

Equatorial Guinea

Mid-term Implementation Assessment



Promoting and strengthening
the Universal Periodic Review
<http://www.upr-info.org>



Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 25 June 2012



Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/equatorial_guinea

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

6 stakeholders' reports were submitted for the UPR. 4 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI does exist.

2 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

IRI: 51 recommendations are not implemented, 22 recommendations are partially implemented, and 2 recommendations are fully implemented. No answer was received for 51 out of 126 recommendations (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
6	ESC rights - general	page 12	partially impl.
8	Death penalty	page 21	not impl.
10	Torture and other CID treatment, Special procedures, Detention conditions,	page 22	partially impl.
11	International instruments	page 17	partially impl.
12	Torture and other CID treatment, International instruments,	page 18	not impl.
13	International instruments, Death penalty,	page 19	not impl.
14	International instruments, Corruption,	page 20	not impl.
17	International instruments, Death penalty,	page 20	not impl.
20	Detention conditions	page 24	partially impl.
22	International instruments, Disabilities,	page 20	not impl.



rec. n°	Issue	page	IRI
23	International instruments	page 17	partially impl.
25	Poverty	page 13	fully impl.
27	Migrants	page 17	not impl.
30	Right to health, Right to education,	page 13	partially impl.
31	Freedom of opinion and expression	page 6	not impl.
32	Corruption	page 24	not impl.
33	Torture and other CID treatment	page 24	not impl.
34	Freedom of the press, Freedom of movement, Freedom of association and peaceful assembly,	page 6	not impl.
36	Corruption, Civil society,	page 25	not impl.
38	Freedom of the press	page 7	not impl.
40	Torture and other CID treatment, Enforced disappearances,	page 24	not impl.
41	Torture and other CID treatment, International instruments,	page 18	not impl.
42	Justice, International instruments,	page 20	not impl.
43	International instruments, Death penalty,	page 19	not impl.
45	Detention conditions	page 25	partially impl.
47	Torture and other CID treatment, International instruments,	page 18	not impl.
53	Death penalty	page 25	not impl.
54	Justice	page 25	not impl.
55	Torture and other CID treatment, International instruments,	page 19	not impl.
56	International instruments, Death penalty,	page 19	not impl.
58	Detention conditions	page 26	partially impl.
62	Detention conditions	page 25	partially impl.
63	Human rights violations by state agents, Detention conditions,	page 27	partially impl.
64	Development, Civil society,	page 7	not impl.
65	Torture and other CID treatment, Impunity, Justice,	page 27	not impl.
66	Death penalty	page 21	not impl.
67	Right to water, Right to housing, Right to health, Right to food, Right to education,	page 12	partially impl.
68	Detention conditions	page 27	not impl.
71	Rights of the Child, Right to health, Poverty, International instruments, ESC rights - general,	page 14	fully impl.
73	Justice, Detention conditions,	page 26	not impl.
76	Freedom of the press, Freedom of opinion and expression, Freedom of association and peaceful assembly, Civil society,	page 8	not impl.
79	Torture and other CID treatment, Impunity, Justice,	page 28	not impl.
80	Migrants, International instruments,	page 20	not impl.
82	International instruments, Human rights defenders, Civil society,	page 28	not impl.
84	Labour	page 14	not impl.
87	Right to health	page 15	partially impl.
88	ESC rights - general	page 12	partially impl.
89	Women's rights, Right to education,	page 16	partially impl.
90	International instruments, ESC rights - general,	page 20	not impl.
93	Rights of the Child, International instruments,	page 21	not impl.



rec. n°	Issue	page	IRI
94	International instruments, Death penalty,	page 19	not impl.
95	Death penalty	page 21	not impl.
97	Development	page 12	partially impl.
99	Poverty	page 12	partially impl.
100	Torture and other CID treatment	page 24	not impl.
101	ESC rights - general	page 12	partially impl.
102	Death penalty	page 21	not impl.
103	Right to education	page 16	partially impl.
104	International instruments, Freedom of the press,	page 8	not impl.
105	Torture and other CID treatment, International instruments,	page 19	not impl.
106	International instruments, Death penalty,	page 19	not impl.
107	Poverty	page 12	partially impl.
109	Death penalty	page 21	not impl.
110	International instruments, Death penalty,	page 19	not impl.
111	Justice, International instruments,	page 28	not impl.
113	Justice	page 29	not impl.
114	Detention conditions	page 17	partially impl.
115	Freedom of the press	page 9	not impl.
116	Women's rights, Rights of the Child, International instruments, Disabilities,	page 21	partially impl.
119	Torture and other CID treatment	page 24	not impl.
120	Corruption	page 29	not impl.
121	Freedom of the press	page 10	not impl.
122	Torture and other CID treatment, International instruments,	page 19	not impl.
123	Freedom of the press, Freedom of association and peaceful assembly, Elections,	page 11	not impl.
124	Torture and other CID treatment, Human rights violations by state agents, Human rights education and training, Detention conditions,	page 29	partially impl.



3. Feedbacks on recommendations

CP Rights

Recommendation n°31: *Amend its laws and set up a legal framework that respects and promotes freedom of expression in conformity with its international obligations (Recommended by Canada)*

IRI: *not implemented*

EG Justice (EGJ) response:

The government continues to limit freedom of expression in both law and practice. The 1992 Law on the Press, Publishing, and Audiovisual Media allows the government to censor all media publications. Print media outlets were extremely limited. In December 2010 the Ministry of Information approved *El Lector*, which appeared at infrequent intervals throughout the year. It has been labelled as "independent", but is controlled by a businessman with ties to the President, so it remains to be seen how critical its content will be. Starting a new periodical requires a complicated process governed by an ambiguous law and was often inhibited by government bureaucracy. In addition, with the exception of journalists covering the African Union Summit in June 2011, accreditation was cumbersome for both local and foreign journalists, who had to register with the Ministry of Information.

Recommendation n°34: *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 (Recommended by Canada)*

IRI: *not implemented*

Reporters sans Frontières - Reporters without Borders (RSF) response:

La place de l'opposition dans les médias est extrêmement réduite. Notons tout d'abord qu'il n'existe pratiquement pas de presse privée et indépendante en Guinée Equatoriale, à l'exception de quelques titres. Les médias d'Etat ont donc le monopole et sont contraints par le régime de relayer la propagande officielle. Dans ces conditions, la couverture médiatique de l'opposition est quasiment inexistante. Cela fut criant lors de la campagne des élections présidentielles de novembre 2009. Alors que le président-candidat Teodoro Obiang Nguema était omniprésent dans les médias d'Etat et bénéficiait de leur soutien, la campagne des 4 candidats de l'opposition fut peu relayée, leur couverture médiatique réduite. Plus récemment à l'occasion du sommet de l'Union africaine en juin 2011 à Malabo, 3 journalistes de la chaîne allemande ZDF ont été expulsés du pays après avoir réalisé des interviews avec le chef de l'opposition Placido Mico Abogo et des défenseurs des droits de l'homme.

