



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

Summary of stakeholders' submissions on Equatorial Guinea*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 19 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. Amnesty International (AI) stated that, despite supporting recommendations in the previous universal periodic review (UPR) to ratify the Optional Protocol to CAT, the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty and the International Convention for the Protection of All Persons from Enforced Disappearance, Equatorial Guinea had only ratified the Convention on the Rights of Persons with Disabilities since the last review.⁴

3. Several submissions recommended that Equatorial Guinea ratify the Optional Protocol to CAT;⁵ the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;⁶ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁷

4. Noting supported recommendations⁸ from the previous cycle of the UPR, the Center for Global Nonkilling (CGNK) expressed the hope that Equatorial Guinea would soon ratify the Convention on the Prevention and Punishment of the Crime of Genocide.⁹

5. The International Campaign to Abolish Nuclear Weapons (ICAN) recommended that Equatorial Guinea ratify the Treaty on the Prohibition of Nuclear Weapons.¹⁰

* The present document is being issued without formal editing.



6. Joint submission 4 (JS4) recommended that Equatorial Guinea issue an open invitation to all special procedures.¹¹ Several organizations also urged the country to issue an invitation to the special procedures on migration issues;¹² the special procedures on education and health;¹³ the Special Rapporteur on the situation of human rights defenders;¹⁴ and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.¹⁵

7. The African Commission on Human and Peoples' Rights of the African Union noted that Equatorial Guinea had yet to submit its initial report on the implementation of the African Charter on Human and Peoples' Rights, which had been due for 36 years.¹⁶

B. National human rights framework

1. Constitutional and legislative framework

8. Joint submission 7 (JS7) noted that, while a new criminal code had been adopted in 2022, the sentences of inmates eligible for reduced sentences according to the amendments made to the code had not yet been changed.¹⁷ It recommended that Equatorial Guinea amend the sentences of prisoners sentenced under the previous criminal code in accordance with the new code, in line with the principle of the retroactive application of lighter penalties established after conviction in favour of the convict.¹⁸

2. Institutional infrastructure and policy measures

9. The UPR Project at BCU (UPR-BCU) stated that supported recommendations¹⁹ from the previous UPR to create an independent national human rights institution in accordance with the Paris Principles had not been implemented. It stated that, although Equatorial Guinea had established the Office of the Ombudsman, it did not satisfy the requirement of independence and pluralism outlined in the Paris Principles. In particular, in accordance with Article 123 of the Constitution, the Ombudsman was appointed by Parliament and under the directive of the President of the Republic.²⁰ UPR-BCU recommended that Equatorial Guinea establish an independent national human rights institution, in line with the Paris Principles.²¹

10. The African Commission on Human and Peoples' Rights of the African Union noted that the national human rights institution of Equatorial Guinea did not have affiliate status with the African Commission on Human and Peoples' Rights.²²

C. Promotion and protection of human rights

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

Equality and non-discrimination

11. Joint submission 2 (JS2) recommended combating HIV/AIDS discrimination and stigmatization through factual information, especially in schools.²³

Right to life, liberty and security of person, and freedom from torture

12. UPR-BCU stated that supported recommendations²⁴ from the previous UPR on the abolition of the death penalty had been partially implemented.²⁵ Joint submission 6 (JS6) stated that in September 2022, Equatorial Guinea had abolished the death penalty for ordinary crimes, when the President had signed into law the country's new Penal Code, which eliminated all previous references to the death penalty.²⁶ AI made similar observations, noting, however, that death penalty provisions remained in the Code of Military Justice.²⁷ JS7 indicated that, according to article 11 of Act No. 5/2.009 of 18 May amending Organic Act No. 10/1.984 on the judiciary, cases involving civilians must be heard by a civilian court, as must offences involving both civilians and military personnel. JS7 noted, however, that it was common practice to try civilians in military courts or war tribunals, which meant that there was a risk that the death penalty could be applied to civilians.²⁸

13. Human Rights Foundation (HRF) recommended that Equatorial Guinea repeal the provisions of the Code of Military Justice that provided for the application of the death penalty.²⁹ Several submissions made similar recommendations.³⁰

14. AI stated that torture and other ill treatment continued to be regularly applied. In some cases, police officers used torture on detainees to extract confessions.³¹ HRF made similar observations, noting that death in custody was not uncommon and that opposition figures, human rights defenders, and minorities were particularly vulnerable to such abuses.³²

15. AI stated that arbitrary arrests and detention continued to be perpetrated by security officers, targeting specific groups such as migrants, opposition members, activists and youth.³³

