



General Assembly

Distr.: General
19 September 2014
English
Original: Spanish

Human Rights Council
Twenty-seventh session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Equatorial Guinea

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation Services.

GE.14-16620 (E) 250914 260914



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1. Response from Equatorial Guinea to the recommendations of the universal periodic review mechanisms of the Human Rights Council.
2. The Republic of Equatorial Guinea hereby submits its response to the recommendations made to the Government by the various delegations during the interactive dialogue under the universal periodic review on 5 May 2014, in which we accepted 102 recommendations, i.e. recommendations 134.1 to 134.102; 83 recommendations were submitted to the Government for consideration, and 6 were rejected.
3. These recommendations to the Government were studied at a special session of the Interministerial Council, with input from the other constitutional powers of the State, whose commitment is a product of their links with the international human rights instruments.

I. Links with human rights instruments

Recommendation 135.1 – Equatorial Guinea agrees to ratify the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture. Equatorial Guinea does not agree to accede to the Rome Statute of the International Criminal Court.

Recommendations 135.2, 135.3, 135.18, 135.19, 135.20 – Equatorial Guinea agrees to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Recommendations 135.4, 135.16, 135.17 – Equatorial Guinea agrees to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Recommendation 135.5 – Equatorial Guinea agrees to ratify the Convention on the Rights of Persons with Disabilities, and rejects the Rome Statute.

Recommendation 135.6 – Equatorial Guinea **does not agree** to ratify the Rome Statute of the International Criminal Court. It agrees to ratify the Convention on the Rights of Persons with Disabilities and takes note of the African Union Convention on Preventing and Combating Corruption.

Recommendations 135.7, 135.8, 135.9 – Equatorial Guinea agrees to ratify and accede to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Recommendations 135.10, 135.11, 135.12, 135.13, 135.14, 135.15 – Equatorial Guinea takes note and will consider the possibility of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights; it suggests that account should be taken of the adoption of resolution 426, dated 13 February, on a temporary amnesty with respect to the death penalty.

II. Fight against corruption

Recommendations 135.21, 135.22, 135.23 – Equatorial Guinea takes note of the possibility of ratifying the United Nations Convention against Corruption.

Recommendation 135.24 – Equatorial Guinea agrees to continue efforts to strengthen legal frameworks and their implementation, inter alia, by completing the ratification process of the Convention on Rights of Persons with Disabilities. It takes note of the United Nations Convention against Corruption.

III. Human rights mechanisms and strengthening of the normative and institutional framework

Recommendations 135.25, 135.26, 135.27, 135.28, 135.29 – Equatorial Guinea takes note of the recommendation to extend a standing invitation to all mechanisms and special procedure mandate holders of the Human Rights Council.

Recommendation 135.30 – Equatorial Guinea agrees to take measures aimed at guaranteeing the effective and impartial implementation of legislation and at putting an end to impunity in cases of domestic violence.

Recommendation 135.31 – Equatorial Guinea takes note of the recommendation to adopt legislation that defines gender-based violence as a crime and to offer assistance to victims.

Recommendation 135.32 – Equatorial Guinea agrees to expedite the process of elaboration and adoption of a law that defines and prohibits discrimination against women.

Recommendations 135.33, 135.34, 135.35, 135.36, 135.37, 135.38, 135.39, 135.40 – Equatorial Guinea agrees to speed up the process of bringing the National Human Rights Commission into line with the Paris Principles.

IV. Sectoral policies

Recommendations 135.41, 135.42, 135.43 – Equatorial Guinea takes note of the recommendation to establish a clear and transparent fiscal policy to manage revenues, combat corruption and account for the use of public funds.

Recommendation 135.44 – Equatorial Guinea takes note of the recommendation to strengthen public policies providing for the elimination of forced and early marriage, levirate marriage and other harmful practices threatening the rights of women.

Recommendation 135.45 – Equatorial Guinea takes note of the recommendation to continue the patterns that it has legitimately and sovereignly marked out for its democratic course and good governance, ensuring recognition and respect for all human rights in the idiosyncratic customs of the societies and cultures that compose the mosaic of the State of Equatorial Guinea.

Recommendation 135.46 – Equatorial Guinea takes note of the recommendation to strengthen existing policies aimed at continued improvement of the electoral system, including with the aid of international cooperation, and taking into account a cross-cutting gender perspective.

Recommendation 135.47 – Equatorial Guinea takes note of the recommendation to redouble its efforts to empower women by amending legislation that discriminates against women in matters such as polygamy, inheritance and child custody, and to enact legislation on domestic violence, rape, including marital rape, and other forms of sexual and gender-based violence.

Recommendation 135.48 – Equatorial Guinea takes note of the recommendation to accelerate the process of drafting and adopting a law on gender equality.

Recommendation 135.49 – Equatorial Guinea agrees to define and prohibit discrimination against women.

Recommendation 135.50 – Equatorial Guinea takes note of the recommendation to consider the possibility of revising the law on customary marriage with a view to

guaranteeing equal succession rights to women, and agrees to establish a minimum age of 18 years for marriage.

Recommendation 135.51 – Equatorial Guinea takes note of the recommendation to initiate an awareness-raising campaign of the importance of equal rights for lesbian, gay, bisexual and transgender persons in order to foster a climate of true social acceptance, in the spirit of the Constitution of Equatorial Guinea.

V. Trafficking in persons

Recommendations 135.52, 135.53, 135.54, 135.55, 135.56, 135.57 – Equatorial Guinea agrees to the establishment and implementation of a moratorium on the death penalty and has taken measures such as resolution No. 426 on a temporary amnesty; it takes note of the recommendation for the total abolition of the death penalty.