EGJ response:

The government has formally abolished permit requirements for political party meetings held in party buildings, yet requests by opposition parties to hold meetings outside of party meeting spaces are often denied. The government required notification for public events such as meetings or marches, and on at least one occasion, in March 2011, it denied a political party's application to hold a peaceful demonstration. A number of banned political parties were not allowed to participate in the November 2009 presidential elections. Opposition parties do not receive equal access to the media, which is largely state-controlled. Opposition members report that the government monitors their activities and discriminates against them in hiring, job retention, scholarships, and obtaining business licenses. In November 2011, a well-known opposition member who was campaigning against the government's proposed constitutional reforms was arbitrarily detained for three days on charges that lacked any supportive evidence.

Recommendation n°38: *Adopt measures to ensure freedom of the press*
(Recommended by *Chile*)

IRI: *not implemented*

RSF response:

Aucune mesure n'a été prise dans le sens d'une plus grande liberté de la presse. Le gouvernement de Guinée Equatoriale étouffe toute tentative d'expression indépendante. Il n'existe pratiquement pas de presse privée. Les médias d'Etat sont placés sous le contrôle étroit du Ministère de l'Information et sont obligés de relayer la propagande officielle. De plus les autorités n'hésitent pas à censurer les journalistes et les programmes des médias publics. Des journalistes sont punis pour ne pas avoir suffisamment vanté les mérites du régime. En janvier 2009, 4 journalistes de la radio-télévision publique RTVGE ont été licenciés pour « manque de zèle ». Les journalistes ne bénéficient d'aucune protection dans l'exercice de leur travail. Il n'existe ni syndicat, ni association de défense des journalistes. Ceux-ci ont le statut de fonctionnaires et peuvent être licenciés sans préavis.

Recommendation n°64: *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* (Recommended by *Ghana*)

IRI: *not implemented*

EGJ response:

Civil society remains fragmented, and both formal and informal measures by the government hinder civil society organizations from playing active roles in potentially politicized spaces, such as human rights, democracy, and the political dialogue. The process by which NGOs seek approval from the Interior Ministry remains complex, unclear, and inadequately formalized. Such groups are still required by law to disclose funding from abroad, to obtain advanced permission to hold meetings, and to allow government representatives to attend their meetings. The ambiguity of the legal framework provides individual government officials the discretion to interpret the meaning and application of the law. Civil society organizations have raised concerns that this enables government officials to apply the law arbitrarily or inconsistently based on favoritism or patronage. The legal code also makes it difficult for international NGOs to assist local civil society organizations. Local civil society



groups are unable to affiliate themselves with international organizations—or adopt names that allude to them—without government authorization. There has been some engagement of civil society groups in the EITI process, but even here their full and autonomous participation has been infringed upon at times.

Recommendation n°76: 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 (Recommended by Netherlands)

IRI: not implemented

RSF response:

Aucun effort n'a été entrepris pour créer un environnement favorable au travail libre des médias. Il n'existe pratiquement pas de presse privée. Les médias d'Etat sont placés sous le contrôle étroit du Ministère de l'Information et sont obligés de relayer la propagande officielle. De plus les autorités n'hésitent pas à censurer les journalistes et les programmes des médias publics. Des journalistes sont punis pour ne pas avoir suffisamment vanté les mérites du régime. En janvier 2009, 4 journalistes de la radio-télévision publique RTVGE ont été licenciés pour « manque de zèle ». Les journalistes ne bénéficient d'aucune protection dans l'exercice de leur travail. Il n'existe ni syndicat, ni association de défense des journalistes. Ceux-ci ont le statut de fonctionnaires et peuvent être licenciés sans préavis.

Recommendation n°104: 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 (Recommended by Spain)

IRI: not implemented

RSF response:

Selon les informations de Reporters sans frontières, les autorités de Guinée Equatoriale n'ont pas modifié leur code pénal ni la loi de la presse. RSF n'a pas constaté de progrès en matière de liberté d'expression et de liberté de la presse. Les médias restent soumis au pouvoir qui exerce un contrôle total sur l'information. Le Ministère de l'Information est l'autorité de tutelle et l'organe de régulation des médias. Il n'y a donc que très peu de médias indépendants et libres. Le rôle des médias publics consiste à diffuser la propagande du régime et ne constitue en aucun cas un contre-pouvoir. La mainmise des autorités empêche tout développement d'une presse pluraliste représentant diverses sensibilités de la société guinéenne. La couverture de l'opposition politique dans les médias est quasiment nulle. Dans ce contexte, les journalistes sont souvent la cible de la colère des autorités de Malabo. Les médias étrangers subissent également l'acharnement des autorités contre les journalistes et le contrôle étroit de l'information. Par conséquent très rares sont les correspondants étrangers en Guinée Equatoriale. L'unique correspondant étranger, travaillant pour l'Agence France Presse, a été mis en prison à deux reprises, en juin 2009 et en avril 2010. Une équipe de journalistes allemands de la ZDF a été expulsée du pays le 11 juin 2011 suite à des interviews du chef de l'opposition et des défenseurs des droits de l'homme.

EGJ response:

Domestic and international press freedom continues to be restricted in Equatorial Guinea. A Freedom of Information law does not exist that would enable media free access to information. Laws in Equatorial Guinea allow the government to restrict domestic press activities through official prepublication censorship. Violation of these laws can result in criminal, civil and administrative penalties. Furthermore, almost all domestic media outlets are owned by the government or high ranking government officials. Although journalists in recent years have been permitted to voice mild or vague criticism of government institutions, criticism of the president, his family, other high-ranking officials, and the security forces was not tolerated. Local journalists and private publications were required to register with the government through a prohibitively complex and bureaucratic process.

Local journalists were subject to systematic surveillance and frequently practiced self-censorship. In February 2010, a journalist with the state-run radio in the mainland city of Bata, Pedro Luis Esono, was detained for three days after he reported on-air the alleged discovery of seven bodies at a city dump. In April, Samuel Obiang Mbana, a local stringer for Agence France-Presse (AFP) and the Gabon-based Africa No. 1 radio, was detained by police for several hours after he attempted to cover arrivals for a regional summit in central Africa.

In February 2011, the government ordered state-run television and radio not to cover the “Arab Spring” protests in North Africa and the Middle East. Juan Pedro Medene, host of a French-language program on state-owned radio, was fired after he referred briefly to events in Libya on air.

Foreign journalists face a difficult accreditation process to enter the country and often are followed, harassed and detained. . In March 2011, the government denied a visa to Reporters without Borders who planned to conduct a fact-finding mission in the country. The government cited Reporters without Borders “offensive references to our President” on their website as justification. On June 18, 2011, local security officials detained a German television crew for five hours and deleted some of their footage containing images of poor social conditions and an interview with an opposition leader. During the African Union Summit held in Malabo in June 2011, several international journalists reported being followed and harassed by local security officials. The local correspondent for Agence France Presse and Radio France Internationale was detained at the airport in Malabo after covering the arrival of African heads of state for the Summit. In December 2010, the Ministry of Information approved El Lector, a newspaper that appeared at infrequent intervals throughout the year. El Lector is owned by a private individual who may have close connections to the ruling regime.

