



General Assembly

Distr.: General
25 February 2019
English
Original: Spanish

Human Rights Council
Working Group on the Universal Periodic Review
Thirty-third session
6–17 May 2019

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Equatorial Guinea

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I. Introduction, geographical data and political regime

1. Under resolution 60/251 of the United Nations General Assembly, the Human Rights Council was established and tasked with undertaking a universal periodic review of the fulfilment by each State of its human rights obligations and international commitments, through a cooperative mechanism based on an interactive evaluation, with consideration given to the country's political will and future proposals in the field of human rights.

2. The Government of Equatorial Guinea, having participated in the universal periodic review in 2009 and 2014 and having received the recommendations contained in document A/HRC/27/13 on its 2014 report from the Working Group at its twenty-seventh session, has prepared the present report in accordance with those recommendations.

3. The Republic of Equatorial Guinea is a sovereign, independent, social and democratic State. Its highest values are unity, peace and justice. Equatorial Guinea lies on the Gulf of Guinea. Its territory is composed of a mainland area called Río Muni and an island region comprising the islands of Bioko, Annobón, Corisco, Elobey Grande, Elobey Chico, Mbañe-Cocoteros and nearby islets. It has an area of 28,051 square kilometres, of which 26,000 are in the mainland region and the rest in the island region. The mainland region is bordered to the north by the Republic of Cameroon, to the east and south by the Republic of Gabon, and to the west by the Atlantic Ocean. The capital is Malabo, located on the northern coast of Bioko. Equatorial Guinea has a population of 1,225,377 inhabitants, according to data from the fourth General Census of Population and Housing conducted in 2015, with a broad-based age pyramid, 14 per cent of the population falling into the 0–4 years' category. According to the 2011 Demographic and Health Survey, the crude birth rate is 36 per 1,000, the mortality rate is 4 per 1,000 women and 6.3 per 1,000 men, and the infant mortality rate is 65 per 1,000 live births.

4. Under the Constitution, the State exercises national sovereignty through the President of the Republic, the Vice-President, the Council of Ministers and other constitutional bodies. Elected by direct universal suffrage in a secret ballot and by simple majority of valid votes cast, the Head of State and Government exercises his or her mandate for seven years and may be re-elected once. The Head of State and Government embodies national unity, represents the nation, presides over the Council of Ministers and exercises regulatory power and promulgates laws. He or she also leads the military administration and oversees defence and national security.

5. The Council of Ministers runs the general administration of the State and coordinates and supervises the activities of its constituent departments. The Council oversees and implements the general policy of the country. It discusses and adopts draft legislation and ensures its implementation once enacted. It assists the Head of State in political and administrative matters. The Council is the body responsible for proposing socioeconomic development plans and, once they have been approved by parliament and endorsed by the President of the Republic, organizes, directs and monitors their implementation. It discusses and approves the bill for the general State budget. It determines monetary policy, preserving the prerogatives of the Bank of Central African States, and takes measures to protect and strengthen the financial regime.

6. In order to strengthen administration, the Administrative Procedure Act No. 1/214 of 28 July and the Act on the Legal Regime of the Central State Administration No. 2/215 of 28 May were enacted, stipulating that no administrative provision or governmental action shall violate constitutional principles or rights. Members of the public have the right to be compensated by the State for any injuries, damages or prejudices suffered as a consequence of the normal or abnormal functioning of public services, or of unlawful conduct or infractions committed by their agents, whether in the exercise of their functions or making use of State prerogatives.

7. In 2014, the country had an average annual production of 281,000 barrels of oil per day and proven reserves of 1.1 billion barrels. There is also considerable gas condensate production, with an equivalent of 243,000 barrels per day and estimated reserves of 1.3 trillion cubic feet; this is in addition to timber and cocoa production.

II. Methodology

8. Having received the recommendations contained in document A/HRC/27/13 from the Working Group, the Government, through the third Deputy Prime Minister in charge of human rights, sent a request to the various ministerial departments to participate in the process of implementing the recommendations, particularly those supported by the country – R134.1 to R134.102 – and those to which the Government had undertaken to provide a timely response – R135.1 to R135.83.

9. Since then, the ministerial departments have been involved in interactive efforts, through the Intersectoral Technical Committee set up in June 2018 to draft the report. With the support of the United Nations system, technical assistance was provided by consultants for the collection of data, the preparation of the draft report, and the organization of the Committee's working meetings and validation seminar. Under the guidance of the third Deputy Prime Minister, the Committee set up the inclusive process necessary for the continued follow-up of the recommendations arising from the universal periodic review. In response to the recommendations, this report has been prepared on the basis of the results of the process of consultation and validation by various ministerial departments.

10. The results of the fourth General Population and Housing Census and the Labour Force, Training and Employment Survey, and the evaluations of the National Economic and Social Development Plan for Horizon 2020, carried out in 2015 and 2016 in collaboration with the World Bank, have fed into the preparation of this report. The annual reports of the Ombudsman for 2015, 2016 and 2017, the final evaluation report of the National Multisectoral Plan of Action for the Advancement of Women and Gender Equity (December 2016), and the combined second to fourth periodic reports on the implementation of the Convention on the Rights of the Child (2018) were also taken into account.

III. Legal framework and institutions for the protection of human rights

11. Articles 13, 5, 8, 10, 14 and 15 of the Constitution create a framework of public rights and freedoms. The list of rights enumerated is not exhaustive and also covers other fundamental rights of a similar nature that derive from the dignity of the person and the constitutionalist democratic State, in accordance with the conventions and treaties ratified by Equatorial Guinea. The rights covered in the Constitution extend beyond civil and political rights to include social, cultural and economic rights. The Constitutional Court recognizes that fundamental rights enshrined in the Constitution or in instruments acceded to and ratified by Equatorial Guinea may be directly invoked before the ordinary courts, even if they have not been set out explicitly in a specific legal provision. Its work rests on monitoring respect for the Constitution in judicial decisions.

