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Held at the Palais Wilson, Geneva, on Wednesday, 10 July 2019, at 3 p.m.

Chair: Mr. Shany (Vice-Chair)

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Mr. Shany (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of country situations in the absence of reports, pursuant to rule 71 of the Committee's rules of procedure *(continued)*

Situation in Equatorial Guinea considered in the absence of a report (CCPR/C/GNQ/Q/1 and CCPR/C/GNQ/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Equatorial Guinea took places at the Committee table.*

2. **Mr. Nsue Mokuy** (Equatorial Guinea) said that his country's replies to the list of issues had been drafted in consultation with public institutions, private entities and civil society. Since regaining freedom in 1979, the Government and people of Equatorial Guinea had been working to build a State that ensured the rights and freedoms of all citizens. The Government looked forward to hearing the Committee's observations on how to improve its implementation of the Covenant. In general, it remained open to assistance and advice on that matter offered by interested parties in good faith. However, it did not consider constructive certain statements that had been made from a hostile ideological standpoint and that sought to give the international community a distorted picture of the country's sociopolitical situation.

3. The Covenant was on a level with the Constitution in the legal hierarchy and thus took precedence over domestic law. Steps were being taken to bring domestic law, including the Criminal Code and the Criminal Procedure Act, into line with the Covenant. The constitutional reform of 2011 had led to the establishment of the Office of the Ombudsman, which had been fully operational since 2014. The Ombudsman submitted an annual report to the parliament, which was the institution responsible for his or her appointment and removal from office. The High Council of the Judiciary had been established in order to prevent interference in the administration of justice; the fact that the Council was presided over by the Head of State did not threaten the independence of the judiciary but rather ensured its proper functioning.

4. Steps taken to combat corruption included the establishment of a special prosecutor's office responsible for dealing with cases of corruption and the running of awareness campaigns to foster a culture of respect for State assets among civil servants. A bill on comprehensive protection for women was being drafted, with a view to eradicating discrimination and violence against women. Existing legislation on the prevention of torture and human trafficking would be strengthened by the revision of the Criminal Code that was under way. The Government was aware of the importance of debate and consensus when it came to the protection and promotion of human rights and would therefore continue to promote events such as the recent national dialogue round table.

5. **Ms. Abdo Rocholl** said that she would like the delegation to clarify the position of the Covenant within the legal hierarchy in the State party and to indicate whether the Constitution had ever been amended in order to ensure its compatibility with the provisions of an international treaty. She would like to know whether the Constitution was fully in line with the Covenant, what steps had been taken to ensure that the Covenant took precedence over domestic law, including customary law, and whether the delegation could provide examples of cases in which the Covenant had been directly applied by the national courts.

6. The Committee had received reports that the commission that had been responsible for drafting amendments to the Constitution had included very few members of the opposition and that the proposed amendments had been submitted orally, rather than in writing, which had meant that they could not be properly analysed by all participants in the process. In that context, she would like to know which entities were represented on the National Codification Commission, how soon the Commission was expected to complete its revision of the Criminal Code and the Criminal Procedure Act and whether it was working in consultation with civil society organizations.

7. She would appreciate more information on the relationship between the customary and formal legal systems and the way in which the Judiciary Act was applied in order to

ensure that the Covenant took precedence over customary law. Lastly, she would like to know more about the remedies that were available to persons who believed that their rights under the Covenant had been violated and any steps taken to raise awareness of the Covenant and the individual communications procedure among judges, prosecutors, lawyers, law enforcement officers and the general public.

8. **Mr. Quezada Cabrera** said that he would welcome more information on the mandate and level of independence of the Ombudsman and the process by which he or she was appointed, as well as the powers of the National Human Rights Commission and the relationship between that body and the Ombudsman. It would be useful if the delegation could provide updated information on the number of complaints lodged with the Ombudsman thus far and the outcome of those complaints. He wondered whether the State party had considered establishing a national human rights institution that was fully compliant with the Paris Principles or adjusting the mandate of an existing body to that end.