Recommendation n°115: *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 (Recommended by Switzerland)*

IRI: not implemented

RSF response:

RSF n'a pas constaté de progrès en matière de liberté d'expression et de liberté de la presse. Les médias restent soumis au pouvoir qui exerce un contrôle total sur l'information. Le ministère de l'Information est l'autorité de tutelle et l'organe de régulation des médias. Il n'y a donc que très peu de médias indépendants et libres. Le rôle des médias publics consiste à diffuser la propagande du régime et ne constitue en aucun cas un contre-pouvoir. La mainmise du régime empêche tout développement d'une presse pluraliste représentant diverses sensibilités de la société guinéenne. La couverture de l'opposition politique dans les médias est quasiment nulle. Le pouvoir impose la ligne éditoriale des médias publics et a recours à la censure. Ainsi inquiet de l'impact que les révoltes dans le monde arabe pourrait avoir en Guinée Equatoriale, le ministère de l'Information a donné l'instruction aux médias publics de ne jamais en faire mention. Dans ce contexte de défiance, les journalistes sont souvent la cible de la colère des autorités de Malabo. Les médias étrangers subissent également l'acharnement des autorités contre les journalistes et le contrôle étroit de l'information. Par conséquent très rares sont les correspondants étrangers en Guinée Equatoriale.

Recommendation n°121: *Remove the 1992 provision authorizing government censorship of all publications, and promote pluralistic, free and independent media (Recommended by United Kingdom)*

IRI: not implemented

RSF response:

D'après nos informations, la provision de 1992 autorisant la censure n'a pas été supprimée. Les médias restent soumis au pouvoir qui exerce un contrôle total sur l'information. Le ministère de l'Information est l'autorité de tutelle et l'organe de régulation des médias. Il n'y a donc que très peu de médias indépendants et libres. Le rôle des médias publics consiste à diffuser la propagande du régime et ne constitue en aucun cas un contre-pouvoir. La mainmise du régime empêche tout développement d'une presse pluraliste représentant diverses sensibilités de la société guinéenne. La couverture de l'opposition politique dans les médias est quasiment nulle. Le pouvoir impose la ligne éditoriale des médias publics et a recours à la censure. Ainsi inquiet de l'impact que les révoltes dans le monde arabe pourrait avoir en Guinée Equatoriale, le ministère de l'Information a donné l'instruction aux médias publics de ne jamais en faire mention.

EGJ response:

Domestic and international press freedom continues to be restricted in Equatorial Guinea. A Freedom of Information law does not exist that would enable media free access to information. Laws in Equatorial Guinea, including the 1992 law on the Press, Publishing, and Audiovisual Media, allow the government to restrict domestic press activities through official prepublication censorship. Violation of these laws can result in criminal, civil and administrative penalties. Furthermore, almost all domestic media outlets are owned by the government or high ranking government officials. Although journalists in recent years have been permitted to voice mild or vague criticism of government institutions, criticism of the president, his family, other high-ranking officials, and the security forces was not tolerated. Local journalists and



private publications were required to register with the government through a prohibitively complex and bureaucratic process.

Local journalists were subject to systematic surveillance and frequently practiced self-censorship. In February 2010, a journalist with the state-run radio in the mainland city of Bata, Pedro Luis Esono, was detained for three days after he reported on-air the alleged discovery of seven bodies at a city dump. In April, Samuel Obiang Mbana, a local stringer for Agence France-Presse (AFP) and the Gabon-based Africa No. 1 radio, was detained by police for several hours after he attempted to cover arrivals for a regional summit in central Africa.

In February 2011, the government ordered state-run television and radio not to cover the “Arab Spring” protests in North Africa and the Middle East. Juan Pedro Medene, host of a French-language program on state-owned radio, was fired after he referred briefly to events in Libya on air.

Foreign journalists face a difficult accreditation process to enter the country and often are followed, harassed and detained. . In March 2011, the government denied a visa to Reporters without Borders who planned to conduct a fact-finding mission in the country. The government cited Reporters without Borders “offensive references to our President” on their website as justification. On June 18, 2011, local security officials detained a German television crew for five hours and deleted some of their footage containing images of poor social conditions and an interview with an opposition leader. During the African Union Summit held in Malabo in June 2011, several international journalists reported being followed and harassed by local security officials. The local correspondent for Agence France Presse and Radio France Internationale was detained at the airport in Malabo after covering the arrival of African heads of state for the Summit. In December 2010, the Ministry of Information approved El Lector, a newspaper that appeared at infrequent intervals throughout the year. El Lector is owned by a private individual who may have close connections to the ruling regime.

Recommendation n°123: 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 (Recommended by United States)

IRI: not implemented

RSF response:

En Guinée Equatoriale, l'opposition au président Teodoro Obiang Nguema a très peu d'espace d'expression. Ainsi lors des élections présidentielles de novembre 2009, la couverture médiatique des 4 candidats d'opposition fut fort réduite. En 2011 des journalistes étrangers ont réalisé des interviews avec des représentants de la contestation au régime. Ils ont été expulsés du pays, les cartes mémoire confisquées et les images effacées. Les médias locaux sont étroitement surveillés par le régime. Leur rôle est uniquement vu comme le relai de la propagande officielle. Les radios et chaînes de télévision publiques sont contrôlées par le ministère de l'Information qui impose la ligne éditoriale et pratique la censure si les journalistes ont dévié de la



ligne. Les journalistes des médias publics ont le statut de fonctionnaire et peuvent être licenciés sans préavis. Il n'existe pratiquement pas de médias indépendant et libre, à l'exception de quelques titres.

ESC Rights

Recommendation n°6: *Progressively implement economic, social and cultural rights, notably by ensuring the appropriate level of social expenditures* (Recommended by Angola)

IRI: *partially implemented*

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Recommendation n°67: *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* (Recommended by Italy)

IRI: *partially implemented*

+

Recommendation n°88: *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* (Recommended by Portugal)

IRI: *partially implemented*

+

Recommendation n°97: *Continue to strengthen its efforts aimed at economic development, with particular emphasis on improvement of social infrastructure for service provision* (Recommended by South Africa)

IRI: *partially implemented*

+

Recommendation n°99: *Strengthen measures aimed at poverty eradication* (Recommended by South Africa)

IRI: *partially implemented*

+

Recommendation n°101: *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* (Recommended by Spain)

IRI: *partially implemented*

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Recommendation n°107: *Continue implementing the national strategy for combating poverty and seek the necessary assistance in this regard* (Recommended by Sudan)

IRI: *partially implemented*

EGJ response:

The government continues to spend considerable amounts of money on infrastructure projects. In the period 2010-2014, annual government expenditures on infrastructure are projected to average nearly 36% of total government spending, while social spending will account for approximately 15% annually. While some



infrastructure projects, such as roads, telecommunication improvements, and hospitals could have positive impacts on the lives of ordinary Equatoguineans starting in the short-term, many of the infrastructure projects are only likely to improve people's lives in the long-term, if at all. Government spending on health and education remains significantly below regional averages, and most ordinary citizens remain without reliable access to electricity, potable water, and quality, affordable healthcare services.

Recommendation n°25: *Establish a unified national policy to reduce poverty*
(Recommended by *Brazil*)

IRI: *fully implemented*

EGJ response:

In 2007, the government outlined a national policy, "Horizon 2020", to reduce poverty. The plan prioritizes spending on infrastructure during the first phase, and the escalation of social spending during the policy's second phase. The government continues to spend considerable amounts of money on infrastructure projects. In the period 2010-2014, annual government expenditures on infrastructure are projected to average nearly 36% of total government spending, while social spending will account for approximately 15% annually. While some infrastructure projects, such as roads, telecommunication improvements, and hospitals could have positive impacts on the lives of ordinary Equatoguineans starting in the short-term, many of the infrastructure projects are only likely to improve people's lives in the long-term, if at all. Government spending on health and education remains significantly below regional averages, and most ordinary citizens remain without reliable access to electricity, potable water, and quality, affordable healthcare services.

