



28 November 2019

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Equatorial Guinea and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Equatorial Guinea has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow-up on a number of areas raised in the two reports that my Office had prepared for the review of Equatorial Guinea – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 82 delegations and the presentation made and responses provided by the delegation of Equatorial Guinea. I have also considered the actions taken by the Government to implement the 142 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I take particular note of efforts made to become a party to various international instruments, including the accession in 2018 to the United Nations Convention against Corruption, and would like to encourage Equatorial Guinea to continue with efforts to ratify human rights instruments to which it is not yet a party.

I also welcome Decree No. 426/2014 of 13 February 2014, establishing the moratorium with respect to the death penalty, and would urge Equatorial Guinea to formally abolish the death penalty and adopt the necessary measures to repeal the death penalty from its national legislation.

I encourage Equatorial Guinea to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Equatorial Guinea's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular all civil society organizations and, where necessary, with the support of international organizations, including my Office and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

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H.E. Mr. Simeón Oyono Esono Angue
Minister for Foreign Affairs and Cooperation
Republic of Equatorial Guinea



I also encourage Equatorial Guinea to reinforce its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Equatorial Guinea to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Equatorial Guinea in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read "Michelle Bachelet".

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Don Alfonso Nsue Mokuy
Third Deputy Prime Minister of the Government in charge of Human Rights
Republic of Equatorial Guinea

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Completing the ratification process related to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
- Ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention against Discrimination in Education 1960; the 1954 Convention relating to the Status of Stateless Persons; and the 1961 Convention on the Reduction of Statelessness.
- Improving cooperation with the United Nations human rights mechanisms, including by issuing invitations to Special Procedures mandate holders to visit the country and by submitting overdue reports under the international human rights treaties Equatorial Guinea is a party to, seeking technical support, as necessary.

National human rights framework

- Establishing a national human rights institution in accordance with the Paris Principles, endowed with a broad human rights protection mandate and adequate funding to allow the fulfilment of its mandate.
- Developing and implementing a national plan for the implementation of human rights recommendations aligned with the Sustainable Development Goals; and revitalizing the national statistical system for the availability and use of data to facilitate planning, implementation and evaluation of the Sustainable Development Goals.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Combating stigma and discrimination against persons affected by HIV/AIDS.
- Taking the necessary political and legislative measures to combat discrimination on the grounds of sexual orientation and gender identity.

Development, the environment, and business and human rights

- Allocating sufficient resources for poverty reduction, basic health care and primary education.
- Continuing to pursue efforts to develop and strengthen the legislative framework to address environmental challenges, including climate change mitigation and adaptation.

- Ensuring that women, children, youth, older persons, persons with disabilities and other marginalized groups effectively participate in the development and implementation of frameworks related to climate change and disaster risk management.

B. Civil and political rights

Right to life, liberty and security of person

- Formally abolishing the death penalty and adopting the necessary measures to repeal it from national legislation.
- Fully implementing Act No. 6/2006 prohibiting torture and effectively combating impunity, especially for acts of torture and sexual violence, including when these acts are perpetrated by law enforcement agents with a view to ensuring full accountability and preventing recurrence.
- Enhancing efforts to combat unlawful and arbitrary detentions.

Administration of justice, including impunity, and the rule of law

- Adopting concrete legislative and administrative measures to guarantee the independence of the judiciary, particularly in relation to the executive branch.
- Guaranteeing the right to a fair trial.
- Intensifying efforts to reform the penitentiary system and improving conditions of detention in prisons, including by ensuring the separation between women and men, and children and adults.
- Pursuing efforts to efficiently combat corruption, including by ensuring that all acts of corruption are investigated in an independent manner.