16. HRF stated that in the months leading up to the November 2022 presidential elections, there had been a notable escalation in arrests targeting dissidents and opposition figures and that these arrests had occurred without warrants and resulted in prolonged detention without charges.³⁴

17. Joint submission 8 (JS8) referred to cases of the arbitrary arrest and eviction from the neighbourhood of and the issuance of “curfew” orders against members of the lesbian, gay, bisexual, transgender and intersex (LGTBI+) community.³⁵

18. AI indicated that in response to an alleged increase in crime by youth gangs a national plan “to clean” the streets of “criminals and bandits” labelled by the authorities as “operación limpieza”, or “cleaning operation” was launched in May 2022.³⁶ In a single week in May 2022, more than 400 young people were arrested, while three months later, thousands of young men had been reportedly arrested across the country.³⁷

19. JS7 indicated that arbitrary detention was common, since the 72-hour time limit on detention was regularly exceeded.³⁸ It also noted that prison conditions continued to be a cause for concern. At one point, in Black Beach Prison, the presence of more than 1,400 inmates had been recorded, which equated to quadruple the prison’s capacity. In some police stations, hygiene conditions were not complied with and separation by sex was not carried out.³⁹

20. AI recommended that Equatorial Guinea: immediately and unconditionally release all individuals arbitrarily detained solely for peacefully exercising their human rights and end arbitrary arrests and detention;⁴⁰ implement Law 6/2006 banning torture and other ill-treatment and ensure prompt, independent, impartial, transparent and effective investigations into all reports of torture and other ill-treatment and bring those suspected to be responsible for all such violations to account.⁴¹

21. JS7 recommended that Equatorial Guinea release all persons detained who had not been brought to trial by the applicable legal deadline and all persons whose detention had not been carried out in accordance with the applicable safeguards, regardless of whether legal proceedings had been initiated against them subsequently.⁴² HRF recommended that Equatorial Guinea: protect the due process rights of every accused person to a fair, speedy, and public trial; and ensure that the conditions in which prisoners were held complied with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) in all places of detention.⁴³

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

22. The Paris Bar Association indicated that the separation between the executive and the judiciary in Equatorial Guinea was unclear. The former exerted influence over the latter, and the Public Prosecution Service lacked independence from executive measures.⁴⁴

23. The Paris Bar Association also indicated that the vast majority of judges, magistrates, prosecutors and justice officials had been appointed arbitrarily, without regard for the applicable national regulations.⁴⁵

24. The Paris Bar Association pointed out that norms such as the Constitution were vague and that there were no provisions protecting the independence of the Bar Association, providing guarantees for the practice of law or establishing due process in disciplinary

investigations against lawyers.⁴⁶ Lawyers handling sensitive cases were often subjected to intimidation, harassment and even arbitrary detention.⁴⁷

25. The Paris Bar Association also stated that the Bar Association of Equatorial Guinea was not independent and that there was no clear distinction between the scope of action of the Bar and that of the Government, which called into question its independence and vocation to defend lawyers.⁴⁸

26. JS7 recommended that Equatorial Guinea ensure the independence of judges and magistrates through impartial and independent appointments, in accordance with applicable national legislation.⁴⁹ The Paris Bar Association recommended that Equatorial Guinea take measures to ensure the independence of the Bar Association and the judiciary from the Government and from any other type of interference and ensure that the rules governing disciplinary proceedings against lawyers are public and that disciplinary proceedings respect the principles of legality and the rights of the defence.⁵⁰

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

27. The African Association of Jehovah's Witnesses (AAJW) stated that Jehovah's Witnesses in Equatorial Guinea generally enjoyed freedom to practise their religion without hindrance. Nevertheless, they faced religious discrimination in government-regulated schools and occasional interference with peaceful manifestation of religious beliefs.⁵¹

28. Joint submission 5 (JS5) indicated that the Government had continued to imprison human rights defenders, journalists, and even ordinary citizens for exercising their fundamental rights of expression, communication and access to information.⁵² JS4 also noted that human rights defenders and leaders of civil associations had been subjected to attacks, persecution and arbitrary detention for exercising their right to freedom of association, being a member of an organization and carrying out the activities for which their organization had been established.⁵³

29. AI recommended that Equatorial Guinea: ensure prompt, impartial, independent, effective and transparent investigations into all reports of human rights violations against human rights defenders, activists and opposition leaders for doing their legitimate work and exercising their right to freedom to expression.⁵⁴

