



# General Assembly

Distr.: General  
30 August 2024  
English  
Original: Spanish

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-seventh session**  
Geneva, 4–15 November 2024

## **National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21\***

### **Equatorial Guinea**

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\* The present document is being issued without formal editing.



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## I. Introduction

1. Pursuant to United Nations General Assembly Resolution 60/251, the Human Rights Council established the cooperative mechanism linked to the universal periodic review. Through the evaluation of the level of compliance by each State, the aims of the universal periodic review regarding the improvement of the human rights situation favour access to objective and reliable information on the national human rights situation. As part of the programme established by the Council for the period from 2008 to 2011, the Government of Equatorial Guinea took part in the universal periodic review at the sixth session of the Human Rights Council in 2009 and drew up its national report, the consideration of which gave rise to the recommendations ([A/HRC/13/16](#) GE.10-10136) to which the present report relates.

2. The Republic of Equatorial Guinea is a sovereign, independent, republican, unitary, social and democratic State. Its highest values are unity, peace, justice, freedom and equality. Its territory is made up of a mainland region called Río Mini and an island region comprising the islands of Bioko, Annobon, Corisco, Elobey Grande, Elobey Chico, Mbañe, Cocoteros, Conga and nearby islets. It has a total surface area of 28,051 km<sup>2</sup>, of which 26,000 km<sup>2</sup> lie in the mainland region and the rest in the island region. Equatorial Guinea lies on the Gulf of Guinea. The mainland region is bordered to the north by the Campo or Ntem River and the Republic of Cameroon, to the east and south by the Republic of Gabon, and to the west by the Atlantic Ocean. Its capital is Malabo, which is situated on the northern coast of the island of Bioko.

## II. Methodology and data collection

3. Having received the recommendations contained in document [A/HRC/27/13](#) GE.14-07700 from the Working Group, the Government of Equatorial Guinea, through the third Deputy Prime Minister, with responsibility for human rights, requested the different ministerial departments to participate in the process of reporting on the progress made in complying with and/or implementing the recommendations accepted by the Government during the previous review conducted in 2019. To this end, and to enable them to provide concrete, evidence-based responses that bear testament to the Government's efforts, with the support of colleagues from the Office of the United Nations High Commissioner for Human Rights (OHCHR) (Regional Office for Central Africa) based in the Republic of Cameroon, a training workshop was held in the city of Malabo from 29 to 31 July 2024 to foster interaction among the ministries responsible for acting on the recommendations. An inclusive interdepartmental process has been carried out involving the following ministries: the Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice, Worship and Prisons, the Ministry of the Treasury, Economic Affairs and Planning, the Ministry of Forests and the Environment, the Ministry of Education, Science, University and Vocational Education, the Ministry of Health and Social Welfare, the Ministry of Labour, Employment Promotion and Social Security, the Ministry of Social Affairs and Gender Equality, and the Ministry of the Interior and Local Communities. This process was coordinated by the Human Rights Department with guidance from OHCHR, through the United Nations Resident Coordinator Office in Equatorial Guinea, thus giving effect to recommendation 122.35 from the third cycle.

4. For this fourth cycle of the universal periodic review, Equatorial Guinea renews its commitment to promoting and protecting human rights and to ensuring the fulfilment of the international and national commitments assumed by the State in this area.

5. To fulfil these high-level political commitments, important strategic actions are being carried out at the national level, such as:

(a) The signing and ratification of international conventions and the incorporation of those conventions into the national legal system in accordance with the Constitution of Equatorial Guinea. In this context, the revised Criminal Code of 2022, inter alia, totally abolished the death penalty in Equatorial Guinea. Article 26 of the revised Criminal Code states that "as far as the application of penalties is concerned, the death penalty is totally abolished in the Republic of Equatorial Guinea";

(b) The development and implementation of national policies and programmes for the promotion and fulfilment of human rights for groups of vulnerable persons, which the Government accomplishes by conducting State-funded programmes through the Ministry of Social Affairs and Gender Equality, the Ministry of Justice, Worship and Prisons, non-governmental organizations (NGOs), food banks and soup kitchens, and, from 2019 to the present day, the reintegration of prisoners and the rehabilitation of minors;

(c) The raising of public awareness of human rights issues and the fight against discrimination and stigmatization. There are several radio and television programmes aimed at raising awareness of human rights issues, such as “la hora del Defensor del Pueblo” (Ombudsman’s Hour). The Human Rights Department has continued to organize training seminars and workshops for State institutions from 2019 to the present day.

6. Equatorial Guinea recognizes that the universal periodic review is a mechanism relevant for the promotion and protection of human rights. This mechanism provides an opportunity for States to improve the fulfilment of human rights to ensure a decent life for their respective peoples without leaving anyone behind, taking into account the principles of equality, universality, interdependence, indivisibility and non-discrimination. It is against this backdrop that Equatorial Guinea submits its national report for the fourth cycle of the universal periodic review, which provides an update on the status of implementation of the recommendations received during the third cycle in 2019. On that occasion, Equatorial Guinea, represented by a delegation headed by His Excellency Mr. Alfonso Nsue Mokuy, third Deputy Prime Minister, with responsibility for human rights, accepted 202 of the 221 recommendations made, with a commitment to implement them during the current cycle ending in 2024.

7. The recommendations have been grouped thematically, as follows: (i) general recommendations for the promotion and protection of human rights; (ii) specific recommendations for vulnerable groups of people; (iii) recommendations related to sectoral policies; and (iv) recommendations in relation to political, civil, social, economic, cultural and environmental rights. The information has been validated at both the technical and political levels.

