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Draft report of the Working Group on the Universal Periodic Review*

Equatorial Guinea

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Equatorial Guinea was held at the 15th meeting, on 9 December 2009. The delegation of Equatorial Guinea was headed by H.E. Mr. Salomon Nguema Owono. At its 17th meeting, on 11 December 2009, the Working Group adopted the present report on Equatorial Guinea.
2. On 14 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Equatorial Guinea: Cuba, Egypt and Jordan.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Equatorial Guinea:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/GNQ /1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/6/GNQ /2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/6/GNQ /3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Germany, Latvia, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Equatorial Guinea through the troika. These questions are available on the extranet of the Working Group.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation trusted that the universal periodic review will allow Equatorial Guinea to continue working for the defense and protection of Human Rights. It noted that the national report is the result of a consultative process at the national level and was elaborated by a commission. In a spirit of transparency, the national report analysed, as objectively as possible, the human rights situation in Equatorial Guinea, its different international commitments and the difficulties encountered in their implementation.
6. The delegation mentioned that Equatorial Guinea obtained national independence on 12 October 1968 and that in this short political trajectory and relatively short period of time, the country has made firm steps forward in the field of human rights, despite the fact that the regime set up in the country immediately after its national independence and which lasted more than eleven years, had worsened the already dire human rights situation inherited from the colonial regime and which was characterized by systematic human rights violations.
7. The delegation stressed that human rights issues were taken up thanks to the action taken starting from the Freedom Coup of 3 August 1979 which allowed the government to install the rule of law in a democratic state, in order to eradicate the injustices and violations of the previous regime.

8. The delegation stated that, its country is a party to a number of international human rights instruments, which constitutes the framework for cooperation with the Human Right Council.

9. Through its Constitution, the fundamental law of Equatorial Guinea of 1982, the country has progressively achieved a democratic and social State. The (constitutional) amendment of 1991 (Inclusion of Political pluralism), and of 1995 (creation of Constitutional Court) constituted important goals in the political and legal history of Equatorial Guinea.

10. The delegation made an introduction of the different sections of the national report.

B. Interactive dialogue and responses by the State under review

11. During the interactive dialogue, 40 delegations made statements. A number of delegations thanked the Government for the presentation of the comprehensive national report, prepared through a large consultation process that allowed for an assessment of Equatorial Guinea's human rights promotion and protection efforts. Recommendations made during the interactive dialogue are to be found in section II of the present report.

12. Algeria welcomed the setting up of a free education system which guarantees compulsory primary education. It noted that the government set the goal of being an emerging country by 2020 and to this end, has adopted an economic and social policy aiming at poverty reduction based inter alia on periodic evaluation of poverty levels and the improvement of governance. It asked for more information on this policy. Algeria noted with interest that the government ensured access to the courts through free legal assistance, lowering procedural costs and establishing tribunals in the different regions. It made recommendations.

13. Turkey noted the ratification of most of the core human rights treaties and encouraged the Government to comply with the reporting obligations. Turkey praised the 2006 Act on National Education and referred to the shortcoming of girls schooling. While commending the efforts to improve the infrastructure, including access to safe drinking water, Turkey understood that more needed to be done to ameliorate the living conditions. Turkey expressed hope that Equatorial Guinea would be recognized as Extractive Industries Transparency Initiative (EITI) compliant following the validation process. Turkey made recommendations.

14. Egypt noted that Equatorial Guinea is making a commendable effort to protect human rights and appreciated the role of the Constitutional Court in this regard. It commended the government for its education national plans and requested information on efforts to ensure equal access to education for girls and boys. Egypt noted Equatorial Guinea's national health plans and programmes, including that aimed at reducing maternal and neonatal mortality and improving healthcare in rural areas. It commended the commitment to ensure access to safe drinking water and requested information on plans to combat trafficking in and exploitation of children as well as those aimed at improving gender equality. Egypt made recommendations.

15. The United Kingdom commended the commitment to allocate 40 per cent of investment income to the social sector and noted that programs as the Action Plan on education for all require adequate budgetary provision. It welcomed measures implemented as required for Extractive Industries Transparency Initiative candidate country status and hoped for measures to improve transparency in budgetary process. It welcomed the treatment accorded a British national during his detention in Malabo and noted that despite progress, challenges remain regarding implementation of law 6/2006 on the prevention and punishment of torture. The independence of judges and lawyers should be addressed on a

priority basis. It enquired about plans to overcome the lack of media freedom. The United Kingdom made recommendations.

16. Canada raised concern about the problem of transparency of the November 2009 presidential elections. It mentioned that progress made did not correspond to the level of growth. Canada noted regression in health and education areas and expressed concern on extreme poverty. While noting that corruption and mismanagement had contributed to limited investment, Canada welcomed the initiative for transparency in the extractive industries. It welcomed the legal framework to address trafficking in children and expressed concern over reports of child exploitation. Canada expressed concern over restrictions on independent media and over reports of arbitrary detentions, often accompanied by torture, of opposition members. Canada made recommendations.

17. France inquired about measures envisaged to prevent recourse to torture by security and law enforcement forces as well as to ensure the effective application of the 2006 law on the prevention and punishment of torture. It welcomed measures regarding women's access to economic, social and cultural rights and asked about initiatives to combat violence against women. France inquired about amendments to the Penal Code and the Criminal Procedure Law, which are both incompatible with the constitution and international treaties. France made recommendations.