30. JS5 indicated that the Government had failed to comply with the recommendations⁵⁵ from the previous cycle, calling for the repeal or amendment of laws that infringed on freedom of expression.⁵⁶ JS5 noted that Act No. 6/1997, which regulated the press and the media remained in force.⁵⁷ The law gave the national authorities the power to sanction the media and professionals on the grounds of insult, defamation or threats against state security and public order without any limitation.⁵⁸ Additionally, Articles 221 to 224 of the new Penal Code established the offenses of "abusive exercise of fundamental rights" and determined that this offense could be committed by anyone "who, in violation of the limitations imposed by law on the right to disseminate information by any means, publishes news which, by its falsity and nature, seriously undermines the dignity of the institutions or their representatives".⁵⁹

31. AI stated that lawsuits for slander or defamation were common, leading to self-censorship.⁶⁰ JS5 indicated that the media landscape was very controlled, and censored, preventing the presence of private media not related to the government in power.⁶¹ Internet access continued to be a challenge, due to the high costs of internet connectivity and the government control of telecommunications.⁶²

32. JS5 recommended that Equatorial Guinea: repeal articles 221 to 224 of the 2022 Penal Code and Act No. 6/1997 on the press, printing, and audiovisual media, or reform all of its provisions to bring it fully into compliance with Article 19 of the International Covenant on Civil and Political Right;⁶³ allow for media pluralism, including the expansion of the scope of action of private media;⁶⁴ and ensure that the internet remained open, accessible, and secure.⁶⁵

33. AI noted that, despite support for recommendations during the previous UPR to reform Law 1/1999 on Non-governmental organizations (NGOs) activities, the authorities continued to use this law to impose financial constraints on NGOs by limiting their capacity

to receive donations from abroad, preventing them from carrying out independently and effectively their legitimate activities.⁶⁶

34. JS4 indicated that Equatorial Guinea faced significant challenges with regard to freedom of association, with documented cases of repression against civil society organizations and groups seeking to exercise this fundamental right.⁶⁷ JS4 highlighted the fact that several organizations had been attempting to register for several years and pointed to the case of the Centre of Initiatives for the Development of Equatorial Guinea, which had been dissolved by order of the Ministry of the Interior in 2019.⁶⁸

35. JS8 recommended legalizing associations that promote the protection of human rights and in particular those that promote the rights of sexual minorities.⁶⁹

36. AI recommended that Equatorial Guinea reform the Law 1/1999 regulating NGOs to facilitate their registration and enable their full and independent functioning.⁷⁰

37. JS4 recommended that Equatorial Guinea simplify the registration process for associations and establish a one-stop registration system,⁷¹ amend Act No. 1/1999 in consultation with civil society to remove all administrative barriers to the activities of civil society organizations and bring the legislation on freedom of association into line with international standards.⁷² In addition, it recommended promoting an environment conducive to the free and safe operation of civil society organizations by raising awareness among public officials and security agents with regard to the protection of the right to freedom of association.⁷³

38. HRF indicated that the Government had systematically excluded political opposition from operating in the country. Through unfree and unfair elections, the President and his party had secured electoral victories unopposed, which in some instances surpassed 95 per cent of the vote, such as the recent 2022 elections. HRF stated that concerns had been raised by members of the opposition, international human rights organizations, international observers, and civil society, of voting fraud and reported instances of intimidation directed at voters and opposition members in the period leading up to elections.⁷⁴

Prohibition of all forms of slavery, including trafficking in persons

39. The European Centre for Law and Justice (ECLJ) stated that Equatorial Guinea largely served as a destination country for forced labour and a source country for sex trafficking. However, the full scale of human trafficking in Equatorial Guinea was unknown because the Government did not release human trafficking statistics. Women and girls were particularly vulnerable to being trafficked for forced prostitution. Oftentimes, parents sent their daughters to work abroad and too often these girls were then exploited in domestic service. Poor children were at risk of being trafficked for forced labour in the mining industry and human traffickers abducted boys they found begging for money on the streets and forced them into labour.⁷⁵

40. JS4 highlighted a type of trafficking consisting in the recruitment of foreign nationals of different nationalities, mostly from West Africa and Latin America, by the authorities or members of the elite and the confiscation of their passports or documentation. In most cases, immigrant employees were reluctant to report their employment situation or other types of mistreatment for fear of retaliation or expulsion.⁷⁶ JS4 indicated that, in February 2022, several female employees from Latin America had reported a situation of slavery, explaining that their employer had confiscated their passports, forcing them to remain in the country for the duration of their contracts. The contracting company denied these allegations.⁷⁷