### **III. Implementation of accepted recommendations from the fourth cycle of the universal periodic review**

#### **A. Ratification of international instruments**

8. The State is committed to implementing the rights enshrined in the Universal Declaration of Human Rights. All the international instruments to which Equatorial Guinea is not yet a party, and which it has agreed to ratify, have been transmitted by the Human Rights Department to the Government for consideration. With respect to the Convention on the Rights of Persons with Disabilities, the Government deposited the related instrument of ratification with the Secretary-General of the United Nations in March 2022. However, the challenges posed by the coronavirus disease (COVID-19) pandemic and the explosions in the city of Bata on 7 March have delayed internal administrative processes for the ratification of other instruments. Nevertheless, the Government is continuing to work towards the accession by the State to other instruments. As a testament to the Government’s intention and political will to ratify the Protocol and to implement the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), it sent a delegation to participate in the international humanitarian conference that took place in Oslo in 2023, where the third Deputy Prime Minister, with responsibility for human rights, delivered a speech underscoring the Government’s intention to ratify the Protocol.

## **B. Establishing a national human rights institution that is independent of the Government, and guaranteeing the independence of the Office of the Ombudsman, in accordance with the Paris Principles**

9. The National Human Rights Commission was created by Decree Law No. 7/1990 of 27 September. In accordance with articles 2 and 3 of the Decree Law, the Commission is responsible for receiving complaints, investigating cases of possible human rights violations in the country and adopting relevant decisions. This institution operates independently of the Government and enjoys budgetary autonomy.

10. Of the three branches of government, the legislature, which embodies State-citizen relations, seemed the most appropriate to monitor respect for human rights. It was thus fitting to entrust this branch with the task of overseeing the fulfilment of the mandate of the National Human Rights Commission to monitor for possible abuses and/or violations of those rights.

11. Also worth mentioning is Decree No. 83 of 16 March creating the Centre for the Promotion of Human Rights and Democracy, which has its own legal personality and is competent to act inside and outside the national territory to promote and protect and to provide information and instruction on human rights and democracy.

12. To ensure effective compliance with the Paris Principles, the Human Rights Department, the Centre for the Promotion of Human Rights and Democracy and the National Human Rights Commission received training on the functioning of independent human rights institutions under the Paris Principles from OHCHR in Yaoundé. In addition, the Network of Human Rights Institutions of Central Africa has been asked to provide support and guidance in amending the decree establishing the National Human Rights Commission in Equatorial Guinea. In the same vein, in 2021, a delegation composed of members of the Human Rights Department and the Office of the Ombudsman participated in a training workshop seminar on the strengthening of national human rights institutions held in Libreville, Gabon.

13. The National Human Rights Commission of Equatorial Guinea is receiving advice from the United Nations Centre for Human Rights and Democracy in Central Africa on how to act with full independence and autonomy.

14. The legal basis regulating the activities of the Office of the Ombudsman was updated by new Organic Act No. 1/2021 of 3 December on the Ombudsman. The Office of the High Commissioner of the Chamber of Deputies and the Senate, which is the body tasked with upholding the constitutional rights of citizens, may, for this purpose, oversee the activities of the public authorities and report back to the Chamber of Deputies and the Senate on its findings. The Office of the Ombudsman does not receive instructions from any authority and performs its tasks with complete autonomy.

15. The Office of the Ombudsman is tasked with: (i) verifying and mediating any irregular conduct in the relations between public or private authorities and citizens; (ii) reporting to the competent bodies any conduct that is unlawful; (iii) hearing petitions for *amparo* and protection against provisions and acts that violate the rights and freedoms recognized in the Constitution; (iv) initiating and pursuing, ex officio or at the request of a party, any investigation intended to clarify acts and decisions of the public authorities and their agents, among other things. Over the period from 2019 to 2022, 338 complaints were submitted to the Office of the Ombudsman for mediation.

## **C. Continuing human rights training and awareness activities**

16. The Directorate General for Human Rights is implementing annual action plans on information, training, capacity-building and awareness-raising for all sectors nationwide in order to establish good governance in public services, comply with the recommendations made by the international community and ensure the achievement of the strategic objectives of the national plan known as Horizon 2020 and the updated national plan known as Horizon 2035. The objectives of these seminars are: (i) to promote respect for human rights among the population of Equatorial Guinea; (ii) to inform, train and raise the awareness of public servants on respect for human rights; (iii) to train senior officials of the civil administration

of the State, commissioners and senior army officers, government representatives, social affairs representatives, doctors and nurses, professors and teachers, judges, magistrates, prosecutors and court clerks, among others.

17. In 2019, in the city of Bata, located in the mainland region, the Directorate General for Human Rights conducted three awareness-raising seminars: one for social affairs representatives, one for governors and government representatives and another for commissioners and senior officers of the National Police. Although seminars on human rights for teachers had been scheduled to take place in 2020, these could not go ahead owing to the COVID-19 pandemic. Two training seminars were held in 2021: one in Malabo for the authorities of the Province of Bioko Norte and another in the city of Luba for the authorities of the Province of Bioko Sur.

#### **D. Combating discrimination on the grounds of sexual orientation and gender identity**

18. The legal system of Equatorial Guinea does not impose any restrictions or penalties on persons on the basis of their sexual orientation. The Government is working on a bill to regulate prostitution and the rights of homosexuals in Equatorial Guinea, with the aim of guaranteeing the rights of this group. As a result of the dialogue initiated in 2019 by the Government through the third Deputy Prime Minister, with responsibility for human rights, regular meetings now take place with this group to seek out means of resolution and legitimization before the competent institutions.