12. The institutional framework for monitoring human rights was strengthened with the establishment of the Office of the Ombudsman, which serves as the High Commissioner of the Chamber of Deputies and Senate and is tasked with protecting individual and collective rights vis-à-vis the public administration. Its 2015–2016 report notes that 1,008 complaints were received, of which 561 resulted in complaints against the public administration for the correction of errors and the remedy of damages relating to denial of justice and undue process, impunity of agents of the State for their harmful acts, illegal or uncompensated expropriations, arbitrary detentions or undue appropriation of money and private vehicles.

IV. Recommendations R134.1 to R134.102, accepted by Equatorial Guinea

A. Ratification of the Convention on the Rights of Persons with Disabilities and activities for the benefit of persons with disabilities¹

13. Equatorial Guinea has ratified the Convention on the Rights of Persons with Disabilities.

14. Although adherence to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights remains on the agenda, commendable actions have been implemented to improve the situation of persons with disabilities. Some of the most noteworthy actions undertaken between 2004 and 2018 include the effective incorporation of persons with disabilities into the social security mechanism, the creation of the special service for persons with disabilities in the National Social Security Institute and the introduction of the Periodic Home Health Care Plan. The number of persons with disabilities registered with the National Social Security Institute has increased significantly, from 2,993 in 2014 to 3,668 at present.

15. Since 2004, the general State budget has included a heading for budgetary allocations to charitable organizations. The National Social Security Institute received this public subsidy in the amount of 1,370,554,560 CFA francs (CFAF) in 2017 and 2018. The allocation was used to provide financial assistance to persons with disabilities, low-income families and families with members who have a serious illness that involves high treatment or rehabilitation costs. The wage subsidy received by persons with disabilities is 60 per cent of the minimum wage, on top of free health care and pharmaceutical care.

16. The National Social Security Institute and the Ministry of Health signed an agreement to extend medical and pharmaceutical coverage to the health centres attached to the Ministry, including first, second and third-level and outpatient centres, covering medical, clinical, hospital, pharmaceutical and rehabilitation services.

17. A special service attached to the Directorate-General of Early and Primary Education and Literacy has been created in the Ministry of Education to identify pupils with disabilities or impairments and to develop education modules adapted to their needs. In 2015, 345 children with disabilities were identified in public centres in eight cities, with the following disabilities: intellectual (108), motor (44), hearing (92), visual (63), language (85), and others (39). To ensure follow-up of these children, a sectoral disability plan is in place and literacy and rehabilitation centres are being established. In order to provide assistance to students with difficulties, the availability of speech therapists and social psychologists in schools has been made a priority for the future. So far, 40 teachers have been trained in special needs education.

18. There are special private educational centres for persons with disabilities, such as the school of the Virgin Mary of Africa and the Red Cross schools. The Red Cross of Equatorial Guinea, which has received a State subsidy of CFAF 300,000,000 in the last three years, has a school for deaf-mute persons. According to data from 2016/17 and 2017/18, there were 99 enrolled students, 48 of them women.

B. Adoption of a national plan to combat poverty and a mechanism to monitor its implementation

19. In early 2016, the proportion of the population living on less than \$2 a day was estimated at 17.38 per cent, in line with the Millennium Development Goal targets. Although a specific plan to combat poverty, accompanied by a mechanism to monitor its implementation, has not yet been adopted, as stated in the final report of the second National Economic Conference, there has been a robust response and relevant action has been taken within the framework of the National Economic and Social Development Plan for Horizon 2020. This has contributed substantially to reducing the number of people without access to housing or basic services. As a result, the Horizon 2020 Plan, and the

evaluation thereof, can be considered a poverty alleviation programme. The Plan will next be evaluated at the third National Economic Conference to take place in March 2019 under the slogan “Consolidating social equity and economic diversification”.

20. The first focus area of the Horizon 2020 Plan aims to boost the human capital of Equatorial Guinea and improve quality of life. It comprises six major programmes in six areas identified as catalysts for achieving the goals of creating a population that is better educated and prepared to overcome the challenges presented by economic development and improving living standards. There are plans focused on health, education, water, housing, employment, food security and electricity for all.

21. According to the monitoring of the Plan carried out in collaboration with the World Bank in 2015 and 2016, there has been a clear increase in social well-being in terms of access to basic services, housing, water and electricity, and infrastructure as a result of public investment (about 80 per cent of total public expenditure and 33 per cent of gross domestic product (GDP), on average, for the period 2008–2014).

22. The increase in jobs as a result of the establishment of commercial companies in the private sector between 1995 and 2015 in turn led to an increase in the number of wage earners who are registered with the National Social Security Institute and, consequently, beneficiaries of social security, meaning that they will receive a pension on retirement. These payments are provided thanks to the subsidies granted to the National Social Security Institute by the public treasury. Civil service contributions are regulated in Decree No. 71/1997 and have largely been used to pay cash benefits to retired civilian and military personnel, of a value equivalent to 80 per cent of the last active salary received, in addition to health care and pharmaceuticals. The other benefits paid out are orphan’s benefit (8 per cent), widow’s benefit (14 per cent) and permanent disability benefit (3 per cent). The total amount disbursed by the National Social Security Institution in 2015 was CFAF 2,065 million for a total of 3,668 members.

