

GUINEA ECUATORIAL: Women and Human Rights

Communication presented to the UN Commission on the Status of Women
August 2021

PREPARED BY:



ASAFED



WITH THE SUPPORT OF:



Executive Summary

1. Equatorial Guinea has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol. In addition, Equatorial Guinea endorsed several recommendations relating to the elimination of discrimination against women in the last Universal Periodic Review. At the national level, some campaigns have been carried out aimed at eradicating gender-based violence. However, cases of discrimination and, above all, violence against women continue to proliferate.

2. The government has repeatedly committed itself to developing laws to protect against violence against women, but no adequate legislation has been enacted. We must stress, in any case, that the existing laws promoting equality between men and women, based on the national Constitution itself, have not succeeded in changing attitudes and decisions that discriminate against women in practice.

3. This report has collected witness and victims' statements that, for reasons of security and privacy of the victims, had to remain anonymous. They report serious cases of torture at the hands of security agents; also, cases of discrimination and violence against women based on their sexual orientation; cases of sexual violence against minors; cases of discrimination against women with disabilities; and cases of women discriminated against within the family: inheritances, early marriages; or cases of sexual extortion.

4. The testimonies reveal a serious situation that requires urgent action by the authorities. There must be a comprehensive plan for the protection of women, ensuring that the judiciary complies with existing legislative measures in accordance with CEDAW.

5. This communication concludes with recommendations to the government in order to use judicial mechanisms to prosecute and punish cases of violations of women's human rights; to develop comprehensive assistance programs for the victims of such violations; adopt a law against gender-based violence, as well as implement existing provisions. Finally, the government is called upon to promote the use of the Optional Protocol to CEDAW in the country. These recommendations should, in any case, be accompanied by structural measures to ensure separation of powers and judicial independence.

Introduction and Methodology

6. The **Equatoguinean Commission of Jurists, EG Justice, Somos Parte del Mundo, the Asociación Africana de Educación para el Desarrollo** (with consultative status with ECOSOC) and the **Asociación de Apoyo a la Mujer Africana** submits this communication to the UN Commission on the Status of Women with the aim that, through this mechanism, the authorities of Equatorial Guinea will be compelled to take measures for the protection of women, as well as measures to eliminate the various forms of discrimination they suffer and which are reflected here.

7. This brief document presents some of the cases of discrimination suffered by women in Equatorial Guinea in the following areas: violence and discrimination in the family environment and by public institutions, cases of violence and discrimination against women with disabilities and, finally, cases of violence and discrimination based on sexual orientation. Although the first category covers in part the following ones, it has been considered relevant to highlight the cases of both people with disabilities and the LGTBIQ+ groups because of their importance and seriousness.

8. The structure of this communication first details the commitments made by the

Government of Equatorial Guinea at UN level and then introduces examples of discrimination suffered by each area.

9. Members from civil society participated in the preparation of this report; focus group discussions have been organized with 40 community leaders, teachers, and young students. In addition, nearly 25 victims or witnesses have been interviewed directly.

10. Of the focus groups with community leaders, students and teachers: 25 of the 40 indicated that gender-based violence is one of the main problems they notice in their neighborhoods, ahead of drug addiction and robberies with violence.

11. For the preparation of this communication, technical support has been provided by the Project of Support and Protection to Civil Society of Equatorial Guinea (APROFORT) financed by the European Union. The content of this communication does not necessarily reflect the views of the European Union.

Violence and discrimination in the family environment and by institutions: commitments.

12. In the last Universal Periodic Review of Equatorial Guinea before the United Nations Human Rights Council, the government endorsed up to 35 recommendations made by different countries in this area.

13. Among the recommendations endorsed by the Government of Equatorial Guinea are the following: Strengthening the legal framework to protect women; preventing and prosecuting sexual violence as well as providing assistance to victims; raise awareness, train and educate to combat violence against women and girls; combat early marriage; criminalize domestic violence against women; train the authorities; adopt measures to increase women's education and reduce school drop-outs; pay special attention

to rural women; to guarantee financial means to programmes to promote gender equality.

14. Despite the commitments made by the country, it has been possible to gather the following evidence.

Discrimination against women in the military

15. Testimonies have been received from women who have been ill-treated in the army after it became known that their sexual orientation was not in accordance with the opinion of army commanders or their colleagues. For example, a military woman who was beaten by several members of the armed forces tried in the military jurisdiction 64/2018 summary case, and tried in 2019, culminated in the conviction for "dishonest" behaviors of the victim of the assaults and his expulsion from the army, while the aggressors were only punished with minimal fines. In another case, a military woman was brutally tortured, eventually having to leave the country due to harassment and having been convicted in a military trial in similar circumstances.

