue of marriage and automatically loses her own nationality.”

Education

19. (a) Enrolled in or attending school: girls 49 per cent, boys 50.5 per cent
- (b) Drop-out rate: primary 43 per cent; secondary 29 per cent; university 11 per cent
- (c) Pregnancies at primary and secondary levels: rural areas 8 and 12 per cent, respectively; urban areas 4 per cent

Girls drop out because of early pregnancy and marriage; children also drop out because they are failing in school and want to find employment as unskilled labour or because they have no means of subsistence in the large cities of Malabo and Bata.

At the secondary and university levels, the drop-out rate for men and women is 24.3 per cent and 2.1 per cent, respectively.

Measures adopted by the Government include: the establishment of experimental centres, in particular in Bata and Malabo, to provide evening primary education for over-age children and evening high school diploma courses for adults. A number of secondary and university level educational centres have also been established.

- 160 primary education centres in rural areas and 64 high school diploma programmes in district and municipal capitals throughout the country;
- Between 2001 and 2004, 600 pre-school, 1,600 primary level and approximately 250 secondary level teachers, both men and women, were appointed.

20. The “Education for All” programme is somewhat similar. Its primary objective is to ensure basic education for all segments of society. When enrolling, people must state their family name, given names, age, sex and place of residence, but no information is required concerning ethnicity; therefore it is not possible to provide statistics broken down by ethnic groups.

The situation regarding professional and occupational training is as follows:

- One accredited professional training centre in Bata (the “Modesto Gené Roig” Polytechnical Institute, which teaches the transitional training course (Curso de Adaptación Transitorio (CAT)). It also offers four industrial technician courses and three senior industrial technician courses. Study is possible in the following areas: administration, carpentry, electricity, machines and tools, lathe, auto mechanics, metal working and construction and public works;
- The “12 October” Polytechnic in Malabo; teaches the same subjects as above but at only one level of training;
- Private centres in the following cities: Akurenam, Akonibe, Nsork-Esabecán, Okom-Oyek, Malabo (María Auxiliadora), Malabo (Ntra. Sra. de Africa).

School enrolment rates

<i>Age</i>	<i>Enrolment rate</i>			<i>School-age children</i>		
	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>
5-9	98.5	98.0	98.9	30.6	31.1	30.2
10-14	96.4	96.3	96.6	26.3	26.8	25.8
15-19	84.8	95.2	75.1	24.5	24.0	25.1
20-24	44.5	51.9	37.5	18.5	18.1	18.9
Total	84.6	88.5	80.7	100.0	100.0	100.0

Source: Statistical and National Accounts Office.

Literacy levels

<i>Age</i>	<i>Total</i>	<i>Male</i>		<i>Female</i>	
		<i>Can read and write</i>	<i>Cannot read and write</i>	<i>Can read and write</i>	<i>Cannot read and write</i>
5-9	149.575	52.878	18.860	52.321	25.516
10-14	127.533	57.972	4.929	57.963	6.669
15-19	119.188	56.004	1.358	59.988	1.838
20-24	90.563	42.303	1.323	45.146	1.791
25-29	67.479	32.198	1.162	32.547	1.572
39-34	58.503	27.403	1.669	27.174	2.257
35-39	49.310	22.853	1.845	22.115	2.497
40-44	43.258	19.859	1.978	18.745	2.676
45-49	31.202	14.546	1.671	12.724	2.261
50-54	26.334	12.093	2.104	9.291	2.846
55-59	17.809	8.467	1.604	5.568	2.170
60-64	16.793	6.678	2.270	4.773	3.072
65-69	11.658	5.367	1.412	2.969	1.910
70-74	8.938	2.926	1.547	2.372	2.093
75-79	4.155	1.572	664	1.021	898
80-84	4.794	1.436	916	1.202	1.240
Total	827.092	364.555	45.312	355.919	61.306

Source: Statistical and National Accounts Office.

