

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON EQUATORIAL GUINEA

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

**Issues** are highlighted, while references from the National Report are *in Italics*.

**Recommendations** -including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW not ratified. Rome Statute not ratified. Palermo Protocol ratified.

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Civil and Political Rights (17-19), National education (20), Labour law (22), Social housing (25), Potable water supply (26). Telecommunications and information access (29). Protection of citizen's rights (30), Protective law (31), The State accountability (32), Judicial interventions (33), Programmes and projects for development and publication (35), Improvement in penitentiary system (39)

ISSUE	N Report	Compilation	Summary
<b>Access to justice</b>		Difficulties to reach civil courts. Customary law. (39)	
<b>Development assistance for women's rights</b>		Recommendations to priorities women's human rights (49)	
<b>Early / forced marriage</b>		Need for prevention (16)	
<b>Economic rights/</b>	Unequal conditions.	Widespread poverty (49)	

<b>Right to development</b>	Informal employment. Cultural tradition (49)		
<b>Equality and Non discrimination</b>		Need to implement existing laws and change social attitudes and values (14) In political, social and economic spheres. Need to harmonize legislation with CEDAW (15)	
<b>Gender mainstreaming</b>		Women's ONGs (42)	
<b>Harmful traditional practices/ mindsets leading to SR abuses</b>		Adverse cultural norms. (16) Customary marriages, polygamy, discriminatory legislation (17)	
<b>HIV/AIDS</b>	Antiretroviral therapy to prevent mother to child transmission (21)	Increasing prevalence amongst women. Ask for effective measures (52) Low rate of pregnant women who receives antiretroviral therapy (53)	
<b>Illiteracy</b>	Nacional Program to decrease inequalities (28)		
<b>Laws that discriminate against women</b>		Dual legal system. Customary laws incompatible with CEDAW (3)	
<b>Maternal mortality /maternal health</b>			High rates due to lack of reproductive health services (34)
<b>Participation in public and political life</b>	Low rates (28)	Need for temporary special measures, training and awareness-raising campaigns (45)	
<b>Reproductive health/rights</b>	Maternal health (21)	Lack of information and access to adequate health services. High rate of teenage pregnancy (50)	No malaria treatment for pregnant women (35)
<b>Right to education</b>	High dropout rates due to pregnancy, early marriages, domestic work (48 NR)	Literacy and enrolment low rates (56). Gender inequalities. High dropout due to pregnancy, early marriages, cultural norms (57) Need for measures (58)	Gender disparities, esp. at secondary school (41)
<b>Right to work</b>	Minimum wage in private sectors (28) Maternal benefits. Rural women (28)	Lack of labour laws to prevent exploitation of girls (30)	

<b>Sexual Violence</b>		Marital rape, sexual abuse. Patriarchal attitudes. Lack of policies and programs (28)	
<b>State Institutions/ Plans of Actions</b>		National Policy for Advancement (9)	
<b>Violence against Women /Gender Violence</b>	Family courts (28) Propaganda (36)		
<b>Women in prison</b>		Not separated from men. (28)	Not separated from adult male population (10)

### Access to justice

In 2004, CEDAW was concerned that most women **lacked the necessary information and resources** to gain access to the civil courts and were still subject to the jurisdiction of **traditional courts applying customary law**. Similar information was reflected in the 2008-2012 UNDAF (Para 39 Compilation)

### Development assistance for women's rights

CEDAW invited Equatorial Guinea to **place emphasis on women's human rights** in all development cooperation programmes with international organizations and bilateral donors. (Para 49 Compilation)

### Economic rights/Right to development

*In spite of reached achievements related with women's human rights, the socio-economic situation of women continues **being worrying** due to the low number of women who can access to superior or technical training compared to that of men. Therefore, most of them work in the **agriculture of subsistence** and in the **informal sector**. This situation is also determined by **cultural reasons**. (Para 49, NR).*

CEDAW was concerned at the **widespread poverty among women** and poor socio-economic conditions, in particular for **rural** women. (Para 49 Compilation)

### Equality and non-discrimination

Discrimination against women in **political, social and economic life** was a matter of concern for the HR Committee.

### Harmful traditional practices/traditional mindsets leading to SR abuses

CEDAW was 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 (Para 16, Compilation).