23. Civil engineering constituted an important part of the national economy between 2009 and 2014, increasing from 7.3 per cent of GDP in 2008 to 17.7 per cent in 2014. Although the economic crisis of recent years has created huge unemployment in sectors such as services, hydrocarbons and public works, according to the 2015 Labour Force, Training and Employment Survey, only 9.6 of people were not in paid employment or self-employed. The rate was higher among men, at 17.4 per cent, than women, at 14.2 per cent. There has been a rural exodus to densely populated urban areas due to the concentration of jobs in the aforementioned sectors in rural areas. The breakdown of the labour force by type of activity is as follows: agriculture and fishing (25.5 per cent), industry and construction (16.1 per cent) and services (58.4 per cent).

24. According to the assessment of the regulatory environment for business prepared by the World Bank in its *Doing Business* report, there are challenges to overcome in the country. Indeed, the Government, aware of the political, social and personal problems that can be caused by unemployment, is pursuing a policy of diversification with a programme for more jobs for all, consisting of a portfolio of 18 projects valued at CFAF 53,586 million. There has been significant public investment in professional, occupational, and personal training to support career changes, amounting to CFAF 29,086 million, equivalent to 0.7 per cent of total spending in this focus area and 0.1 per cent of total completed and ongoing investments. The Government of Equatorial Guinea and the African Development Bank are developing a project for the construction of vocational training centres. The project was initially developed through a priority assessment of professional families, leading to the construction on the island of Annobón of a professional fisheries centre.

C. Ratification of the Convention on the Prevention and Punishment of the Crime of Genocide

25. This Convention has not yet been ratified. On 23 March 2015, the third Deputy Prime Minister in charge of human rights sent an administrative note proposing that the Interministerial Council should consider and approve ratification of the Convention. In any case, additional protection is in place by virtue of the fact that this crime is defined in the

Criminal Code, with aggravated sentencing for those whose intent is to totally or partially destroy particular social groups, displace or forcibly transfer them, or prevent them from pursuing their way of life.

D. Moratorium on the death penalty. Accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights

26. No competent ordinary court has handed down a capital sentence since 2010. Since then, there has been an implicit non-application of this penalty, which is provided for in articles 27, 45, 70.1, 73 (1.1) and (2.1), and 83 of the Criminal Code, and the provisions of article 13.1 (a) of the Constitution on the application of the death penalty have been effectively set aside. Confirming that this procedural practice constituted a legal vacuum, through an exhaustive interpretation of article 5 in conjunction with article 8 of the Constitution, which enshrines the right to life as one of the obligations arising from international law, the Office of the President of the Republic issued resolution No. 426/2014 of 13 February, establishing a temporary amnesty on the application of the death penalty in the Republic of Equatorial Guinea, for all intents and purposes.

27. The Government, in close cooperation with human rights bodies, is studying the mechanisms and legislative derogations necessary for accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

E. Accession to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on a communications procedure

28. The Human Rights Department of the Office of the President of the Government has presented a road map to launch a debate on these optional protocols. Once the decision to accede to these instruments has been approved by the Council of Ministers, the matter will be referred to parliament within a reasonable time for agreement and subsequent ratification by the Head of State. Without doubt, the eradication of torture, the punishment of inappropriate behaviour by some State agents and the death of individuals in the custody of public institutions are priorities.

29. The Government has the firm political will to conclude the open investigations into these crimes and, in its capacity as bearer of subsidiary civilian responsibility, to fully compensate the victims and injured parties once responsibility has been established. This action is being taken pursuant to the recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and in application of Act No. 6/2006 on the prohibition of torture.

30. The Government is aware that decent conditions in prisons and police detention are key to ensuring good security practices and the physical integrity of individuals, as well as their subsequent reintegration into society. This concern has led to the construction of the new model prisons in Nkoantoma (Bata), Evinayong and Ovenga-Nzeng, and the establishment of the habeas corpus procedural mechanism.

F. Recommendations of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.² Report of the Working Group on Arbitrary Detention

31. The Government participated in a transparent manner in the activities of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and is now arranging to hire consultants and experts and to create an interministerial committee tasked with fulfilling the commitments relating to the drafting of the first national report on torture, in close cooperation with, and with the technical assistance of, United Nations agencies.

G. Judiciary, good practices and international standards

32. With regard to consistency between national legislation and international instruments, it is obvious that the legal framework that has been applied to date in the country has given rise to certain conditions that leave much to be desired when compared with good practice and international standards related to the judiciary and the independence of judges. Nonetheless, aware of the need to bring national norms and practices into line with international protocols, Equatorial Guinea has set up the National Codification Commission, under the supervision of the Ministry of Justice, whose role is to initiate legislative reform, including the drafting of the necessary procedural and substantive texts to bring domestic law into line with the requirements of a modern and efficient justice system.

33. As First Magistrate of the Nation, the Head of State guarantees and protects the independence of judges and magistrates. Assisted by the Supreme Council of the Judiciary, over which he or she presides, the Head of State promotes the preservation of adversarial, rights-based proceedings that are subject to review. Cassation appeals and *amparo* constitutional challenges provide supplementary guarantees; their purpose is to verify whether due process has been observed and effective judicial protection afforded in proceedings and verdicts.

34. With respect to the right to legal representation, the procedural system is configured in such a way as to attribute direct responsibility to any judge who, in his or her work, has not rigorously observed procedural guarantees, such as the right to legal representation, to the detriment of the defendant. Efforts have been made to ensure that free legal assistance is provided to those who do not have the financial means to hire professional services. In order to guarantee free assistance, the Bar Association of Equatorial Guinea receives an annual monetary subsidy from the public treasury, payable in 12 instalments. The same applies to the pecuniary and subsidiary responsibility of the State in damages caused to the defendant by judicial malpractice. The State's subsidiary responsibility may be demanded either through civil, criminal or disciplinary proceedings against the offending judicial operator, through the Complaints and Petitions Committee of the Chamber of Deputies, or through the Ombudsman's Office by virtue of article 8 (a) and (e) and article 9 of Organic Act No. 4/2012.