Educational levels

(Ages 5 to 85)

<i>Total</i>	<i>Male</i>				<i>Female</i>			
	<i>Primary</i>	<i>Secondary</i>	<i>University</i>	<i>NEP</i>	<i>Primary</i>	<i>Secondary</i>	<i>University</i>	<i>NEP</i>
796.72	263.978	100.641	113.23	37.596	234.038	97.951	5.684	45.522

Source: Statistical and National Accounts Office.

21. According to a recent study undertaken by in-country Cuban medical personnel, 57 per cent of mothers treated in the maternity service in Malabo were between 13 and 17 years old, in other words of school age. That would indicate that there is a high rate of teenage pregnancy in Equatorial Guinea; this could be a temporary phenomenon and may change as conditions improve.

Teenage pregnancy has become a major concern in many segments of society over the past five years because of the increased rate of complications and because of the consequences of abortion.

Since 2002 re-education programmes for young dropouts have been launched in the cities of Bata and Malabo; those programmes currently reach 80 pupils on average. Religious congregations in the continental region also have re-education programmes with average attendance of 300 women dropouts.

As a result of the influence of their social milieu, young people begin to have sexual relations at an early age; 80 per cent of young people have unprotected sex.

Sex education in the school system began in 2002 when it was integrated across the new pre-school and primary curricula. Campaigns to promote the use of condoms as a means of prevention in the fight against HIV/AIDS have increased the rate of condom use to over 40 per cent. In 2003, only 15 per cent of the population used any other methods of contraception due to traditional attitudes and considerations of affordability.

22. Sexual stereotyping will be eliminated from pre-school and primary curricula and new textbooks will be published in time for use in the 2004-2005 school year. Work is continuing on the curriculum reforms for secondary education and the sixth level of primary education, to harmonize programmes with those in other countries of the subregion and the world. The most important aspect of that reform is the extension of compulsory education to the fourth level of secondary school.

Employment

23. The labour legislation aimed at protecting women is as follows:

- Act No. 2/1990 of 4 January 1990, the Labour Act (article 52).
- Act No. 6/1999 of 6 December 1999, modifying certain articles of Act No. 6/1992, the Employment Policy Act (articles 61, 62, 63). There have been no complaints, as yet, of workplace discrimination; by law women earn as much as men on the basis of the principle of equal pay for equal work.

No precise statistical data are currently available.

24. The Government has adopted the following measures for the advancement of women:

- (a) Free and preferential vocational training;
- (b) Social security contribution incentives for enterprises which hire women;
- (c) Special protection for women during pregnancy pursuant to article 52 of the Labour Act.

25. Although there have been some changes, a majority of the economically active population still works in the agricultural sector (mostly growing traditional export crops), followed by the service sector (28.8 per cent) and retail trade (7.4 per cent).

Economically active population broken down by gender and sector

<i>Activity</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total %</i>	<i>Men %</i>	<i>Women %</i>
Farming, ranching, fishing, forestry	219 134	93 816	125 318	50.90	21.79	29.11
Mining	189	119	70	0.04	0.03	0.02
Manufacturing	2 261	1 897	364	0.53	0.44	0.08
Electricity, gas and water	1 268	1 203	65	0.29	0.28	0.02
Construction	26 286	25 758	528	6.11	5.98	0.12
Wholesale and retail	31 684	15 053	16 631	7.36	3.50	3.86
Transportation and warehousing	7 452	7 167	285	1.73	1.66	0.07
Banking and insurance	603	435	168	0.14	0.10	0.04
Other services	123 918	62 176	61 742	28.78	14.44	14.34
Undefined activities	17 747	14 947	2 800	4.12	3.47	0.65
Total	430 542	222 571	207 971	100.0	51.7	48.3

Source: Statistical and National Accounts Office. III. Population and Housing Census.

