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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Equatorial Guinea\***

The present report is a summary of seven stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. Equatorial Guinea Justice (EGJ) noted that notwithstanding the obligations in a number of international human rights treaties ratified by Equatorial Guinea and the constitutional reaffirmation of these treaty obligations, the Government continued to neglect its people's rights to primary health care, education, water and sanitation, and the right to be free from torture and other cruel, inhuman or degrading treatment.<sup>2</sup>
2. Amnesty International (AI) recommended that Equatorial Guinea ratify all outstanding human rights treaties, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, and the Optional Protocol to the Convention against Torture.<sup>3</sup>
3. Human Rights Watch (HRW) recommended that Equatorial Guinea remove its reservations to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>4</sup>

### **B. Constitutional and legislative framework**

4. AI recommended the incorporation of the provisions of international human rights standards into domestic law. It noted in particular that the 1967 Penal Code and the Penal Procedures Code should be brought into conformity with international human rights law.<sup>5</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **Implementation of international human rights obligations**

#### **1. Right to life, liberty and security of the person**

5. Despite recent improvements, as reported by AI, human rights violations continue to be committed by the security forces against wide sectors of the population. Torture and ill-treatment, deaths in custody, unfair trials, arbitrary arrest and incommunicado detentions are still described by AI as common practices. AI noted that the situation was exacerbated by the lack of training of and accountability mechanisms for the security forces, with impunity virtually guaranteed for those who commit these violations. AI recommended that systematic training be provided to all law enforcement officials on their responsibility to protect human rights.<sup>6</sup> HRW recommended that the Government ensure that an independent appraisal be made of the effectiveness of human rights training given to security and law enforcement agencies.<sup>7</sup>
6. AI has received numerous reports of enforced disappearances, relating to Equatorial Guineans exiled in neighbouring countries that have reportedly been abducted and unlawfully transferred to secret detention in Equatorial Guinea. Suspected criminals have also allegedly been subjected to enforced disappearance.<sup>8</sup> AI recommended thoroughly investigating all reports of abduction of political opponents from neighbouring countries and bringing those responsible to justice; publicly acknowledging the detention and disclosing the whereabouts of those held; introducing an effective registry of prisoners to ensure that they can be promptly traced and allowing unrestricted inspections by national and international organizations to all places of detention.<sup>9</sup>
7. EGJ noted that individuals who are taken into police and gendarmerie custody face the threat of being tortured or suffering cruel, inhuman or degrading treatment; victims fear reprisal for reporting abuse while in custody and the torturers are rarely punished for their heinous acts.<sup>10</sup>

AI indicated that it received reports of torture or other ill-treatment, primarily of suspected criminals, in police stations, especially in Bata. Convicted criminals are reportedly routinely beaten in both Black Beach and Bata Prisons as punishment. AI further indicated that torture and other ill-treatment are mostly reported at the time of arrest and in pre-trial detention. It is practiced to obtain confessions to use as evidence in court, contrary to international human rights standards, and as punishment. AI noted that in the absence of a juvenile justice system, such treatment was also meted out in police stations to minors suspected of petty crimes.<sup>11</sup>

8. According to AI, torture and other ill-treatment usually consist of beatings on parts of the body, commonly on the sole of the feet and buttocks, with batons, rubber-covered cables, and sticks; and electric shocks with battery chargers or car batteries. The detainees often have their hands and feet tied together and are then suspended from the ceiling and beaten. Sometimes a heavy object is placed on their backs. They rarely receive medical treatment for injuries sustained as a result of torture or other ill-treatment.<sup>12</sup> Since 1998, AI has recorded several cases of death in custody as a result of torture.<sup>13</sup>

9. Incommunicado detention for long periods is not rare, according to AI. Although it is more common for political detainees to be held incommunicado following their arrest, prolonged incommunicado detention *after* their conviction, presumably as a form of punishment, is also not uncommon. AI recommended ending immediately the practice of incommunicado and secret detention.<sup>14</sup> AI was also concerned that since December 2007, when the authorities banned visits to prisons by families and other communications with the outside world, prisoners throughout the country are *de facto* held in incommunicado detention.<sup>15</sup> HRW and AI recommended granting families access to the detained.<sup>16</sup>

