

Universal Periodic Review
(19th session, May –June 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Equatorial Guinea

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	10/03/2010 Ratification			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	17/06/2010 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	17/06/2010 Ratification			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P
Right to education

Constitutional Framework:

2. The 1991 Constitution of the Republic of Equatorial Guinea, as last amended on 17 January 1995,¹ enshrines the right to free and compulsory primary education in **Article 23**. This Article establishes that Education shall be primordial to the State. It adds that the State shall guarantee to every person, private body or religious institution the right to found schools provided that the founding body accepts to teach subjects determined within toward the official pedagogical plan. Moreover, official education shall freely allow the institution of religious education, which is protected by the Constitution. Education that shall be officially recognized may not deviate from the approved program or propagate ideological or partisan tendencies. **Article 24** states that the State shall protect responsible paternity and ensure appropriate education to promote the family. **Article 5** recognizes gender equality and **Article 15** enshrines the principle of non-discrimination by stating that all acts of partiality or discrimination committed on the basis of tribe, gender, religion, and corruption and other or same shall be punishable by law. With regard to language, **Article 4** provides that the official language of the Republic of Equatorial Guinea shall be Spanish. Aboriginal languages shall be recognized as an integral part of its national culture.

Legislative Framework:

3. The basic legislative framework for education in Equatorial Guinea is made up of:
- The **General Law on Education No. 14 of 1995** (*Ley No. 14/1995*)², which was modified on 30 October 2007 by the **Law of Education No. 5 of 2007** (*Ley de Educación n° 5/2007*)³.
 - **Law on Decentralization of 2003**, which transfers some powers to the country's 30 municipalities the municipalities.⁴

Policy Framework:

- **ICT in Education**⁵
4. In Equatorial Guinea, there is no specific policy concerning ICT, although attempts to improve management in the Ministry of Telecommunications are being made. The efforts to strengthen the presence of ICT in communities and in schools are primarily made by non-governmental organisations, universities, and other actors. They collaborate on projects that make computer equipment, training, and management available and accessible to students, educators, and members of the community. These initiatives take the form of **computer labs** in schools or **media centres** in the community.

¹ <http://www.constitutionnet.org/files/Equatorial%20Guinea%20Constitution.pdf>

² <http://countrycodes.boomja.com/index.php?ITEM=12987>

³ <http://www.cesdonbosco.com/revista/foro/31%20-%20Tina%20Sierra.pdf>

⁴ Background paper prepared for the Education for All Global Monitoring Report 2009, <http://unesdoc.unesco.org/images/0017/001780/178019m.pdf>

<http://www.oecd.org/dataoecd/12/56/40577917.pdf>

⁵ www.infodev.org/en/Document.400.pdf

5. Moreover, the government has a **Ministry of Technology, Posts, and Telecommunications**, and an **Office of Telecommunication Regulation (ORTEL)** was set up.

6. In Equatorial Guinea, education and distance training is regulated by the Law of Education, section 6, article 46, which states: “Distance education is one of the educational tools that makes it possible to pursue and/or continue educational studies in any circumstance.”

7. A recent initiative was enacted on a platform called **Prépaly (interactive multimedia training for PREPARing high school students (LYcéens)** in advanced scientific and technological studies). Its main objectives are to:

- Respond to the needs of young people in terms of information in science and technology
- Give them basic training in computers and multimedia that will be their key to a successful academic career, and which will help prepare them for the world outside of school
- Reinforce the ties between secondary and higher education establishments in the north with those in the south, as well as to reinforce the ties between schools and academic institutions in different areas of the south
- Facilitate the creation of multimedia content for teaching in francophone Africa

In addition, the French Cooperation supports the **National University of Equatorial Guinea (UNGE)** in their approaches by using ICT to develop centres for teaching and accessing digital teaching resources.

Cooperation:

8. Equatorial Guinea is not party to the 1960 UNESCO Convention against Discrimination in Education (CADE). It did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999).
- Seventh Consultation of Member States (covering the period 2000-2005).
- Eighth Consultation of Member States (covering the period 2006-2011).

9. Equatorial Guinea did not report within the framework of the Fourth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 Recommendation (covering the period 2009-2012).