9. He would like to hear more about the impact of the various measures taken to combat corruption. In particular, he would like to know whether all civil servants suspected of corruption, including those at the highest levels of government, were liable to be investigated and punished and whether any civil servants had been convicted of corruption thus far. He would appreciate more information on the mechanisms established under Decree No. 42/2007 to ensure the participation of civil society in the Extractive Industries Transparency Initiative.

10. With regard to the death penalty, he would like the delegation to clarify whether there had been any executions since 2010, which offences were punishable by the death penalty under the Criminal Code and the Code of Military Justice, and how many executions had been carried out between 2008 and 2010. Lastly, he would like more information on the scope of the moratorium established in Decree No. 426/2014 and the stage reached in the discussions regarding the possibility of ratifying the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

11. **Mr. Fathalla** said that, despite the Government's claim that it had never declared a state of emergency, the Committee had received reports that a de facto state of emergency had been imposed on several occasions, notably in connection with the attempted coup d'état in 2017. With reference to paragraph 31 of the State party's replies, he would like to know when the necessary regulatory laws governing states of emergency would be drafted, whether those laws would expressly prohibit any derogations from Covenant provisions that were not permitted by the Covenant, how those laws would prevent the defence and security forces from committing abuses during a state of emergency, and what measures would be taken in the event of such abuses. He would like the delegation to comment on the reports that fatal abuses had occurred during the de facto state of emergency imposed in 2017.

12. He wondered what measures had been taken to ensure that persons accused of terrorism benefited from the basic guarantees set out in the Covenant and whether there were plans to adopt comprehensive legislation on the issue of terrorism. He would like the delegation to respond to the allegation that some accusations of support for terrorism were made on unrelated grounds and were, in some cases, politically motivated. He would welcome clarification as to whether there was comprehensive legislation that provided effective remedies for victims of discrimination, as well as information on measures taken to combat and prevent acts of discrimination and violence against the various categories of persons mentioned in paragraph 6 of the list of issues. Lastly, he would like to know the status of the bill on gender-based violence.

13. **Mr. Zimmerman** said that he would like to know more about the action plan to raise awareness of gender discrimination and specific measures taken since 2015 to ensure protection against discrimination and increase awareness of the need for equal treatment, particularly within government authorities and public institutions such as schools and universities as well as among the general public. Since women currently held only 20 per cent of seats in parliament and 10 per cent of seats in the Senate and there had been no improvement in the past decade, it appeared that the State party's legislative efforts to improve their participation in political and public life had failed to mitigate the cultural

obstacles to equal representation in elected office and especially in decision-making positions. Details of measures being taken to address the persistent imbalance would therefore be appreciated. Courses, seminars, conferences and media programmes to sensitize government agencies and the wider population to the needs and rights of women had been run in the past, and the Ministry of Social and Gender Equality had organized events around International Women's Day: would initiatives of that kind be continued in the future and was funding guaranteed?

14. In the absence of any specific legal prohibition of sexual harassment, which was an issue known to deter girls from furthering their education, he would like to know the extent to which the planned bill on gender-based violence would address sexual harassment and how effective the bill was expected to be in helping to ensure equal access to higher education. The delegation should also update the Committee on the bill's current status.

15. The delegation should provide details of any plans to update the Civil Code, which remained in force in its original colonial version dating from 1889. Recent case law on equal landownership for married women attested to progress in upholding women's rights and dignity, but it was unclear whether all parts of the judiciary adhered to that case law and whether that legal understanding might lead to the elimination of other forms of discriminatory practices, notably under customary law. Details of action being taken to prevent discrimination in issues of personal status, including polygamy, repudiation, divorce, child custody and succession, would be helpful in that connection. The delegation should also indicate whether employment laws had been amended to ensure that factors related to women's biological status, and specifically pregnancy, could no longer be used as a reason for dismissal or sanction. Could the delegation also confirm that girls were no longer required to take a pregnancy test before enrolling in school and that pregnant girls were allowed to continue their education?