10. AI said that it also recorded deaths that have occurred as a result of the denial of medical care for chronic illnesses or diseases contracted while in detention.<sup>17</sup> AI recommended improving conditions of detention, particularly in police station by providing, food, water, sanitation and washing facilities and by reducing overcrowding.<sup>18</sup> It also recommended removing immediately handcuffs and shackles from prisoners and abstaining from their further use.<sup>19</sup> EGJ noted that in clear violation of international norms, women and children in police or gendarmerie custody are not separated from the adult male prison population, making them extremely susceptible to violence and sexual abuse.<sup>20</sup> HRW recommended that the Government allow foreign diplomats and human rights groups access to prisons and detention centers to monitor the condition of prisoners and prisons.<sup>21</sup>

11. The Global Initiative to End all Corporal Punishment of Children (GIEACPC) noted that corporal punishment is lawful in the home, stressing that the Spanish Civil Code in force allows parents and guardians to use “reasonable and moderate” forms of “correction”, although children are also protected from excessive punishment under the Code. Corporal punishment is also lawful in schools and in alternative care settings, as further noted by GIEACPC. The Education Act states that discipline in schools must respect the dignity of the child. The Ministry of Education has launched a campaign to stop the use of corporal punishment in schools, but there is no explicit prohibition of corporal punishment in law. GIEACPC further stressed that they were unable to ascertain the legal status of corporal punishment in the penal system, as a sentence for crime or as a disciplinary measure in penal institutions. Highlighting the recommendations made by the Committee on the Rights of the Child and the Human Rights Committee on these issues, GIEACPC recommended introducing legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home.<sup>22</sup>

## 2. Administration of justice, including impunity, and the rule of law

12. Recognizing that the enactment of Law 6/2006 banning torture and other ill-treatment, despite some shortcomings, is a step in the right direction, AI called on the government to ensure its effective implementation. It noted that despite the promulgation of the law, impunity prevails, and stated that it knew of only one police officer tried in early 2008 and sentenced to seven months' imprisonment in connection with the death of a man as a result of torture. However, AI stressed that other officers, some of them high-ranking, known to have regularly tortured detainees, continued in active service in police stations.<sup>23</sup> HRW recommended prompt investigations of allegations of torture and accountability for perpetrators.<sup>24</sup> AI recommended that all police officers or other law enforcement officials suspected of being responsible for acts of torture or other ill-treatment be brought to justice, in accordance with international standards for fair trial; and that reparation be ensured, including fair and adequate compensation for victims of torture and other ill-treatment inflicted by state agents.<sup>25</sup> EGJ recommended the implementation of the recommendations made by the Special Rapporteur on Torture to Equatorial Guinea concerning torture and inhuman treatment by the State's military and police.<sup>26</sup>

13. AI indicated that confessions, including those obtained under torture were regularly admitted in court and often constitute the main if not the only basis for conviction. It also stressed that defendants seldom had access to lawyers until a few days before their trial, which seriously limited the ability of lawyers to prepare an adequate defence. AI further noted that in violation of both Equatorial Guinean law and international law, defendants were often tried in their absence; sometimes even when they were known to be detained in Equatorial Guinea.<sup>27</sup>

14. AI stated that trials of large numbers of people accused of plotting to overthrow the government have occurred at regular intervals, most recently in July 2008. AI reported that such trials invariably failed to comply with international standards of fairness. In the past they were routinely conducted by military courts, using summary procedures and without right of appeal against conviction or sentence, and the judges were appointed by the government and had little or no legal training. AI indicated that since 2002, some trials of political opponents and others charged with plotting or attempting to overthrow the government had been held in civilian courts. Nevertheless, these trials were grossly unfair.<sup>28</sup> AI recommended that arrests be carried out in accordance with the law, by law enforcement officials, that military courts should not be used to try civilians or to try military personnel except for purely military matters; and that all trials be conducted in accordance with international standards for fair trial.<sup>29</sup>

15. Although the right to *habeas corpus* is guaranteed in Article 13 of the Constitution, AI considered that it was not respected by the authorities, and called on the Government to ensure that *habeas corpus* is an effective resource and that writs of *habeas corpus* are dealt with as a matter of urgency. AI also recommended ensuring that detainees are brought before a court to have their detention legalised by a judge within 72 hours, in accordance with law, or released.<sup>30</sup>