10. Equatorial Guinea reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

11. Equatorial Guinea is not party to 1989 UNESCO’s Convention on Technical and Vocational Education.

Cultural rights

Normative Framework: constitutional and legislative frameworks

12. The Constitution of Equatorial Guinea (adopted in 1995 and revised in 2012) states in its Article 6 that: “The State supports and promotes Culture, artistic creation [...] and ensures the preservation of Nature, cultural heritage and the Nation’s artistic and historic wealth”. In its Article 4, the Constitution also refers to indigenous’ languages as integral parts of the national Culture. Equatorial Guinea does not have a cultural policy per say, nevertheless the recommendations of the Bata Economical Conference (2008) are used as a cultural management’s tool. The recommendations are based on 6 main priorities: i) Training of executive staff in the field of Culture; ii) Creation of cultural institutions throughout the national territory; iii) Restoration of historic sites and monuments; iv) Building of historic monuments; v) Recovery of the “historic memory” of the Equatorial Guinea in Spain; vi) Insertion of cultural elements in textbooks.

Institutional Framework:

13. The Council of Ministers implements the Nation’s General Policy as defined by the President. It organises and implements economical, cultural, scientific and social activities, as per Article 47 of the Constitution. The Ministry of Information, Culture and Tourism and its institutions (i.e. Department of Culture) propose and implement the General Policy in the field of Culture. The President negotiates and signs international treaties and agreements as per Article 39 (h) of the Constitution. Its services ensure the implementation of UNESCO’s Conventions.

Policy measures:

14. With the exception of a working group dedicated to the implementation of the 1972 Convention following the 2011 mission organised by the UNESCO Libreville Office, Equatorial Guinea has no specialised working teams dedicated to the promotion of the implementation of UNESCO’s Conventions on Culture. However, on several occasions, Equatorial Guinea has expressed its interest in benefiting from UNESCO’s capacity building expertise in the field of Culture. In 2011, Equatorial Guinea restructured its Department of Culture. One of its objectives is to promote its Culture and have it contribute to the economic and social development of the Country. However, the capacities at both national and local levels to develop and implement cultural activities are extremely limited.

Work with civil society:

15. Most of the guilds and professional associations in culture are inactive because of the lack of financial support from the Ministry of Culture. Civil society does not, for the moment, play a key role in Equatorial Guinea cultural life.

Freedom of opinion and expression

Constitutional and Legislative Framework:

16. Freedom of expression is protected under Article 13 of the Constitution of Equatorial Guinea.

17. Media freedom in the country is strictly controlled through such laws as the Law on the Press, Publishing and Audio-visual Media (*Ley Número 6/1.997 de Prensa, Imprenta y Medios Audiovisuales*) that governs the registration, functioning and control of all means of social communication, particularly the press, publishing companies, distribution companies and broadcast companies.

18. Defamation remains a criminal offense under the Penal Code.

19. A freedom of information law does not currently exist in Equatorial Guinea.

Media Self-Regulation:

20. No media self-regulatory mechanisms exist in Equatorial Guinea.

Safety of Journalists:

21. UNESCO recorded no killing of journalists in Equatorial Guinea between 2008 and 2012. However, there had been reports of journalists suffering harassment and attacks including order of closure of radio stations by the authorities⁶. Censorship is widespread in the country, including the case where the local press was not allowed to report on events surrounding the Arab Spring in 2011.⁷ Foreign journalists have difficulty entering the country.

III. RECOMMENDATIONS

Right to education

22. Equatorial Guinea should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.

23. Equatorial Guinea should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.

24. Equatorial Guinea could be encouraged to take additional measures to provide girls and women with increased educational opportunities and to address gender disparities.

25. Equatorial Guinea could be encouraged to intensify its efforts to address low enrolment and literacy rates in primary and basic education and to strongly reduce the prevalence of cultural and traditional perceptions that infringe the right to education.

⁶ <http://www.bbc.co.uk/news/13848424>; <http://www.newsafrika.net/en/news/1557/equatorial-guinea.html>

⁷ <http://www.asiaone.com/News/AsiaOne+News/World/Story/A1Story20110225-265282.html>

26. Equatorial Guinea could be encouraged to continue to guarantee the allocation of adequate resources for the effective implementation of the educational programmes, in particular the National Plan on Education for All.

Cultural rights

27. It is recommended that Equatorial Guinea should:
- a) pursue its policy in building capacities to develop its cultural sector in line with the recommendations of the Bata Economical Conference;
 - b) put emphasis on the effective implementation of UNESCO's Cultural Conventions ratified by Equatorial Guinea.

Freedom of opinion and expression

28. Equatorial Guinea is encouraged to initiate the introduction of a freedom of information law that is in accordance with international standards.

29. Equatorial Guinea is further encouraged to decriminalize defamation and to place it in the civil code in line with international standards.

30. Equatorial Guinea is encouraged to introduce media self-regulatory mechanisms in the country.

31. Equatorial Guinea must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and to investigate all attacks on journalists and media workers.

Freedom of scientific research

32. With regard to contribution of science and technology to development, Equatorial Guinea is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.