



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-seventh session

SUMMARY RECORD OF THE 989th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 24 September 2004, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Equatorial Guinea (CRC/C/11/Add.26; CRC/C/Q/GNQ/1; CRC/C/RESP/68; HRI/CORE/1/Add.126)

1. At the invitation of the Chairperson, Mr. Edjo Ovono, Ms. Envó Bela, Mr. Gori Momulu, Mr. Mangue Obama Nfube and Ms. Obono Engono (Equatorial Guinea) took places at the Committee table.
2. Mr. MANGUE OBAMA NFUBE (Equatorial Guinea) said that the recent mercenary attacks in Equatorial Guinea had posed a threat to children's lives and their rights. Peace and political stability, which were fundamental to all human rights, were the Government's main priority. Although Equatorial Guinea was taking steps to ensure respect for human rights, particularly children's rights, and to improve public health, justice and environmental sustainability, it still faced many economic and social challenges.
3. Following the establishment of a democratic system of government in Equatorial Guinea in 1992, several key legislative measures had been taken. For example, the Government had adopted legislation prohibiting trafficking in persons, the ill-treatment of children by parents, and child labour. In order to ensure compulsory primary education, the Government had provided textbooks, teachers' books and maps to primary schools. In cooperation with the United Nations Children's Fund (UNICEF), Equatorial Guinea had conducted an immunization programme for children.
4. Article 22 of the Constitution of Equatorial Guinea protected children's rights. The Convention had been ratified in 1992, and the National Plan of Action for Children and Women had been established for the period 1992-2000. However, several aspects of customary law, particularly those regarding marriage, education of girls and corporal punishment, were not in conformity with the provisions of the Convention. The National Children's Rights Committee, which had been established in 1997, had repeatedly denounced those aspects of customary law.
5. The Government had ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. A survey carried out with the support of UNICEF had resulted in a draft law, currently before Parliament, which raised the minimum employment age from 14 to 18.
6. In order to ensure implementation of the Convention, 858 million CFA francs had been allocated to childcare centres for the period 2000-2004, and 306 million CFA francs to assistance for people with disabilities. The reserve fund for future generations currently exceeded 10,000 million CFA francs. UNICEF had allocated US\$ 435,000 to Equatorial Guinea for the period 2002-2006.
7. Steps had been taken to prevent discrimination by improving girls' educational opportunities. A campaign had been launched in 1998 to encourage girls to attend school.

Efforts were under way to encourage respect for women's rights and to introduce a gender perspective in development initiatives. However, despite the Government's efforts, traditional practices still posed an obstacle to equality between girls and boys.

8. Measures to ensure respect for the best interests of the child had included an informal pre-school programme, an increased budget allocation for pre-school education, and training in the Convention for members of the judiciary. The Convention could not be directly invoked in traditional courts.

9. A plan of action for 2004 had identified several priorities, including the need to raise awareness of human rights and democracy among university students, and to introduce human rights education in secondary school curricula. Human rights training would be provided for politicians, local officials and law enforcement officers. Efforts had been made to educate the public about human rights and democratic principles.

10. Despite the measures that had been taken to improve protection of children's rights, several challenges remained. For the most part, the public remained unaware of the Convention, and few statistics had been gathered on child labour, child prostitution and child abuse. There was no coordination between the agencies responsible for developing policies and programmes to protect children's rights, and such policies and programmes were often ineffective owing to insufficient human, financial and material resources. Domestic violence against women and children had not been eliminated, and information on violence, sexual abuse and ill-treatment was scarce. Social services continued to be in short supply. Despite those shortcomings, the Government was committed to continuing its efforts to implement the Convention.

11. Ms. ORTIZ, Country Rapporteur, commended the State party on its ratification of the Convention without reservation, and on the measures the Government had taken to ensure its implementation. She asked how effective the National Children's Rights Committee had been, and what stage had been reached in establishing further committees. The 1997 National Economic Conference, the first of its kind to be held in the reporting State, had been organized by the Government in conjunction with donor States, non-governmental organizations (NGOs) and civil society. She asked whether the Government had honoured the commitment that it had made at the Conference to allocate 40 per cent of its oil revenue to social welfare.

12. Measures should be taken to ensure the independence of the judiciary and to establish a judicial system for adolescents. The Committee was concerned at the subsidiary application of outdated Spanish legislation that had not been brought into line with the Convention. The delegation had not provided any information on the implementation of policies to assist women and children. She noted with satisfaction that the State party had established a National Children's Rights Committee, and requested information on how it fulfilled its mandate. She wondered whether the Government had carried out its plans to establish safe houses for mistreated children.