41. JS4 indicated that few cases had been prosecuted under Act No. 1/2004 on combating migrant smuggling and trafficking in persons and that almost all of the conduct criminalized under this law continued to occur, without any institutional persecution.⁷⁸ ECLJ stated that the Government lacked the judicial capacity to handle human trafficking cases and was plagued with corruption.⁷⁹

42. JS4 recommended that Equatorial Guinea effectively implement Act No. 1/2004 on combating migrant smuggling and trafficking in persons and strengthen measures to ensure its effective implementation;⁸⁰ and expressly prohibit passport confiscation practices and make complaints mechanisms available to immigrants to protect their rights.⁸¹ ECLJ stated

that the Government must provide resources and training to law enforcement personnel so that they had the knowledge and capabilities to identify human trafficking victims; and aggressively weed out corruption and prosecute officials who were complicit in this crime.⁸²

Right to an adequate standard of living

43. JS2 noted that, according to primary school teachers, many children arrived to class without having eaten breakfast, because of a lack of means.⁸³ JS2 indicated that poverty, which generally affected girls, was one of the main reasons for prostitution among women and girls and even for forced marriage.⁸⁴

Right to health

44. JS2 noted that the health measures taken by the Government were insufficient/ineffective, as health indicators continued to be a cause for concern. The coronavirus disease (COVID-19) pandemic had compounded the situation, severely affecting primary health care throughout the country.⁸⁵ JS2 indicated that these negative sociomedical data were the result of limited access to health services, especially in rural areas, owing to a lack of personnel and poor resource management.⁸⁶

45. Joint submission 3 (JS3) indicated that the Government had developed free support and treatment programmes for pregnant women and women with malaria, but that these programmes were not well known and did not benefit patients.⁸⁷

46. JS3 noted that, according to the law on sexual health and assisted human reproduction technology techniques enacted in 2020, women had the right to abortion up to the twelfth week of pregnancy in cases of imminent risk to the health of the pregnant woman and in cases of incest or rape. This right could be granted up to the twenty-second week in cases of severe fetal pathologies. However, according to articles 449 and following of the Criminal Code of 2022, voluntary termination of pregnancy after the tenth week of pregnancy was an offence punishable by a prison sentence of 1 to 3 years. While the Criminal Code of 2022 took precedence over the sexual health law of 2020, it was necessary to harmonize the two.⁸⁸ ECLJ was concerned about abortion.⁸⁹

47. Joint submission 1 (JS1) observed an increase in coverage with regard to most childhood vaccines. However, despite the progress made, the recommended immunization coverage rate of 80 per cent had not yet been achieved, resulting in significant disparities between districts.⁹⁰

48. JS1 highlighted information indicating that Equatorial Guinea had the highest rate of prevalence of HIV in persons aged between 15 and 49 years in the West and Central African region.⁹¹ JS2 indicated that HIV/AIDS awareness campaigns were not effective, given that HIV/AIDS numbers had increased over the past five years.⁹² The lack of sexual and reproductive health education, in both rural and urban areas, had led to an increase in children dropping out of school owing to early pregnancy and the widespread transmission of sexually transmitted diseases, especially HIV/AIDS, at increasingly younger ages.⁹³

49. JS1 also indicated that Equatorial Guinea was facing an increase in drug use and addiction, and although the Government had taken steps to address the problem, its efforts had not been sufficient.⁹⁴

50. JS2 recommended that Equatorial Guinea review and strengthen strategies to uphold the right to health throughout the country, especially in rural areas.⁹⁵ JS1 recommended that Equatorial Guinea increase the health budget to provide antiretroviral treatment to all citizens living with HIV/AIDS, prioritizing care for vulnerable children, adolescents and women;⁹⁶ continue to promote and carry out awareness campaigns to provide adequate sex education to citizens;⁹⁷ and step up efforts to collect data on increased drug use and take action in that regard.⁹⁸

Right to education

51. JS2 indicated that some improvements had been made to educational infrastructure.⁹⁹ JS2 also observed that the quality of education was very low, the availability of public education was especially limited in rural areas and the supply of public education did not

meet the country's educational demand. In addition, more than 60 per cent of the schools were private and many schools lacked adequate facilities because of a lack of electricity, water and toilets.¹⁰⁰

52. JS2 noted that, despite commitments to improve, between 2020 and 2022 the Government had reduced investment in programmes aimed at primary education by 40 per cent, although investment in university education had increased.¹⁰¹