Recommendations 135.58, 135.59 – Equatorial Guinea agrees to reinforce measures to combat migrant smuggling and human trafficking.

Recommendation 135.60 – Equatorial Guinea takes note of the recommendation to consider releasing, on humanitarian grounds, inmates whose detention puts their life or health at risk.

Recommendation 135.61 – Equatorial Guinea takes note of the recommendation to accelerate the process of adopting specific legislation and a national action plan to combat all forms of violence against women, particularly women in vulnerable situations, including migrants, women with disabilities and women in detention facilities.

Recommendation 135.62 – Equatorial Guinea agrees to end the practice of secret detention and guarantee that due legal process is followed, in line with international standards.

Recommendation 135.63 – Equatorial Guinea agrees to take concrete measures to guarantee respect for the rights and fundamental freedoms of the entire population, and to take the necessary steps to investigate and punish those responsible for the kidnapping of refugees, arbitrary detention, torture, executions and enforced disappearances.

VI. Judicial and penal system

Recommendation 135.64 – Equatorial Guinea agrees to move forward on the allocation to the judiciary of the necessary financial resources with a view to achieving its full independence, and to guarantee due transparency and efficiency in the administration of justice.

Recommendation 135.65 – Equatorial Guinea agrees to continue strengthening the legal and institutional reform process in order to safeguard the full independence and transparency of the judiciary, including through effective accountability and monitoring mechanisms.

Recommendation 135.66 – Equatorial Guinea takes note of the recommendation to reform the Criminal Code and the Code of Criminal Procedure in order to bring them into line with international standards, and agrees to improve all aspects of conditions of detention.

VII. Discrimination against women

Recommendation 135.67 – Equatorial Guinea agrees to eliminate discrimination against women in the area of marriage, takes note of the prohibition of polygamy, and agrees to

eradicate the practices of child, early and forced marriage and to ensure equal inheritance rights for men and women.

VIII. Freedom of the press, freedom of expression, and freedom of assembly

Recommendation 135.68 – Equatorial Guinea agrees to permit journalists, NGOs and human rights experts to enter Equatorial Guinea and carry out their work without hindrance or risk of retaliation against the persons they meet.

Recommendation 135.69 – Equatorial Guinea agrees to act in earnest to prevent harassment, politically motivated arrests and arbitrary detention of political opponents, and takes note of the recommendation to guarantee that they have equal access to funding and the media. Equatorial Guinea also agrees that all citizens should have the right to free participation in political and public life.

Recommendations 135.70, 135.71 – Equatorial Guinea agrees to take measures to punish acts of harassment against journalists and human rights defenders, to effectively guarantee freedom of expression, assembly and association, preventing censorship and undue control of the media, and to investigate all attacks against journalists.

Recommendation 135.72 – Equatorial Guinea takes note of the recommendation to increase transparency by permitting public access to information about financial and other material interests of government ministers.

Recommendation 135.73 – Equatorial Guinea takes note of the recommendation to take necessary steps to streamline organizational registration processes and allow independent media to operate in the country, to foster an environment where opposition parties, journalists, civil society and all citizens of Equatorial Guinea can operate freely, independently and without fear.

Recommendation 135.74 – Equatorial Guinea agrees to adopt measures to guarantee freedom of the press in line with international standards, but **does not agree** to the decriminalization of defamation.

Recommendation 135.75 – Equatorial Guinea accepts and guarantees the right to freedom of association through the establishment of a political space in which all citizens can exercise this right without interference.

Recommendation 135.76 – Equatorial Guinea takes note of the recommendation to ease the requirements for the registration of all NGOs and facilitate the unhindered operation of all civil society actors, including human rights defenders.

IX. Child labour

Recommendation 135.77 – Equatorial Guinea agrees to establish the necessary measures to eliminate the worst forms of child labour, for example by raising the minimum age for all hazardous work to 18 and developing a list of hazardous occupations and activities not permitted for children.

Recommendation 135.78 – Equatorial Guinea agrees to set priorities and allocate necessary resources for implementing its National Economic and Social Development Plan, Horizon 2020, with special emphasis on employment for youth, gender equality, urban planning, adequate housing, health care and education.

X. Social sector

Recommendation 135.79 – Equatorial Guinea agrees to reinforce and widen the scope of laudable initiatives such as the rationalization by the National Institute of Statistics of investment for social purposes such as health infrastructure, access to water and sanitation, and programmes to curb HIV/AIDS.

Recommendation 135.80 – Equatorial Guinea agrees to continue efforts for the implementation of the road map aimed at reducing maternal and infant mortality by half by 2015, and by 80 per cent by 2020.

Recommendation 135.81 – Equatorial Guinea agrees to take measures to guarantee the effective implementation of free education and ensure that children complete primary education, taking also into account gender disparities.

Recommendation 135.82 – Equatorial Guinea agrees to adopt measures to prioritize the protection of women and girls and curb the school dropout for teenage girls, and to adopt specific legislation for their protection against violence and forced marriage.

Recommendation 135.83 – Equatorial Guinea agrees to do everything possible to eradicate the phenomenon of illegal trafficking of migrants, trafficking of human beings, and especially the phenomenon of child trafficking for purposes of prostitution.

Recommendations 136.1, 136.2, 136.3, 136.4 and 136.5 on the Rome Statute of the International Criminal Court **do not have** the support of Equatorial Guinea. Notwithstanding **recommendation 136.6**, Equatorial Guinea **does not agree to ratify** the Rome Statute, but on the contrary agrees to ratify the International Convention for the Protection of all Persons from Enforced Disappearance.