16. Reports indicating that around two thirds of women and girls over 15 years of age had suffered some form of violence and that around a third of women with partners had been subjected to gender-based violence in 2014 were of great concern. He would like to know what was being done to tackle that issue since, despite ongoing efforts to establish a family code and a law against gender-based violence, there was still no law specifically providing for the investigation, prosecution and punishment of the perpetrators of such violence and for the protection and support of victims. There were also serious lacunae in the rape provisions of the current Criminal Code. For example, the rape of a minor was only punishable if the victim was under the age of 12 years old and marital rape was not punishable at all. An update on the National Codification Committee's plans to reform the Criminal Code and bring all legislation into line with the Convention was therefore needed.

17. He was also concerned about reports that fear of stigmatization and a police reluctance to give cases of rape and other forms of sexual violence due attention could prevent victims from coming forward, with the result that such violence was treated as a private family matter rather than a criminal offence. The delegation should provide data for the number of cases reported, investigated and tried, and the number of convictions handed down, details of any training on sexual violence issues being provided for police officers, hospital staff and other officials. Confirmation that the practice of imprisoning women for non-repayment of dowries would not be reinstated would also be welcome.

18. Reports indicated that, despite government efforts to raise awareness of sexual and reproductive rights and the introduction of various new programmes, access to sexual and reproductive health services remained poor, especially in rural areas. Furthermore, while several health services were purported to be free of charge, most hospital costs had to be covered by patients. He therefore wished to know what was being done to ensure that women in rural areas had the same access to information and services as women in urban areas and what services were currently being provided by the network of family planning centres. Lastly, he wondered whether the planned reform of the Criminal Code would abolish the provisions that restricted access to abortion, including the requirement for spousal authorization, even in cases where continuing a pregnancy could be detrimental to the wife's physical health, and what was being done to prevent the stigmatization of women and girls seeking to terminate a pregnancy.

19. **Mr. Koita** said that he was concerned by the number of unlawful and arbitrary acts of violence and extrajudicial killings that had taken place in recent years, notably at road blocks and military checkpoints, and by reports that police and military officers continued to enjoy near total impunity. However, the State party had indicated that acts of abuse on the part of the security forces did not go unpunished, provided sufficient proof was available, and that the officers deemed responsible were removed from service and brought to trial. The delegation should therefore provide figures for the numbers of investigations undertaken, legal proceedings instigated and sentences handed down for offences of abuse of authority and indicate whether the victims or their beneficiaries obtained due reparation. He would like to know which body was responsible for investigating killings committed by the security forces in the exercise of their duties and determining whether or not the use of force was justified; and whether there were effective mechanisms in place to ensure due sanction when the force used was found to have been excessive. Information about in-force legislation regulating the use of force would be useful in that connection. He would particularly like to know whether that legislation conformed to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

20. He invited the delegation to comment on the accuracy of reports, as highlighted by the United Nations Special Rapporteur on torture and confirmed by civil society and lawyers, that the police force routinely used torture and ill-treatment to extract confessions from persons who refused to “cooperate” or were suspected of having committed offences of a political nature and that such confessions were subsequently used to secure convictions in trials that were often unfair. He would particularly appreciate its comments on allegations of a tendency for the courts to accept confessions alleged to have been obtained through torture even when the confession constituted the only item of evidence against the accused; and of prolonged torture being used against persons implicated in destabilizing political activities, often in unofficial places of detention. He wondered whether the fact that the most frequent perpetrators of ill-treatment were apparently officers of the criminal investigation police – the body responsible for investigating abuse of authority of that kind – affected the force’s credibility; and, more generally, what was being done to ensure that the legal prohibition of torture was respected. He would also like details of the steps being taken to provide rehabilitation and reparation for victims and their beneficiaries, and an update on the specific cases of Agustín Esono Nsogo and Rufino.