Recommendation n°30: *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*
(Recommended by *Canada*)

IRI: *partially implemented*

EGJ response:

Government spending on health and education remains significantly below regional averages, and most ordinary citizens remain without access to quality education and quality, affordable healthcare services. In partnership with the American oil company Marathon Oil Company, the government has invested some resources into reducing the incidence of, and mortality rates from, malaria on Bioko Island. With assistance from the Global Fund, the government is making an effort to expand this program to the continental region. Results to date, particularly on Bioko Island, have been encouraging, but additional capacity strengthening on the government side is necessary to ensure the long-term viability of the projects. The government has financed the construction of two state-of-the-art hospitals (one on Bata, one in Malabo). However, these high-tech facilities are out of the financial reach of most citizens, who continue to rely on poorly funded, outdated, and inadequately staffed local hospitals and clinics for healthcare. In the education sector, the government is partnering with the American oil company Hess Corporation to improve the national education system. The resulting project, "the Program for Education Development of Equatorial Guinea" (PRODEGE), was initiated in 2006. To date, PRODEGE has



trained and certified more than 1000 primary school teachers, led to the construction or refurbishment of more than 50 schools, and implemented a pilot project of "active learning model" schools that aims to make the classroom experience more dynamic and engaging for teachers and students. As part of this effort, the Ministry of Education, with significant technical assistance from an international education-focused non-governmental organization, has made some progress in increasing its capacity to systematically collect and analyze data on the quality of the country's education system. The eventual goal is to increase the scope of this project nationwide, and to expand it into the secondary school sector. The government will need to focus adequate political will and resources into these projects and the Ministry of Education to ensure successful scalability and long-term sustainability. The government has financed a modest number of scholarships for students to attend international universities.

Recommendation n°71: 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 (Recommended by Mexico)

IRI: partially implemented

EGJ response:

The government continues to spend considerable amounts of money on infrastructure projects. In the period 2010-2014, annual government expenditures on infrastructure are projected to average nearly 36% of total government spending, while social spending will account for approximately 15% annually. While some infrastructure projects, such as roads, telecommunication improvements, and hospitals could have positive impacts on the lives of ordinary Equatoguineans starting in the short-term, many of the infrastructure projects are only likely to improve people's lives in the long-term, if at all. Government spending on health and education remains significantly below regional averages, and most ordinary citizens remain without reliable access to electricity, potable water, and quality, affordable healthcare services. The government has invested money for social spending in a Social Development Fund that was initiated in 2006. Institutional bottlenecks related to either poor capacity, limited political will, or both, hindered the financing of projects during the Fund's first three years. Some projects have since been financed, but low capacity of government ministries, exacerbated in part by the President's frequent shuffling of upper-level ministerial positions, have hampered the Fund's progress. The Fund's funding and spending are opaque, as the government does not publically disclose these figures, making it difficult to assess the progress or effectiveness of the Fund or the projects it finances.

Recommendation n°84: Pave the way for implementation of the Extractive Industries Transparency Initiative involving all groups of society (Recommended by Norway)

IRI: not implemented

EGJ response:

Equatorial Guinea was delisted from the EITI in April 2010 for failing to adequately meet the standards set by the EITI Board and Secretariat. The government of Equatorial Guinea has not formally applied for readmission to the EITI, but the government has appointed a new official to oversee its EITI effort and continues to



hold occasional EITI meetings with stakeholders, including from civil society. These developments provide room for optimism that the government may be considering reapplying to the EITI. However, to adequately pave the way for re-entry to the EITI, the government must remove formal and informal barriers that effectively hinder the full engagement of civil society in the stakeholder process. This includes:

- Standardizing and streamlining the procedures required for civil society organizations to register and gain legal status, and applying the revised procedures to grant eligible organizations legal status on a timely basis.
- Updating and clarifying the laws that pertain to civil society organizations, and applying them consistently and transparently.
- Establishing an access to information law that grants individuals and civil society organizations the right to obtain and share information.
- Removing government restrictions on freedom of the press, including removing the legal language that allows the government to censor journalists and media outlets.
- Allowing civil society organizations to act autonomously of the state, including by removing the legal language that allows the government to monitor civil society meetings and requires civil society organizations to inform the government of their meetings and activities.
- Stop restricting—through the use of unreasonably burdensome financial reporting requirements—the ability of civil society organizations to receive donations.
- Educating civil society organizations about the availability of government financial and logistical assistance, and establishing a clear set of criteria for how and when civil society groups can access these.
- Continuing to facilitate education and training programs for civil society, including exchange programs with other EITI countries and allowing greater interaction with international NGOs.
- Instituting and adhering to a clear process for decision making within the National Committee that seeks to implement EITI in-country, maintaining clear records of decisions, and ensuring that all decisions are reached via the consensus of all stakeholders.
- Providing technical training for the civil society members on the technical committee.
- Creating a strong, independent, high level EITI National Coordinator office with a permanent staff that possesses the necessary resources to effectively manage the budget, enforce vertical accountability, and coordinate the activities of all stakeholders.
- Implementing the steps outlined in the World Bank-provided Action Plan in order to strengthen civil society and prepare the groundwork for the country's potential readmission to the EITI.
- Outlining and implementing a detailed plan of action to educate citizens about the EITI and to communicate the progress made on achieving its goals. This should include publishing on the government's website EITI reports, periodic updates on EITI implementation, and the government's annual budget.

Recommendation n°87: *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 (Recommended by Portugal)*

IRI: partially implemented

EGJ response:

Government spending on health remains significantly below regional averages, and most ordinary citizens remain without access to quality, affordable healthcare services. In partnership with the American oil company Marathon Oil Company, the government has invested some resources into reducing the incidence of, and mortality rates from, malaria on Bioko Island. With assistance from the Global Fund, the government is making an effort to expand this program to the continental region. Results to date, particularly on Bioko Island, have been encouraging, but additional capacity strengthening on the government side is necessary to ensure the long-term viability of the projects. The government has financed the construction of two state-of-the-art hospitals (one on Bata, one in Malabo). However, these high-tech facilities are out of the financial reach of most citizens, who continue to rely on poorly funded, outdated, and inadequately staffed local hospitals and clinics for healthcare. Additional resources should be invested into improving hospitals and clinics that are relied upon by ordinary citizens.