53. JS1 recognized the efforts of Equatorial Guinea to implement accepted recommendations from the third cycle of the universal periodic review to improve its education system.¹⁰² JS1 noted that children continued to drop out of school, especially girls who were the victims of child marriage and early pregnancy, because of discrimination against and the non-acceptance of these girls in schools.¹⁰³ JS2 indicated that the ban on access to education for pregnant girls persisted under the ministerial resolution of 18 July 2017 prohibiting girls from enrolling in or attending school during pregnancy.¹⁰⁴

54. JS2 welcomed the reduction in corporal punishment in schools but noted that, according to the teachers interviewed, corporal punishment was still common in some schools.¹⁰⁵

55. JS1 recommended that Equatorial Guinea redouble its efforts to provide quality education to all students enrolled in public schools.¹⁰⁶ JS2 recommended that Equatorial Guinea expand secondary education in rural areas,¹⁰⁷ repeal the resolution prohibiting the schooling of pregnant girls and launch a support programme for pregnant girls attending school.¹⁰⁸

2. Rights of specific persons or groups

Women

56. JS2 indicated that there were persistent problems such as domestic violence, which was often hidden and not reported to health services or authorities.¹⁰⁹ According to JS3, gender-based physical violence appeared to be normalized in the society of Equatorial Guinea. There was no end to the cases of women brutally beaten by their partners, brothers or co-workers.¹¹⁰

57. JS3 indicated that articles 466 and 467 of the new Criminal Code punished domestic violence with a restraining order and a fine, but that in most cases the sentence was not served.¹¹¹ JS3 mentioned that although the Criminal Code established penalties for rape, sexual assault, sexual abuse, sexual harassment and sexual exploitation, there were no laws that not only punished perpetrators but also protected victims.¹¹²

58. According to JS3, police officers continued to act as if their stations were courthouses and women were generally discouraged from reporting abuse there. In many cases, the victims were afraid of the cost of legal proceedings and, moreover, survivors did not have access to information about the procedures and stages of the legal process or access to support and protection.¹¹³

59. End Corporal Punishment (ECP) stated that a draft Family Code, and a draft Law on Gender Violence were under discussion and had been expected to be adopted by 2017.¹¹⁴ JS3 indicated that while the Government had announced a draft bill on violence against women, bills were not normally published so that civil society could contribute to them or suggest improvements.¹¹⁵ JS3 recommended publishing bills to allow civil society to contribute to them and suggest improvements, starting with the draft bill of the comprehensive law to prevent, punish and eradicate violence against women announced by the Government,¹¹⁶ and develop a social plan for assisting, protecting and reintegrating victims of violence and facilitating their access to justice.¹¹⁷

Children

60. ECP stated that the drafting of a law on children had long been under consideration. The proposed new law, was to include civil and penal measures for child protection as well as protection for children in conflict with the law.¹¹⁸

61. JS3 indicated that a high number of girls in Equatorial Guinea lived in single-parent households where the absence of one parent (generally the father) meant that they had to live with relatives or risked falling into local labour exploitation trafficking networks, and that, in other circumstances, girls found themselves in the role of the adult of the family and were forced to substitute for their mothers by performing household chores.¹¹⁹

62. JS3 indicated that an obsolete legal framework according to which marriage gave rise to the right to emancipation of the minor was still in use. This was based on article 314 (1) of the Spanish Civil Code of 1889, which was still in force in Equatorial Guinea.¹²⁰ JS3 recommended that Equatorial Guinea expressly legislate on the prohibition of marriage with a minor in all circumstances, in accordance with international and child protection law.¹²¹

63. Regarding supported recommendations¹²² from the previous UPR, ECP stated that following the last review, no legislation to explicitly prohibit corporal punishment of children in all settings seemed to have been adopted.¹²³ ECP indicated that articles 154 and 268 of the Civil Code of 1889 confirmed the right of those with parental authority to administer “reasonable and moderate” forms of correction and indicated that these provisions should be repealed.¹²⁴ ECP hoped that during the review states would raise the issue and recommend that Equatorial Guinea intensify its efforts to enact a law to clearly prohibit all corporal punishment of children, however light, in every setting of their lives.¹²⁵

64. JS1 noted that while there had been some improvement in some areas in recent years, proceedings in cases of violence against children referred to the criminal justice system were often slow and drawn out, discouraging victims.¹²⁶ JS1 recommended that Equatorial Guinea develop efficient investigation, follow-up and support mechanisms for child victims of violence.¹²⁷

Persons with disabilities

65. JS1 recognized the efforts of Equatorial Guinea to improve access to quality education for persons with disabilities. However, discrimination towards children with disabilities persisted; schools were not yet sufficiently prepared for or adapted to the needs of persons with disabilities, since their facilities were not fully accessible to persons with all types of disabilities, leading children with disabilities to drop out.¹²⁸