21. Insufficient staffing levels, limited training, inadequate food, overcrowding and minimal access to medical care, inter alia, all contributed to the very poor conditions of detention prevalent in the country’s prisons and jails, which were incompatible with respect for human dignity. The delegation should therefore provide details of any measures planned or under way, including recruitment and training programmes, infrastructure upgrades and new building work, that would help to improve those conditions. It should also comment on allegations of systematic recourse to corporal punishment and tacit tolerance of the widespread inter-prisoner violence in Bata and Black Beach prisons; a near total ban on family visits in the latter prison; the absence of any policy that might allow parents to maintain contact with their children while in detention; and a failure to separate men, women and children.

22. Up-to-date figures for the total prison population and the number of detainees being held pending trial and the actual population and official capacity of each detention centre would be appreciated. We would also like details of any system of prison inspection that might exist, the number of inspections that had been conducted and any follow-up given to those visits, as well as information about any available non-custodial alternatives to detention.

23. **The Chair**, speaking as a member of the Committee, said that that he would appreciate more information about specific measures taken to combat the stigmatization of persons with HIV/AIDS and members of the lesbian, gay, bisexual, transgender and intersex community. Although the Government had run campaigns to address discrimination against persons belonging to those groups and homosexuality was not outlawed, it appeared that members of the lesbian, gay, bisexual, transgender and intersex community continued to face discrimination and, in some cases, even dismissal from their jobs. He wondered how the authorities dealt with direct discrimination of that kind.

The meeting was suspended at 16.05 and resumed at 16.25.

24. **Mr. Ondo Nkumu** (Equatorial Guinea) said that duly ratified international instruments formed part of the constitutional body of law and were therefore superior to all national laws without constitutional status. Accordingly, any provision of codified or customary law, or any interpretation thereof, that ran counter to the Covenant could be challenged in court and its application could be declared null and void.

25. **Mr. Nsue Mokuy** (Equatorial Guinea) said that the Constitutional Reform Commission had invited representatives of all political parties legally established in the country to participate in the review process and all except two had done so. The resultant reforms were therefore a consensus product, reflecting a spectrum of political views, not just those of the ruling party.

26. There were three Government bodies working to protect and promote human rights in Equatorial Guinea: the Human Rights Department of the executive branch of Government, responsible for implementing human rights policy; the Human Rights Commission, a parliamentary body whose main function was to examine and address proven violations of human rights; and the National Centre for Human Rights, responsible for disseminating details of decisions taken by all bodies working in the human rights field. The possibility of the Centre becoming a national human rights observatory operating in accordance with the Paris Principles had been discussed between representatives of Government, civil society, the press and other bodies.

27. **Mr. Mba Chama** (Equatorial Guinea) said that the idea of transforming the Centre into an independent human rights observatory had first been raised during an international human rights conference. It had since been decided that the Centre would in future be known as the Centre for the Promotion of Human Rights and Democracy in Equatorial Guinea and would indeed adhere to the Paris Principles.

28. **Mr. Ondo Nkumu** (Equatorial Guinea) said that a multisectoral commission had been established about 10 years previously to assume responsibility for the codification of laws. Its main task, however, was to update the content of the country's often outdated legal texts. A draft update of the Criminal Code, which was essentially an *ex novo* reworking, would be presented to the legislature in the near future.

29. **Mr. Nsue Mokuy** (Equatorial Guinea) said that the Ombudsman was a deputy selected by other members of the Chamber of Deputies and members of the Senate. A copy of the latest activity report could be provided if the Committee wished. The Ombudsman had recently concluded an agreement with the United States of America under which the latter provided funding for awareness-raising campaigns targeting local authorities in remote areas of the country as well as the wider population. The Ombudsman worked closely with the Human Rights Commission and the Centre for Human Rights.