Recommendation n°89: *Reinforce its efforts to meet the commitment to ensure free basic education, particularly primary education, and to address gender disparities (Recommended by Portugal)*

IRI: *partially implemented*

+

Recommendation n°103: *Prioritize efforts to comply with the commitment to guarantee free primary education, presently receives one of the lowest levels of State investment in the region (Recommended by Spain)*

IRI: *partially implemented*

EGJ response:

Government spending on education remains significantly below regional averages, and most ordinary citizens remain without access to quality education. Primary education is free. The government is partnering with the American oil company Hess Corporation to improve the national education system. The resulting project, "the Program for Education Development of Equatorial Guinea" (PRODEGE), was initiated in 2006. To date, PRODEGE has trained and certified more than 1000 primary school teachers, led to the construction or refurbishment of more than 50 schools, and implemented a pilot project of "active learning model" schools that aims to make the classroom experience more dynamic and engaging for teachers and students. As part of this effort, the Ministry of Education, with significant technical assistance from an international education-focused non-governmental organization, has made some progress in increasing its capacity to systematically collect and analyze data on the quality of the country's education system. The eventual goal is to increase the scope of this project nationwide, and to expand it into the secondary school sector. The government will need to focus adequate political will and resources into these projects and the Ministry of Education to ensure successful scalability and long-term sustainability. The government has financed a modest number of scholarships for students to attend international universities.



Recommendation n°114: *Improve detention conditions by providing food, water and sanitary installations as well as by reducing prison overcrowding* (Recommended by Switzerland)

IRI: *partially implemented*

EGJ response:

Conditions in police station jails and other detention centers were harsh and sometimes life threatening. The government recently renovated three prisons in Bata, Evinayong, and Malabo, and while conditions improved, they remained inadequate. Holding cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees, but this access was not routine. The government began providing basic meals in the three main prisons and some holding centers, but it was generally insufficient and of poor quality. Food often had to be provided by families of prisoners or detainees or by fellow prisoners and detainees, and authorities restricted access to potable water. Some prisoners and detainees did not have access to toilets.

Indigenous & Minorities

Recommendation n°27: *Prohibit or limit detention for reasons of migratory status and establish a specialized institution for migration* (Recommended by Brazil)

IRI: *not implemented*

EGJ response:

In 2011, there were reports of both documented and undocumented immigrants being held in detention for length periods, pending deportation. Foreign embassies reported that the government did not contact them when nationals were arrested and that at times legal immigrants were arrested with undocumented immigrants. For instance, police rounded up several dozen Africans in Malabo in late May, accused them of having falsified papers, detained them at the Central Police Headquarters in Malabo, and released them a few days later after intervention by diplomats. In 2011, there were also reports of immigrants being stripped of their residency permits, imprisoned, and eventually forcefully deported without cause.

International Instruments

Recommendation n°11: *Ratify all pending human rights treaties* (Recommended by Argentina)

IRI: *partially implemented*

+

Recommendation n°23: *Sign and ratify the core human rights instruments* (Recommended by Azerbaijan)

IRI: *partially implemented*

EGJ response:

Equatorial Guinea acceded to the Optional Protocol to the Convention on the Elimination of Discrimination Against Women (OP-CEDAW) on 16 October 2009. However, it has not yet ratified the following treaties related to human rights:

- 1) Convention on the Rights of Persons with Disabilities, 2) the Rome Statute of the International Criminal Court,
- 3) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT),
- 4) the International Convention for the Protection of All Persons from Enforced Disappearance (CED),
- 5) the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPCRC-AC),
- 6) the Convention on the Prevention and Punishment of the Crime of Genocide,
- 7) the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity,
- 8) International Convention on the Suppression and Punishment of the Crime of Apartheid,
- 9) second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,
- 10) Optional Protocol to the Convention on the Rights of Persons with Disabilities,
- 11) Convention relating to the Status of Stateless Persons,
- 12) Convention on the Reduction of Statelessness,
- 13) Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol, 14) International Convention Against the Recruitment, Use, Financing and Training of Mercenaries,
- 15) Agreement on the Privileges and Immunities of the International Criminal Court,
- 16) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

Recommendation n°12: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *Argentina*)

IRI: *not implemented*

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Recommendation n°41: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *Chile*)

IRI: *not implemented*

+

Recommendation n°47: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *Czech Republic*)

IRI: *not implemented*

+



Recommendation n°55: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *France*)

IRI: *not implemented*

+

Recommendation n°105: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *Spain*)

IRI: *not implemented*

+

Recommendation n°122: *Sign and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment OP-CAT* (Recommended by *United Kingdom*)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.

Recommendation n°13: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty* (Recommended by *Argentina*)

IRI: *not implemented*

+

Recommendation n°43: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by *Chile*)

IRI: *not implemented*

+

Recommendation n°56: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty in all circumstances* (Recommended by *France*)

IRI: *not implemented*

+

Recommendation n°94: *Accede to and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty* (Recommended by *Slovenia*)

IRI: *not implemented*

+

Recommendation n°106: *Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights* (Recommended by *Spain*)

IRI: *not implemented*

+

Recommendation n°110: *Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty* (Recommended by *Sweden*)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty. The death penalty is mandatory for murder unless there are mitigating circumstances.



Recommendation n°14: *Accede to the United Nations Convention against Corruption and ensure a proper audit of funds allocated for social services* (Recommended by Australia)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.

Recommendation n°17: *Consider the abolition of the death penalty and accede to the Second Optional Protocol to ICCPR related to the abolition of the death penalty* (Recommended by Azerbaijan)

IRI: *not implemented*

EGJ response:

This has not occurred. In August 2010, four Equatoguinean citizens were executed just one hour after they were sentenced, without recourse to an appeals process and before their families could arrive to say final goodbyes. On May 7, 2012, a 20-year-old man, Amadou Tamboura, was sentenced to death after the Litoral Provincial Court in the city of Bata convicted him of aggravated murder.

Recommendation n°22: *Sign and ratify CPRD* (Recommended by Azerbaijan)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not signed or ratified this treaty.

Recommendation n°42: *Ratify the Rome Statute of the International Criminal Court* (Recommended by Chile)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.

Recommendation n°80: *Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* (Recommended by Nigeria)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.

Recommendation n°90: *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* (Recommended by Portugal)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.



Recommendation n°93: *Accede to and ratify OPCRC-AC* (Recommended by Slovenia)

IRI: *not implemented*

EGJ response:

Equatorial Guinea has not ratified this treaty.

Recommendation n°116: *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* (Recommended by Turkey)

IRI: *partially implemented*

EGJ response:

Equatorial Guinea has not ratified the CRPD or the OP-CRC-AC. It acceded to the OP-CEDAW on 16 October 2009.

Justice

Recommendation n°8: *As a transitional measure, implement a moratorium on the application of the death penalty* (Recommended by Argentina)

IRI: *not implemented*

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Recommendation n°66: *Consider the establishment of a legal moratorium on the death penalty with a view to abolishing capital punishment* (Recommended by Italy)

IRI: *not implemented*

+

Recommendation n°95: *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* (Recommended by Slovenia)

IRI: *not implemented*

+

Recommendation n°102: *Permanently abolish the death penalty* (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°109: *Formally establish a moratorium on the death penalty, with a view to abolishing it completely* (Recommended by Sweden)

IRI: *not implemented*

EGJ response:

This has not occurred. In August 2010, four Equatoguinean citizens were executed just one hour after they were sentenced, without recourse to an appeals process and before their families could arrive to say final goodbyes. On May 7, 2012, a 20-year-old man, Amadou Tamboura, was sentenced to death after the Litoral Provincial Court in the city of Bata convicted him of aggravated murder. The death penalty is mandatory for murder unless there are mitigating circumstances.