66. JS1 recommended that Equatorial Guinea strengthen accessibility to education for persons with disabilities by improving school infrastructure and continue to adapt educational programmes to the specific needs of persons with disabilities.¹²⁹

Indigenous Peoples and minorities

67. The Bubi Indigenous People of Bioko Island indicated that, during the COVID-19 crisis, the Bubi People were on the front line and, having been confined to unsanitary housing, without water, electricity or food, Bubi children, young people and older persons had suffered greatly.¹³⁰ It recommended that Equatorial Guinea recognize the historical sovereign rights of the Bubi People on the island of Fernando Poo (now Bioko Island).¹³¹

Lesbian, gay, bisexual, transgender and intersex persons

68. Regarding the third cycle recommendations¹³² on the rights of LGBTBI+ persons, JS8 expressed the view that little to nothing had been done by the authorities to comply with them.¹³³

69. JS8 noted that, despite the adoption of the new Criminal Code in 2022, police officers in Equatorial Guinea continued to apply obsolete legislation that was contrary to fundamental rights, generally to prosecute members of the LGBTBI+ community.¹³⁴ JS8 indicated that the legislature of Equatorial Guinea should review national law and bring it into line with the Yogyakarta Principles.¹³⁵

70. JS8 indicated that LGBTQ+ persons were widely rejected by society, a process that began with homophobia in schools and continued with neglect by the family, leading in some cases to homelessness and poverty.¹³⁶

71. JS8 noted that in Equatorial Guinea homosexuality was perceived as a mental and spiritual illness and therefore as curable through conversion or healing therapies. Families brought their children to places where traditional medicine was practised (*curanderías*) and churches, as places of healing, where all kind of violence, and even witchcraft rites, were used, some of which even resulted in death.¹³⁷

72. JS8 recommended that Equatorial Guinea urgently ban so-called conversion therapies and adopt specific health policies to urgently assist LGTBI+ persons.¹³⁸

Migrants, refugees and asylum-seekers

73. JS4 noted that while Organic Act No. 3/2010 of 30 May on the rights of aliens in Equatorial Guinea regulated the rights of foreign nationals in the country, its implementing regulations were not widely known and were not available to the public, which created legal uncertainty and led to abuse.¹³⁹

74. JS4 indicated that mass round-ups of migrants and their subsequent deportation occurred cyclically and indiscriminately in the country despite the critical remarks and recommendations made in the previous cycle of the universal periodic review. In November 2021, at least 500 migrants had been detained and in many cases had remained in detention for more than 60 days in police stations and detention facilities that were not authorized to hold them.¹⁴⁰ Deportations had been carried out without regard for the country's migration law, which required individualized processes for the deportation of migrants and allowed detention only in authorized areas and for no more than 60 days. Thus, dozens of migrants, many of whom had valid residence permits, had been expelled without a court order.¹⁴¹

75. AI recommended that Equatorial Guinea: launch a prompt, thorough, independent, impartial, transparent and effective investigation into the allegations of illegal racial profiling and violence during arrests of migrants, as well as the failure to ensure access to legal protections and allegations of ill-treatment in custody.¹⁴²

Notes

¹ [A/HRC/42/13](#), [A/HRC/42/13/Add.1](#), and [A/HRC/42/2](#).

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AAJW	African Association of Jehovah's Witnesses, Krugersdorp, (South Africa);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
BdP	Barreau de Paris, Paris (France);
CGNK	Center for Global Nonkilling, 1218 Grand-Saconnex (Switzerland);
ECLJ	European Centre for Law and Justice, The, Strasbourg (France);
ECP	End Corporal Punishment, Geneva (Switzerland);
EPIBIB	El Pueblo Indígena Bubi de la Isla de Bioko, Madrid (Spain);
HRF	Human Rights Foundation, New York (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
UPR-BCU	The UPR Project at BCU, Birmingham (United Kingdom of Great Britain and Northern Ireland).