<i>Total</i>	<i>Public sector</i>		<i>Private sector</i>			<i>Independent</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>	<i>Men</i>	<i>Women</i>
13 112	9 764	3 348	43 173	31 284	11 889	351 695	160 680	191 015

Source: Statistical and National Accounts Office. III. Population and Housing Census 2001.

26-28. Individuals working in the informal sector are not entitled to social security. However, immigrant working women, without exception, are covered by the Social Security Act on an equal basis with women citizens.

Sexual harassment is criminalized under the current Penal Code and the penalty for such offence is also set out.

Health

29. HIV/AIDS

Data obtained by the Ministry of Health and Welfare show that women are most affected by HIV/AIDS. There are a total of 442 cases among women (90 cases in the 30-34 age group, 88 in the 20-24 age group and 87 cases in the 25-29 age group). Among men, there are 39 cases in the 30-34 age group, 27 in the 35-39 age group and 27 cases in the 40-45 age group.

The principal means of transmission of the illness is heterosexual, as a result of unprotected sexual relations with infected persons.

HIV/AIDS rates

<i>Age group (in years)</i>	<i>Male</i>	<i>Female</i>
0-4	0	6
5-9	0	2
10-14	0	3
15-19	2	38
20-24	18	88
25-29	18	87
30-34	39	90
35-39	27	45
40-44	27	34
45-49	20	13
50-54	13	12
55-59	2	2
60	1	2
Total	167	422

Source: National programme to combat AIDS, 2003.

30. Reproductive health

The services offered in the reproductive health programme are:

1. Women's health: prenatal care, childbirth, post-natal care, post-abortion services;
2. Child health: care for newborns, nursing counselling, care for 1-5 year olds, integrated care for childhood diseases;
3. Family planning;
4. Prevention of sexually transmitted diseases and HIV/AIDS;
5. Reducing infertility;
6. Prevention of hospital-related infections.

The national reproductive health policy is reflected in the draft law on reproductive health, which is awaiting approval by Parliament. The law prioritizes the following:

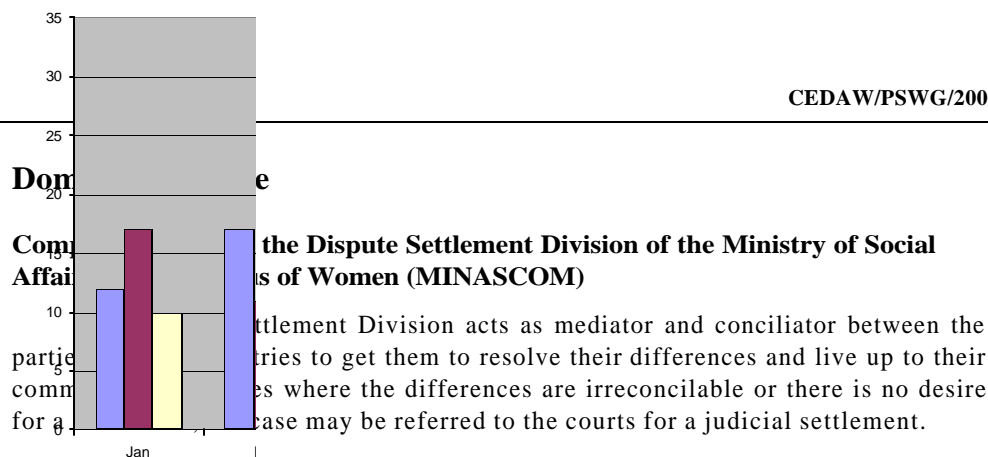
- Risk-free maternity, gynaecological care, diagnosis and treatment of neonatal problems and follow-up care (growth, nutrition, child vaccination), comprehensive approach to childhood illnesses up to 5 years old and health care for children between 6 and 9 years old.
- The law includes specific measures for women and children living with HIV/AIDS, considers abortion to be a crime as specified in the Penal Code although with some very clearly defined exceptions, and also deals with authorized methods of contraception.