16. According to AI, human rights violations occur in the context of a weak judicial system, which lacks independence, and in the absence of the rule of law. While Article 83 of the Constitution provides for an independent judiciary, Article 86 provides that the President is the First Magistrate of the Nation, which can be seen as negating the provisions of Article 83. In practice, there is no clear distinction between the functions of the different branches of state security forces, which are militarised and control the judicial system.<sup>31</sup> AI recommended reforms to ensure the independence of the judiciary; as well as the reform of the security forces to clearly define the responsibilities of each branch and end their interference with the judicial system.<sup>32</sup>

17. According to AI, prisons, although under the jurisdiction of the Ministry of Justice, are in effect controlled by the Ministry of Defence, with soldiers carrying out the functions of prison guards.<sup>33</sup>

### **3. Freedom of movement**

18. AI noted that soldiers often mount illegal road blocks and demand payment from those entering or exiting villages. Those who refuse to pay are often detained for several hours and beaten.<sup>34</sup>

### **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

19. According to HRW, the Government represses virtually any form of independent media. Although, at times, the media has highlighted official excesses in general terms, public and media criticism of public institutions and public sector mismanagement is actively discouraged. Criticism of the president and security forces is prohibited. HRW noted that as a result, self-censorship and fear were widespread. According to HRW citing the Committee to Protect Journalists, Equatorial Guinea ranks as the fourth most-censored country in the world. The current 1992 press law authorizes government censorship of all publications. In the past five years the government has been particularly active in restricting media freedoms regarding the oil industry in the country and related allegations of corruption.<sup>35</sup>

20. Due to censorship, repression and fear, a meaningful independent press does not exist in Equatorial Guinea, as further noted by HRW. Two non-state-controlled newspapers are published, neither of which can report critically of government activity. According to HRW, the only independent paper could not be printed, first because of a lack of newsprint itself, but also because the public's fear of being found possessing copies led to a lack of sales. Shopkeepers also require official permission to sell or distribute international newspapers or news magazines.<sup>36</sup> HRW added that there is only state radio and state television. The only private radio station is operated by the president's son, Teodorin Nguema Obiang Mangue, who also operates Television Asonga, a cable TV channel in Bata. The government generally withholds access to domestic broadcasting from opposition parties, and broadcasters refer to the opposition negatively in news programmes. HRW recommended respect for and promotion of freedom of expression in accordance with international human rights obligations, including through the enactment of an appropriate legal framework for the media that no longer permits government censorship of publications.<sup>37</sup>

21. The number of arrests of political opponents has decreased since 2006, according to AI. Nevertheless, arbitrary arrest and brief detention without charge or trial of political activists and others for peacefully exercising their right to freedom of expression, assembly, or association, continues, albeit on a smaller scale, particularly in remote areas and smaller towns on the mainland. Those arrested are normally held for short periods, varying from one day to one week. They are often made to pay "fines" to secure their release. AI noted that these arrests were carried out without a warrant, and often on the orders of civilian political authorities and members of the ruling Democratic Party of Equatorial Guinea (PDGE), who were reportedly often present when the police carried out their orders. According to AI, the arrest of political opponents tends to increase around elections, when they are arrested for peacefully exercising their rights to freedom of expression, assembly and association.<sup>38</sup> AI said that political prisoners, although not physically tortured, were subjected to other forms of cruel, inhuman or degrading treatment or punishment, including by being held in prolonged incommunicado detention, in handcuffs and/or shackles, and denied

adequate medical assistance or food.<sup>39</sup> HRW recommended that the Government produce a comprehensive list of political prisoners and provide information on the whereabouts of all prisoners.<sup>40</sup>

22. AI indicated that the practice of detaining government critics and known political opponents without charge or trial for long periods continued, with detainees sometimes charged after months and even years in detention. AI recommended that the Government ensure that nobody is arrested for exercising their rights to freedom of expression, association and assembly, and that arrests be carried out in accordance with the law, by law enforcement officials.<sup>41</sup>