30. The collection, management and accuracy of statistical data was an area in which considerable improvement was acknowledged to be needed. For that reason, regrettably, the delegation was unable to provide the Committee with the figures requested at present.

31. As part of efforts to combat corruption, Equatorial Guinea had recently acceded to the United Nations Convention against Corruption. An anti-corruption law was in the pipeline. Three corruption cases were currently before the courts but out of respect for the parties involved he was unable to disclose names at present. Details would be released once sentences had been handed down. The Government's intention was to prosecute all persons deemed to be corrupt; the office of the special prosecutor for administrative investigations and the national integrity framework had been created precisely for that purpose.

32. **Mr. Ondo Nkumu** (Equatorial Guinea) said that the special prosecutor's office had been created a few years previously to investigate and prosecute corruption cases. The creation of the national integrity framework was part of a wider regional initiative to fight corruption.

33. **Mr. Nsue Mokuy** (Equatorial Guinea) said that, although in recent years there had been a degree of conflict between members of the National Commission responsible for implementation of the Extractive Industries Transparency Initiative, who were

representatives of various political parties and not just the ruling party, the Commission had now resumed normal operation, having recently met with the Minister for Mining.

34. There had not been any executions in Equatorial Guinea since the adoption of a moratorium on the death penalty. Under colonial rule, however, it had been used for certain crimes.

35. **Mr. Ondo Nkumu** (Equatorial Guinea) said that the courts continued to hand down death sentences because of the existing legislative framework. However, those sentences could not be carried out because of the moratorium and there had been no known cases of the death penalty's use since the moratorium's adoption. The status quo would continue until the completion of the ongoing process, within the framework of the Constitutional reform, of formal and total abolition of the death penalty.

36. **Mr. Nsue Mokuy** (Equatorial Guinea) said that, during elections, in an effort to strengthen national security, the Government routinely closed the borders to prevent illegal entries into the country and disturbances. The events of 2016 and 2017 had not happened during emergencies as foreseen by the Constitution, but during an attempted coup. The Government was doing its utmost to fight the security forces' impunity and abuses. Unlike in the past, the civilian authorities had now been empowered to report the security forces for punishable offences.

37. While no specific legislation had been adopted to prevent discrimination against women, the Constitution prohibited all types of discrimination. The Senate was also examining legislation to prevent gender-based violence. The Government would use all available resources to prevent all types of violence.

38. Even though the Constitution did not prohibit violence against lesbian, gay, bisexual and transgender persons, it did guarantee the rights of all persons. While homosexuality was not expressly prohibited by law, he wished to stress that Equatorial Guinean society was chiefly patriarchal and, on the mainland at least, the demonstration of any sign of homosexuality was severely frowned upon. Therefore, given that homosexuality was not publicly visible in the country, the Government had not adopted any laws to protect homosexuals, nor did it intend to. In addition, the Government was not aware of any cases of homosexual persons being dismissed from their jobs.

39. On the question of women's equality, the law gave equal protection to all, before the Government, courts and society at large. On the question of women's political representation, the Government could not yet achieve parity because of society's specificities. However, any trained citizen could stand for election and women were represented in the Senate and in some ministries.

40. The meaning of sexual harassment needed to be better defined as it was not understood in Europe and Equatorial Guinea in the same way. Any instances of sexual harassment of which the Government had been made aware had been penalized. The Government recognized its own shortcomings and looked to the Committee for guidance in order to improve and would, in the interim, continue to codify its laws.

41. **Mr. Ondo Nkumu** (Equatorial Guinea) said that although the Civil Code was outdated, the courts interpreted and applied it in the light of the rights and principles enshrined in the Constitution.

42. **Mr. Nsue Mokuy** (Equatorial Guinea) said that all land belonged to the State, but that both men and women could request land tenure.