18. Australia welcomed steps to better protect economic and social rights, including free primary education and progress on some women's and children's rights. It noted with concern reports of sexual abuse, child trafficking, child prostitution, force marriages and discrimination against women and vulnerable groups. Australia was deeply concerned regarding the use of torture and welcomed legislative efforts to prevent torture and ill treatment. It asked about plans to remove reservations to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and accede to its Optional Protocol. It was concerned regarding forced evictions and supported that Equatorial Guinea seeks technical assistance to help prioritize the promotion of good governance, access to basic services, gender equality and reform of the justice system. Australia made recommendations.

19. Germany noted reports about culture of impunity of perpetrators of human rights violations and the contributing factors to this situation, including the lack of an independent judicial system, corruption, ineffectiveness of habeas corpus guarantees and lack of distinctions between the various State security bodies. Germany asked about how the Government had responded to these issues, particularly to the practice of secret detentions without contacts with lawyer and family. Germany made recommendations.

20. The Democratic Republic of Congo noted that Equatorial Guinea has experienced quite remarkable socio-economic development over the last few years and that achievements are apparent in virtually all areas. It inquired whether codified law and customary law could co-exist without difficulty and asked under what circumstances either system would apply. The Democratic Republic of Congo indicated that child trafficking is a concern for Equatorial Guinea, affecting all of its neighbors, and asked whether there was a regional policy to effectively combat it. The Democratic Republic of Congo made a recommendation.

21. Mexico congratulated Equatorial Guinea for constitutionally guaranteeing fundamental liberties and recognized efforts made to improve institutional infrastructure through laws to protect vulnerable groups, in particular the law criminalizing exploitation and trafficking of minors. It asked about efforts to harmonize international, national and customary laws and on the application of legislation guaranteeing the right to association

and freedom of expression, including sanctions for violating these laws. Mexico made recommendations.

22. Chile noted the measures taken in different areas to improve the protection and promotion of human rights in a complex context. Chile made recommendations.

23. The United States of America expressed serious concern regarding the torture and ill-treatment of detainees by Equatorial Guinea's security forces, as reported by independent experts, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. It noted that the new Law of Judicial Power has created competent Courts of Penitentiary Vigilance to foster discipline among penitentiary authorities but that, however, the systematic torture, secret detention and ill-treatment of suspects in detention facilities continues with near total impunity. United States made recommendations.

24. The Czech Republic inquired on how international obligations in the areas of freedom of expression and the rights of the child are implemented nationally. It asked also about complaint mechanisms for victims of violence against women or their families who feel their case was not handled properly by the police. It made recommendations.

25. The Netherlands welcomed the steps for protecting children against trafficking, and expressed concern about the number of children victims of trafficking and exploitation. It expressed concern on reports that political activists and others were allegedly detained without charge or trial for peacefully exercising their right to freedom of expression, assembly or association. Domestic violence against women, including rape, was insufficiently addressed. It welcomed the 2007 Act on the prevention and penalization of torture, while noting serious reports of torture and ill-treatment, especially of detainees. It noted reports of the lack of access of women and girls to adequate health care services, especially in rural areas and about the alarming rate of teenage pregnancies. It made recommendations.

26. Italy noted the numerous reports of enforced disappearances relating to Equatorial Guineans exiled abroad who have reportedly been abducted and transferred to secret facilities and detention centres in Equatorial Guinea. It noted with appreciation that, thanks mainly to oil resources and revenues, Equatorial Guinea has experienced fast economic growth over the last years. However, Italy indicated that the living conditions of a large part of the population remain below poverty standards. Italy made recommendations.

27. Nigeria noted that Equatorial Guinea is party to core international human rights instruments and has been cooperating with human rights mechanisms. It referred to different mechanisms for the provision of healthcare, education and basic infrastructure and commended Equatorial Guinea for surpassing the targets for the fight against AIDS, tuberculosis and other diseases. It asked about steps to provide essential amenities for people living in the rural areas and efforts to ensure greater operation of independent media. Nigeria made recommendations.

28. Spain highlighted the recent accession to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW). Spain also noted the measures taken to improve gender equality encouraging Equatorial Guinea to continue its efforts in this respect. Spain made recommendations.

29. Brazil recognised the progress made and the challenges faced by Equatorial Guinea in several areas. While highlighting the new Law on National Education and related policies, Brazil requested Equatorial Guinea to comment on the possible causes of the recent reduction in the rates of primary school enrolment. It welcomed measures to prevent HIV/AIDS, particularly the free availability of condoms in hospitals. Brazil noted with appreciation the national policy to promote women. Brazil made recommendations.