Joint submissions:

JS1	Joint submission 1 submitted by: Istituto Internazionale Maria Ausiliatrice, Veyrier (Switzerland); IIMA - Istituto Internazionale Maria Ausiliatrice; VIDES International - International Volunteerism Organization for Women,
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	Education, Development; Instituto de las Hijas de María Auxiliadora Guinea Ecuatorial;
JS2	Joint submission 2 submitted by: Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEIDGE), Madrid (Spain); EG Justice: Equatorial Guinea Justice; ASAFED: African Association of Education for Development; COOPERACIÓN Y DESARROLLO ONG pro PIDESc;
JS3	Joint submission 3 submitted by: African Association of Education for Development, Geneva (Switzerland); EG Justice: Equatorial Guinea Justice; COOPERACIÓN Y DESARROLLO ONG pro PIDESc ;
JS4	Joint submission 4 submitted by: Comisión Ecuatoguineana de Juristas (CEJ), Madrid (Spain); COOPERACION Y DESARROLLO ONG pro PIDESc; Centro de Estudios e Iniciativas para el Desarrollo de Guinea Ecuatorial (CEIDGE);
JS5	Joint submission 5 submitted by: Small Media, London (United Kingdom of Great Britain and Northern Ireland); EG Justice: Equatorial Guinea Justice; International Press Institute;
JS6	Joint submission 6 submitted by: Advocates for Human Rights, Minneapolis (United States of America); The World Coalition Against the Death Penalty;
JS7	Joint submission 7 submitted by: Contribución colectiva para el EPU de Guinea Ecuatorial, Malabo (Equatorial Guinea); EG Justice: Equatorial Guinea Justice; ASAFED: African Association of Education for Development; COOPERACIÓN Y DESARROLLO ONG pro PIDESc; Guinea Ecuatorial También es Nuestra;
JS8	Joint submission 8 submitted by: EG Justice: Equatorial Guinea Justice, Washington DC (United States of America); Somos Parte del Mundo (SPDM); ASAFED: African Association of Education for Development.

Regional intergovernmental organization(s):

AU-ACHPR	African Commission on Human and Peoples' Rights, Banjul (Gambia).
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³ The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD

ICPPED

International Convention for the Protection of All Persons
from Enforced Disappearance

- 4 AI, para. 2. See also CGNK, p. 3.
- 5 AI, para. 49 and HRF, p. 14.
- 6 AI, para. 39, HRF, p. 14, JS6, para. 6, JS7, para. 76, and UPR-BCU, p. 5.
- 7 JS4, para. 53.
- 8 For relevant recommendations see [A/HRC/42/13](#), paras. 123.12 (Burundi) and 123.13 (Rwanda).
- 9 CGNK, p. 4.
- 10 ICAN, p. 1.
- 11 JS4, para. 54.
- 12 JS4, para. 54.
- 13 JS2, paras. 50 and 60.
- 14 AI, para. 46.
- 15 JS8, para. 30.
- 16 AU-ACHPR, p. 4.
- 17 JS7, para. 6.
- 18 JS7, para. 83.
- 19 For relevant recommendations see [A/HRC/42/13](#), paras. 122.21 (Chile), 122.22 (Portugal), 122.23 (Costa Rica), 122.24 (Senegal), 122.25 (Ukraine), 122.26 (Mexico), 122.27 (Spain), 122.32 (Georgia).
- 20 UPR-BCU, paras. 21–22.
- 21 UPR-BCU, p. 5.
- 22 AU-ACHPR, p. 4.
- 23 JS2, para. 43.
- 24 For relevant recommendations see [A/HRC/42/13](#), paras. 122.13 (Namibia), 122.14 (Georgia), 122.15 (Rwanda), 122.54 (Mozambique), 122.55 (Turkey), 122.56 (Argentina), 122.57 (Cabo Verde); 122.58 (Iceland), 122.59 (Italy).
- 25 UPR-BCU, paras. 13–14.
- 26 JS6, para. 1. See also AU-ACHPR, p. 4,
- 27 AI, para. 8. See also HRF, para. 18.
- 28 JS7, para. 9.
- 29 HRF, p. 14.
- 30 AI, para. 40, JS6, para. 6 and UPR-BCU, p. 5.
- 31 AI, para. 33.
- 32 HRF, para. 28. See also JS7, para. 11.
- 33 AI, para. 10.
- 34 HRF, para. 22. See also AI, para. 16.
- 35 JS8, para. 7.
- 36 AI, para. 11.
- 37 AI, para. 12. See also HRF, para. 21.
- 38 JS7, para. 5. See also AI, para. 9.
- 39 JS7, para. 3.
- 40 AI, para. 36. See also HRF, p. 16.
- 41 AI, para. 50.
- 42 JS7, para. 77. See also AI, para. 38, HRF, p. 15.
- 43 HRF, pp. 14–15. See also JS7, para. 82.
- 44 Barreau-de-Paris, p. 3.
- 45 Barreau-de-Paris, p. 5.
- 46 Barreau-de-Paris, p. 2.
- 47 Barreau-de-Paris, p. 2.
- 48 Barreau-de-Paris, p. 2.
- 49 JS7, para. 80. See also HRF, p. 16.
- 50 Barreau-de-Paris, pp. 8–9.
- 51 AAJW, para. 2.
- 52 JS5, para. 6.
- 53 JS4, para. 6.
- 54 AI, para. 43.
- 55 For relevant recommendations see [A/HRC/42/13](#), paras. 122.85 (Maldives), 123.24 (Australia), 123.25 (United Kingdom of Great Britain and Northern Ireland).
- 56 JS5, para. 17.
- 57 JS5, para. 18.
- 58 JS5, para. 35.
- 59 JS5, para. 19.