Recommendation n°10: *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 (Recommended by Argentina)*

IRI: *partially implemented*

EGJ response:

In regard to the recommendations in report A-HRC-7-4-Add.3 of the Working Group on Arbitrary Detention, the government has not implemented recommendation 100 (a) to end secret detention. In January 2010, four Equatoguinean refugees were abducted and held in secret detention until August 2010 when they were convicted by a military court and executed. Florencio Ela Bibang and Antimo Edu Nchama, two of the four prisoners named in the Working Group report, were pardoned by the government in 2009.

The government also has not implemented recommendation 100 (b) to cease detaining individuals for the exercise of a right recognized by international human rights law. In April 2011, two opposition party leaders, José Sima Ndong and Vicente Nze, were arrested in Bata for attempting to organize demonstrations on May 1 to coincide with International Workers' Day. In the last week of May 2011, just prior to the African Union Summit in Malabo, more than 100 youth were arrested in Bata apparently for remaining in the streets after school. In November 2011, opposition party member and civil society activist Marcial Abaga Barril was detained for three days on questionable charges during a political campaign in which he campaigned against government-sponsored constitutional reforms. In February 2012, Dr. Wenceslao Mansogo Alo, a prominent human rights defender and medical doctor, was detained following an accusation of medical malpractice. Despite a lack of evidence, Dr. Mansogo was sentenced to three years in prison following a two-day trial. There is significant concern that the conviction of Dr. Mansogo was politically motivated.

In regard to recommendation 100 (e), on March 29, 2010 the attorney general met with 90 percent of the inmates in Black Beach Prison to determine their trial dates, date of imprisonment and state of health. However, there is no effective or reliable system of prisoner registration.

In regard to recommendation 100 (f) on the use of military courts, in August 2010, two ex-military members were convicted by a military tribunal and sentenced to 20 years in prison after having already been acquitted on the same charges by a civilian court. This violates both Equatoguinean law, which forbids double jeopardy, and international law.

In regard to recommendation 100 (g), the government has taken steps to train officials and police to prevent human rights abuses. In 2011, the government hired a foreign contractor to organize training seminars on human rights, prevention of human trafficking, and appropriate use of force for police and gendarmes.



The government has not consistently followed recommendation 100 (h) to guarantee lawyers' access to detainees and all prisons. Lawyers for Dr. Wenceslao Mansogo have had difficulty accessing their client. On May 22, prison authorities repeatedly told his lawyer to return later to see Dr. Mansogo. When the lawyer insisted, he was allowed in to see him, but prison guards repeatedly interrupted their meeting and told the lawyer to leave. On May 24, a guard again interrupted his meeting several times and told him to leave.

Prisons and detention centers do not meet the standards of adequate food, medical care, sanitation and habitability described in recommendation 100 (i). The government did renovate three detention centers and while conditions improved in these facilities, they remained inadequate. Prisons and holding cells are frequently overcrowded and dirty with inadequate ventilation and lighting. Access to medical care is limited and diseases such as HIV/AIDS and malaria are serious problems. Although the government began providing meals in the three main prisons and detention centers, the food was generally insufficient and of poor quality. Prisoners often rely on family members or fellow detainees to supply food. Access to potable water is restricted by authorities and some prisoners do not have access to toilets. The conditions of Dr. Wenceslao Mansogo's detention illustrate the inadequate conditions in prisons and detention centers. Dr. Mansogo is held in a cell approximately 4 meters by 3 meters with one tiny window and extremely poor sanitation conditions, particularly the toilet. Dr. Mansogo is isolated from other prisoners and is not permitted to leave the cell for fresh air or exercise. Dr. Mansogo's wife provides him with meals twice a day. Prison officials also confiscated personal possessions belonging to Dr. Mansogo, including a laptop computer and books.

In regard to recommendation (j) stating that authorities should take concrete and measurable steps to strengthen civil society organizations, particularly NGOs in the field of human rights, the government has not taken steps to promote the growth of civil society. Civil society organizations remain extremely weak and face legal, informational and organizational barriers from the government. The country's legal framework pertaining to civil society suffers from numerous shortcomings that inhibit civil society activism. In particular, the government's legal definition of civil society is vague and poorly defined with the result that many civil society organizations are not recognized by the law. Civil society organizations involved in human rights, social development, and just distribution of oil wealth face suspicion and discrimination from the government. In April 2010, the Extractive Industries Transparency Initiative Board revoked Equatorial Guinea's status as a candidate country, in part because it failed to meet the requirement that civil society organizations participate fully and autonomously in the EITI process.

The government has not adopted recommendation (l) stating that foreigners in the country illegally should not be detained if possible, and a reasonable maximum duration of detention should be established. According to the U.S. State Department, in 2011 illegal immigrants pending deportation were held in police detention centers for lengthy periods. Foreign embassies were not notified by the government when



nationals were arrested. In at least one case, legal immigrants were arrested along with illegal immigrants and accused of having falsified documents.

Recommendation n°20: *Increase its efforts to improve conditions in detention facilities* (Recommended by Azerbaijan)

IRI: *partially implemented*

EGJ response:

According to the US State Department, conditions in police station jails and other detention centers were harsh and sometimes life threatening. The government recently renovated three prisons in Bata, Evinayong, and Malabo, and while conditions improved, they remained inadequate. Holding cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees, but this access was not routine. The government began providing basic meals in the three main prisons and some holding centers, but it was generally insufficient and of poor quality. Food often had to be provided by families of prisoners or detainees or by fellow prisoners and detainees, and authorities restricted access to potable water. Some prisoners and detainees did not have access to toilets.

Recommendation n°32: *Demand that Government representatives declare their assets as stipulated under the law and in a way that these could be verifiable* (Recommended by Canada)

IRI: *not implemented*

EGJ response:

This has not occurred.

Recommendation n°33: *Investigate allegations of torture without delay and hold the perpetrators of such violations accountable* (Recommended by Canada)

IRI: *not implemented*

+

Recommendation n°40: *Have competent bodies investigate all pending complaints about torture and enforced or involuntary disappearance and bring the perpetrators to trial* (Recommended by Chile)

IRI: *not implemented*

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Recommendation n°100: *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* (Recommended by Spain)

IRI: *not implemented*

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Recommendation n°119: *Implement Law 6-2006 to ensure that all allegations of torture are properly investigated and those responsible are held accountable* (Recommended by United Kingdom)

IRI: *not implemented*

EGJ response:

Allegations of torture are not thoroughly investigated, and perpetrators of such violations are not held accountable. For instance, no action has been taken against security officials at Black Beach Prison who reportedly tortured four former military officers until they confessed to the 2009 attack on the presidential palace.

Recommendation n°36: *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* (Recommended by Canada)

IRI: *not implemented*

EGJ response:

These measures have not been implemented.

Recommendation n°45: *Improve conditions in detention facilities and prisons so that they meet international standards* (Recommended by Czech Republic)

IRI: *partially implemented*

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Recommendation n°62: *Make every necessary effort to improve the conditions in detention facilities so that they meet the necessary minimum conditions of habitability* (Recommended by Germany)

IRI: *partially implemented*

EGJ response:

Conditions in police station jails and other detention centers were harsh and sometimes life threatening. The government recently renovated three prisons in Bata, Evinayong, and Malabo, and while conditions improved, they remained inadequate. Holding cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees, but this access was not routine. The government began providing basic meals in the three main prisons and some holding centers, but it was generally insufficient and of poor quality. Food often had to be provided by families of prisoners or detainees or by fellow prisoners and detainees, and authorities restricted access to potable water. Some prisoners and detainees did not have access to toilets.