30. Latvia made a recommendation regarding a standing invitation to all special procedures.
31. Slovenia welcomed the measures taken to ensure the well-being of children. It asked whether Equatorial Guinea envisaged introducing legislation to prohibit corporal punishment of children in all settings, including the home. Slovenia made recommendations.
32. Argentina noted the commitment expressed by Equatorial Guinea in its national report to continue the process of improving human rights in cooperation with the international community. Argentina made recommendations.
33. Sweden welcomed cooperation with two special procedures. It referred to the systematic use of torture by the police and of evidence obtained under torture as a basis for conviction. A number of human rights mechanisms recommended putting an end to the culture of impunity for perpetrators of torture. It expressed concern over freedom of opinion and expression, lack of monitoring of elections and access to services, such as education and healthcare.
34. Azerbaijan noted that in 2006, 76.6 per cent of the population lived in conditions of poverty with high unemployment rate in rural areas. Azerbaijan welcomed the Special Protective Action Plan for persons with disabilities and made recommendations.
35. China appreciated efforts made by Equatorial Guinea in recent years aimed at alleviating poverty and improving living standards. It noted the progress made in areas such as education, housing, infrastructure and public health. China requested more information on the concrete measures taken and the results achieved within its poverty reduction policies. It also inquired about the measures being taken to improve the low enrolment rates for primary education.
36. Cameroon noted with interest the measures taken to address issues such as HIV/AIDS, tuberculosis, leprosy and education. It encouraged Equatorial Guinea to intensify measures to promote and protect the full range of economic, social and cultural rights and to improve conditions of detention and the administration of justice. With regard to combating trafficking, Cameroon requested information on Equatorial Guinea's cooperation with the countries of origin of trafficked children.
37. India welcomed the initiative of addressing acute economic disparity by investing oil revenues in poverty alleviation programmes and the judicial reform, particularly the 2009 Judiciary Act that provides a clear structure for the judiciary, the Fees Act which is instrumental in drastically reducing judicial fees for the lodging of application and the setting up of courts in all districts. India further asked about how the judiciary intended to reconcile customary law as applied in traditional courts with codified law. India noted the efforts to implement the Strategic Emergency and Multi-sectoral Plan against HIV/AIDS. India also noted Government efforts to promote gender equality through various initiatives, including Promotion of self-employment for rural women project.
38. Burkina Faso welcomed Equatorial Guinea's efforts to guarantee the effective enjoyment of the social and economic rights of its people. In the area of health, it noted that Equatorial Guinea has established a programme to eradicate malaria within five years and that the results appear satisfactory. It indicated that it was necessary for this programme to be continued and intensified in order to reduce the mortality rate due to malaria. Burkina Faso welcomed efforts to overcome obstacles to the education of girls. Burkina Faso made a recommendation.

39. The Congo stated that reforms in urban planning and infrastructure are of interest as they play a role in improving living conditions and ensuring the full enjoyment of economic, social and cultural rights. It commended the adoption of a national plan for the development of education, effective until 2015. It indicated that the determination to combat child abuse and discrimination against women should be supported, and inquired whether there were any laws prohibiting forced and early marriages.

40. The Republic of Korea asked about follow-up measures taken or to be taken to address the issues raised by the Special Rapporteur on torture in 2008 and the Working Group on Arbitrary Detention in 2007, particularly about the measures against torture perpetrated by law enforcement officials, practices of secret detention and unlawful military jurisdiction over civilians. It acknowledged serious efforts to protect women's rights, and welcomed the recent measures for minimum wage equality in all private sectors as a meaningful step to promote women's economic and social rights. It made recommendations.

41. Norway indicated that effective cooperation with the United Nations human rights machinery is fundamental for the improvement of human rights. Noting that the active participation of civil society is essential to a meaningful universal periodic review process, Norway enquired how it had been included in the reporting process and how it would be included in the follow-up. Norway stated that human rights defenders play an important role in fostering a culture of human rights and expressed concern about the vulnerable situation of human rights defenders and journalists defending human rights. Norway made recommendations.

42. The Libyan Arab Jamahiriya noted with interest achievements in the right to education, in particular the 2003 national strategy for education for all, the reform of the national education system at all levels, the scholarships program, training of teachers and the importance given to schools for persons with disabilities. It noted that there are challenges with regards to the enrolment of girls in schools and considered that the building of schools in rural areas, the building of roads and the improvement of the living conditions could help alleviate these challenges. It made a recommendation.

43. South Africa praised the adoption of the Constitution, the 2009 Judiciary Act and numerous strategies developed and being implemented to contribute towards the practical and full enjoyment of economic, social and cultural rights. It noted areas of concern, requesting clarification on: the success rate of the national plan for the reduction of poverty and challenges impeding effective implementation thereof; allegations of torture and arbitrary detentions particularly by the military; and the measures taken to strengthen measures aimed at increasing enrolment rates in primary and basic education, particularly for girls, and to raise awareness among parents about the value of early childhood education. It made recommendations.

44. Morocco appreciated the sincere commitment to human rights and the dynamic of openness and democratisation to strengthen the rule of law and affirm the role of constitutional institutions in the promotion of good governance. It was pleased about efforts to consolidate a climate of peace and solidarity between the different social and cultural groups, strengthened by respect of local specificities. Morocco expressed interest in efforts in the areas of work, health, education, infrastructure, housing, protection of vulnerable groups and dissemination of a human rights culture and asked about the government plans and expectations of assistance by the international community in this regard. Morocco made a recommendation.

45. Gabon noted the Project for the Promotion of Self-Employment for Rural Women (PRAMUR), which seeks to improve the income of women in rural areas. In relation to children's rights, Gabon indicated that Equatorial Guinea has reinforced its policy on the

protection of children from all forms of abuse, particularly trafficking. It expressed appreciation that Equatorial Guinea has set up a programme for the education of adult women, with a view to progressively eliminating, in all sectors, inequalities due to illiteracy. Gabon made a recommendation.