#### **E. Promoting gender equality and the participation of women in political life and in decision-making bodies, and combating gender-based violence**

19. The Government updated the measures set out in the National Multisectoral Plan for the Promotion of Women and Gender Equity under Horizon 2020 in Horizon 2035 through programmes forming part of the national gender policy in Equatorial Guinea, which were implemented from 2019 onward by the Ministry of Social Affairs and Gender Equality and included: 1. the empowerment of women through the Programme to Support the Women's Initiative in Equatorial Guinea, implemented in collaboration with the Ministry to economically and financially empower women through the granting of credits; 2. the Generation Leadership Programme for young female leaders in gender equality and in efforts to achieve the Sustainable Development Goals, developed in 2023; 3. the joint programme of the Ministry and the United Nations Development Programme; 4. training programmes for female entrepreneurs and vulnerable single mothers conducted in cooperation with China; 5. digital literacy courses delivered in collaboration with different NGOs between 2022 and 2023; 6. a seminar on the official launch of the "We Are Equal" campaign of the Organization of African First Ladies for Development on gender equality and women's empowerment, whose slogan is "working together for a fairer, more inclusive society where we are all equal", held on 22 April 2024 in the city of Sipopo in Malabo.

20. The current Criminal Code of 2022 criminalizes gender-based violence in articles 467, 468, 504, 506, 508, 500 and 502. To respond to the violence suffered by women in Equatorial Guinea, the Ministry of Social Affairs and Gender Equality has undertaken actions to eradicate gender-based violence, including the development of a programme to combat gender-based violence and to promote the economic autonomy of women in Equatorial Guinea for the period from 2019 to 2023. The purpose of this programme is to enable the development of mechanisms and procedures to protect women and girls from all forms of violence, including those linked to low socioeconomic status and vulnerability. Other actions have included the creation of posts for 64 social workers to care for women and girls who are victims of violence and the establishment of a protocol for caring for victims of gender-based violence and an intervention pathway, in 2023. Under the leadership of the Ministry, and with the support of the United Nations Population Fund, the following activities were carried out: training on gender-based violence in humanitarian contexts for 19 participants, including

ministry officials, judges, police officers, gendarmes, health workers and NGOs, within the framework of the CERF emergency project (2021); training for 13 civil society organizations on sociocultural and discriminatory gender norms (2022); a survey on the status of capacity-building for 80 participants (social affairs representatives, social workers and mental health focal points, on the topic of equality and the elimination of gender based violence (2023)); training of trainers for 60 providers of services to assist victims of gender-based violence and sexual and reproductive health services on the essential services package (2023); a workshop for 30 civil servants on analysing and identifying technical and operational needs for the implementation of the system for the referral and management of cases of gender-based violence (2024).

21. A national strategy to increase the representation of women in decision-making has also been developed, in line with the suggestion made in various global and regional forums. The inclusion of women in decision-making positions should be considered a matter of justice and an end in itself, since their participation leads to better prospects for development, effective democracy and good governance. This is confirmed by the different international regulatory frameworks on women's human rights which the country has agreed to abide by at the international and regional levels and which it has incorporated into its national law. Nevertheless, with respect to the commitments made, the representation of women in decision-making positions in Equatorial Guinea is improving with a view to closing the gaps in that area.

22. The Government has made achieving parity in the different branches of government a priority and is making efforts in that direction in order to achieve Sustainable Development Goals 5 and 10, among others, and the objectives set out in the National Strategy for Sustainable Development, also known as the 2035 Agenda for Equatorial Guinea. According to the 2024 statistical yearbook of the National Institute of Statistics of Equatorial Guinea, the representation of women in decision-making in the different branches of government is as follows: (a) the first female minister with responsibility for administrative coordination was appointed in 2023; (b) women occupy 29.2 per cent of positions in the executive, or 18.4 per cent of the total. In 2023, 37.3 per cent of officials in local and regional administrations, 8.3 per cent of officials in central government bodies and 33.3 per cent of ambassadors and consuls were women; (c) in the legislature, women held 30.2 per cent of the seats in both chambers, 32 per cent of the seats in the Chamber of Deputies and 27.8 per cent of the seats in the Senate in 2023; and, (d) 30.4 per cent of decision-making positions in the judiciary are held by women, who occupy 30.7 per cent of such positions in the Supreme Court, including as female judges. In the Attorney General's Office, 29.9 per cent of prosecutor positions are occupied by women. Meanwhile, women hold 33.3 per cent of positions in the Constitutional Court, including prosecutor and judge positions. Regarding the parity index in school enrolment, during the 2020/21 academic year, of those children enrolled in primary education, 50.9 per cent were male and 49.1 per cent were female. Of those children enrolled in secondary education, 49.7 per cent were male and 50.3 per cent were female. Of those students enrolled in vocational training, 40.4 per cent were male and 59.6 per cent were female.

23. In the same connection, the forty-seventh meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa, which took place in N'Djamena (Republic of Chad) in December 2019 resulted in the adoption and renewal of several recommendations requiring action by States Members, as noted in official letter No. 3859 019 from the Ministry of Foreign Affairs and International Cooperation.

24. The Government, through the Ministry of Social Affairs and Gender Equality, and with the support of the United Nations system and civil society, is taking measures to combat disparities such as discrimination, stereotypes and gender-based violence. To this end, a road map has been implemented for the development of a national plan to give effect to United Nations Security Council resolution 1325 (2000) on women, peace and security in Equatorial Guinea (2021) and the Djibloho conference in which the countries bordering Equatorial Guinea, namely Cameroon and Gabon, took part. The conference resulted in the adoption of the Djibloho Declaration on Violence against Women and a plan of action (2020).

25. The Ministry of Social Affairs and Gender Equality, in order to continue to give effect to the recommendations made by the Government and international organizations, has

prepared a preliminary draft of a personal and family code, which will regulate the development of life and the development of individuals and their family relations as integral members of the community; and grant them the protection that the State must provide to individuals and the family in terms of their civil status, birth, given names and family names, marriage, paternity, children and assets. The draft personal and family code is currently at the second reading stage in the regular session of the Senate.

26. The bill on a comprehensive act to prevent, punish and eradicate violence against women, which is aimed at preventing, punishing and eradicating all acts of violence against women, was also reviewed by the Senate in 2023. The Ministry of Social Affairs and Gender Equality, in collaboration with national and international civil society organizations, such as Fundación de Religiosos para la Salud, has also drawn up an interministerial contingency plan to prevent and respond to violence in humanitarian crisis situations (2022).