35. The foregoing does not constitute an obstacle to optimizing the proper functioning of the courts and tribunals so as to adapt them to international requirements and standards of excellence. This is an attainable objective that merits the importance being attached to it in terms of ensuring the full autonomy of judges and magistrates, their academic training, their security of tenure, responsibility and privileges, within the framework of assistance and cooperation with development actors and agencies of the United Nations system.

H. Human rights training and awareness-raising

36. In 2016 and 2017, the Directorate-General of Human Rights, in partnership with a number of NGOs, organized workshops on regional and international human rights instruments and mechanisms, including the universal periodic review and the Convention on the Elimination of All Forms of Discrimination against Women. A colloquium on human rights and pan-African civil society was held in April 2018 and concluded with the adoption of a final document of recommendations on raising awareness of human rights and public freedoms, the establishment of a regional human rights observatory and the decriminalization of minor press offences.

37. The Directorate-General of Human Rights organized a seminar for governors, mayors, government delegates and border commissioners on the problem of human trafficking and the prevention of migrant smuggling. Police and military personnel have been sensitized on the imprescriptible crime of torture. A translation of the Convention on the Elimination of All Forms of Discrimination against Women has been published in the five national languages, in collaboration with the Spanish Agency for International Development Cooperation and the NGOs Ayuda en Acción and InteLed.

38. The Information, Education, Communication and Advocacy Project, which includes the promotion of women's empowerment, has adopted a cross-cutting approach with awareness-raising plans for behavioural change on sexual and reproductive rights, education, juvenile delinquency and alcoholism and drug addiction, through an extensive network of 305 agents nationwide. Activities have been carried out on the issue of HIV/AIDS and sexually transmitted diseases, with the involvement of theatre associations and music groups.

39. In the area of quality governance, investments in the order of CFAF 2.84 billion have been made, i.e. 14.3 per cent of total investment towards the goal of better governance. During the period from 2015 to 2018, the Department of Public Service, through the Directorate-General of Administrative Reform, ran a series of training and refresher courses for personnel in the public administration, including secretaries general, to improve their levels of competence in relation to the rights of members of the public.

I. Budget transparency and the fight against corruption

40. Equatorial Guinea signed the United Nations Convention against Corruption on 30 May 2018.

41. Corruption is already a punishable offence under article 15.2 of the Constitution and features in the Criminal Code under the headings of illegal extortion, improper exercise of commercial or industrial activity by a public official (in accordance with the subregional provision in the commercial legislation of the Organization for the Harmonization of Business Law in Africa, which prohibits members of the Government and officials of the member States of the Organization from exercising commercial activities), fraud against the public treasury, perverting the course of justice, bribery and embezzlement of public funds.

42. In accordance with the provisions of article 1 (a) of the Convention, Equatorial Guinea is promoting measures to combat the crime of corruption. In this sense, Decree No. 131 regulating the national economic and financial policy ordered "the end of illegal tax collections". This effectively meant stopping the practice of ministerial bank accounts being held outside the public treasury and State control, all in accordance with article 13 (3) of the Convention. To this end, the programme for strengthening systems for public investment and monitoring of the 2020 Horizon Plan is being developed with technical assistance from the World Bank.

43. Politically exposed persons have an obligation to make asset declarations, and regimes governing conflict of interests and use of privileged information are set out in Decree-Law No. 1/2004 on ethics and dignity in the exercise of public office. The obligation to declare assets was enshrined in the Constitution as part of the fundamental reform of 2012, together with the corresponding monitoring of these persons' assets following performance of their public duties.

44. As part of the fight against various forms of corruption, Decree No. 67/2017 of 12 September was issued, establishing the single business window to expedite procedures for the creation and establishment of companies, with an express prohibition in article 5 on requiring payment of any costs or fees not provided for in the regulations in order to ensure certainty as to the fees to be paid. The management tools of the National Commission on Public Ethics, established under Decree No. 132 of 2 November, were reinforced through Presidential Order of 5 August 2016, creating a commission for the verification of situations of double employment and multiple salaries in the public service and the conflicts of interest of State officials.

45. Decree No. 72 was issued in 2014 with the objective of combating the form of corruption consisting in a lack of transparency in the receipt and use of public funds by State and semi-State entities and their managers. It introduced a legal audit obligation, which is connected with the functions of the Court of Audit, as well as the requirements of accountability, transparent information and responsibilities for all persons who administer State funds in order to subject the economic and financial activity of the public and semi-public sector to the principles of legality, efficiency and economy.

46. Decree No. 75/2018 of 18 April was issued to strengthen the functions and mechanisms of the National Financial Investigation Agency, created by Decree No. 11/2007 to comply with the Financial Action Task Force 40+9 Recommendations on money-laundering. As a member of the Action Group against Money Laundering in Central Africa of the Bank of Central African States, Equatorial Guinea is subject to Regulation No. 1 CEMAC/UMAC/CM on the Prevention and Suppression of Money Laundering, as amended on 11 April 2016. The National Coordinating Committee for Policy to Combat Money Laundering was established by decree.

47. In order to introduce tougher measures to combat acts of prevarication and corruption by judges and magistrates, the Government will adopt the necessary legislative provisions to address the problem of procedural costs, which has not only provided the opportunity for judges to defraud the public treasury by pocketing these amounts in the sentence execution process (insofar as the funds collected from procedural costs belong to the public treasury and not to the judges or civil servants), but has also resulted in unfair sentences being automatically handed down, to the detriment of wealthy defendants, particularly companies, with a negative impact on businesses and the right to employment.