46. Switzerland welcomed the Law on the prevention and punishment of torture asking about the measures to implement it. It deplored the systemic use of torture to extract confessions. Switzerland expressed concern about reports of bad conditions in detention facilities, particularly those under the supervision of the military authorities. Switzerland expressed concern about reports of the lack of the independent judiciary, corruption, arbitrary detentions, secret detentions, and lack of clear distinction in the various security bodies, which were militarized and exercised effective control on the judiciary, as well as about the prevailing near total impunity. Switzerland made recommendations.

47. Uruguay referred to concerns at the lack of access to adequate healthcare services for women and girls including pre and postnatal care, access to information on family planning, particularly in rural areas and the alarming teenage pregnancy rates. It asked about measures taken in these areas. Uruguay recognized the Law on Education (1995), which provided for free and compulsory primary education. However, it noted that literacy and enrolment rates were still unsatisfactory. Uruguay made recommendations.

48. Angola noted the 2006 law designed to end State monopoly in the field of education and professional training, which led to the creation of a number of important private institutions in the primary and secondary schools, asking about the mechanism used to control the legitimacy of these private education institutions. Angola welcomed Government efforts for the promotion of women and gender equality. Angola noted that despite progress, the socio-economic situation of women remained concerning, and there was less women in the education system. Angola made recommendations.

49. Portugal welcomed efforts to cooperate with United Nations special procedures, namely the visits of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention. It noted that education is not only an imperative in its own right but is also a means to the enjoyment of other human rights. Portugal made recommendations.

50. Ghana applauded the surpassing efforts in the fight against AIDS, tuberculosis and other diseases. It referred to concerns about the non existence of a properly functioning justice system and the resulting absence of the rule of law, which encourage a culture of impunity and to the practice of secret detention. Ghana noted the recent strong economic growth and encouraged the government to establish an institutional framework for the redistribution of wealth. It welcomed Equatorial Guinea's firm will to continue improving human rights. Ghana made recommendations.

51. The Sudan welcomed measures in the health sector, in particular the surpassing of the targets of the Abuja Declaration and Framework for Action for the fight against AIDS, tuberculosis and other diseases. It appreciated the ratification of a number of the International Labour Organization (ILO) conventions and its continued cooperation with the United Nations human rights system. The Sudan made recommendations.

52. The delegation responded to questions asked by different delegations. It noted the promulgation of Law N.6/2006 on the Prevention and sanction of Torture and stressed that for the implementation of this Law, the Government has undertaken awareness raising actions for the public order forces, state security forces, judges and for all involved sectors. It added that the application of this Law is bearing its fruits because there have been a number of condemnations.

53. The delegation indicated that since the Freedom Coup, the Government has been inviting the United Nations special rapporteurs on human rights to visit the country, and has, at all times, offered its cooperation in order to facilitate their missions, which showed the political will of the Government to improve the human rights situation in the country.

54. Regarding efforts to solve the phenomenon of child labour, the delegation referred to the promulgation of Law N. 2/2004 from January 4th on the General Labour Laws, which regulates Child Labour and prevents people younger than 14 years from working. Was also promulgated the Law N. 1/2004 from September 14th on the illegal traffic of migrants and trafficking in persons, which sanction Child Labour and parental abuse of the child. In application of this disposition, the Interior Ministry had issued a ministerial Order prohibiting street selling by children and instructing relevant authorities to strictly implement the laws, particularly the Law on illegal trafficking of Migrants. The Government has also carried out seminars through the Ministry of Justice and Worship for all people involved in the issue so that they are aware of the legislation in force.

55. According to the delegation, the Government, in its ambitious development plan "Guinea Equatorial Horizon 2020", has established priorities in the area of Human Rights which fully foresee cooperation, including through training of human resources, empowering of public agents and public services, awareness raising at all levels on Human Rights, particularly on the rights of Women, Children and other vulnerable groups, participation of civil society in training programs about Human rights, introduction of the concept of Human Rights values and ethic in the programs of primary, secondary and higher education. The delegation reiterated the willingness to continue developing the human rights process, counting on international cooperation.

56. The delegation highlighted among measures adopted by the Government the following:

- In education, it reformed in 2006 the Law of 1995 on General education, a reform which aimed at ending the state monopoly in education and to develop education at all levels;
- In 2003, the educational plan was passed for the promotion and schooling of the girl child, sexual education, material education of the population and family life, thus offering equal opportunity for boys and girls to access education;
- Through the Ministry of Social Affairs and Promotion of Women, a program to promote literacy among women, girls and female adolescents, on the national level, has been implemented, with the active support of the Cuban cooperation;
- On access to land property, there is the Project for the Promotion of Self-Employment for Rural Women (PRAMUR), which started its first phase in 2001 with the technical and financial support of the Canadian Cooperation. The second phase, which started in 2007, has been funded through the Social Fund under the technical management of the United States Agency for International Development. The funding of this project in 2008 was in the amount of \$4,500,000;
- Women participated without any restriction to the decision-making process, both at family level and public life. Nevertheless, in family life, the culture which promotes birth and the patriarchal pattern of relations within the family continued to be some of the reasons why women have very little decision-making power for example in family planning, education of children etc. However, programs are carried out on education, information and communication in order to change these behavioural patterns.