16. The organization "Somos Parte del Mundo" has denounced¹ the role of Lieutenant Santos Edú Edú, whose last known detachment is that of the Musola Military Camp on the island of Bioko. His clear animosity to women in the military in general, and especially to lesbians during their training in the army, has resulted in serious physical and psychological damages to his victims. These humiliating and criminal behaviors within the army have gone unpunished or minimally sanctioned as indicated in the previous point.

17. Another testimony relates how, while in the army, she was imprisoned for several months, affecting her mental health in addition to losing her job. Another testimony

¹ See publication in "State homophobia", 2019: <https://trifoniamelibea.weebly.com/uploads/1/2/6/8/126889812/derechosalud.pdf>

described situations of torture at the military academy because of their sexual orientation consisting of beatings and humiliations, including drowning torture techniques.

Sexual extortion

18. As indicated below, many arbitrary arrests require the payment of an illegal fine to be able to leave police cells. In at least one case, the police referred to this type of payment as: "cell rights", which has no legal basis.

19. Several anonymous testimonies denounced sexual abuse or extortion in the sports field, indicating that some players of the national sports teams have been extorted demanding sexual favors in exchange for being chosen in the national teams.

Discrimination in the family environment

20. Several testimonies have reflected the situation suffered by several women within their marriage, where the equality of men and women is not respected despite the provisions of the Constitution or Basic Law in force. These practices stem in part from abusive interpretations of traditional precepts.

21. In several cases of separation of couples, the woman is left in a precarious situation, stripping her of almost all the property to which she would be entitled. Similarly, in the distribution of inheritances, the equality of men and women are not taken into consideration.

22. It is still common for the authorities to discriminate against women who dare to report gender-based violence. This situation deters victims from asking the authorities to do so.

Rape and harassment of minors

23. National television has on several occasions in the past year published images of interviews with underage girls, albeit in some cases concealing their faces, where they had

to make statements about alleged rapes they had suffered.

24. These practices are contrary to the dignity of minors, and it should be noted that, in many cases, these cases go unpunished because the complaints have been withdrawn due to pressure, fear or for reaching economic agreements with the alleged rapists.

25. As many as 9 of the 40 interviewed among community leaders, students and teachers have indicated that rape and harassment of underage girls are very common.

Early Marriages

26. Although the practice of early marriages does not seem to be widespread, there are cases that should be monitored by the authorities. One of the testimonies collected mentions a case of a 12-year-old girl forced to marry a polygamous adult. As a result of this marriage, the youngest had several children and has not been able to continue a normal childhood.

Women with disabilities: commitments.

27. The Committee on Economic, Social and Cultural Rights² in 2012 called on the Government of Equatorial Guinea to strengthen and improve the collection of statistical data to make it reliable and to include information about persons with disabilities; it further recommended that sufficient funds be allocated to combat poverty with a particular focus on disadvantaged persons, including women with disabilities. This committee, as well as the Committee on the Elimination of Discrimination against Women,

² document: E/C.12/GNQ/CO/1 CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: EQUATORIAL GUINEA, <https://uhri.ohchr.org/es/documento/63721f87-9880-4056-95b8-2c6b25b658d3>

also³encouraged Equatorial Guinea to consider acceding to the Convention on the rights of women with disabilities.

28. In 2019, the United Nations Human Rights Committee expressly recommended that Equatorial Guinea effectively protect persons with disabilities, while all cases of discrimination be addressed. It also recommended that extensive education campaigns be carried out in respect for diversity.⁴

29. During the last Universal Periodic Review of 2019, Equatorial Guinea endorsed the recommendations of Cuba, Fiji and Myanmar regarding the promotion and protection of persons with disabilities, particularly to ensure their full social integration, particularly in health, education and employment.⁵

30. Despite the commitments made by Equatorial Guinea and the repeated recommendations, there are still widespread cases of discrimination and very little progress in relation to women with disabilities.

Sexual abuse and rape of women with disabilities

31. A testimony gathered, and which required his anonymity, stated a case of rape that resulted in a pregnancy. She said the rape perpetrated by a close relative. The victim could not find shelter outside the family

³ recommendation 52, document: CEDAW/C/GNQ/CO/6 CONCLUDING OBSERVATIONS ON THE 6TH PERIODIC REPORT OF EQUATORIAL GUINEA, ADOPTED BY THE COMMITTEE AT ITS 53RD SESSION (1-19 OCTOBER 2012),

<https://uhri.ohchr.org/es/documento/2ed9b228-7f06-4142-ba50-443ef50f0264>

⁴ Recommendation 25, document CCPR/C/GNQ/CO/1 CCPR/C/GNQ/CO/1, <https://uhri.ohchr.org/es/documento/9432da3f-97dd-4725-b763-e86785c13fd4>

⁵ Recommendationones 122.52, 122.127 and 122.165document A/HRC/42/13 Report of the Working Group on the Universal Periodic Review, <https://uhri.ohchr.org/es/documento/23bd38e0-26c1-4df6-a484-62b70a6040b0>

environment due to the lack of alternative options, so she continues to live under the roof of her assailant. In many cases, women do not report due to family pressure and there are no alternative mechanisms that can guarantee comprehensive protection for women with disabilities who decide to report.