J. Accession to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

48. The Government acceded to this Protocol by means of an instrument of ratification signed by the Head of State.

K. Equality, opportunities and gender-based violence

49. The right to equality is enshrined in articles 5 and 13 of the Constitution and, following the practice of the Supreme Court of Justice, imprisonment for debt, whether of the wife or one of her family members, has been abolished.

50. Article 15 of the Constitution includes gender discrimination as a constitutional offence, in accordance with article 5 of the Constitution, which provides for equality between women and men in all areas of social and family life, and in keeping with article 13.2 on legal initiatives and mechanisms to promote the adequate representation and participation of women in State institutions. In the current legislature, there are 20 female deputies out of a total of 100 in the Chamber of Deputies, and a female Vice-President and spokesperson. In the Senate, the president of which is a woman, there are 12 female senators out of a total of 70.

51. National jurisprudence on the protection of women's property and related rights has been strengthened following *amparo* proceedings No. 08/2015, in which the Constitutional Court issued judgment No. 3/2017 of 16 August, based on article 101.2b of the Constitution, establishing that in the Republic of Equatorial Guinea, all married women, whether married in a religious, civil or customary ceremony, have the same irreducible property rights as their husbands over assets acquired during the marriage, as the alternative would "destroy the woman's dignity, making her the man's slave and beast of burden ... and unfair and unjustified enrichment of the husband as a result of the wife's contribution to the marital property".

52. The National Multisectoral Plan of Action for the Advancement of Women and Gender Equity was evaluated in December 2016 to provide data on progress in the area of gender equity. In response to one of the indicators – the improvement of the legal framework for gender-based protection – a bill on gender-based violence was drafted during the first ordinary session of the Senate in 2018 and transmitted to the executive branch for its consideration and action with a view to legislative approval and consequent enactment.

53. The results of the evaluation of the National Multisectoral Plan caused alarm; for example, 63 per cent³ of the women surveyed (aged between 15 and 49) had suffered some form of physical violence and, of those, 32 per cent⁴ reported having suffered sexual

violence. There is much work to be done in the coming years. While it must be acknowledged that almost 30 per cent⁵ of women in couples have suffered gender-based violence, this form of violence, like the crime of sexual transgression, is defined in the Criminal Code, and the courts apply the law to punish such violence. The family and juvenile courts have jurisdiction over cases of gender-based violence; it is an aggravating factor if the perpetrator is a member of the victim's family.

54. Equatorial Guinea has not enacted laws that discriminate against women, and gender discrimination is a relic of outdated practices and customs. The programmes and projects implemented in 2014 remain operational and are producing positive results in respect of women's civil, political, social and cultural rights as well as the elimination of discriminatory practices and barriers. In the last four years, these policies have given rise to greater national awareness and sparked debate on the issue. One such debate was prompted by the deplorable Ministerial Order No. 1 of 18 July 2017 prohibiting pregnant girls from attending school. In its 2017 report, the Office of the Ombudsman described the administrative provision as unconstitutional and recommended the adoption of other measures for the protection and education of pregnant girls.

55. Under the National Programme for the Education of Women, Young People and Adolescents, the national curriculum and learning modules for literacy and adult education were designed and approved to target illiterate adults and young people who have failed at or dropped out of school. These have been widely disseminated and followed up. There are currently several adult literacy schools: the continuing education centres of Acacio Mañé and Claret, Virgin Mary School of Africa and Nana-Mangue Centre. According to the first Demographic and Health Survey, 88 per cent of women aged 15 to 49 in Equatorial Guinea are literate. However, according to the results of the 2015 Labour Force, Training and Employment Survey, only 8.3 per cent of the population of working age had vocational training, and only 7.2 per cent of women had vocational training compared to 9.4 per cent of men. The proportion of men with university education (9.9 per cent) is more than double that of women (4.1 per cent); these percentages should be improved in the coming years.

56. With regard to economic rights, the wage equality established by the regulatory decrees on the minimum wage and the supplementary ministerial orders, as well as the control and monitoring being carried out by both the Ministry of Labour and the National Social Security Institute, ensure that progress is being made in this area. In fact, failure to comply with labour equality standards is sanctioned as an employer's offence. The Commission for the Implementation and Monitoring of the National Employment Policy was created in 2015 and, together with the local employment offices, is responsible for monitoring compliance with equality policies. The Directorate-General of Labour Statistics was established in 2016. Independently of the minimum wage, the provisions of the General State Budget Act on salaries for civil servants and Decree No. 167/2013 on the classification of civil servants ensure the principle of equality and the prohibition of gender-based wage discrimination.

L. Accession to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education

57. To date, the above-mentioned Convention has not been acceded to or ratified. However, the institutional process for doing so is under way. Within the framework of collaboration with United Nations agencies, UNESCO is providing technical assistance for the attainment of quality education for all. The cooperation agreement on education was signed with UNESCO on 20 June 2018; it covers four areas: development of university education, information and communication, development of vocational training and development of educational quality.

58. The preamble to the General Education Act establishes that education aims to guarantee social equity through the elimination of ethnic, racial, social, religious, ideological or philosophical discrimination or any other form of discrimination. The national education system operates on that basis. Article 3 of the Act provides for free and

compulsory preschool, primary and vocational education for all citizens and foreign residents of both sexes. Women's and girls' access to basic education and training services has therefore been and remains a priority.

M. School enrolment rates

59. During the 2014/15 school year, there was a 5.8 per cent increase in school enrolment compared to the total rates for all levels in the 2007/08 school year. In 2015/16 there were 25,685 girls enrolled in nursery and preschool education compared to 26,139 boys, and in 2016/17 there were 25,557 girls compared to 25,834 boys. At primary level, there were 51,751 boys and 51,051 girls in 2016/17. At secondary level, there were 20,920 boys compared to 20,841 girls in 2015/16 and 23,819 boys for 22,883 girls in 2016/17. According to data from the National University of Equatorial Guinea, in 2012 there were 121 female graduates compared to 148 men and in 2015 there were 256 women compared to 223 men. Women's participation is higher in the faculties of health and environment, at 73 per cent of the total, followed by education sciences, where they represent 58 per cent of the total, and medical sciences at 56 per cent.