Health Statistics (Source: Ministry of Health and Welfare)

Birth rate	43.1 per cent
Rural areas	43.0 per cent
Gross mortality rate	14.2 per cent
Infant mortality rate	111/1,000
Girls	107/1,000
Boys	115/1,000
Under-5 mortality rate	171/1,000
Maternal mortality per 100,000 live births	352
Life expectancy at birth	55.6
AIDS rate	7.2 per cent
Number of persons per doctor	2,800

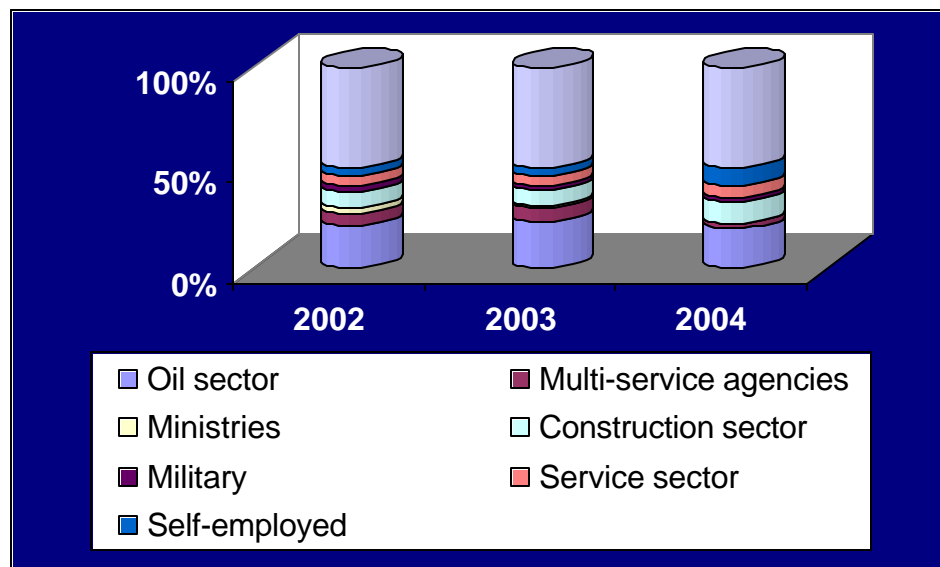
Illnesses which affect women include malaria, other infections (not including acute respiratory infections), malnutrition, haemorrhaging, anaemia, eclampsia, toxemia, abortion.

31. With regard to access to contraception in urban areas women have access to sufficient information and to methods of contraception. However, in rural areas there is not enough information, health centres which do offer reproductive health services are inaccessible and there is a shortage of both trained personnel and contraceptives.



<i>Employed in:</i>	2002	2003	2004
Oil sector	72	98	9
Multi-service agencies	19	28	1
Ministries	11	8	0
Construction sector	26	32	5
Military	9	7	1
Service sector	18	23	3
Self-employed	14	17	4
Total	169	213	23

Source: Dispute Settlement Division (MINASCOM).