23. HRW stressed that while Equatorial Guinea is nominally a multiparty democracy, through the use of criminal prosecutions, intimidation, and coercion, the government, led by the PDGE, had managed to maintain an effective monopoly over political life. HRW recalled that for some 30 years the country has been under the control of President Teodoro Obiang, with no free and fair elections since independence in 1968.<sup>42</sup>

24. HRW added that the calling of elections in 2002, 2004, and 2008 was accompanied by intimidation and imprisonment of the opposition - with the government using the pretext of thwarting a coup attempt to justify its actions. HRW stresses that the announcement of a foiled plot had usually been followed by waves of arrests of real and perceived opposition politicians, military personnel, their families and friends. Although HRW was not in a position to verify whether each alleged coup attempt was actually real, it has documented the patterns of abuse associated with the government's response against real or perceived government opponents. According to HRW, these abuses include arbitrary arrest and detention without trial, torture, harassment, and extrajudicial killing.<sup>43</sup> AI also stated that allegations of coup attempts or other attacks have led to the arbitrary arrest of political opponents and that about 30 political prisoners were currently serving long sentences after having been convicted in unfair trials of plotting against or attempting to overthrow the government.<sup>44</sup> HRW recommended the adoption of procedures to ensure free, fair, and transparent elections, including voter registration and elections training and monitoring, allowing independent foreign monitors and journalists' access; and upholding the rights of the opposition to travel freely, hold meetings, disseminate their views, and have equal access to the media.<sup>45</sup>

## **5. Right to work and to just and favourable conditions of work**

25. According to Abogacía por un Desarrollo Durable (Lawyers for Sustainable Development) (ADD), there are no statistical data on employment, and even if there were they would not be accessible. Nevertheless, there are clear indicators that the country has a high rate of unemployment, which has its roots mainly in the proliferation of recruitment agencies, which charge the employees they recruit high amounts in commission. In order to get a job, applicants have to pay considerable amounts of money in bribes. This practice, which is very common and goes unpunished, results in considerably higher levels of unemployment and, consequently, in increased poverty for many families. There is another corrupt practice which consists in companies deducting amounts from employees' wages, for payment to the political party in power. In addition to these deductions, there are also personal taxes and other levies, tax-related or otherwise. These bribes and the substantial unlawful wage deductions contribute to the rising levels of unemployment, as is evident every day in the large numbers of unemployed, both nationals and non-nationals, who wander the streets of the main towns of the provinces and districts.<sup>46</sup>

26. According to ADD, despite the promulgation of the General Employment Act and the Trade Unions Act (Act No. 12/1992 on trade unions and labour relations) and the ratification of International Labour Organization (ILO) declarations, the Government does not guarantee the rights

of employees vis-à-vis their employers, and people cannot freely join and form trade unions. Freedom of association is restricted to notaries' offices (public offices), in violation of the above-mentioned Trade Unions Act. Also, there are no formal mechanisms for collective bargaining on wages and other labour rights, and the right to strike established by the Constitution (art. 10) has not been promulgated by law. ADD states that these situations are in breach of various ILO agreements and resolutions, the International Covenant on Economic, Social and Cultural Rights, the Constitution and national labour legislation.<sup>47</sup>

## **6. Right to social security and to an adequate standard of living**

27. According to ADD, between 2001 and 2006 Equatorial Guinea had one of the highest rates of economic growth in the world (26.2 per cent according to the International Monetary Fund). The growth surge is directly related to oil-drilling, but the economic boom is not reflected in the country's ranking in the Human Development Index (HDI), where it was ranked 120th in 2006.<sup>48</sup> The Centre for Economic and Social Rights (CESR) stressed that Equatorial Guinea had become the richest country of Sub-Saharan Africa since the discovery of oil and natural gas reserves in the 1990s. GDP per capita is now over US\$ 26,000, yet almost two thirds of Equatoguineans still live on less than US\$ 1 a day.<sup>49</sup>

28. CESR stressed that Equatorial Guinea was failing to meet the requirements to use "the maximum of available resources" to realize economic social and cultural rights, as required under the International Covenant on Economic, Social and Cultural Rights. According to CESR, not only Equatorial Guinea is failing to meet its minimum core obligations but it has also experienced retrogression in the realization of economic and social rights, in particular the rights to food, health and education was apparent.<sup>50</sup> CESR called on the State to give urgent priority to ensuring that the maximum available resources are devoted to realizing the basic rights of the whole population.<sup>51</sup>