57. Regarding the measures sanctioning domestic violence and implemented policies in this regard, the delegation noted that the Fundamental Law the country, which establishes

the rights and liberties of citizens, proclaims in its Article 13, respect for the person, its life, its personal integrity, its dignity and its full material and moral realisation, and indicated, in this regard, that women regardless of their marital status have the same rights and responsibilities as men in all orders of public, private and family life, and as well as in civil, political, economical, social and cultural areas.

58. The delegation mentioned that a criminal code exists and sanctions physical aggression and lesions of people. This code is being reformed, and gender based violence will be considered as an aggravating factor. Also, the Ministry of Social Affairs and Promotion of Women is elaborating a bill which would foresee full protection against gender based violence. Awareness-raising and training are being brought to all levels of society, to authorities and the population in general to respect the rights of women, and to eliminate violence against women. In addition, the delegation stated that in 2009, a reform of the Organic Law of the Judicial Power have been initiated, which articulates more independence and transparency of the jurisdictional bodies in their duties. In this sense, the application of the promulgated laws on torture and respect of human rights will be guaranteed.

59. The delegation indicated that the Government is carrying out intense activities to develop the country, and in order to better distribute wealth, it is improving social infrastructure and is working on the areas of productivity. In addition to efforts by the Government in all sectors, it attached special priority to human development. In this respect, the Fund for Social Development was created in 2005 with the objective to strengthen the implementation of policies to provide basic needs to people, and to achieve human development.

60. The delegation noted that for the elaboration of the national report, there was collaboration with the civil society, for instance the Family Welfare Association of Equatorial Guinea (ABIFAGE), the Committee for the Support of the Child in Equatorial Guinea (CANIGE) and the National Commission on Human Rights.

61. Also, the delegation stressed that the Government has a wide program to eliminate some interrogation procedures that agents are using with detainees. Such program includes the promulgation of legal dispositions such as the Law on prevention of Torture and the Law on Habeas Corpus; the Organic Law on Judicial power and the draft Criminal Code. Trainings and seminars are also carried out to Police and National Security Forces.

62. With regard to the independence of Judicial Power, it is guaranteed in Article 83 of the Constitution and Article 84 of this Constitution states that justice emanates from the people and is administrated on behalf of the Head of State. These two mentioned precepts justify the content of Article 86 which the United Kingdom that asked to be abrogated. This Article expressed that the Head of State is the first Magistrate of the Nation and guarantees jurisdictional independency, as far as justice is administrated on its behalf.

63. Regarding the issue of standing invitation to human rights special procedures, the delegation referred to item 9 of its National report related to the cooperation with the human rights system of the United Nations.

64. The delegation noted that there is a legal framework which regulates the right of free association, assembly as well as the right of people of not being deprived of liberty without a judicial Order. In this sense, the Law N. 5/1995 has been promulgated. This Law regulates the Habeas Corpus procedure that orders the immediate disposal of any person illegally detained before a judicial authority, to hear such person and decide on the legality of arrest and to maintain the arrest or not.

65. The delegation informed that Equatorial Guinea was already party to the Convention against Torture which was ratified on May 22nd 2002. The process of the Protocol ratification is continuing. In addition, the Government is implementing reforms of all the penitentiary institutions in the country. In this framework, the penitentiary facilities of Malabo, Bata, Mongomo and Evinayong have been improved. The Law N. 5/1989, promulgated on October 20th created the Special Corps of Prisons, which main mission is the management and administration of the penitentiary facilities. Specific training on human rights directed at agents of public order and to those in charge of penitentiary institutions is carried out with the cooperation of France and the United States of America.

66. The delegation informed that according to the Constitution, the death penalty can only be imposed for crimes included in the Law. In that sense, it is important to note that a moratorium on the application of death penalty exists, even if this sentence does not apply frequently in the country, and many of those condemned to capital punishment have been reprieved or had their sentences commuted.

67. The delegation noted that the Government continued to carry out various programs and actions that directly or indirectly promote, protect and guarantee human rights and fundamental liberties of its citizens.

68. For the delegation, the Government did not consider that the presentation of the national report on the implementation of human rights and public liberties is undermining its sovereignty, since it committed to treaties and International Conventions. Equatorial Guinea has the political will to realize development and the effective enjoyment of civil, political, social, and cultural rights. The information provided is based on a meticulous examination which has allowed all interlocutors to have an updated and reflective opinion on the national reality.

69. Despite the progress, the Government is aware that a lot still needs to be done, and expressed its strong political will to continue implementing the process of improving human rights, counting always with the cooperation of the international community.

II. Conclusions and/or recommendations

70. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Equatorial Guinea:

1. **Consider seriously ratifying the Convention on the Rights of Persons with Disabilities (CRPD); the Optional Protocol to the Convention on the Elimination of Discrimination Against Women (OP-CEDAW) and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC); (Turkey)**
2. **Accede to and ratify OPCRC-AC (Slovenia);**
3. **Sign and ratify CPRD; (Azerbaijan);**
4. **Sign and ratify the newly adopted Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, allowing individual complaints of alleged violations of these rights to be heard by the Committee on Economic, Social and Cultural Rights (Portugal);**
5. **Accede to the United Nations Convention against Corruption and ensure a proper audit of funds allocated for social services (Australia);**
6. **Ratify the Rome Statute of the International Criminal Court (Chile);**