- 60 AI, para. 19.
- 61 JS5, para. 36.
- 62 JS5, para. 45.
- 63 JS5, paras. 55 and 57.
- 64 JS5, para. 53.
- 65 JS5, para. 54.
- 66 AI, para. 6. See also JS4, paras. 10–13.
- 67 JS4, para. 1.
- 68 JS4, paras. 15–18. See also JS8, para. 17.
- 69 JS8, para. 29.
- 70 AI, para. 44.
- 71 JS4, para. 19.
- 72 JS4, para. 20. See also AI, paras. 44–45.
- 73 JS4, para. 21.
- 74 HRF, para. 16.
- 75 ECLJ, para. 19. See also JS3, para. 22.
- 76 JS4, paras. 43–44.
- 77 JS4, para. 45.
- 78 JS4, para. 27.
- 79 ECLJ, para. 21.
- 80 JS4, para. 51.
- 81 JS4, para. 52.
- 82 ECLJ, para. 23.
- 83 JS2, para. 34.
- 84 JS2, para. 14.
- 85 JS2, para. 8.
- 86 JS2, para. 17.
- 87 JS3, para. 34.
- 88 JS3, para. 37.
- 89 ECLJ, paras. 11–18.
- 90 JS1, para. 26.
- 91 JS1, para. 28.
- 92 JS2, para. 9.
- 93 JS2, para. 12.
- 94 JS1, para. 30.
- 95 JS2, para. 47.
- 96 JS1, para. 31(c).
- 97 JS1, para. 31(d).
- 98 JS1, para. 31(e).
- 99 JS2, para. 31.
- 100 JS2, paras. 32–33.
- 101 JS2, para. 28.
- 102 JS1, para. 7.
- 103 JS1, para. 8.
- 104 JS2, para. 37. See also JS1, para. 16, JS3, para. 9.
- 105 JS2, para. 39.
- 106 JS1, para. 17(a).
- 107 JS2, para. 53.
- 108 JS2, para. 56.
- 109 JS2, para. 13.
- 110 JS3, para. 12.
- 111 JS3, para. 25.
- 112 JS3, para. 26.
- 113 JS3, para. 39.
- 114 ECP, para. 2.3.
- 115 JS3, para. 38.
- 116 JS3, para. 42.
- 117 JS3, para. 43.
- 118 ECP, para. 2.3.
- 119 JS3, para. 5.
- 120 JS3, para. 40.
- 121 JS3, para. 41.

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- ¹²² For relevant recommendations see [A/HRC/42/13](#), paras. 123.48 (Senegal), 123.49 (Algeria) and 123.50 (Kyrgyzstan).
- ¹²³ ECP, paras. 1.1–1.2.
- ¹²⁴ ECP, para. 2.
- ¹²⁵ ECP, para. 1.2.
- ¹²⁶ JS1, para. 22.
- ¹²⁷ JS1, para. 23(a).
- ¹²⁸ JS1, paras. 13–14. See also JS2, para. 38.
- ¹²⁹ JS1, para. 17(c).
- ¹³⁰ EPIBIB, p. 2.
- ¹³¹ EPIBIB, p. 5.
- ¹³² For relevant recommendations see [A/HRC/42/13](#), paras. 122.46 (Dominican Republic), 122.47 (Iceland) and 122.65 (Montenegro).
- ¹³³ JS8, para. 1.
- ¹³⁴ JS8, para. 4.
- ¹³⁵ JS8, para. 21.
- ¹³⁶ JS8, para. 12.
- ¹³⁷ JS8, paras. 8–9.
- ¹³⁸ JS8, para. 23.
- ¹³⁹ JS8, para. 26.
- ¹⁴⁰ JS4, para. 36.
- ¹⁴¹ JS4, para. 37. See also AI, paras. 29–32.
- ¹⁴² AI, para. 48.
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