29. In the view of HRW, the evidence of a link between financial mismanagement and underfunding of essential social services is so stark that it compels the conclusion that funds have been needlessly diverted away from services and institutions critical to fulfilment of Equatoguineans' economic and social rights.<sup>52</sup> According to EGJ, the Government committed itself to allocating 40 percent of all oil revenue to the social sector in 1997 but due to the ineffective budgetary structure, neither the amount of funds in the national coffers (raised through exploitation of natural resources, commerce and taxation) nor the amounts allocated to specific sectors and programmes can be verified, audited or evaluated. EGJ stressed that the lack of budgetary transparency enabled the government and its officials to operate in a climate of secrecy, thereby enabling corruption and systemic problems to continue unchecked.<sup>53</sup> CESR expressed similar views, referring in addition to studies and investigations which documented the alleged misappropriation of billions of dollars in oil and gas revenues by the ruling family with the collusion of foreign companies.<sup>54</sup>

30. HRW added that the Government had not only failed to curb the endemic corruption, but had also consistently mismanaged its oil revenue wealth. It reported that the Government signed contracts that were extremely favourable to oil companies, had very little low revenue collection rates, and failed to audit the accounts into which oil revenues were paid.<sup>55</sup> HRW documented numerous questionable practices including: ownership by government officials of land that is rented or sold to foreign companies; contracts between foreign companies and entities in which government officials have significant ownership stakes; scholarships or other services paid to relatives of government officials by foreign investors; and transactions by government officials involving tens of millions of dollars in cash withdrawals or to purchase luxury items.<sup>56</sup> HRW recommended that the Government establish a clear fiscal policy for transparent management of oil

wealth, including making the budget public, identifying the location of foreign accounts, and conducting an audit of government accounts. It also recommended progressively realising the rights of access to health and education and ensuring appropriate allocation of resources to that end; ensuring that government officials declare their assets and that this is verifiable (as provided for by Equatorial Guinea law); setting up a genuinely independent anti-corruption commission empowered to investigate and prosecute those implicated in corrupt practices and authorizing the publication of federal and local government budgets.<sup>57</sup>

31. As indicated by EGJ, through presidential decrees in 2005 and 2007, the government took initial steps to establish and appoint committee members needed to implement measures required by the Extractive Industries Transparency Initiative (EITI), and in 2008 Equatorial Guinea became a candidate country for the EITI. Petroleum accounts for 90 percent of the economy, therefore the government's attempt to become an EITI compliant country signals a positive shift in policy towards greater transparency. However, this shift fails to amount to the reform needed to enable Equatoguineans to have public access to government legislation and budgetary information.<sup>58</sup> EGJ recommended continued implementation of required governmental structures to achieve EITI "compliant country" status, to extend the EITI transparency structure to the entire governmental budgetary process and to disburse funds allocated for human capital development.<sup>59</sup>

32. According to ADD, the social security subsector, managed by a government-controlled body, has many buildings and other material resources, which generate enormous construction and maintenance costs, but does not provide coverage for large numbers of people, as was planned. No statistical data are available to the public to ensure greater transparency regarding the activities of this public body.<sup>60</sup>

33. According to EGJ, despite Equatorial Guinea being the third largest petroleum producer in Sub-Saharan Africa, 20 percent of the nation's children under five suffer from chronic malnourishment. The government stated its commitment to allocating 40 percent of oil revenues to the social sector and is adding a limited food subsidy to the 2009 budget to help with the rising cost of food. However, EGJ noted that the social sector budget primarily focused on development of the infrastructure; with only 2.6 percent of 2007's the public investment programme budgeted for health, less than that 3.2 percent for the presidency.<sup>61</sup>