7. Strengthen mechanisms for ensuring awareness and implementation of international human rights obligations, including through establishment of human rights educational programmes for police, prison and judicial staff with special attention to protection of human rights of women, children, persons of minority sexual orientation and gender identity, etc. (Czech Republic);
8. Strengthen the work of the National Human Rights Commission , particularly in fighting against arbitrary detention (Brazil);
9. Establish an effective and inclusive process to follow up on recommendations emerging from the universal periodic review (Norway);
10. Undertake measures to strengthen synergy and coordination among the various national institutions responsible for the protection of human rights (Morocco);
11. Improve governance and enjoyment of human rights through improved budgetary accountability and work to combat corruption, including by extending the transparency principles of the Extractive Industries Transparency Initiative to its budgetary process (United Kingdom);
12. Set up, in consultation with civil society, a clear and transparent fiscal policy for managing oil revenues, which would call for publication of the national budget, identification of foreign bank accounts and verification of Government expenditures(Canada);
13. Demand that Government representatives declare their assets as stipulated under the law and in a way that these could be verifiable (Canada);
14. Seek international assistance in the area of systematic training of law enforcement officials on their responsibility to protect human rights (Nigeria);
15. Strengthen efforts to fulfil obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (Australia);
16. Significantly improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports and, if need be, identify needs for assistance to that end (Norway);
17. Consider the prompt implementation of the recommendations contained in the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/10/44/Add.1) and the report of the Working Group on Arbitrary Detention (A/HRC/7/4/Add.3) (Argentina);
18. Continue relevant campaigns to eliminate old customs undermining the status of girls and construct roads in rural areas connecting schools with residential centres (Turkey);
19. Devise plans and strategies, especially for the promotion of gender equality and upholding children's rights (Egypt);
20. Strengthen efforts aimed at promoting gender equality, including through educational campaigns, while paying specific attention to the needs of rural women; (South Africa);
21. Promote gender equality, increase women's participation in all aspects of society and implement the National Policy for the Advancement of Women (Azerbaijan);

22. Tirelessly pursue its policy of promoting the rights of women, in particular by eliminating illiteracy and, if possible, by extending projects like the Project for the Promotion of Self-Employment for Rural Women (PRAMUR) to women in urban areas (Democratic Republic of Congo);
23. Address the situation of persisting gender-based discrimination in political, social and economic life, including by eliminating all laws that discriminate against women (Portugal);
24. Guarantee the inapplicability of laws and customs which discriminate against women and increase awareness-raising activities in this area (Brazil);
25. Ensure the full implementation of the presidential decree forbidding the imprisonment of women for non-payment of dowries on separating from their husbands (Republic of Korea);
26. Consider developing a national action plan for children as recommended by CRC (South Africa);
27. Thoroughly investigate all reports of abductions and introduce a registry of prisoners available to the public (Italy);
28. Take the necessary measures to improve conditions of detention, prevent and bring an end to arbitrary arrests and detentions and the practice of secret detention and, in this connection, set up a control mechanism for prisons which is independent and has free access to prisons (France);
29. Intensify efforts aimed at putting an end to the practice of secret detention and at reducing the excessive use of power and authority by the security forces (Ghana);
30. Make every necessary effort to improve the conditions in detention facilities so that they meet the necessary minimum conditions of habitability (Germany);
31. Improve conditions in detention facilities and prisons so that they meet international standards (Czech Republic);
32. Increase its efforts to improve conditions in detention facilities (Azerbaijan);
33. Improve detention conditions by providing food, water and sanitary installations as well as by reducing prison overcrowding (Switzerland);
34. End the torture and other mistreatment of detainees; to this end, allow unimpeded access by independent human rights monitors to all detention facilities; guarantee lawyers free access to police stations and prisons; revise the current application procedures for habeas corpus in order to end arbitrary detention; provide comprehensive human rights training for its security forces; engage an independent monitor to measure the effectiveness of such training; effectively implement legislation that prohibits torture and cruel and degrading treatment; investigate and enforce strict penalties to those who violate the rights of prisoners; provide safe recourse and reparations for those who have suffered cruel or degrading treatment; disallow any confessions obtained through the use of torture; adopt a viable action plan to address the urgent need for comprehensive reform in the penal, law enforcement and judicial systems (United States);

35. Implement Law 6/2006 to ensure that all allegations of torture are properly investigated and those responsible are held accountable (United Kingdom);
36. Fully implement the Law 6/2006 on the prevention and punishment of torture, immediately investigate complaints of torture and ill-treatment, and initiate appropriate penal procedures against those responsible (Spain);
37. Ensure, in addition to the full implementation of the Law 6/2006, that no statements or confessions obtained under torture are admitted as evidence (Switzerland);
38. Investigate allegations of torture without delay and hold the perpetrators of such violations accountable (Canada);
39. Have competent bodies investigate all pending complaints about torture and enforced or involuntary disappearance and bring the perpetrators to trial (Chile);
40. Take measures to put an end to the culture of impunity of perpetrators of torture and ill-treatment and take among others concrete steps to reform the justice system to guarantee its independence and to promptly investigate allegations of torture and ill-treatment and bring criminal proceedings against those responsible (Netherlands);
41. Enact legislation on domestic violence and legislation concerning all forms of sexual abuse to ensure that violence against women and girls constitutes a criminal offence (Netherlands);
42. Adopt further measures to ensure accountability of the police for their proper, sensitive and effective conduct in cases of violence against women and to ensure better accessibility to protected housing for victims of domestic violence (Czech Republic);
43. In line with a previous recommendation of CRC, design and implement comprehensive strategies and policies to prevent and combat economic exploitation of children and to undertake awareness-raising campaigns in this respect (Germany);
44. Continue its efforts aimed at fighting trafficking in persons and, in particular, the trafficking and exploitation of children (Egypt);
45. Set up appropriate protection mechanisms to eradicate child exploitation and hold the perpetrators of trafficking and abuse accountable (Canada);
46. Take further measures to prevent the trafficking of children (Netherlands);
47. Intensify efforts to provide assistance for child victims of trafficking (Sudan);
48. Guarantee the independence of the judiciary, including through legislative measures (France);
49. Take effective measures to establish a functioning justice system with an independent judiciary and work to end the culture of impunity for perpetrators of torture and ill-treatment (Ghana);