CEDAW was 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 had so far not been successful. While welcoming the abolition by presidential decree of imprisonment of women for nonrepayment of dowries on separating from their husbands, CEDAW remained concerned about the **lack of knowledge and implementation** of the decree. (Para 17, Compilation)

## **HIV/AIDS**

*As regards antiretroviral level, Niverapina is being distributed for free for the prevention of vertical transmission mother-infant in 15 health centres and in 5 maternities (Para 21, NR)*

The Committee on the Rights of the Child (CRC) was concerned at the increasing prevalence of HIV/AIDS amongst adults (mainly women) and youth by HIV/AIDS. According to the 2006 Country Common Assessment (CCA) report, the Government had given priority to the fight against HIV/AIDS, with a Multi-sector Programme against HIV/AIDS and Sexually Transmittable Diseases (Para 52 Compilation).

A 2008 UNAIDS/WHO document indicated that in 2007 ( ) the percentage of HIV-positive pregnant women who received antiretroviral therapy to reduce the risk of mother-to-child transmission was 33. (Para 53 Compilation)

## **Illiteracy**

*It is necessary to highlight the implementation of the National Education Program for Women, aimed at eliminating gradually the inequalities due to illiteracy, source of difficulties when looking for employment or establishing their own business (For 28, NR)*

## **Laws that discriminate against women**

CEDAW was concerned about the existence of the dual legal system of civil law and customary law, which resulted in continuing discrimination against women. CRC was concerned that some customary laws were incompatible with the Convention. (Para 3, Compilation)

## **Maternal mortality/maternal health**

Abogacía por un Desarrollo Durable (ADD) mentioned that the indicators of health sector are of concern. It mentioned, as example, that there was a rate of maternal mortality, between 15 to 21 years of age, of 8 per cent in 2001. (For 34, Summary)

The Centre for Economic and Social Rights (CESR) noted that Equatorial Guinea had high infant and maternal mortality rates, both of which appeared to be related to the lack of reproductive health services. It added that only 65 percent of women received skilled assistance from a qualified health professional when giving birth. (Para 34, Summary)

## **Public and political participation**

*Related to women's participation in political life, 15 % of government members are women, as well as 10 % of parliamentary members, and 18.6 % of the judicial power. In Public Administrations, women represent 33.8 % of the educational personnel and 65.7 % of sanitary personnel. In other administrations, out of 36 town councils, the proportion of seats held by women in council posts is 23.2 %; 8.3 % of mayors, and 28 % of deputy mayors. (Para 28, NR)*

A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in parliament was 5 per cent in 2004 and 18 per cent in 2008. (Para 45 Compilation)

## **Reproductive health/rights**

*( ) Right to health includes, among others, ( ) the diagnosis, prevention, access to the basic health-care services, maternal health ( ). (For 21, NR)*

CEDAW expressed 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, and about the alarming rate of teenage pregnancy. The HR Committee was concerned in 2003 that legal restrictions on the availability of family planning services gave rise to high rates of pregnancy and illegal abortion. (Para 50 Compilation)

Equatorial Guinea Justice (EGJ) said that in 2004, the Government, with the help of corporate sponsors, implemented a five-year malaria eradication programme (), which the Government would have deemed a success. However, the State still does not recommend intermittent malaria treatment for pregnant women. (Para 35, Summary)

### **Right to education**

*As for obstacles to the education of girls, it is necessary to indicate that some villages are far away from schools, early marriages, excessive domestic work, early pregnancies -which lead to rejection from educational institutions-; have been main causes of discrimination and delay in the young women's education. Sensitization campaigns for the elimination of old harmful customs, the improvements in the standard of living of many families, the rehabilitation and construction of teaching establishments in the rural areas, and the road infrastructure; have contributed to ending with young female lack of schooling. Also, pregnant young women are now admitted at education establishments. (Para 48, NR)*

CRC noted with appreciation the adoption of the Education Law (1995) establishing compulsory free and guaranteed primary school. It was concerned however that enrolment and literacy levels were still low, particularly in secondary and pre-primary education. A 2009 UNESCO document indicated that the net enrolment ratio in primary education was 89.5 per cent in 2003 and 69.4 per cent in 2007. (Para 56 Compilation)

The significant disparity between the number of boys and girls attending school was also a matter of concern for CRC and CEDAW. CEDAW was concerned at the high dropout rate of girls due to pregnancy, early marriages and the low priority given to girls' education by families. CRC also noted with concern the persistence of cultural and traditional perceptions of girls that limit their access to education, the lack of resources for the implementation of the educational programmes and the lack of trained teachers. (Para 57 Compilation)

According to the CESR, stark gender disparities in education raise questions about whether Equatorial Guinea is taking steps to challenge gender discrimination and ensure equal access to education for women and girls. It noted that at the secondary school level, boys were almost twice as likely to enroll in secondary school as girls, with a 57 percent ratio of female to male participation in secondary school. . (Para 41, Summary)