N. Adequate resources for the education system

60. The Horizon 2020 Plan makes educational infrastructure a national priority, and this is reflected in public spending. Currently, the Major Programme on Education for All comprises 268 investment projects worth CFAF 1.4 billion. Of these, 142 projects have been completed or are in progress, with an average financial implementation rate of 48.6 per cent, for a cost of CFAF 735,702 million. It is the sixth largest programme in terms of completed and ongoing investments. The project for the construction of Djibloho university city has a financial compliance rate of 76.9 per cent, while the university campus projects in the cities of Malabo and Bata are at around 28.3 per cent and 20.2 per cent. The latter two projects aim to increase the capacity of both campuses by around 6,000 and 3,500 new students, respectively. The bulk of the expenditure has been allocated to the construction of higher education centres, which account for 64.2 per cent of the total invested. The construction, expansion and renovation of preschools, primary and secondary schools is the second most important item, accounting for 21.1 per cent of the Major Programme resources invested.

61. According to the statistical yearbook of the Programme for Education Development in Equatorial Guinea, in the 2014/15 school year, there were 761 preschools, 802 primary schools and 137 secondary schools in the country. While 24 per cent of preschools have no water, 49 per cent have no latrines and 68 per cent no electricity. At primary level, 63 per cent of schools still do not have electricity. There are very few centres with Internet access. This deficit will guide priorities for investment in complementary service infrastructure for the coming years. Challenges relating to access to quality basic educational services, specifically in terms of connection to electricity, water and Internet services, rank third in terms of public investment, with CFAF 0.74 billion spent between 2009 and 2014. The resources invested in this area now amount to CFAF 735,702 million.

62. CFAF 660,123 million in funding from the production component of the Major Programme is allocated to increasing electricity production. This investment, which will be used for the acquisition of electric generators and the construction of hydroelectric and thermoelectric plants, includes the acquisition of equipment for the city of Malabo and the installation of an electric generation plant with four 750 KW engines in Corisco. In terms of investment in hydroelectric power, there is a project to build the Sendje hydroelectric power plant, and investment in thermoelectricity is allocated to the project for the expansion of the turbo-gas electricity generation plant in Punta Europa. This activity will result in the supply of electricity to areas in need, particularly to educational and vocational training centres.

O. Access to schools

63. When it comes to geographical distribution, the school infrastructure that has been built has been made accessible to children in rural and urban areas, as well as those in military camps, and the costs of enrolment and purchase of educational materials are affordable, although free education in public schools needs to be improved. There has been a qualitative leap in terms of sociocultural access to the education system insofar as the developmental value of education has been recognized by society.

64. The public school transportation service was introduced in 2016. All students enrolled in public or private primary or secondary school have access to the round-trip transport service. For now, the service covers the cities of Malabo and Bata, and their urban periphery, and there are plans to extend it to the provincial cities, towns and surrounding villages. School transport is guaranteed with all-risk insurance.

65. To ensure access to education for children in conflict with the law, two reform centres have been built, one in Riaba and the other in Tegueté. In 2018, 120 assistants were trained to work in these centres, which house adolescents who receive in-house primary and secondary education and also have the option of technical training in electricity, carpentry and joinery.

P. School dropout and repetition

66. Statistics from the Programme for Education Development in Equatorial Guinea show that grade repetition continues to be a particular problem in the first three years of primary school. In 2016/17, the repetition rate for the first grade of primary school was 22.2 per cent, with 5.7 per cent dropping out of school.

Q. Quality education

67. In the development of quality education, the Programme for Education Development in Equatorial Guinea, through its teacher training component, aimed to train 2,400 teachers at the primary level, of which 900 have been recruited to date. In addition, 54 active schools have been provided with technical, pedagogical and methodological resources. Other teacher training schemes are being developed through the cooperation programme with the Government of Cuba and the Spanish cooperation agency and within the framework of the project for the development of science and technology with UNESCO. As a result of these various initiatives, the number of teachers increased by 14 per cent at primary level and 6 per cent at secondary level between 2012 and 2014. Today, Equatorial Guinea has an estimated ratio of 23 students per teacher in primary schools, in versatile classrooms.

R. Budgetary allocation to the social sector

68. In 2018, public investment stood at CFAF 4.49 billion for strengthening human capacity and improving quality of life, representing 22 per cent of total public investment. Investments in this area have gone primarily to the construction of hospitals, polyclinics, education centres and health-care centres, with a value of CFAF 281,750 million and an overall financial implementation rate of 72.9 per cent. The access component accounts for 39.2 per cent of the programme's total resources. Of this, 7.1 per cent was invested in the construction of cemeteries, mortuaries and leper colonies. In the general State budget for the 2017 fiscal year, out of a total of CFAF 736,112,797,000, more than CFAF 95,821,468,000 was allocated to social sectors. In the 2017/18 fiscal years, the Government paid subsidies in the amount of CFAF 172,893,150 to several orphanages as well as the Biyendem Centre for the Elderly. The Government has also taken action in the areas of preventive health care and access to health care through the construction of sports and leisure facilities and the improvement and equipment of specialized services. Similarly, public investment has been made under the Equatorial Guinea Malaria Vaccine Initiative and the Bioko Island Malaria Control Project.

69. In addition to public investment, the general State budgets include budget lines relating to institutional budgets for training.