13. The State party should provide statistics on children, disaggregated by age, sex and location. She wished to know the extent to which Equatorial Guinea's new legislation was being applied and what progress had been made in implementing plans relating to children. She asked what were the obstacles to such progress, and how the Government planned to overcome them.

14. Ms. SMITH said that the Committee was concerned that a relatively large number of children in Equatorial Guinea did not live with either of their biological parents. She wished to know where such children lived and whether they lived with their siblings. She wished to know whether the Government intended to fully implement its legislation on family support, particularly since many parents did not receive any assistance for the care and upbringing of their children. She enquired what percentage of the State budget was allocated to supporting families that lived below the poverty line and raising the standard of living.

15. Ms. AL-THANI asked whether legislation prohibited corporal punishment in educational establishments, penal institutions and in the home. She wondered what was being done to educate parents about alternative methods of discipline and to discourage them from beating their children.

16. The delegation should provide statistics on children with disabilities, and also indicate whether such children were discriminated against. She wished to know what measures had been taken by the National Association of Disabled Persons and how it guaranteed children with disabilities access to education and health services and facilitated their integration into society.

17. She was concerned that the health system was understaffed and underfunded and therefore could not achieve its targets. She asked what efforts were being made to eliminate the preventable causes of infant and maternal mortality. She enquired why the Government had recently reduced funding for immunization, since that would pose an obstacle to the attainment of the Government's health-care targets.

18. She asked what was being done to improve nutrition throughout Equatorial Guinea, since a large number of children were undernourished, and why breastfeeding was common only in rural areas. She wished to know whether any progress had been made in the provision of clean water supplies and sanitation.

19. She requested further information on the Government's AIDS strategy, and enquired whether any measures were being taken to raise awareness of the dangers of high-risk sexual behaviour and the benefits of antiretroviral therapy for preventing mother-to-child HIV transmission, and to discourage the stigmatization of people living with HIV/AIDS. The number of cases of HIV/AIDS in Equatorial Guinea had increased considerably over recent years, particularly among girls between the ages of 15 and 19; that trend would lead to a marked increase in mother-to-child transmission and in the number of AIDS orphans. In that connection, she asked whether the Government provided adequate support for AIDS orphans.

20. Ms. OUEDRAOGO requested further information on initiatives taken by education establishments to promote freedom of expression, and asked how children who did not attend school were informed of that right. The delegation should provide more information on child participation and the extent to which children's opinions were respected. She asked whether the Government had planned any initiatives to encourage children to read, since they had little access to libraries or newspapers.

21. The delegation should provide information on the measures that had been taken to promote parental responsibility in accordance with the Convention. She wished to know whether children were ensured that both parents would be involved in their upbringing, and

whether the best interests of the child were taken into consideration in custody cases. She wondered whether the Government was implementing any education programmes to inform young parents of their responsibilities under the Convention.

22. Mr. CITARELLA asked what steps were being taken to raise public awareness of the importance of registering births. The publication of new and amended legislation in the Official Gazette should be a priority, since the public was largely unaware of Equatorial Guinea's legislation. He wished to know what measures were being taken to divide parental responsibility more equally between mothers and fathers. The Government should provide social protection for children, particularly in the area of access to health care and education. He wondered whether steps were being taken to prevent domestic violence, since the Committee had been informed that corporal punishment was widely practised in the home and that children were often locked up by their parents.

23. Mr. LIWSKI said that, in recent years, mercenary activities had jeopardized the democratization process in Equatorial Guinea, and he asked what was being done to stabilize the situation. NGOs and social organizations should endeavour to involve adolescents in the democratization process.

24. The Committee had been informed that both domestic and institutionalized violence were common in Equatorial Guinea, and he wondered whether any measures were being taken to allow victims access to due process. Primary health care must be made accessible to all, irrespective of geographical location. While international assistance could be provided in the form of human resources, it was also important to increase training for local medical staff. He asked whether sufficient measures were being taken to encourage cooperation between health services and local communities in order to raise awareness of health issues.

25. He asked why recent education legislation placed such a strong emphasis on private teaching, since a large percentage of the population lived below the poverty line and school attendance in general was extremely low. He wished to know why investment in the health and education sectors had decreased significantly, despite the fact that Equatorial Guinea's gross domestic product (GDP) had increased fivefold over the past 10 years.

26. Ms. KHATTAB asked whether Equatorial Guinea had participated in the United Nations Special Session of the General Assembly on Children in 2002 and, if so, what preparations had been made for the session, who had represented the country and what follow-up measures had been taken to implement the decisions and recommendations that had been adopted.

27. With regard to the "crisis of values" among young people who were adopting Western attitudes, she asked whether the Government had considered how it could benefit from that tendency, such as by using Western examples to encourage school attendance and raise awareness of the dangers of high-risk sexual behaviour.