43. Polygamy was regulated by customary laws and was recognized as lawful marriage. A survey had shown that most women preferred polygamy to other forms of marriage. Polygamy was never imposed and could not be said to amount to the enslavement of women. Such matters should not be used to demonize the Government.

44. Cases of violence between husband and wife were referred to the Government ministry responsible for seeking a remedy. The Government did not compile statistics on that issue.

45. A psychiatric rehabilitation centre had been set up and training units established nationwide provided sex education, with a view to preventing sexually transmitted diseases. At hospitals in large cities, treatment for HIV/AIDS and tuberculosis was paid for by the State.

46. As Equatorial Guinea was a mainly Catholic country, abortion was socially unacceptable. However, the Government allowed abortion in case of rape, or where the pregnancy endangered the woman's health.

47. **Mr. Ondo Nkumu** (Equatorial Guinea) said that the Government recognized that there had been cases of murder using weapons that lawfully belonged to the security forces. However, those weapons had been used outside the framework of the security forces' activities, so to attribute such acts to the Government was an exaggeration. The case of Jose Vidal was likely such a case. Criminal proceedings would be brought against those responsible for the offences.

48. **Mr. Nsue Mokuy** (Equatorial Guinea) said that there had been proven cases of torture and that those responsible had been removed from duty and brought to justice.

49. As wealth had grown in the biggest cities, so too had public violence, with more cases of theft, for instance. The Government had taken steps to contend with the increase in the prison population by building new prisons. He did not agree that prisoners were held in poor conditions.

50. **Mr. Ondo Nkumu** (Equatorial Guinea) said that the Government had been logistically and financially unprepared for the unexpected, exponential increase in criminality. The budget earmarked for feeding prisoners was more than sufficient. To say that prisoners lacked access to health care was equally untrue. The Government had recently opened a new prison and was building yet another, with a range of modern services. It also focused on preparing and educating prisoners with a view to their social integration on leaving prison.

51. **Mr. Nsue Mokuy** (Equatorial Guinea) said that a number of Government institutions were shortly due to visit and inspect prisons around the country. Prisoners had access to their families, lawyers and the International Committee of the Red Cross (ICRC).

52. **The Chair** said that he appreciated the delegation's frank approach to the constructive dialogue. The Committee had no intention to judge or demonize States parties. It was trying to ascertain how States parties were implementing their obligations under the Covenant in order to make recommendations regarding possible improvements. The Committee conducted extensive research, including by reading reports by international bodies, in order to provide information to States parties so that they could confirm or correct that information where necessary. The Committee was grateful for any further information the State party could provide.

53. The Government had little room for manoeuvre on certain issues because of societal attitudes, which prevented it from implementing the treaties to which it was party. The Committee did not judge or rank different societies on the basis of their values, views and cultures.

54. **Mr. Zimmermann** said that he wondered whether the delegation could provide specific examples of cases in which outdated provisions of the Civil Code had been ruled to be unconstitutional and were therefore no longer applicable. In a similar vein, he would be interested to know whether any norms of customary law, such as polygamy, had been found by the Constitutional Court to be incompatible with the Covenant. Lastly, he wondered whether he had understood correctly that, in cases of marital rape, there was a legal presumption that the woman would pardon her husband, and that the husband's authorization was required in the event that a woman sought an abortion.

55. **Mr. Koita**, while welcoming the information provided by the delegation and the constructive nature of the dialogue, said that statistical data and specific information were necessary for the Committee to be able to adequately review the State party's compliance with the Covenant. He would therefore be grateful to receive more information on the prison reforms that were being undertaken and examples of cases in which victims had

been provided with effective remedy and reparation under Act No. 6/2006 on the prohibition of torture. Details of the content of the reform or changes to the Criminal Code and Code of Criminal Procedure would also be appreciated. Lastly, he encouraged the State party to continue its efforts to prevent unlawful or arbitrary executions, bring to justice any members of the security forces who committed such acts and ensure that victims and members of their families were provided with redress and reparation.