Employment discrimination against disabled women

32. Testimonies that have asked to remain anonymous for their safety, have indicated that many women with disabilities are not hired despite having the qualifications and skills to perform these activities. In general, "if you don't have a recommendation from the first lady," they said, "no one hires women with disabilities."

33. Most assistance to persons with disabilities in the country is provided by non-governmental organizations, which receive donations from private companies or other national and international organizations. This situation leads to the failure to develop a comprehensive policy of support, and the only available assistance depends on the will of other institutions, which is not permanent and unsustainable in the long term.

Discrimination based on sexual orientation: commitments

34. During the Universal Periodic Review of Equatorial Guinea before the Human Rights Council, the government endorsed the recommendation to adopt measures to combat the stigmatization of lesbian, gay, bisexual, transgender and intersex persons and to promote and protect their human rights.

35. Despite these commitments, it has been possible to gather chilling testimonies that we detail below.

Discrimination and aggression based on sexual orientation

36. At least three testimonies of victims of 23, 25 and 28 years old reported that they suffered physical abuse and threats within their family, in addition to professional isolation for being a lesbians.

37. A 21-year-old woman explained in her testimony that her family had taken her baby at birth and had to leave her home, now she is hiding so as not to be located by her relatives.

38. In another of the anonymous complaints received, the family of the victim of a case of forced motherhood threatened to take away her son; another testimony explains that she suffers beatings in her home, her newborn died and she was accused of having caused that death because of her sexual orientation.

Forced motherhood as a means of "healing"

39. In many cases, families believe they can change the sexual orientation of their lesbian daughters by forcing them to become pregnant (forced motherhood) by having non-consensual sex or by social and family pressures.

40. At least two testimonies have explained how their families forced them to become pregnant for their "healing" after learning they were lesbians or transgender. This situation leads to social and family uprooting. In many cases the victims say they do not have the means to support their children, they do not know the parents the newborn is a result of rape or a non-consensual relationship, or even feel detached from the baby due to the circumstances in which the newborn was conceived, also generating psychological problems.

41. Another young woman explains how she has been disowned by her family after finding that she did not change her sexual orientation, despite being forced to have the baby.

Social and employment discrimination

42. There were also reports of other cases of discrimination or mistreatment at the social level by classmates or by landlords who threaten to evict lesbian or transgender women.

43. Another woman denounced family pressures not to be hired. Another transgender woman also said she was fired from work after her sexual orientation was known.

Arbitrary detentions, torture, and rape

44. Several arbitrary arrests have taken place because of the women's sexual orientation. A 20-year-old Malabo student testified to being arrested simply because she was a lesbian.

45. In the city of Bata, a lesbian couple was arrested, one of the victims of this arbitrary detention was detained for 2 weeks without charge.

46. In another case, a student said she was held for 3 days for being a lesbian and was extorted to pay for her release from prison, which is a "common practice", as several testimonies coincide to indicate.

47. In one reported case, after physical abuse within the family, the victim said she had been taken to a police station where she was "tortured with bats and cables".

48. Another chilling anonymous testimony stated that, after she was taken to police premises by a relative because of her sexual condition, she was raped by two police officers.

49. During these arrests, the victims are humiliated or extorted for the payment of illegal fines to be released. Bribes are regularly demanded by law enforcement agencies in addition to the multiple beatings or abuses in police stations of members of the LGBTIQ+ collective.

Recommendations

50. The Government of Equatorial Guinea, including the public prosecutor's office assigned to the family and guardianship courts for minors, should act urgently and ex officio to determine before a judge the responsibilities in cases of clear crimes of harassment, sexual abuse, rape of women and girls.

51. The government should implement comprehensive assistance programs for women with disabilities that include access to and promotion of employment, legal, psychological, and personal protection assistance.

52. Develop a law against gender-based violence as promised in several forums.

53. The authorities must investigate and punish cases of abuses by the security forces and the army. These measures should pay special attention to cases of discrimination,

torture, or ill-treatment of the LGBTBIQ+ collective.

54. Develop women's empowerment programs, including the promotion of equal access to positions of responsibility in both public and private companies.

55. To adopt institutional measures designed to ensure the separation of power and, particularly, the independence of the judiciary to ensure the protection of women within the current legal system and in accordance with the provisions of the United Nations.

56. The Government of Equatorial Guinea must ratify the Convention on the Rights of People with Disabilities and its optional protocol - CRPD. In addition, it will have to develop the necessary legislation for the protection of people with disabilities.

57. With the participation of civil society, the optional protocol to CEDAW should be promoted throughout the country.