27. The Constitution, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and other international instruments ratified by the country also offer protection from gender-based violence. To continue to guarantee this protection in the labour, education, science and teaching sectors, the Government has adopted the General Labour Act of 3 December 2021 and Act No. 5/2007 of 30 October, which amends certain provisions of the General Education Act. Both laws ensure respect for the labour and comprehensive development rights of women by preventing all types of discrimination against women and girls.

## **F. Children's rights and the eradication of corporal punishment**

28. The Constitution of 2012, which establishes the basis for policy development, provides that the State must abide by the rules of international law and reaffirms its commitment to fulfilling the rights and obligations arising from its membership of international organizations (art. 8). It promotes respect for human beings and fundamental rights, as well as the right to equality between men and women, by recognizing the need to uphold the rights and obligations arising from the international instruments to which it is a party. Against this backdrop, a positive development has been the creation of a national committee responsible for adopting and implementing policies to ensure the achievement of Sustainable Development Goal 16, which helps to safeguard and protect the rights of children and adolescents by focusing on preventing violence against children and monitoring progress made towards achieving target 16.2 of Sustainable Development Goal 16, namely to end abuse, exploitation, trafficking and all forms of violence against and torture of children. Act No. 4 of 2020 on sexual health and assisted reproduction recognizes sexual and reproductive rights without age restrictions and provides for prevention and access to health services for children and adolescents, which helps to safeguard their rights.

29. The 2035 Agenda for Equatorial Guinea, through the National Health Development Plan 2021–2025, guarantees universal access to quality health services for the entire population and the achievement of healthy longevity. Advocacy activities are undertaken by local offices which, in operational terms, are attached to the National Committee on the Rights of the Child. In practice, they coordinate with the social workers and representatives of the Ministry of Social Affairs and Gender Equality in scenarios or cases involving child protection. Equatorial Guinea adopted Act No. 2/2021 of 8 June on the adoption of minors in Equatorial Guinea and Decree No. 76/2022 of 11 July laying down its implementing regulations. To consolidate the rights of the child, the Government has likewise adopted Decree Law No. 147/2023 of 21 November on the adoption of measures for the protection of minors in Equatorial Guinea.

30. The Government of Equatorial Guinea, in collaboration with the National Committee on the Rights of the Child and the United Nations Children's Fund, within the framework of joint projects, continues to finance and conduct awareness-raising workshops on the strengthening and full implementation of the Convention on the Rights of the Child in the country. Similarly, in 2022, the Government, in collaboration with the United Nations Children's Fund, set up a platform called "U-Report Equatorial Guinea" to gather



information on the concerns of children and adolescents, which should be taken into consideration in decision-making and strategic sectoral plans.

31. In 2020, the Directorate General for Children and Adolescents was created within the Ministry of Social Affairs and Gender Equality to strengthen existing structures responsible for protecting children's rights. To this end, in 2022, an assessment of social services concerned with child protection was undertaken, and a strategy to strengthen social services to ensure child well-being is being developed based on the results of that assessment. The strategy in question is aimed at promoting the conduct of strategic actions in line with the National Strategy for Sustainable Development, also known as the 2035 Agenda for Equatorial Guinea.

32. In addition, under the new teaching methodology adopted by the Ministry of Education, Science, University and Vocational Education, where the student takes a leading role in his or her own teaching-learning process and the teacher serves as a guide, teachers are expected to encourage inclusive learning activities and school democracy.

## **G. Ensuring the integration and inclusion of persons with disabilities**

33. The Directorate General for the Provision of Assistance to Persons with Disabilities and Older Persons has been created within the Ministry of Social Affairs and Gender Equality to promote the rights of and to manage and implement strategies and measures aimed at providing basic subsistence services to those persons, and to design and apply measures to benefit persons with disabilities. Accordingly, the Government approved the National Agenda for Disability in 2022 and deposited the instrument of ratification of the Convention on the Rights of Persons with Disabilities with the Secretary-General of the United Nations in March of the same year. Moreover, to ensure that students with disabilities receive quality education in schools, the Ministry of Education, Science, University and Vocational Education, through the National University of Equatorial Guinea, has created a faculty of education specializing in inclusive and special education.

## **H. Guaranteeing the independence of the judiciary, in particular from the executive**

34. The independence of the judiciary, which is administered by the Ministry of Justice, Worship and Prisons, is established in article 89 of the Constitution. The action plan of the Department of Justice specifies how the system for the administration of justice, including the Constitutional Court, is to be implemented, developed and organized and how its activities are to be conducted. The courts are to be provided with the material and human resources necessary to carry out their activities effectively. The Department, in keeping with the aforementioned provision, has prepared a bill on the reform of the Organic Act on the Judiciary, which includes, inter alia, title II, chapter I, on the inspection of courts and tribunals, and title IV, chapter I, on the judicial career system.

35. Regarding the inspection of courts and tribunals, article 75 of Act No. 5/2009 of 18 May, which is the object of the reform, provides that, without prejudice to the powers vested in the High Council of the Judiciary, "the Ministry of Justice, Worship and Prisons shall inspect and exercise oversight over all courts and tribunals, for which it shall have a specialized service". Article 76 states: "The persons who carry out the inspections perform executive functions of the Ministry of Justice, Worship and Prisons and, in this context, judges, magistrates and officials involved in the administration of justice must cooperate with them".

36. Article 76 (1) of chapter I of the aforementioned bill on the reform of the Organic Act on the Judiciary, on the inspection of courts and tribunals, grants this power exclusively to the High Council of the Judiciary.

