

Center for Economic and Social Rights (CESR) individual submission to the Office of the High Commissioner for Human Rights on the occasion of the sixth session of the Universal Periodic Review December 2009

Equatorial Guinea

A selective submission on compliance with economic, social and cultural rights obligations

I Introduction

1. The Center for Economic and Social Rights (an ECOSOC accredited non-governmental organization) hereby contributes this individual submission to the Office of the High Commissioner for Human Rights on the occasion of the Universal Periodic Review of Equatorial Guinea's fulfillment of its human rights obligations.

2. This submission focuses in particular on Equatorial Guinea's compliance with its obligations in relation to the fulfillment and realization of economic, social and cultural rights (ESC rights). It presents and analyzes key indicators relating to the enjoyment of the rights to health, education, food, water and housing, as well as selected indicators of state policy efforts. The analysis highlights key areas of apparent non-compliance by the state of Equatorial Guinea with the principles of progressive realization according to maximum available resources, prioritization of minimum core obligations and the duty of non-discrimination.

3. This submission is based on the most accurate and up-to-date data available from both national statistical sources and international organizations, particularly the World Bank and UNICEF. It should be noted that the last comprehensive national household survey was carried out in 2000 and that no reliable national census has been conducted since 1994. The lack of up-to-date official data on key indicators relevant to ESC rights is itself a key concern which raises questions about the political will to address the economic and social rights situation in the country.

II Key concerns regarding economic and social rights

i) Progressive Realization of Rights According to the Maximum Available Resources

4. **Equatorial Guinea has become the richest country in Sub-Saharan Africa, but the majority of its people remain extremely poor and retrogression in the realization of the rights to food, health and education is apparent.** Since the discovery of oil and natural gas reserves in the 1990s, Equatorial Guinea has become the richest country in Sub-Saharan Africa, in terms of GDP per capita, which is now over US\$26,000. Yet almost two-thirds of Equatoguineans still live on less than US\$1 a day,

insufficient to meet their minimum calorie requirements and basic non-food needs and compromising their right to food.¹ Rather than improving economic and social rights outcomes, the country's increased wealth has instead been accompanied by a retrogression in the realization of the rights to health and to education, especially for the country's children. Child survival is threatened as infant and child survival rates deteriorate. Between 1990 and 2006, the number of infants who survived their first year fell from 897 per 1,000 live births to 876 and the under-5 survival rate fell from 830 to 794². This suggests a retrogression even in the context of rising resources. A retrogression in the realization of the right to education is also evident, with a drop in the proportion of children receiving basic primary education, as primary school enrollment fell from 93.1% in 2001 to 87.1% in 2003.³

5. Low government expenditures indicate a failure to invest the 'maximum of available resources' to realize economic and social rights and to meet core obligations regarding the rights to education and health. Levels of public expenditure on health and on education are much lower than the average expenditure of countries in Sub-Saharan Africa. In 2004, public expenditure on health made up 7% and on education 4% of total government expenditure, - much lower than the regional average of 10% and 17% respectively. Despite the constitutional promise of free basic education, government budget allocation to education is well below the regional average and insufficient to ensure universal access to primary education.⁴ Equatorial Guinea devotes one of the lowest proportions of total education expenditure on primary education of all countries in Sub-Saharan Africa (only 26.8%, whereas the average for all Sub-Saharan African countries is 46%), despite a rate of less than 60% of pupils finishing primary education.⁵ This suggests that the state is not giving priority to the minimum core obligation to ensure that its citizens achieve at least a primary education.

6. The lack of transparency in government revenues and expenditure heightens concerns that corruption is diverting resources away from economic and

¹ World Bank 2008, World Development Indicators, www.worldbank.org; United Nations Development Programme (UNDP) 2007/2008, Statistics of the Human Development Report 2007/2008, www.hdr.undp.org/en/statistics; and United Nations Development Group (UNDG) 2006, "Balance Común de País (Common Country Assessment)", www.undg.org.

² World Bank 2008, *op cit*.

³ World Bank 2008, *op cit*.

⁴ Tomaševski, Katarina 2006. "The State of the Right to Education Worldwide: Free of Fee 2006 Global Report". www.katarinatomaševski.com; and Commission on Human Rights 2001. "Question of the Violation of Human Rights and Fundamental Freedoms in any Part of the World: Report on the human rights situation in the Republic of Equatorial Guinea submitted by the Special Representative of the Commission, Mr. Gustavo Gallón". E/CN.4/2001/38. www.ap.ohchr.org/documents

⁵ UNESCO 2009. United Nations Educational, Scientific and Cultural Organization. Institute for Statistics, Data Centre. www.stats.uis.unesco.org.

social rights fulfillment. The distribution of oil wealth is reportedly considered a “state secret.”⁶ Numerous studies and several corruption investigations outside Equatorial Guinea have documented the alleged misappropriation of billions of dollars in oil and gas revenues by the ruling family with the collusion of foreign companies, including the documented diversion into secret bank accounts of at least \$2.1 billion.⁷ There is also a clear lack of transparency in the government budget - according to the Open Budget Initiative of the International Budget Partnership, Equatorial Guinea scored 0 on the 2008 Open Budget Index and is one of the few countries in the world that did not publish its 2008 annual budget after approval by the legislature (along with China, Saudi Arabia and Sudan).⁸

ii) The Right to Health

7. **An apparent retrogression in the realization of the right to health of women and children appears linked to inadequate provision of child and maternal health care services.** Equatorial Guinea now has a higher child mortality rate than four of Sub-Saharan Africa’s poorest countries,⁹ with the number of children dying before they reach age five increasing significantly between 1990 and 2006 (from 170 to 206 children out of 1,000 live births). Equatorial Guinea also has the highest infant mortality rate of its region (124 per 1,000 live births) as well as high maternal mortality rates – both of which appear to be related to the lack of reproductive health services. Only 65% of women receive skilled assistance from a qualified health professional when giving birth, even though this assistance is key to ensuring both maternal and infant survival.¹⁰ This raises serious concerns about the government’s commitment to make adequate services essential for the health and survival of women and children available and accessible.