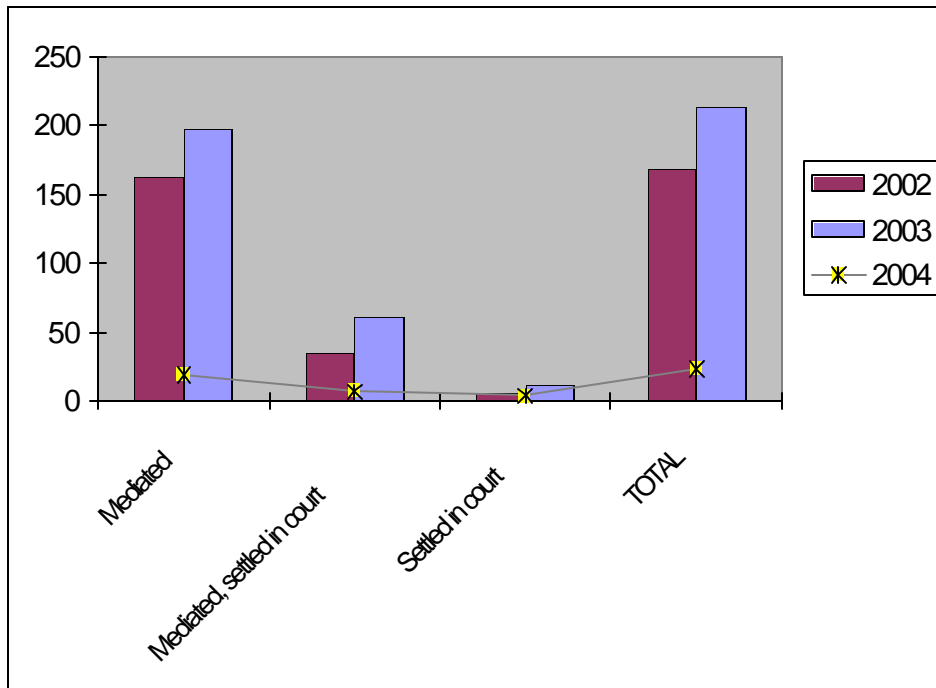
Those complaints involved individuals working in the sectors indicated

- ✓ Oil sector.
- ✓ Multi-service agencies.
- ✓ Military.
- ✓ Construction sector.
- ✓ Service sector.
- ✓ Individuals, not employed by an enterprise, self-employed.

Summary of complaints

<i>Complaints</i>	2002	2003	2004
Mediated	163	198	19
Mediated, settled in court	35	61	7
Settled in court	6	12	4
Total	169	213	23

Source: Dispute Settlement Division (MINASCOM).



Mediated

- ✓ Mediated, settled in court — mediated and subsequently referred to court due to non-compliance.
- ✓ Settled in court issues referred directly to the court because of substance of allegations.

Comments:

1. The number of complaints of ill-treatment is growing steadily;
2. There is a high rate of ill-treatment involving men employed in the oil sector;
3. The number of men making complaints is increasing;
4. As of early 2004, most complaints made by men involved the wife leaving the home, abandoning the family;

5. Once they learn of the Division's work, many men come forward to voice their concerns;

6. The Dispute Settlement Division has no offices in the outlying areas, and therefore individuals from those areas have to travel to the capital where it has its office;

7. The population is very happy with the work of the Division, as evidenced by the growing number of complaints.

Poverty

34. An exact estimate of the poverty rate cannot be provided since no studies have been undertaken for that purpose; neither have any surveys been undertaken of poverty among women in households headed by women or among women from different ethnic groups or among women in urban and rural regions. However, Equatorial Guinea is preparing to undertake a comprehensive study of the poverty situation as a prelude to developing and executing a national strategy to combat poverty. To that end the Ministry of Planning and Economic Development, in cooperation with AFRISTAT (Observatoire Economique et Statistique d'Afrique Subsaharienne), the United Nations Development Programme (UNDP), the Food and Agriculture Organization of the United Nations (FAO) and the African Development Bank (ADB) is finalizing the terms of reference for such a comprehensive study, which should provide the information requested in question 34.

Family and personal status

35. The Family Code is still at the drafting stage. In order to have a Family Code it will be necessary to bring customs and traditions into line with the Constitution and with the international conventions that Equatorial Guinea has ratified, particularly those on the rights of women. Practically speaking, having a Family Code means having a single instrument which includes all domestic regulations relating to the rights and responsibilities of women, children and the family in general.

Traditional marriages may be harmful to women because they are not governed by any regulations. Customary relationships are governed by customs, as established by a community, ethnic group, population, family group etc. Subjective application of such customs may be harmful and contrary to modern legal standards. It is therefore important that customary marriages, which are legal in Equatorial Guinea, be subject to regulations, on the same basis as civil and religious marriages.

The legal age for marriage is 18 (article 44 of the Civil Code), for both men and women; the age of majority is also 18.