S. Combating malaria

70. The indicators of the Bioko Island Malaria Control Project initiated in 2004 with State funding and under the leadership of the NGO Medical Care Development International (MCDI) and with the support of Marathon Oil, show a notable reduction in the prevalence rate of this disease, from 45 per cent at the outset of the project to 10.3 per cent in 2018. Despite this progress, it is important to recognize that malaria is still the cause of 37 per cent of deaths among the general population and about 28 per cent of deaths in children under the age of 5.

71. The Better Health for All programme under the 2020 Horizon Plan focuses on improving health-care service delivery through four priority areas: (i) evaluation of the health situation of the population and the response capacity of institutions; (ii) improvement of supply and access for the whole population; (iii) the specific, timely and quality treatment of diseases; and (iv) prevention and the promotion of healthy lifestyles. The fight against malaria, which is part of the Major Programme, has involved the training of medical personnel capable of following therapeutic guidelines, in addition to widespread access to services, treatment and the promotion of healthy environments and practices for prevention. As a result of these public policies, in the last four years the figures recorded in the 2011 Demographic and Social Survey have improved, and today more than 54 per cent of homes are equipped with mosquito nets, although only 36 per cent have nets impregnated with insecticides. In 2018 in Bioko, 155,855 mosquito nets were distributed to 70,527 homes, reaching 75 per cent coverage. In the mainland region, 44,000 long-lasting insecticide-treated mosquito nets were distributed to antenatal care centres in 2017.

72. Medical Care Development International and the Government of Equatorial Guinea are developing the Bioko Island Malaria Control Project which involves the participation of community agents. The indoor residual spraying and urban environments programme is still operational and in February 2018 the insecticide Actellic, which is effective for nine months, was introduced. This measure is reinforced with the use of larvicides in places with a high level of parasitaemia. The next campaign on Bioko Island will start in February 2019. In 2018, 16,613 homes in 121 communities on the island were sprayed. There are telephone numbers that citizens can call to request spraying even outside the programmed periods.

73. Equatorial Guinea is participating in a research project for the development of a malaria vaccine, in collaboration with Medical Care Development International. The Equatorial Guinea Malaria Vaccine Initiative is being developed with partners Sanaria Inc., Ifakara Health Institute, Swiss Tropical and Public Health Institute, and with financial support from private companies Marathon Oil, AMPCO and Noble Energy. The first international symposium on the experimental vaccine was held in Malabo in 2017.

T. HIV/AIDS

74. Despite the law regulating free prevention and treatment services, HIV/AIDS remains a concern, with a high overall prevalence of 6.2 per cent, and 8.3 per cent in women and 3.7 per cent in men aged between 15 and 59, 1.2 per cent in the 15–19 age group and 3.1 per cent in the 15–24 age group. These data are worrying and have prompted, among other actions, the creation of a Multisectoral Directorate-General to fight against AIDS, whose activities include awareness-raising, counselling and prevention, distribution of medicines and condoms, biological monitoring and data reporting in the HIV/AIDS infectious disease reference units in Malabo, Bata, Evinayong, Ebibeyin and Mongomo. The basic package of treatment and awareness-raising is also being developed in semi-public and private health centres such as those run by the National Social Security Institute and the María Gay and María Rafols centres.

75. Measures to combat vertical transmission based on World Health Organization protocols are carried out at different stages during pregnancy, childbirth and the postpartum period; 90 per cent of facilities nationwide are equipped to provide this service. Early antiretroviral treatment is provided, where appropriate, throughout pregnancy, until any risk of vertical transmission is ruled out. These measures are bolstered with serological testing of the child, through the PCR viral load test, as of eight weeks.

U. Access to free and non-discriminatory health care

76. The Ministry of Health's working paper on sexual and reproductive rights stipulates that everyone should be able to enjoy sexual and reproductive rights without discrimination. Article 15.1 of the Constitution makes discrimination based on sexual orientation a punishable offence.

77. Decree No. 41/2016 of 11 March on the plan of action for the implementation of social measures in the short and medium term established free maternal, child and neonatal health care, including caesarean delivery, as well as care for women in difficult health situations, those affected by obstetric fistula, and older persons. These measures include free early diagnosis, prevention and treatment of cervical and uterine cancer. The 2016 decree provides for free medical consultations in regional and provincial hospitals and in health centres, particularly in cases of malaria and HIV/AIDS. Thirty-three per cent of malaria patients have access to antimalarial drugs and free medical care. Health centres and public hospitals administer artesunate, artemether, EQ1 for children under 2 months, or Q300 for pregnant women. The HIV/AIDS reference units provide antiretroviral drugs free of charge for people under medical supervision, and diagnostic tests are also free.

78. The implementation and continuity of the primary health-care plan has had an impact in resolving issues of access to health services, both in terms of distance and efficiency. As of 2015, more than 60 per cent of the population lives within 5 kilometres of the nearest health centre. However, there are shortcomings that hinder the optimal functioning of some rural centres, due to supply difficulties and lack of equipment. These aspects will be improved as part of the development plan.

79. When it comes to maternal and child health, there has been a significant increase in prenatal consultations and tetanus vaccines, and 67.3 per cent of births are attended by qualified personnel. Traditional midwives now attend only 22 per cent of births, exclusively in isolated rural areas. At the national level, a prenatal monitoring service has been introduced as part of the awareness-raising campaign on institutional childbirth and the pre and postnatal periods, which is part of the road map to reduce maternal mortality by 80 per cent by 2020. This explains the significant reduction in the maternal and infant mortality rate recorded in the fourth General Census of Population and Housing, which enabled Equatorial Guinea to attain Millennium Development Goal 5 after Sao Tome and Principe, Namibia and Zimbabwe. The aforementioned measures are linked to the access of all women to reliable reproductive health and related services, provided through the network of family planning centres in all hospitals in the provincial capitals nationwide.