## **I. Abolition of the death penalty**

37. As for the death penalty and the commitments assumed by Equatorial Guinea under human rights treaties, the Government revised the Criminal Code of Equatorial Guinea in 2022 and totally abolished the death penalty in the country. Article 26 of the revised Criminal Code states that “As far as the application of penalties is concerned, the death penalty is totally abolished in the Republic of Equatorial Guinea”.

## **J. Eradicating acts of torture, ill-treatment and sexual violence, and ensuring that perpetrators are brought to justice**

38. Given that Equatorial Guinea is a State party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Government has adopted Act No. 6/2006 of 2 November on the prevention and punishment of torture, the essential aim of which is to prevent, prohibit and punish acts of torture on a permanent basis. The Government is organizing training seminars for law enforcement officials (police officers and gendarmes) to raise their awareness of the importance of respecting human rights and to instruct them on the proper use of tools and mechanisms for the eradication of torture. Moreover, articles 498 to 500 of the new Criminal Code address trafficking in persons. Articles 498, 499 and 500 refer to the crime and the applicable penalties and exceptions; articles 501 to 513 address all types of sexual violence.

39. In 2021, the Directorate General for Human Rights, in collaboration with the Directorate General of the National Police, organized in the island and mainland regions two awareness-raising seminars for 200 national police officers, i.e. 100 in each region, to train them on how to better interpret and enforce Act No. 6/2006 on the punishment and prevention of torture. In October 2023, a conference on the Optional Protocol to the Convention against Torture was organized in Yaoundé.

## **K. Ensuring accountability for human rights violations and abuses, including arbitrary detention**

40. The prosecutor’s office hosted seminars on understanding laws and human rights organized by the United Nations. The NGO Equatorial Guinea Press Association organized a seminar for journalists and reporters on practising journalism in the field.

41. In accordance with articles 2 and 3 of the decree establishing the National Human Rights Commission, the institution is competent to investigate and hold accountable the security forces and other officials or any citizen who violates the fundamental principles of the State. Between 2019 and 2021, 10 inspections were carried out at police holding facilities and national gendarmerie stations and another seven inspections were carried out in all public prisons, in cooperation with members of the Red Cross, to verify cases of arbitrary detention or extrajudicial killings. These inspections were all conducted in the presence of the judges and prosecutors attached to the prisons.

## **L. Improving conditions in prisons and rehabilitation centres for minors**

42. The Directorate General of Prisons and Rehabilitation Centres for Minors is currently implementing a comprehensive, long-term programme to reduce overcrowding in prisons by targeting cases where there is no legal basis justifying continued detention. This programme was established by and is being implemented under Ministerial Order No. 3/2020 of the Ministry of Justice, Worship and Prisons of 3 November on measures to reduce overcrowding in prisons. This considerable undertaking, which is aimed at protecting the lives of prisoners, is being carried out by a joint commission composed of government, judicial and prosecution service officials, who, in their respective areas of competence, are working to improve and optimize the functioning of the bodies and institutions that make up the prison system.

43. Equatorial Guinea made very favourable progress in this area in 2021 compared to previous years, thanks to the concerted efforts of the joint commission for reducing overcrowding in prisons, which works every day to meet the goals set out in its mandate. As a result, 34.34 per cent of prisoners, whether there was a legal basis justifying their continued detention or not, were released from the country's prisons in 2021.

44. Health services in prisons are also much improved. Fully-equipped dispensaries staffed by qualified expert personnel have been installed in each prison to provide first aid and the medicines needed to meet basic needs. In addition, the Ministry of Justice, Worship and Prisons, in cooperation with public and private health centres, such as the La Paz and National Social Security Institute hospital networks, is working with prisons to ensure that prisoners experiencing health complications can be urgently transferred to a hospital to receive treatment.

45. Prisoners who have chronic illnesses receive special assistance without having to travel. These are prisoners with infectious diseases, such as HIV/AIDS, tuberculosis and other similar illnesses. Progress has been made in the area of nutrition in prisons; all prisoners, except those with special requirements owing to a health condition, enjoy three daily meals. Each prisoner has a decent bed and blankets and there are a considerable number of mattresses for comfort.

46. Surveillance cameras have been installed in all prisons and juvenile rehabilitation centres to better monitor relations between prisoners and service providers. Prisoners are regularly invited to talks and colloquiums by civil society, the Catholic Church, Pentecostal churches and a handful of NGOs, which help to prepare them for reintegration into society. Regular visits by prisoners' family members are allowed, as an essential element of the prison support system.

47. In coordination with the prison oversight courts and the prosecution services of those courts, the Directorate General of Prisons has established a schedule of regular inspections to ascertain the procedural status of and difficulties faced by prisoners; the inspections take place in the first half of each month. The aim of these inspections is not only to determine the situation of each prisoner, but also to, as a matter of priority, raise awareness among prison administrators and service providers of the importance of safeguarding the human values enshrined in the legal order of Equatorial Guinea.

48. With regard to rehabilitation centres for minors, to prevent minors from becoming involved in delinquency, the Government has built two modern detention/rehabilitation centres for minors who are in conflict with the law or who have behavioural disorders that could foreseeably cause them to commit criminal acts. In short, these centres for minors operate on the basis of three priority elements: (i) psychotherapeutic training, which aims to change the minors' behaviour; (ii) education, specifically pedagogical training aimed at boys; and (iii) vocational training, including apprenticeships in various trades. All three training modalities are used in the centres, and the learning rate is high. These activities have a positive effect on the emotional lives of the minors, who are able to make use of their skills and talents at all times; this has allowed the Department to organize the first mass releases, in Tegucet and Riaba, in May 2022. The Ministry of Social Affairs and Gender Equality makes frequent visits to rehabilitation centres, bringing hygiene products for the inmates.

49. In its action plan for the 2022 fiscal year, the Directorate General of Prisons set out to: (a) establish a database of information on persons who have been prosecuted and convicted by the criminal courts; (b) draft regulations on the operation of rehabilitation centres for minors; (c) prepare a prisons bill and accompanying implementing regulations; (d) organize training courses for prison officers in prison facilities; and (e) provide education and training in various trades for prisoners, as part of the social reintegration policy.