34. ADD reports that health sector indicators give cause for concern, citing the following examples: life expectancy is 42 years; the infant mortality rate is 122 per thousand live births; there is a high malaria incidence rate (38 per cent), accompanied by low vaccination coverage for children (32-40 per cent, depending on the disease); and a maternal mortality rate, for mothers aged between 15 and 21 years, of 8 per cent in 2001. All of this runs counter to the Government's own agenda, which is in line with the Millennium Development Goals, of "health for all by the year 2020".<sup>62</sup> 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.<sup>63</sup> EGJ noted that the mortality rate of children under the age of five has steadily increased since 1990 despite the constitutional requirement that the state promote primary health care and the Government's surging revenue from natural resource exploitation.<sup>64</sup> EGJ also noted that while in 2005 the government spent seven percent of its total budget on health, this had decreased to 2.6 percent of the public investment programme budget in 2007.<sup>65</sup>

35. EGJ reported that malaria continues to devastate Equatorial Guinea causing 38 per cent of infant deaths and 24 percent of under-five deaths. It said that in 2004, the Government, with the help of corporate sponsors, implemented a five-year malaria eradication programme (which

included spraying against malaria-carrying mosquitoes, providing medical treatment to malaria-infected individuals, and training doctors to diagnose malaria in patients), which the Government would have deemed a success. However, the State still does not recommend intermittent malaria treatment for pregnant women, and 99 percent of children under age five do not sleep under insecticide-treated nets.<sup>66</sup> EGJ recommended continuing the Malaria Eradication Programme; and to extend it to include the provision of insecticide-treated netting for use by children under five years of age as well as of intermittent preventative malaria treatment for pregnant women.<sup>67</sup>

36. ADD states that in 1983, according to the second population and housing census, one housing unit was occupied by, on average, four to five adults. If one takes into account the population increase generated by the discovery of oil reserves, that average is now certainly much higher.<sup>68</sup> According to ADD, the Government uses forced expropriation as a means of solving that problem. Compensation has still not been provided for expropriations carried out since 2000 on the grounds of public or social interest, in violation of Act No. 8/2005, which stipulates that payment must be made prior to occupation by the expropriating body. The enforced evictions caused by these expropriations affected more than 300 families which, in addition to the many others who lost their homes as a result of accidental fires, results in a total of between 1,000 and 1,500 adults who are vulnerable or are discriminated against by the State, owing to a lack of public housing.<sup>69</sup>

37. CESR noted that despite Equatorial Guinea having the highest GDP per capita in Sub-Saharan Africa, less than half the population has access to safe water and only just over half has access to adequate sanitation. Less than half (45 percent) of Equatoguineans living in urban areas have access to an improved water source, which is the lowest proportion of any urban dwellers in all Sub-Saharan Africa. In rural areas, only 41 percent of the population has access to safe water. Basic access to adequate sanitation is also still limited: 60 percent of urban residents and 46 percent of rural residents have access to improved sanitation facilities. According to CESR, there appears to have been no progress in improving access to sanitation between 1990 and 2006, despite the rapid rise in the country's wealth.<sup>70</sup> EGJ recommended that Equatorial Guinea allocate a greater portion of social spending to health, water, and sanitation; and that it improve access to clean water and sanitation in both urban and rural areas.<sup>71</sup>

## **7. Right to education**

38. CESR noted that, despite the constitutional guarantee of free basic education, government budget allocation to education is well below the regional average and insufficient to ensure universal access to primary education.<sup>72</sup>

39. According to ADD, if the current education system is examined in the light of legal provisions, it is the best system, broadly speaking, the country has had since it gained independence. Nevertheless, the education sector has problems, mainly the low proportion of national expenditure allocated to education; a negative teacher/pupil ratio at all levels; and a low net enrolment rate.<sup>73</sup>

40. EGJ stated that only 33 percent of Equatoguinean children reach the last grade of primary school. It also noted that children who are malnourished and lack access to basic necessities are less likely to attend school and to complete their education. As greater governmental resources are allocated to providing for basic needs like food, health and sanitation, children will have an increased likelihood of completing their primary education instead of not enrolling or dropping out in order to meet their and their families' basic needs.<sup>74</sup> EGJ recommended the allocation of a greater portion of social spending to education.<sup>75</sup>

41. 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 enrol in secondary school as girls, with a 57 percent ratio of female to male participation in secondary school.<sup>76</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

N/A.

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

N/A.

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

N/A.