28. She wondered what steps were being taken to encourage the establishment of NGOs in Equatorial Guinea. She wished to know whether children and adolescents were encouraged to form associations, and how NGOs assisted the Government in promoting children's rights.

29. The Committee had been informed that there was a lack of libraries in the State party, and that children were not actively encouraged to read. She wished to know how much influence the State had over the content of radio and television broadcasts, since those were the main sources of information for children. She asked how those media were used to inform children and adults about such important issues as reproductive health.

30. She asked whether, in the event that a child's father died, it was likely that the mother would be granted custody. She wished to know why citizens of Equatorial Guinea were required to have a visa to leave the country. She also wished to know why there was such low recovery of maintenance in divorce cases, and whether measures would be taken to rectify that situation.

31. The delegation should provide information on the Government's efforts to eliminate the practice of female genital mutilation. She enquired whether representatives of Equatorial Guinea had participated in the International Conference on Female Genital Mutilation that had been held in Nairobi from 16 to 18 September 2004; if so, she would be interested in hearing their views.

32. She enquired why the infant mortality rate was higher among boys than among girls. The delegation should provide further information on infant health and nutrition.

33. She asked what steps the Government was taking to prevent the rural population from moving to urban areas. Lastly, she wished to know what efforts were being made to make the general public aware of the importance of girls' education and to eliminate the factors that prevented girls from attending school.

34. Mr. FILALI asked whether a woman who had divorced under customary law had a right to custody. He requested information on the measures that could be taken by courts when a parent failed to pay maintenance for a child.

35. He wished to know why the process of birth registration had slowed. It was important to raise awareness of birth registration among the population, particularly in rural areas. He enquired how the principle of the best interests of the child had been incorporated into national legislation and how it was implemented by the courts. He wished to know how the Government protected children from family and school violence. Lastly, he enquired whether children had freedom of expression and whether they were taught civics.

36. Mr. KOTRANE said that, according to some sources, children were often ill-treated at police stations. He asked whether there was a plan of action to promote freedom of expression. He would also be interested in knowing whether the Government had considered establishing children's parliaments in order to enable children to express their views and voice their needs.

37. He was concerned that the Government had not ratified any of the Hague Conventions on children. The delegation should provide information on the practice of international adoption in Equatorial Guinea. International adoption should be carried out in accordance with international standards.

38. Ms. LEE asked whether the school for deaf mutes run by the Red Cross in Malabo was the only one of its kind in Equatorial Guinea. The delegation should provide data on schools for children with special needs. She asked the delegation to comment on the high school dropout and repeat rates, and enquired what steps were being taken to rectify the situation.

39. Ms. CHUTIKUL asked why 43 per cent of primary school students were between the ages of 16 and 18. The delegation should provide further information on the law on educational reform and the national action plan for education and on measures for their implementation. She wished to know how the Government intended to address the cultural factors that had an adverse effect on girls' education.

40. The CHAIRPERSON wished to know why, despite the fact that, every year, Equatorial Guinea received billions of dollars in oil revenues, 60 per cent of the population lived below the poverty line and education and health care were of poor quality. He asked what steps the Government intended to take to rectify the situation.

The meeting was suspended at 11.40 a.m. and resumed at noon.

41. Mr. MANGUE OBAMA NFUBE (Equatorial Guinea) said that the Government's efforts to improve the human rights situation in Equatorial Guinea were not always visible because it had had to start at a very low level. After achieving its independence in 1968, Equatorial Guinea had been governed by a political regime that had done nothing to promote human rights.

42. Despite its oil resources, the Government had difficulties in meeting the needs of the population. Macroeconomic indicators were not a reliable means of assessing the Government's efforts. For example, although the current GDP was the highest in Equatorial Guinea's history, foreign direct investment accounted for most of it.

43. A special programme to define "poverty" and to determine what percentage of the population was living in poverty was currently under way and would be completed by 2005. At present, the Government was focusing its efforts on land reform with a view to improving food security and reducing poverty.

44. The Government was making every effort to channel oil revenues into sectors of the economy that had the most potential for sustainable development. Road infrastructure was being expanded, schools were being built and wells were being drilled in villages to ensure drinking water supply. Teachers' salaries were also partly funded by oil revenues.

45. Equatorial Guinea depended on food imports, which limited its purchasing power because the Government could not control the prices of its imports. Since oil revenues were insufficient to meet all the needs of the population, the Government intended to use the funds for long-term investments.

46. Significant progress had been made in reducing violence. There was no institutionalized violence in Equatorial Guinea, and only isolated cases of violence were registered every year. The Ministry of Education had launched a campaign to stop the use of corporal punishment in schools and was making efforts to incorporate human rights issues into school curricula.