56. **Mr. Quezada Cabrera** said that he wished to know if he had understood correctly that the State party was undertaking constitutional reforms with a view to abolishing the death penalty and that it envisaged becoming a party to the Second Optional Protocol to the Covenant thereafter. On the issue of corruption, he had consulted various sources in the public domain, including the United States Department of State 2018 Country Reports on Human Rights Practices. Corruption was a global issue, affecting all States to a greater or lesser extent. Regrettably, however, corruption in developing countries in effect funnelled resources away from measures intended to improve the cultural, social and economic rights of citizens. He would be interested to learn more about the new Office of the Special Prosecutor for Corruption, including whether it was now fully functioning and, if so, whether information on any investigations it had conducted could be provided.

57. **Ms. Tigroudja**, noting that Equatorial Guinea was a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), wished to know what specific measures were being taken by the State party to raise public awareness of discrimination against women, address violence against women and bring about a change in patriarchal attitudes and practices. With reference to the African Charter on the Rights and Welfare of the Child, to which Equatorial Guinea was also a party, she would be interested to know what measures had been taken or were envisaged to improve birth registration rates and tackle all forms of discrimination against girls, obligations that were also reflected in article 24 of the Covenant.

58. **Mr. Bulkan** said that, during the third cycle of the State party's universal periodic review, it had been alleged that the indigenous Bubi population had been subjected to the expropriation of its land, without compensation, which had led to serious consequences. The Bubi people had also reportedly faced restrictions on their right to freedom of movement and had been prevented from taking part in the conduct of public affairs, whether directly or through freely chosen representatives. He invited the delegation to comment on those allegations, indicating any measures that were in place or envisaged to protect the Bubi people and providing data on their representation in public and political life.

59. **Ms. Abdo Rochell** said that she would be grateful for specific information on the body responsible for receiving complaints of rights violations and on the training provided to judges, prosecutors and other law enforcement officials on the provisions of the Covenant and their application. She would also like to know whether the delegation could provide examples of any decisions in which the courts had applied the provisions of the Covenant.

60. **Mr. Ondo Nkumu** (Equatorial Guinea) said that, in the event of a conflict, the Covenant and the Constitution prevailed over customary law and outdated provisions of the Civil Code. For example, according to the customs of the Fang ethnic group, women lost their rights in the event of separation or divorce and thus had no claim over assets acquired during the marriage. However, the Constitutional Court had ruled that that custom was incompatible with the Constitution and the international conventions to which Equatorial Guinea was a party. In so doing, it had invoked the principles of gender equality and non-discrimination and established that both spouses had equal rights over marital assets.

61. The issue of abortion was, in reality, an unregulated area. Women were not prosecuted for unlawful abortions, but it was prohibited under the Criminal Code, which had been inherited from the colonial system. It was hoped that the new Civil Code would clarify the issue, not by decriminalizing abortion entirely but by permitting it in certain circumstances, particularly where pregnancy resulted from rape or incest or when the woman's life or health was at risk.

62. **Mr. Nsue Mokuy** (Equatorial Guinea) said that the customary practice of imprisoning women for non-repayment of dowries in case of separation had also been found to be incompatible with the Covenant and thus no longer existed. A woman seeking an abortion was not expressly required to obtain authorization from her husband, since spouses arrived at such decisions together. Regarding marital rape, understanding of that concept varied among the country's different ethnic groups. Moreover, modern European attitudes were not necessarily shared by African nations.

63. A bill aimed at abolishing the death penalty was currently before the parliament. It was hoped it would be adopted in the near future, paving the way for ratification of the Second Optional Protocol to the Covenant. The new Office of the Special Prosecutor for Corruption was in its infancy and information on cases was therefore only just being collected. Lastly, in big cities parents had 45 days in which to register a birth, as a result of which there were hardly any unregistered children.

The meeting rose at 6 p.m.