## **M. Guaranteeing the full exercise of all freedoms and access to information, and the protection of human rights defenders, journalists, activists and NGOs**

50. Relations between the Government and civil society have been developing since the democratization of the State of Equatorial Guinea in the early 1990s, the introduction of the new Constitution establishing the separation of powers and other reforms aimed at recognizing and regulating the right of citizens to form associations. This has allowed for the gradual organization of modern civil society, with 36 organizations established in 2004, 60 in 2008, 77 in 2013 and 81 in 2021, according to the updated National Register of Associations managed by the Directorate General of Civil Society. The basic role of civil society organizations in Equatorial Guinea is to provide social assistance to vulnerable and disadvantaged groups, but they also play a more complex role in the framework of social services and poverty reduction policies.

51. National associations and NGOs currently serve as intermediaries between the basic demands of the most vulnerable groups and public service providers, including local corporations, private companies, donors and international cooperation partners.

52. With regard to civil society organizations in Equatorial Guinea, there is an interest among civil actors in forming associations to join existing organizations in order to face and overcome challenges and difficulties such as: (i) the lack of an associative culture or tradition; and (ii) the absence of modern legal and administrative rules that allow for the full development of the potential of civil society in Equatorial Guinea. The Government will continue to work to improve legislation in this sector.

53. Significant progress has been observed in the relationship between the State and civil society organizations, which is reflected in the following achievements: (a) the possibility of meeting and organizing meetings without the need for prior authorization, a freedom acquired in practice in recent years, before the COVID-19 pandemic; and (b) the significant participation of civil society in public and institutional life and the development, monitoring and implementation of public policies.

54. In the conclusions and agreements on legal and human rights standards adopted at the sixth National Dialogue Forum, which took place in 2018, the Government made a commitment to ensure respect for human rights, to pass a law on respect for civil and social rights and freedom of expression and worship and to protect the rights of minorities. Civil society organizations were widely represented as observers at the Forum, making positive and constructive contributions.

55. In 2020, the Government approved the basis for possible grant proposals by NGOs, associations and similar organizations lawfully established and registered with the Ministry of the Interior and Local Communities that contribute to the implementation of the Government's social service development plans.

56. Act No. 12/1992 of 1 October on trade unions and collective labour relations and the supranational law on the ratification by Equatorial Guinea of conventions No. 87 and No. 98 of the International Labour Organization provided for the establishment of the General Trade Union Organization of Workers of Equatorial Guinea and other groups such as the employers' association known as the National Consortium of Employers, the Association of Women Entrepreneurs, the National Association of Persons with Disabilities and cooperative groups. A bill on freedom of the press and freedom to engage in journalism and audiovisual and digital communication services is in the process of being approved. There has been an increase in the number of public-private media outlets, of which there are currently 28. A proposal to establish a national press award was approved and the award has been launched, promoting programmes aimed at addressing gender issues and combating violence.

## **N. Combating the smuggling of migrants and trafficking in persons**

57. To ensure the effective implementation of Act No. 1/2004 on combating the smuggling of migrants and trafficking in persons, the Government adopted the new National

Action Plan for the Prevention and Fight against Trafficking in Persons 2022–2024 and an inter-institutional action protocol for the comprehensive care and protection of victims of trafficking in persons. Also implemented in the period from 2019 to 2021 was a project to support the National Programme for the Promotion and Respect of Human Rights, overseen by the Human Rights Department and the Office of the Ombudsman, with the assistance of the United Nations Development Programme and the Embassy of the United States of America in Malabo. The first phase of the project focused mainly on anti-trafficking issues, with an anti-trafficking awareness campaign being carried out nationwide.

58. As part of the same project, a training course was held for sectoral trainers on mechanisms to combat trafficking in persons and migrant smuggling, in which a total of 100 experts from key sectors took part. Officials from the Directorate General for Human Rights and the Directorate General for Civil Society attended an international visitor leadership programme organized by the Department of State of the United States of America on mechanisms to combat trafficking in persons.

59. From 4 to 9 April 2022, in support of the full integration of Equatorial Guinea into the Community of Portuguese-speaking Countries, the latter organized a capacity-building training seminar on human rights and civil society with a focus on mechanisms to combat trafficking in persons for 50 experts from different State institutions and 30 members of civil society. The Human Rights Department broadcasts television and radio programmes aimed at raising public awareness of the issue.

60. Since late 2021/early 2022, the criminal investigation brigade has referred four cases to the second and third examining courts competent to try offences of trafficking in persons and migrant smuggling. The Government, through the Human Rights Department, conducted a training workshop on combating trafficking in persons for commissioners working in border areas and immigration officials in the city of Bata in 2021.

## **O. Combating corruption**

61. The State recognizes that corruption is one of the greatest systemic problems facing countries around the world, and it is a particular problem in Equatorial Guinea. To combat this social scourge, Equatorial Guinea ratified the United Nations Convention against Corruption and adopted Act No. 1/2021 of 10 May on preventing and combating corruption in Equatorial Guinea, which: (i) promotes and strengthens mechanisms to prevent, detect, repress and eradicate corruption in the public and private sectors and promotes mechanisms to strengthen good governance, transparency and accountability in the management of public finances and policies to combat corruption and monitor the use of public resources; (ii) provides for a schedule of administrative and criminal penalties; and (iii) provides for the establishment of the National Commission to Prevent and Combat Corruption, an independent body with operational autonomy tasked with realizing the goals of the Act. The Commission is responsible for preventing, identifying and investigating corruption offences, including those committed by high-level officials. There are also other anti-corruption monitoring bodies, namely, the Anti-Corruption Prosecutor's Office, the Court of Auditors, the National Financial Investigation Agency, the National Council for Economic and Social Development and the Organization for the Harmonization of Business Law in Africa.