Fundamental freedoms and the right to participate in public and political life

- Introducing a freedom of information law compliant with international norms and standards, ensuring progress on target 16.10 of the Sustainable Development Goals concerning public access to information.
- Taking all the necessary measures to guarantee the full exercise of freedom of expression, association and peaceful assembly, and effective and real freedom of the press, including by stopping the practice of pre-publication censorship; repealing or amending legislation that infringes upon freedom of expression, association or peaceful assembly, and adopting a legal framework that protects these fundamental freedoms; and removing undue restrictions on civil society and the media, by reforming Act No. 1/1999 so that it is compliant with relevant international obligations and standards and facilitate the swift registration of civil society organizations that have submitted applications, evaluating all applications on their merits.
- Enacting legislation for the adequate protection of human rights defenders and fostering a safe and enabling environment for civil society actors and human rights defenders, including by conducting prompt, thorough and impartial investigations into allegations of intimidation and reprisals against them and by bringing perpetrators to justice.



- Releasing any political dissidents, human rights defenders or journalists that have been detained for legitimately and peacefully exercising freedom of expression, association or assembly; effectively addressing allegations of political persecution and arbitrary arrests; and taking steps to promote political tolerance and end alleged political persecution, in line with the amnesty measures announced by the Government.
- Guaranteeing the right to participate in free, fair, equitable and transparent elections, organized by competent, independent and impartial national electoral bodies.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Pursuing efforts to address poverty and corruption, including by developing a specific plan to combat poverty and establishing a mechanism to monitor its implementation, particularly with regard to achieving Sustainable Development Goals 3 and 4 of the 2030 Agenda, and with particular attention to improving access to education and health care in rural areas.

Right to health

- Taking additional measures to reduce the maternal and infant mortality rates.
- Strengthening measures to ensure that health centres in rural areas have the necessary resources, including qualified personnel, equipment and supplies of medicines.
- Ensuring full access to sexual and reproductive health services; implementing a countrywide sexual and reproductive health education policy in the school system with a focus on HIV/AIDS; and stepping up efforts for HIV/AIDS education in schools countrywide.

Right to education

- Pursuing efforts to combat the school dropout rate and to improve the quality of education, including by introducing measures to improve the quality of teachers and increasing budget to provide a quality education system.
- Strengthening the legal framework to effectively ensure free education up to 12 years and compulsory schooling to 9 years.

D. Rights of specific persons or groups

Women

- Continuing to strengthen efforts to promote gender equality, including through educational campaigns, paying specific attention to the needs of rural women; taking additional measures to eliminate discrimination against women in all matters relating to marriage and inheritance; and designing a national strategy for the promotion of gender equality and women's rights to empower women economically and promoting their participation in public and political life at the national and local levels.
- Ensuring the implementation of a legal framework that clearly prohibits discrimination against women, in line with Sustainable Development Goal 5, and ensuring that the provisions applied by the traditional courts are in line with its international obligations.



- Speeding up the adoption of legislation to prevent and combat violence against women; penalizing marital rape and sexual harassment; completing the process of adopting the personal and family code and of drafting and adopting the bill on gender-based violence; incorporating domestic and interfamily violence as a crime, in particular violence against women and children; and taking the necessary measures to ensure training of the competent authorities on how to address the issue.

Children

- Taking measures to address stunted growth of children under 5 years of age.
- Prioritizing the protection of children's rights and eradicating corporal punishment in all settings, including at home, and repealing legal justifications for its application.
- Adopting educational and adequate measures to combat child and forced marriages.
- Taking all necessary measures to eliminate all forms of child labour.

Persons with disabilities

- Further broadening the regulatory framework and the implementation of measures on the rights of persons with disabilities to ensure their full social integration, including regarding health care, education and employment.

Minorities

- Establishing a positive dialogue with minority ethnic groups, including by ensuring their participation in the development and implementation of frameworks related to climate change; and improving access to education for vulnerable persons, including by removing impediments to access to education for minority ethnic groups.

Migrants

- Strengthening measures to ensure the effective application of the law on the smuggling of migrants and trafficking in persons.
- Enforcing legislation to combat trafficking in persons and human smuggling, including by developing procedures to proactively identify victims and ensure their adequate protection and care.