Recommendation n°53: *Adopt an immediate and effective moratorium on executions* (Recommended by France)

IRI: *not implemented*

EGJ response:

This has not occurred.

Recommendation n°54: *Guarantee the independence of the judiciary, including through legislative measures* (Recommended by France)

IRI: *not implemented*

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Recommendation n°73: *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 (Recommended by Mexico)*

IRI: *not implemented*

EGJ response:

Equatorial Guinea's judiciary lacks independence. Although the constitution recognizes the principle of judicial independence, it designates the president the "chief magistrate" of the country and permits him to name judges without parliamentary approval. Recently adopted constitutional changes serve to further institutionalize the lack of judicial independence. For instance, they extend the president's considerable power by allowing him to chair the body that controls judges, the Supreme Council on Judicial Power, as well as to appoint the other six members. Lawyers assigned to sensitive cases concerning human rights or national security have reported that judges regularly tell them that judges need to consult with the office of the president regarding their decisions.

Recommendation n°58: *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 (Recommended by France)*

IRI: *partially implemented*

EGJ response:

Conditions in police station jails and other detention centers were harsh and sometimes life threatening. The government recently renovated three prisons in Bata, Evinayong, and Malabo, and while conditions improved, they remained inadequate. Holding cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees, but this access was not routine. The government began providing basic meals in the three main prisons and some holding centers, but it was generally insufficient and of poor quality. Food often had to be provided by families of prisoners or detainees or by fellow prisoners and detainees, and authorities restricted access to potable water. Some prisoners and detainees did not have access to toilets.

Arbitrary arrests and detentions still occur. In November 2011, a well-known opposition member who was campaigning against the government's proposed constitutional reforms was arbitrarily detained for three days on charges that lacked any supportive evidence.

Secret detentions continued to occur following the government's UPR. Four men eventually executed in August 2010 were held for months in secret detention without access to their lawyers or families.



Recommendation n°63: *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 (Recommended by Ghana)*

IRI: *partially implemented*

EGJ response:

The law prohibits arbitrary arrest and detention; however, security forces arrest or detain persons arbitrarily and without due legal process. Both police and gendarmes frequently order arrests and detentions without legal authorization. Security forces extort money from citizens and immigrants at police checkpoints. There is no internal investigation unit within the police, and mechanisms to investigate allegations of abuse are poorly developed. The Ministry of National Security has reported that it was required to appear before the legislature to provide responses about abuses committed by individual police officers and that police officers were dismissed as a result. The government has invested in the professionalization of military and security forces, including a human rights training component. According to the US State Department, "Evidence and feedback from expatriates, citizens, and community leaders indicated improvements in performance in human rights and professional conduct, particularly among younger officers who received the training."

Recommendation n°65: *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 (Recommended by Ghana)*

IRI: *not implemented*

EGJ response:

Equatorial Guinea's judiciary lacks independence. Although the constitution recognizes the principle of judicial independence, it designates the president the "chief magistrate" of the country and permits him to name judges without parliamentary approval. Recently adopted constitutional changes serve to further institutionalize the lack of judicial independence. For instance, they extend the president's considerable power by allowing him to chair the body that controls judges, the Supreme Council on Judicial Power, as well as to appoint the other six members. Lawyers assigned to sensitive cases concerning human rights or national security have reported that judges regularly tell them that judges need to consult with the office of the president regarding their decisions. Allegations of torture are not thoroughly investigated, and perpetrators of such violations are not held accountable. For instance, no action has been taken against security officials at Black Beach Prison who reportedly tortured four former military officers until they confessed to the 2009 attack on the presidential palace.

Recommendation n°68: *Thoroughly investigate all reports of abductions and introduce a registry of prisoners available to the public (Recommended by Italy)*

IRI: *not implemented*

EGJ response:

No registry of prisoners has been made publically available. Four Equatoguineans were abducted, presumably at the behest of the Equatoguinean government, from Benin, where they had been living in exile, and executed in August 2010 following a summary trial that violated their rights and before they were able to file an appeal or even visit with their families.



Recommendation n°79: *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 (Recommended by Netherlands)*

IRI: *not implemented*

EGJ response:

Allegations of torture are not thoroughly investigated, and perpetrators of such violations are not held accountable. For instance, no action has been taken against security officials at Black Beach Prison who reportedly tortured four former military officers until they confessed to the 2009 attack on the presidential palace. Equatorial Guinea's judiciary lacks independence. Although the constitution recognizes the principle of judicial independence, it designates the president the "chief magistrate" of the country and permits him to name judges without parliamentary approval. Recently adopted constitutional changes serve to further institutionalize the lack of judicial independence. For instance, they extend the president's considerable power by allowing him to chair the body that controls judges, the Supreme Council on Judicial Power, as well as to appoint the other six members. Lawyers assigned to sensitive cases concerning human rights or national security have reported that judges regularly tell them that judges need to consult with the office of the president regarding their decisions.

Recommendation n°82: *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 (Recommended by Norway)*

IRI: *not implemented*

EGJ response:

Civil society organizations cannot focus on human rights issues without experiencing severe harassment. The process by which NGOs seek approval from the Interior Ministry remains complex, unclear, and inadequately formalized. Such groups are still required by law to disclose funding from abroad, to obtain advanced permission to hold meetings, and to allow government representatives to attend their meetings. The ambiguity of the legal framework provides individual government officials the discretion to interpret the meaning and application of the law. Civil society organizations have raised concerns that this enables government officials to apply the law arbitrarily or inconsistently based on favoritism or patronage. The legal code also makes it difficult for international NGOs to assist local civil society organizations. Local civil society groups are unable to affiliate themselves with international organizations—or adopt names that allude to them—without government authorization.

Recommendation n°111: *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 (Recommended by Sweden)

IRI: *not implemented*

+

Recommendation n°113: 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 (Recommended by Switzerland)

IRI: *not implemented*

EGJ response:

Equatorial Guinea's judiciary lacks independence. Although the constitution recognizes the principle of judicial independence, it designates the president the "chief magistrate" of the country and permits him to name judges without parliamentary approval. Recently adopted constitutional changes serve to further institutionalize the lack of judicial independence. For instance, they extend the president's considerable power by allowing him to chair the body that controls judges, the Supreme Council on Judicial Power, as well as to appoint the other six members. Lawyers assigned to sensitive cases concerning human rights or national security have reported that judges regularly tell them that judges need to consult with the office of the president regarding their decisions.

Recommendation n°120: 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 (Recommended by United Kingdom)

IRI: *not implemented*

EGJ response:

The government does not make public any budget documents, making accountability extremely difficult and raising concerns that money is being misallocated or misspent.