62. A legislative initiative to prepare a bill on public contracts compliant with international standards in the procurement of goods and services by the institutions of the central State administration has been adopted by the Ministry of Finance and Budgets. The aim of the bill is to ensure greater transparency, security and oversight in bidding processes in order to curb and combat possible corruption.

63. With regard to social justice, for years, the Department of Justice has been implementing equality policies in the recruitment of judicial officials and prosecutors, in accordance with article 5 (c) of the Constitution. Article 90 (1) of the Constitution reads: "Justice emanates from the people and is administered on behalf of the Head of State." To promote social justice and combat corruption, the Department of Justice is currently developing a compilation of guides on access to justice, on access to free legal assistance

from court-appointed lawyers that are members of the Bar Association of Equatorial Guinea and on the legal requirements applicable to prosecutors in criminal and civil proceedings.

64. Article 15 (2) of the Constitution establishes that acts of corruption are punishable by law. On the proposal of the Department of Justice, a pool of State lawyers was established through Act No. 2/2011 of 14 July on the establishment of a pool of State lawyers, legal assistance, representation and defence in trials involving the interests of the State, its constitutional bodies and autonomous agencies.

65. The two departments mentioned above promote efforts to combat corruption in accordance with the United Nations Convention against Corruption, the African Union Convention on Preventing and Combating Corruption and Act No. 1/2021 of 10 May on preventing and combating corruption in Equatorial Guinea.

## **P. Establishing a national statistical system for the generation of data**

66. Articles 14 and 15 of Act No. 3/2020 of 16 October regulating statistical work in Equatorial Guinea provides for the establishment of the structures and bodies that make up the National Statistical System, which is responsible for the collection, processing, analysis, storage, publication and dissemination of official statistics and the coordination of statistical work. Noteworthy developments include the setting up of the website of the National Institute of Statistics of Equatorial Guinea in 2016 at [www.inege.org](http://www.inege.org) and the publication by the Institute of statistical yearbooks since 2017.

## **Q. Implementation of the National Plan for Economic, Social and Cultural Development (Horizon 2020)**

67. In view of the Government's intention to continue to implement the National Plan for Economic, Social and Cultural Development, Presidential Decree No. 69/2021 of 29 April was adopted, approving the National Strategy for Sustainable Development, also known as the 2035 Agenda for Equatorial Guinea. This national plan was developed in response to general recommendation No. 3 of the final act of the third National Economic Conference, held in 2019, which urged the Government to prepare and present a strategic plan for sustainable development in Equatorial Guinea, whose motto would be "Together we move forward", setting out policy guidelines in four strategic areas, namely: (i) eradication of poverty, promoting equitable human development and the well-being of the people of Equatorial Guinea; (ii) social inclusion and sustainable peace, guaranteeing national unity and cohesion, promoting peace and "nationalism", building a democratic, inclusive and participatory society, guaranteeing fundamental freedoms and rights and the development of civil society; (iii) productivity and industrialization, aiming to guarantee a high rate of economic development, with macroeconomic stability, structural diversity and a fair distribution of national income, as well as the competitive entry of Equatorial Guinea into the world and continental markets, making it a reference point in the Central African Economic and Monetary Community and the region of the Gulf of Guinea; and (iv) environmental sustainability and territorial development, promoting sustainable development that ensures the efficient use of natural resources and the harmonious occupation of the national territory, stimulating the competitiveness of different regions and promoting the development of the most disadvantaged regions.

68. The 2035 Agenda for Equatorial Guinea is aligned with the 2030 Agenda of the United Nations and the commitments made in the 2063 Agenda of the African Union and is oriented towards economic diversification, aiming to address salient challenges, including: (i) reducing poverty in all its dimensions; (ii) improving civil equity; (iii) strengthening the private business sector and civil society; and (iv) increasing the cumulative flow of human capital.

69. The realization of the 2030 Agenda and the Sustainable Development Goals through the development of the National Strategy for Sustainable Development 2035 has created a regulatory and institutional framework for medium-term Government planning; in this regard, the establishment of the new Ministry of Planning and Economic Diversification is

an important step forward in positioning the 2030 Agenda at the centre of all planning, and work is under way to achieve the highest level of commitment from all stakeholders. In accordance with article 5 of Decree No. 69/2021 of 29 April on the adoption of the 2035 Agenda for Equatorial Guinea, the Agenda is to be implemented in three stages, each with its own five-year strategic plan for sustainable development, as follows:

- (a) First stage: Launch (2020–2025);
- (b) Second stage: Development (2026–2030);
- (c) Third stage: Consolidation (2031–2035).

70. According to article 3 of the 2035 Agenda for Equatorial Guinea, the vision of the Government is to realize the aspirations of the third National Economic Conference, held in 2019. Its purpose is to allow the people of Equatorial Guinea to build their own future, in accordance with the following guidelines: (i) eradicate multidimensional poverty and create a society free from hunger; (ii) value people, knowledge and innovation as drivers of growth; (iii) value work, entrepreneurship and savings as drivers of development; (iv) combat climate change and the degradation of nature; (v) promote active citizenship and equality of opportunity; (vi) respect and value ethnolinguistic and cultural diversity as an integral element of national identity; (vii) safeguard intra- and intergenerational solidarity; (viii) promote ethics and transparency in business, economic, institutional and social relations; (ix) establish equality between men and women in all spheres; (x) strengthen macroeconomic aggregates, consolidate public accounts and promote greater fiscal justice; (xi) modernize and decentralize public administration services; (xii) expand development throughout the national territory; and (xiii) ensure judicial independence and legal certainty.