### **Right to work**

*Regarding women's economic rights, presidential decrees and ministerial orders have established equality in wages and guaranteed a minimum wage in all private sectors. (Para 28, NR)*

*PRAMUR project aims to contribute to increase women's incomes in rural areas. On positive discrimination, no circumstances closely related to the biological status of women -such as pregnancy or nursing- can give place either to dismissal or to any other class of disciplinary sanction. (Para 28, NR)*

CRC was concerned at the significant number of children, especially girls, working on the street and as domestic servants, and about the lack of effective implementation of the labour laws and mechanisms to control child labour (Para 30, Compilation)

### **Sexual Violence**

CEDAW expressed concern about the absence of policies and programmes to address violence against women; 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 as acceptable the physical chastisement of family members, including women (Para 28, Compilation)

### **State Institutions/Plans of Actions**

In 2004, CEDAW appreciated the adoption of the National Policy for the Advancement of Women. (Para 9, Compilation)

### **Violence against Women/Gender Violence**

*Judiciary Act n° 5/2009 establishes the competence of Family Courts for any issue related to gender violence. (Para 28, NR)*

### **Women in prison**

The Special Rapporteur on the question of torture found that women were not separated from male adults in prisons or in police and Gendarmería custody (Para 28, Compilation). EGJ noted that in clear violation of international norms, women in police or gendarmerie custody are not separated from the adult male prison population, making them extremely susceptible to violence and sexual abuse. (Para 10, Summary)

### **Suggested questions and recommendations**

#### **CRC**

- To take measures to prevent illegal, early and/or forced marriages. (Para 16, Compilation)
- To increase efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination, and to adopt a proactive and comprehensive strategy to change attitudes and values and eliminate discrimination on any grounds and against all vulnerable groups, in particular girls from poor and rural families (Para 14, Compilation).
- To strengthen measures to prevent HIV/AIDS mother-to-child transmission; strengthening or establishing campaigns and programmes to raise awareness; and ensuring the provision of adequate financial and human resources for the effective implementation of the National Programme on HIV/AIDS. (Para 52 Compilation)
- To ensure that national laws prevail over conflicting customary laws. (Para 3, Compilation)
- To continue its efforts to reform the educational system and ensuring the provision of adequate financial and human resources for the effective implementation of the educational programmes, in particular the National Plan on Education for All. (Para 58 Compilation)

#### **CEDAW**

- To make the promotion of **gender equality** an explicit component of its national development plans and policies, in particular those aimed at poverty alleviation and sustainable development; to pay special attention to the needs of rural women; and to eliminate discrimination against women with respect to ownership and inheritance of land. (Para 49 Compilation)
- A definition of **discrimination** against women in line with the Convention and that the Government give high priority to putting in place comprehensive legislation in conformity with the Convention (Para 15, Compilation)
- To create an enabling environment for the establishment and operation of women's non-governmental organizations (Para 42 Compilation)
- To address **adverse cultural norms** and traditions and the prevalence of stereotypes that discriminate against women, in collaboration with civil society; and to increase efforts to design and implement comprehensive education and awareness-raising programmes on these issues. (Para 16, Compilation).
- To accelerate reforms to remove inconsistencies between civil law and **customary law**. (Para 3, Compilation)
- The introduction of temporary special measures, and the implementation of training and awareness-raising programmes to increase women's participation in decision-making positions in politics, the judiciary, and the civil service (Para 45 Compilation)
- To make every effort to raise awareness of and increase access to health-care facilities and medical assistance, and take immediate steps to make **family planning** information available to women and girls, including in rural areas. (Para 50 Compilation)
- To enact legislation on **domestic violence** and legislation concerning all forms of sexual abuse to ensure that violence against women and girls constitutes a criminal offence. The implementation of training programmes, the establishment of counselling services for victims of violence, and public awareness campaigns on the issue. (Para 28, Compilation)

#### CEDAW and CRC

- To continue strengthening measures aimed at increasing enrolment rates in primary and basic **education**, in particular **for girls**, and raise awareness amongst parents about the value of early childhood education (Para 58 Compilation)

#### HR Committee

- To abolish **legal restrictions** on the availability of family planning services to decrease rates of pregnancy and illegal abortion (Para 50 Compilation)

#### EGJ

- To continue the Malaria Eradication Programme; and to extend it to include intermittent preventative malaria treatment for **pregnant women** (Para 35, Summary)