50. Establish through legislation an independent judiciary and bring the legal framework that governs the organization, functioning and competence of military tribunals into conformity with international principles (Switzerland);
51. Strengthen existing measures to guarantee the adequate functioning of the penitentiary system, including training of personnel, effective separation of executive and judicial powers, establishment of mechanisms for accountability and separation of the civil and military systems of administration of justice (Mexico);
52. Undertake a comprehensive reform of the institutions and judicial systems, including revision of the national criminal law and reform of the judiciary, with a view to complying with the international instruments to which it is a State party, including the International Covenant on Civil and Political Rights (ICCPR) (Sweden);
53. Maintain its policy with regard to access to justice and envisage setting up a justice system for minors (Algeria);
54. Take necessary measures to ensure that law enforcement officials receive the necessary training (Turkey);
55. Respect the right of the opposition members to travel freely, to hold meetings, to express their views and to have access to the media without discrimination (Canada);
56. Respect and promote the right to freedom of expression, association and assembly, create an enabling environment for the establishment and operation of non-governmental organizations and media and remove all legal administrative and procedural obstacles which prevent this (Netherlands);
57. Promote political dialogue with all sectors of society, including civil society, with a view to enhancing the contribution of these sectors to the development process (Ghana);
58. Promote the establishment of a legal framework in accordance with international human rights obligations that would allow the development of pluralistic, free and independent media, and free access to information, including to foreign media (Spain);
59. Promote the establishment of pluralistic, free and independent media and ensure the protection of and respect for the independence of the press and freedom of opinion and expression of journalists; (Switzerland)
60. Continue its efforts for the promotion of the role of women within the Government and elected bodies (Algeria);
61. Devote an adequate share of the national budget to social policies, prioritizing measures that improve access to food, health, education, housing, water and sanitation, especially for the most vulnerable (Italy);
62. Increase the level of social investment in accordance with the Extractive Industries Transparency Initiative with a view to guaranteeing the progressive realization of economic, social and cultural rights by establishing priorities to eradicate poverty and guaranteeing access to basic social necessities (Spain);
63. Pave the way for implementation of the Extractive Industries Transparency Initiative involving all groups of society (Norway);

64. Progressively implement economic, social and cultural rights, notably by ensuring the appropriate level of social expenditures (Angola);
65. Progressively realize economic and social rights and fulfil its obligation to dedicate maximum available resources to addressing the basic economic and social needs of its population (Portugal);
66. Establish a unified national policy to reduce poverty (Brazil);
67. Implement the national plan with a number of guidelines on economic and social policy in order to reduce poverty and improve living conditions of the population in the country (Azerbaijan);
68. Strengthen measures aimed at poverty eradication (South Africa);
69. Continue implementing the national strategy for combating poverty and seek the necessary assistance in this regard (Sudan);
70. Allocate necessary resources to the education and health sectors in order to achieve the Millennium Development Goals, reaching at a minimum the regional average level of investment in these sectors, while ensuring data collection that allows progress to be measured (Canada);
71. Continue to strengthen its efforts aimed at economic development, with particular emphasis on improvement of social infrastructure for service provision (South Africa);
72. Allocate necessary resources for the full realization of the rights under the International Covenant on Economic, Social and Cultural Rights (ICESCR), with a view to strengthening poverty reduction programmes and guaranteeing adequate access to health and education (Mexico);
73. Adopt measures and programmes to reduce the rates of maternal and infant mortality and of chronic child malnutrition (Chile);
74. Ensure that public hospitals and other health-care facilities and services are both affordable and accessible, in particular making provision for child maternal health services and for the prevention and treatment of preventable diseases; (Portugal)
75. Take further efforts to raise awareness of and increase access to health service facilities and medical assistance and to make family planning information available to women and girls, including in rural areas, taking into account in this regard, among others, the recommendations of the Committee on the Elimination of Discrimination against Women (Netherlands);
76. Increase access to health-care services and medical assistance for women and children and make information on family planning available to them, especially in rural areas (Uruguay);
77. Ensure equal opportunities in the labour market, particularly by promoting access to work for the various social groups (Angola);
78. Pursue its efforts in the in the field of education in order to fulfil the Millennium Development Goals and consolidate the national plan of education for all (Algeria);
79. Prioritize efforts to comply with the commitment to guarantee free primary education, particularly taking into account that primary education

presently receives one of the lowest levels of State investment in the region (Spain);

80. Continue its awareness-raising measures to improve the poor rate of schooling for girls and their access to higher and technical studies (Burkina Faso);

81. Continue to face and challenge the obstacles facing the schooling of girls and make use of technical assistance provided by the United Nations, in particular UNICEF, in order to overcome such obstacles (Libyan Arab Jamahiriya);

82. Strengthen strategies for access to primary education, particularly for young girls (Angola);

83. Take concrete actions to guarantee the effective realization of free education and make sure that children finish their primary education, while addressing gender disparities in this regard (Uruguay);

84. Reinforce its efforts to meet the commitment to ensure free basic education, particularly primary education, and to address gender disparities (Portugal);

85. Prohibit or limit detention for reasons of migratory status and establish a specialized institution for migration (Brazil);

86. Request technical support from institutions of the United Nations system to help it consolidate, even more than in the past, its policy for the promotion and respect of human rights (Gabon).