71. In accordance with article 6, the Agenda is to be implemented by three institutions, namely: (i) the National Council for Sustainable Development, the primary monitoring body; (ii) the National Planning Council; and (iii) the National Development Agency of Equatorial Guinea. Other actions taken to build stability and trust between the Government and the private sector include the adoption of Decree No. 109/2019 of 5 September, which provides for the establishment of the National Expert Committee on the Business Climate and Competitiveness in the Economy. In the same vein, the Government adopted Ministerial Order No. 02/2023 of 10 May, regulating the establishment and operation of works councils and staff delegates in companies and workplaces, in order to protect the interests and rights of workers and employers.

## **R. Access, without discrimination, to quality health-care and education services**

72. The Government's vision for social policy in the health sector is to achieve universal health coverage through the primary health-care strategy reflected in article 23 (2) of the Constitution, according to which "the State promotes primary health care as the cornerstone for the development of the national health system". The country has 18 public hospitals, 1 psychiatric hospital, 109 health centres and 387 health points, thus ensuring 100 per cent geographical coverage and access to health services for the entire population. Preventive care and treatment of endemic diseases are provided free of charge; these include the vaccination of children under 5 years of age and pregnant women and the diagnosis and treatment of HIV/AIDS, malaria, tuberculosis and neglected tropical diseases, etc. To continue advancing in this direction, and based on the Government's political agenda set out in Horizon 2035, the National Health Development Plan was developed; in one of its programmes, the Plan establishes that all children, adolescents, young people, women and men should enjoy good health through equitable access to quality services. The Government is carrying out community intervention activities consisting of preventive and follow-up health services for at-risk groups, including persons with chronic conditions and disabilities (Ministry of Health and Social Welfare).

73. The Ministry of Education, Science, University and Vocational Education has significantly improved indicators related to the literacy rate (by 95 per cent) and the parity index; the percentage of girls enrolled in educational institutions at all levels is now much

higher compared to previous decades. Multiple educational offerings have been developed for persons with disabilities and persons outside the education system who risk engaging in delinquent behaviour.

74. The General Education Act provides for free preschool and primary education. The State recognizes the contribution of communities to the maintenance and operation of schools. The existence of a preschool and an elementary school in almost every village council area in the country ensures that every child can attend school. To continue consolidating educational policies for the development and welfare of the population in general, despite the impact of the pandemic, the Government, through the Ministry of Education, issued Ministerial Order No. 3/2020 of 10 August, which regulates the school calendar for the 2020/21 academic year.

## **S. Action taken in relation to the fight against malaria**

75. Under the malaria elimination programme in Equatorial Guinea, between 2015 and 2019, clinical trials of Sanaria's PfSPZ malaria vaccine were conducted in two phases; however, the third phase of the trial was affected by the COVID-19 pandemic. The Government is nonetheless taking action to acquire safe vaccines for the elimination of malaria throughout the country. In parallel to this project, the Government is investing large amounts of resources to ensure free access to services for the prevention and control of malaria, which is the leading cause of illness and death among the population. The Government, through the Ministry of Health and Social Welfare, distributes mosquito nets to households with children under 5 years of age and pregnant women and provides preventive treatment to pregnant women, as well as diagnostic services and treatment for the entire population. A national malaria control plan has been drawn up to regulate certain activities to be carried out at the national level; the plan is carried out every year alongside strategic programmes. In 2021, 100 health experts working in health facilities on the island of Bioko received training to enable them to better treat malaria patients. The Ministry of Health and Social Welfare, in collaboration with the Information, Education, Communication and Advocacy Project of the Ministry of Information, the Press and the Radio, is conducting nationwide awareness-raising talks on malaria prevention measures.

## **T. Fight against HIV/AIDS**

76. The Government continues to purchase and freely supply antiretroviral medicines through the Ministry of Health and Social Welfare. It has developed a programme for the prevention of HIV and the protection of HIV patients. Activities on responsible sexuality are carried out in secondary schools to support HIV prevention efforts. A district incident reporting unit has been established to provide psychosocial and legal support to prevent the stigmatization of persons living with HIV. GeneXpert devices have been acquired and service provision has been decentralized, making services more accessible to the population. Further strategies include campaigns to promote condom use and knowledge, attitude and practices surveys, the results of which are used to better target interventions and in the design of policies. Awareness-raising sessions are held throughout the country for all health-care workers in facilities that provide care to persons living with HIV/AIDS and educational and informational activities are carried out for the benefit of key population groups, adolescents and the general population.

## **U. Fight against leprosy**

77. In 2018, the Government prepared a master plan on neglected diseases covering a five-year period, from 2018 to 2022. This plan was implemented during the aforementioned period; however, owing to the importance of continuity and alignment with the National Health Development Plan, the Ministry of Health and Social Welfare is currently working on an update.



78. Leprosy patients in the country are currently treated on an outpatient basis. Children with leprosy are able to attend school without discrimination and have easy access to social services. Nonetheless, various measures continue to be implemented to promote the full social inclusion of this group.

## **V. Tackling cross-cutting environmental issues (climate change)**

79. The country currently has the qualified personnel, infrastructure and projects necessary for the implementation of renewable energies and the political will to factor them into technological budgets. The Government takes the protection of biodiversity, protected areas and other factors into account vis-à-vis waste management plants, zoning laws, administrative structures and media strategies for raising awareness among the population. The challenges in this area relate to: environmental education, economic resources to invest in clean energies, the lack of generation points for renewable energy sources and limited access to the electricity supply system in isolated towns.

## **IV. Conclusion**

80. The Republic of Equatorial Guinea thanks all the countries that made recommendations during this cycle of the universal periodic review. Despite the difficulties caused by the economic crisis, the country will continue to work towards the full recognition of and respect for the human rights established in international norms and custom and the Constitution.

81. Equatorial Guinea will continue to maintain an open and transparent exchange with the United Nations system as part of the universal periodic review process and in relation to other specific tasks. To this end, it appeals to the international community and its development partners for support so that, together, they might continue to work towards achieving the country's goals.

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