47. With regard to education, he said that, in traditional families, girls were expected to stay at home, since marriage was considered to be their only goal in life. Such traditional family attitudes inevitably led to discrimination against girls. Steps were being taken to address the problem, particularly in rural areas.

48. Ms. OBONO ENGONO (Equatorial Guinea) said that since children's, particularly girls', rights were closely linked to those of women, the Government had focused on promoting the integration of women into society. A National Plan of Action for Children and Women had been formulated, and several new ministries devoted to women's affairs had been established. The Government had issued a decree prohibiting the imprisonment of women who could not afford to pay a dowry, and had adopted legislation on customary marriage and prepared a national policy for the advancement of women. Progress had also been made in ensuring equal opportunities for women; women currently occupied administrative and political posts at all levels of government.

49. The CHAIRPERSON asked what measures had been taken to discourage girls from dropping out of school.

50. Mr. MANGUE OBAMA NFUBE (Equatorial Guinea) said that the Government had recently adopted measures to discourage girls from dropping out of school and to ensure that girls and boys had equal opportunities. School-age children were prohibited from working, and government scholarships were distributed equitably among boys and girls. Moreover, the minimum age of marriage was 18 years for both boys and girls.

51. Ms. OBONO ENGONO (Equatorial Guinea) said that a number of shelters already existed for children deprived of a family environment, and the Government planned to build two more in 2005.

52. The CHAIRPERSON asked how the civil service was organized and whether there was a shortage of human resources to implement legislation, plans and programmes. He enquired whether one ministry coordinated all actions regarding children's rights, particularly at the district and community levels. The Government should consider requesting assistance in the form of human resources from major international bodies.

53. He wished to know whether each ministry had its own budget. The delegation should explain why the plan to allocate part of the State's oil revenues to the general budget had not been implemented.

54. He asked what goals had been achieved by the National Plan of Action for Children and Women during the period 1992-2000, and whether a new plan of action would be prepared. He enquired whether there was a shortage of detention facilities for children and whether children in custody were held in the same facilities as adults. He asked whether children other than those in conflict with the law were placed in detention facilities. He wondered whether the prohibition on the employment of school-age children also applied to the reportedly 150 children being subjected to forced labour in Equatorial Guinea.

55. Ms. ORTIZ asked how the courts dealt with juvenile offenders under the age of 16 and those 16 and older. She enquired whether local authorities offered social services to children and families and, if so, whether they were required by law to do so. She wished to know whether there were any plans to establish a sustainable birth registration system.

56. Ms. CHUTIKUL asked whether the National Children's Rights Committee was a coordinating body and, if so, she would be interested in knowing its composition. She enquired whether an evaluation had been made of that body's effectiveness in carrying out its many functions. She requested additional information on plans to establish provincial and district committees, and asked what their relationship would be to the National Children's Rights Committee. She wished to know what lessons the Government had learned from the National Plan of Action for Children and Women for the period 1992-2000.

57. Ms. OUEDRAOGO said that it was important to harmonize the maximum age of compulsory education with the minimum age of employment. She requested additional information on the situation of sexual exploitation and child prostitution in Equatorial Guinea, and asked whether those problems were addressed in the new child protection legislation. She asked whether the civil rights of children of foreigners were respected, and whether their social needs, particularly health and education, were being met.

58. Mr. CITARELLA asked whether the Convention could be invoked directly in Equatorial Guinea, and whether the Government planned to bring its domestic legislation into line with the Convention. The many and very valid proposals contained in the initial report for improving the situation of children's rights should be implemented without delay. The delegation should comment on the fact that, with the permission of their parents or guardians, girls under the age of 18 could be sterilized. He was concerned that the minimum age of marriage was apparently not always respected and that, according to traditional practices, it was acceptable for girls as young as 13 to marry. It was essential for the Government of Equatorial Guinea to establish a juvenile justice system.

59. Ms. SMITH asked where the many children who did not live with their parents were accommodated, and whether there were any plans to place such children in the new shelters. The delegation should comment on the lack of transparency that existed with respect to how much of the State's oil revenues were being spent on improving the standard of living of the general population.

60. She wondered whether any specific programmes had been developed to encourage pregnant girls to continue their education. The delegation should confirm the truth of reports that in Equatorial Guinea children under the age of 16 were never prosecuted and children over the age of 16 in conflict with the law were treated as adults.

61. Mr. KOTRANE asked whether the Government planned to bring labour practices in Equatorial Guinea into conformity with its legislation on the minimum age of employment.

62. The CHAIRPERSON said that the delegation should provide an overview of the situation of juvenile delinquency in Equatorial Guinea.

The meeting rose at 1 p.m.