*Notes*

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

*Civil society*

ADD	Abogacía por un Desarrollo Durable, Malabo, Equatorial Guinea;
AI	Amnesty International, London, United Kingdom*;
CESR	Center for Economic and Social Rights, New York, United States* ;
EGJ	Equatorial Guinea Justice, Malabo, Equatorial Guinea;
GIEACPC	Global Initiative to End All Corporal Punishment of Children;
HRW	Human Rights Watch, Washington, United States*.

<sup>2</sup> EGJ, p. 2.

<sup>3</sup> AI, p. 7.

<sup>4</sup> HRW, p. 5.

<sup>5</sup> AI, pp. 7-8.

<sup>6</sup> Ibid., p. 3.

<sup>7</sup> HRW, p. 5.

<sup>8</sup> AI, pp. 5-6.

<sup>9</sup> Ibid., p. 8.

<sup>10</sup> EGJ, p. 4.

<sup>11</sup> AI, p. 6.

<sup>12</sup> Ibid., p. 6.

<sup>13</sup> Ibid., p. 6.

<sup>14</sup> Ibid., p. 8.

- <sup>15</sup> Ibid., p. 5.
- <sup>16</sup> HRW, p. 5; AI, p. 8.
- <sup>17</sup> AI, p. 6.
- <sup>18</sup> Ibid., p. 8.
- <sup>19</sup> Ibid., p. 8.
- <sup>20</sup> EGJ, p. 4.
- <sup>21</sup> HRW, p. 5.
- <sup>22</sup> GIEACPC, p. 2.
- <sup>23</sup> AI, pp. 3, 6 and 8.
- <sup>24</sup> HRW, p. 5.
- <sup>25</sup> AI, p. 8.
- <sup>26</sup> EGJ, p. 5.
- <sup>27</sup> AI, p. 7.
- <sup>28</sup> Ibid., pp. 6-7.
- <sup>29</sup> Ibid., p. 8.
- <sup>30</sup> Ibid., pp. 5 and 7-8.
- <sup>31</sup> Ibid., p. 7.
- <sup>32</sup> Ibid., p. 8.
- <sup>33</sup> Ibid., p. 7.
- <sup>34</sup> Ibid., p. 4.
- <sup>35</sup> HRW, p. 5.
- <sup>36</sup> Ibid., p. 5.
- <sup>37</sup> Ibid., pp. 5-6.
- <sup>38</sup> AI, p. 4.
- <sup>39</sup> Ibid., p. 6.
- <sup>40</sup> HRW, p. 5.
- <sup>41</sup> AI, pp. 4-7.
- <sup>42</sup> HRW, p. 4.
- <sup>43</sup> Ibid., p. 4.
- <sup>44</sup> AI, p. 5.
- <sup>45</sup> HRW, p. 5.
- <sup>46</sup> ADD, p. 2.
- <sup>47</sup> Ibid., p. 3.
- <sup>48</sup> Ibid., pp. 3-4.
- <sup>49</sup> CESR, p. 1.
- <sup>50</sup> Ibid., p. 5.
- <sup>51</sup> Ibid., p. 5.
- <sup>52</sup> HRW, p. 1.

<sup>53</sup> EGJ, p. 1.

<sup>54</sup> CESR, pp. 2-3.

<sup>55</sup> HRW, p. 2.

<sup>56</sup> Ibid., p. 1-2.

<sup>57</sup> Ibid., p. 3.

<sup>58</sup> EGJ, p. 1-2.

<sup>59</sup> Ibid., p. 4.

<sup>60</sup> ADD, p. 4.

<sup>61</sup> ECG, p. 3.

<sup>62</sup> ADD, p. 4.

<sup>63</sup> CESR, p. 3.

<sup>64</sup> EGJ, p. 2.

<sup>65</sup> Ibid., p. 3.

<sup>66</sup> Ibid., pp. 2-3.

<sup>67</sup> Ibid., pp. 4-5.

<sup>68</sup> ADD, p. 5.

<sup>69</sup> Ibid., p. 5.

<sup>70</sup> CESR, p. 5.

<sup>71</sup> ECJ, pp. 4-5.

<sup>72</sup> CESR, p. 2.

<sup>73</sup> ADD, p. 5.

<sup>74</sup> EGJ, p. 4.

<sup>75</sup> Ibid., p. 4.

<sup>76</sup> CESR, p. 4.

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