8. **Most child deaths are due to diseases that are preventable and treatable, but access to preventive measures or treatment appears woefully inadequate.** Malaria, which is both preventable and treatable, is a leading cause of child death, causing about 38% of infant deaths¹¹ and 24% of under-5 deaths¹² (compared to an average of 16% in

⁶ Global Witness 2009. “Undue Diligence: How banks do business with corrupt regimes.”

⁷ US Senate 2004, Permanent Subcommittee on Investigations, Committee on Governmental Affairs. “Money Laundering and Foreign Corruption: Enforcement and Effectiveness of the Patriot Act, Case Study involving Riggs Bank.” http://hsgac.senate.gov/public/_files/ACF5F8.pdf

⁸ Open Budget Index 2008. Equatorial Guinea Country Summary. The Open Budget Initiative is a global research and advocacy program to promote public access to budget information and the adoption of accountable budget systems – see www.openbudgetindex.org.

⁹ World Bank 2008, *op cit*

¹⁰ World Bank 2008, *op cit*

¹¹ UNDG 2006, *op cit*

¹² World Bank 2008, *op cit*

Sub-Saharan Africa¹³). About 98% of Equatoguineans live in areas with endemic risk of malaria, but only 1% of children under-5 sleep under insecticide-treated nets, far less than in other countries with similar malaria risk (in comparison Guinea-Bissau's population also lives predominantly in areas with endemic risk, but has an insecticide-treated net coverage of 39%). This suggests inadequate investment in preventive efforts that would contribute to the realization of the right to health of both children and adults. In addition, Equatorial Guinea is one of the few Sub-Saharan African countries that does not recommend preventative treatment for pregnant women (providing regular doses of anti-malarial drugs during pregnancy), even though this would significantly reduce malaria risks.¹⁴

iii) The Right to Education

9. **Less than 60% of EquatoGuineans finish primary school, suggesting that Equatorial Guinea is not meeting its minimum core obligation to ensure a basic level of education for its citizens.** While less than 60% of Equatoguineans finish primary school and more than 26% of students have to repeat years in primary school.¹⁵ This is one of the highest repetition rates for primary school, much higher than most Sub-Saharan African countries. This may be linked to the fact that the majority of primary school teachers (51.5%) reportedly do not have the necessary teacher training and qualifications,¹⁶ which strongly suggests that Equatorial Guinea's children may be receiving a low-quality education.

10. **Stark gender disparities in education raise questions about whether Equatorial Guinea is taking steps to challenge gender discrimination and ensure equal access to education for women and girls.** At the secondary school level, boys are almost twice as likely to enroll in secondary school as girls, with the ratio of female to male participation in secondary school at 57%.¹⁷ In addition, there are marked disparities between the different provinces in the number of women who have never attended school in Equatorial Guinea. While only 3% of women in Bioko Norte have never attended school, almost 20% of women in the Centro Sur province have never done so.¹⁸

¹³ Countdown 2015

¹⁴ WHO/UNICEF 2003. "Africa Malaria Report". http://www.rbm.who.int/amd2003/amr2003/amr_toc.htm

¹⁵ World Bank 2008, *op cit*

¹⁶ UNDG 2006, *op cit*

¹⁷ World Bank 2008, *op cit*

¹⁸ UNICEF MICS 2000. Multiple Indicator Cluster Surveys, Equatorial Guinea 2000 National Dataset. www.childinfo.org

v) The Right to Water and Sanitation

11. **Despite having the highest GDP per capita in Sub-Saharan Africa, less than half the population has access to safe water and only just over half has access to adequate sanitation.** Less than half (45%) of Equatoguineans living in urban areas have access to an improved water source, which is the lowest proportion of any urban dwellers in all Sub-Saharan Africa, where the average is 85%. In rural areas, only 41% of the population has access to safe water.¹⁹ Basic ccess to adequate sanitation is also still limited: 60% of urban residents and 46% of rural residents have access to improved sanitation facilities. There also appears to have been no progress in improving access to sanitation between 1990 and 2006, despite the rapid rise in the country's wealth.²⁰ This suggests a failure to ensure the progressive realization of the right to water and sanitation.

III Conclusions and Recommendations

12. **Despite having the highest GDP per capita in the region, Equatorial Guinea is failing to meet the requirements to use “the maximum of available resources”** to realize ESC rights, as required under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights. The exploitation of the country's natural resources has brought great wealth and economic growth, yet the benefits are not being enjoyed by the majority of the population, two-thirds of which continue to live in extreme poverty with barely enough to eat. This demands that the government of Equatorial Guinea be fully held to account for its use and distribution of the country's wealth.

13. **Equatorial Guinea is not only failing to meet its minimum core obligations, but has also experienced a retrogression in the realization of economic and social rights,** particularly with respect to the rights to food, health and education. Stark gender disparities, particularly in the realization of the right to education, also indicate that the state is failing to make adequate efforts to meet its duty of non-discrimination.

14. CESR urges the members of the Human Rights Council participating in this Review session to raise these concerns in their interactive dialogue with representatives of the government of Equatorial Guinea and to call on the state to give urgent priority to ensuring that the maximum available resources are devoted to realizing the basic rights of the whole population.

Center for Economic and Social Rights, April 2009

¹⁹ World Bank 2008, *op cit*

²⁰ World Bank 2008, *op cit*