71. The following recommendations will be examined by Equatorial Guinea, which will provide responses in due time. The response of Equatorial Guinea to these recommendations will be included in the outcome report adopted by the Human Rights Council at its thirteenth session:

1. Sign (United Kingdom) and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (United Kingdom, France, Chile, Czech Republic, Spain, Argentina);

2. Accede to (Slovenia)/sign (Sweden) and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Chile, Slovenia, Sweden, Argentina, Spain, and France), Aiming at the Abolition of the Death Penalty (Slovenia, Argentina, France, and Sweden) in all circumstances (France);

3. Ratify all pending human rights treaties (Argentina);

4. Sign and ratify the core human rights instruments (Azerbaijan);

5. Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (France);

6. Consider the possibility of ratifying CED and recognize the competence of the relevant Committee; (Argentina);

7. Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Nigeria);

8. Review the reservations to CAT with a view to eliminating them (Mexico);

9. Consider the establishment of a national human rights institution in conformity with the Paris Principles (Egypt);
10. Establish national human rights institution in accordance with the Paris Principles (Azerbaijan);
11. Extend an open and permanent invitation to the United Nations human rights special procedures mandate-holders (Chile);
12. Issue and implement standing invitation to human rights special procedures (Czech Republic);
13. Cooperate fully with the United Nations human rights system and consider the issuing of a standing invitation to special procedures (Brazil);
14. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
15. Consider issuing a standing invitation to all the special procedures in order to further its collaboration with the United Nations human rights mechanism (Republic of Korea);
16. Reconsider its position and abolish the death penalty, if necessary by initially establishing a moratorium on executions in line with General Assembly resolution 63/168 on the moratorium on the use of the death penalty (Slovenia);
17. As a transitional measure, implement a moratorium on the application of the death penalty (Argentina);
18. Formally establish a moratorium on the death penalty, with a view to abolishing it completely (Sweden);
19. Permanently abolish the death penalty (Spain);
20. Consider the abolition of the death penalty and accede to the Second Optional Protocol to ICCPR related to the abolition of the death penalty (Azerbaijan);
21. Adopt an immediate and effective moratorium on executions (France);
22. Consider the establishment of a legal moratorium on the death penalty with a view to abolishing capital punishment (Italy);
23. Enable access to military facilities to the Special Rapporteur on the question of torture as requested (Germany);
24. Amend its laws and set up a legal framework that respects and promotes freedom of expression in conformity with its international obligations (Canada);
25. Remove the 1992 provision authorizing government censorship of all publications, and promote pluralistic, free and independent media (United Kingdom);
26. Adopt measures to ensure freedom of the press (Chile);
27. Effectively disseminate and implement the United Nations declaration on human rights defenders, including through removing onerous registration and reporting requirements and procedures under which local non-governmental organizations must seek approval from and regularly report to the Interior

Ministry, as well as provide that ministry with advance notification of any funding from abroad (Norway);

28. Cease all forms of forced displacement, in accordance with the Guiding Principles on Internal Displacement of 1998 (Australia).

72. The following recommendations did not enjoy the support of Equatorial Guinea:

Allow political parties and the media to operate freely; ensure an impartial review of irregularities and formal electoral complaints stemming from the November 29 elections; and establish a representative independent body to review the country's election framework and ensure the legitimacy of the democratic process (United States).

73. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Equatorial Guinea was headed by H.E. Mr. Salomon Nguema Owono, Vice-Prime Minister, Social and Human Rights Sector and composed of 13 members:

- H.E. Mr. Salvador Ondo Nkumu, Minister of Justice;
 - H.E. Mr. Silverstre Siale Bileká, Presidential Adviser on Human Rights;
 - H.E. Mr. Angel Ndong Micha, Presidential Adviser on Administrative Matters;
 - H.E. Mr. José Fernando Siale Djangany, Member of the Board of Governors of the Judiciary;
 - Mr. Tomás Esono Ava, Secretary General of the Ministry of Civil Service;
 - Mr. Manuel Mba Nchama, Human Rights Director General;
 - Mr. Salvador Nguema Nchama, Chief of Justice;
 - Mr. Diosdado Oyono Ncogo, Director General, First Deputy Prime Minister's Office;
 - Mr. Carmelo Mocong Onguene, Vice-President of the National Human Rights Commission;
 - Mr. Mauricio Mauro Epkua Obama, Chargé d'Affaires, Permanent Mission of Equatorial Guinea in Geneva;
 - Mr. German Ekua Sima, Attaché, Permanent Mission of Equatorial Guinea in Geneva;
 - Ms. Ramona Angono Ondo, Secretary;
 - Mr. Mauro Mba Ondo, Aide.
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