Recommendation n°124: 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 (Recommended by United States)

IRI: *partially implemented*

EGJ response:

Equatorial Guinea's judiciary lacks independence. Although the constitution recognizes the principle of judicial independence, it designates the president the "chief magistrate" of the country and permits him to name judges without parliamentary approval. Recently adopted constitutional changes serve to further



institutionalize the lack of judicial independence. For instance, they extend the president's considerable power by allowing him to chair the body that controls judges, the Supreme Council on Judicial Power, as well as to appoint the other six members. Lawyers assigned to sensitive cases concerning human rights or national security have reported that judges regularly tell them that judges need to consult with the office of the president regarding their decisions. The law prohibits arbitrary arrest and detention; however, security forces arrest or detain persons arbitrarily and without due legal process. Both police and gendarmes frequently order arrests and detentions without legal authorization. The government has invested in the professionalization of military and security forces, including a human rights training component. According to the US State Department, "Evidence and feedback from expatriates, citizens, and community leaders indicated improvements in performance in human rights and professional conduct, particularly among younger officers who received the training." Lawyers do not always have free access to police stations and prisoners. In May, 2012, a lawyer representing Dr. Wenceslao Mansogo reported that access to his client was difficult. On May 22, prison authorities repeatedly told him to return later, but after he insisted on seeing his client, he was eventually allowed in. Even so, the prison guard came by repeatedly to interrupt him and tell him to leave. He said that on a prior visit he also was initially turned back and had to insist on being allowed to see his client. During a visit to the prison on May 24, a guard again interrupted his meeting with his client several times and told him to leave.



Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.



Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
1	Continue its efforts for the promotion of the role of women within the Government and elected bodies	Algeria	Accepted	2	Women's rights
2	Envisage setting up a justice system for minors	Algeria	Accepted	3	Rights of the Child, Justice,
3	Maintain its policy with regard to access to justice	Algeria	Accepted	2	Justice
4	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	Accepted	2	Right to education, Development,
5	Ensure equal opportunities in the labour market, particularly by promoting access to work for the various social groups	Angola	Accepted	4	Labour
7	Strengthen strategies for access to primary education, particularly for young girls	Angola	Accepted	4	Rights of the Child, Right to education,
9	Consider the possibility of ratifying CED and recognize the competence of the relevant Committee	Argentina	No Response	3	International instruments, Enforced disappearances,
15	Cease all forms of forced displacement, in accordance with the Guiding Principles on Internal Displacement of 1998	Australia	No Response	5	Internally displaced persons
16	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	Accepted	4	Women's rights, Rights of the Child, International instruments,
18	Establish national human rights institution in accordance with the Paris Principles	Azerbaijan	No Response	5	NHRI
19	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	Accepted	5	Poverty
21	Promote gender equality, increase women's participation in all aspects of society and implement the National Policy for the Advancement of Women	Azerbaijan	Accepted	4	Women's rights
24	Cooperate fully with the United Nations human rights system and consider the issuing of a standing invitation to special procedures	Brazil	No Response	4	Special procedures
26	Guarantee the inapplicability of laws and customs which discriminate against women and increase awareness-raising activities in this area	Brazil	Accepted	4	Women's rights, Human rights education and training,



28	Strengthen the work of the National Human Rights Commission, particularly in fighting against arbitrary detention	Brazil	Accepted	4	NHRI
29	Continue its awareness-raising measures to improve the poor rate of schooling for girls and their access to higher and technical studies	Burkina Faso	Accepted	2	Women's rights, Rights of the Child, Right to education,
35	Set up appropriate protection mechanisms to eradicate child exploitation and hold the perpetrators of trafficking and abuse accountable	Canada	Accepted	5	Trafficking, Rights of the Child,
37	Adopt measures and programmes to reduce the rates of maternal and infant mortality and of chronic child malnutrition	Chile	Accepted	4	Rights of the Child, Right to health,
39	Extend an open and permanent invitation to the United Nations human rights special procedures mandate-holders	Chile	No Response	5	Special procedures
44	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	Accepted	4	Women's rights, Justice,
46	Issue and implement standing invitation to human rights special procedures	Czech Republic	No Response	5	Special procedures
48	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	Accepted	5	Women's rights, Sexual Orientation and Gender Identity, Rights of the Child, Minorities, Human rights education and training,
49	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	Accepted	4	Women's rights
50	Consider the establishment of a national human rights institution in conformity with the Paris Principles	Egypt	No Response	3	NHRI
51	Continue its efforts aimed at fighting trafficking in persons and, in particular, the trafficking and exploitation of children	Egypt	Accepted	2	Trafficking, Rights of the Child,
52	Devise plans and strategies, especially for the promotion of gender equality and upholding children's rights	Egypt	Accepted	4	Women's rights, Rights of the Child,
57	Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance CED	France	No Response	5	International instruments, Enforced disappearances,



59	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	Accepted	1	Technical assistance
60	Enable access to military facilities to the Special Rapporteur on the question of torture as requested	Germany	Rejected	5	Torture and other CID treatment, Special procedures, Detention conditions,
61	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	Accepted	4	Treaty bodies, Rights of the Child, Human rights education and training,
69	Consider extending a standing invitation to all special procedures of the Human Rights Council	Latvia	No Response	3	Special procedures
70	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	Libya	Accepted	2	Technical assistance, Rights of the Child, Right to education,
72	Review the reservations to CAT with a view to eliminating them	Mexico	No Response	3	Torture and other CID treatment, International instruments,
74	Undertake measures to strengthen synergy and coordination among the various national institutions responsible for the protection of human rights	Morocco	Accepted	4	General
75	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	Accepted	5	Women's rights, Rights of the Child,
77	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	Accepted	4	Women's rights, Treaty bodies, Rights of the Child, Right to health,
78	Take further measures to prevent the trafficking of children	Netherlands	Accepted	4	Trafficking, Rights of the Child,
81	Seek international assistance in the area of systematic training of law enforcement officials on their responsibility to protect human rights	Nigeria	Accepted	1	Technical assistance, Human rights education and training,
83	Establish an effective and inclusive process to follow up on recommendations emerging from the universal periodic review	Norway	Accepted	4	UPR process



85	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	Accepted	4	Treaty bodies, Technical assistance,
86	Address the situation of persisting gender-based discrimination in political, social and economic life, including by eliminating all laws that discriminate against women	Portugal	Accepted	5	Women's rights
91	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	No Response	3	Special procedures
92	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	Accepted	4	Women's rights, Detention conditions,
96	Consider developing a national action plan for children as recommended by CRC	South Africa	Accepted	3	Treaty bodies, Rights of the Child, National plan of action,
98	Strengthen efforts aimed at promoting gender equality, including through educational campaigns, while paying specific attention to the needs of rural women	South Africa	Accepted	4	Women's rights, Human rights education and training,
108	Intensify efforts to provide assistance for child victims of trafficking	Sudan	Accepted	4	Trafficking, Rights of the Child,
112	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	Accepted	4	Torture and other CID treatment
117	Continue relevant campaigns to eliminate old customs undermining the status of girls and construct roads in rural areas connecting schools with residential centres	Turkey	Accepted	2	Women's rights, Rights of the Child, Human rights education and training,
118	Take necessary measures to ensure that law enforcement officials receive the necessary training	Turkey	Accepted	4	Human rights education and training
125	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	Accepted	4	Women's rights, Rights of the Child,
126	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	Accepted	4	Right to education

A= Action Category (see on [our website](#))

SMR = State making recommendation

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