80. In the area of mental health, the Sampaka mental health clinic has been built, with two wings and a capacity of 224 beds. It provides five services: addiction, compulsion, long stay, voluntary admission and rehabilitation. With the support of psychologists, psychiatrists, social workers, therapists and rehabilitation specialists, patients receive free medical, hospital and pharmaceutical assistance. Patients practise sports and receive training on growing vegetables, embroidery and other crafts. In March 2018, a mental health congress was held in Malabo, with the participation of the World Health Organization and various international experts. The conclusions of the congress bolstered the political will to provide free access to health care for people with mental-health disorders.

V. Provision of safe drinking water and sanitation services

81. The Major Programme on Water for All is based on guaranteeing access to drinking water and the sanitation network, with the expansion of networks in the main cities and provincial capitals. Water for All is the largest major programme in terms of the amount of resources invested. Under the ongoing or completed investments of CFAF 1.14 billion, priority has been given to the construction of comprehensive projects to meet needs in terms of storage of drinking water, supply for domestic, industrial and commercial uses, and treatment networks for wastewater. As a result, 47.9 per cent of the national population has access to improved drinking water sources and 74.5 per cent has access to improved sanitation. Investments of CFAF 395,627 million are being made in treatment, including the construction project for the channelling and treatment of wastewater and rainwater in the city of Malabo for CFAF 208,851 million, representing 50.6 per cent of the resources allocated for this component.

W. Housing, electricity and mobility

82. Under the A Roof for All Major Programme, more than 4,000 homes were delivered in 2015. More housing could have been provided, but a significant part of the budgeted investment was not implemented; this situation was aggravated by demographic pressure on cities, which has not abated despite the economic crisis and the loss of urban jobs. With investments of CFAF 0.64 billion, the Programme ranks fifth in terms of the amount of resources committed, representing 15.4 per cent of the investment in this component and 3.2 per cent of the ongoing and completed investments of the total investment portfolio. According to updated figures from June 2018, 8,162 more houses were provided and a further 2,045 were in the process of being delivered.

83. The rate of access to electricity is 66 per cent at the national level and 43 per cent in rural areas. With an investment of CFAF 1.9 billion in a total of 75 projects, this programme is the third in terms of total cost. There is an installed capacity of 1,445 kilometres of transmission lines.

84. The opening up of rural areas has been one of the key priorities of national policy. Today there are 3,856 kilometres of roads in operation or under construction, of which 64 per cent are paved and the remaining 36 per cent are gravel roads. Of the 2,484 kilometres of asphalt roads, 33 are works in progress.

X. Promotion of environmental rights

85. Policies for the protection and preservation of the environment have led to the creation of the National Institute for the Conservation of the Environment. Intersectoral consultations have been conducted on the National Plan for the Management of the Environment, and the resulting study and report on the causes of environmental degradation, carried out in collaboration with the Food and Agriculture Organization of the United Nations. This study was followed by the national action plan for climate change adaptation and the process of establishing neutrality targets for soil degradation. On this basis, Decree No. 7/2017 of 13 January was issued on the prohibition of tree felling for commercial purposes throughout the national territory, except in expressly authorized cases, and the approval and ratification on 16 July 2018 of the Framework Convention on Climate Change signed in Paris on 12 December 2015.

86. With a view to protecting the environment, habitat and fish stocks, a census of the artisanal fisheries fleet and its impact on the environment was conducted, the Code of Conduct for Responsible Fishing was introduced and a new Fisheries Act was enacted, prohibiting certain harmful activities that have a negative impact on the environment and the reproduction and conservation of species.

87. Equatorial Guinea is participating in the project for the protection of the Congo Basin, in which the United Nations Development Programme, the INCOMA international

training agency and INDEFOR, the Venezuelan research institute on forest development, are involved.

Y. Cultural policies

88. Equatorial Guinea is implementing the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In 2014, the Ceiba National Ballet received State sponsorship to participate in the Universal Exhibition in Milan. Under the cooperation agreement between the Ministry of Culture and Casa África, the ninth edition of the Vis-à-Vis music festival was organized in Malabo in March 2018 as a platform to bring together African singers and Iberian cultural promoters. The totemic representations and other sculptures in the Malabo National Park were made by national artists selected following a government tender process.

89. A Cultural Action Plan has been designed within the framework of the memorandum of understanding and cultural collaboration signed with Mozambique in August 2018. The resulting projects are being prepared.

90. The Government is finalizing negotiations with the Smithsonian Institute in Washington to acquire the extensive collection of Fang traditional art of the Africanist Iñigo de Aranzadi, valued at €4 million.

V. Recommendations R135 and R136

91. With regard to the recommendations that were not fully accepted by Equatorial Guinea at the time, namely 135.1 to 135.83 and 136.1 to 136.6, the Government is still considering this package prior to submission to Parliament for appropriate action.

VI. Conclusion

92. Equatorial Guinea has partially fulfilled the recommendations and will continue in this vein, despite the difficulties caused by the economic crisis, to achieve full and effective results as part of a culture of recognition and respect for human rights enshrined in international norms and custom and the Constitution. Particular attention will be paid to punishing the perpetrators of violations of these rights and, where appropriate, providing full and satisfactory compensation for the damages and harm suffered by the victims of these acts.

93. Under Decree No. 74/2018 of 18 April convening the third National Economic Conference in March 2019, the consolidation of social equity and the eradication of poverty have been made a priority, in accordance with the objectives of the Horizon 2020 Plan, the United Nations 2030 Agenda and the African Union's Agenda 2063. In this regard, Equatorial Guinea and the United Nations system will continue to maintain an open and transparent exchange as part of the universal periodic review process and in relation to other specific tasks. To this end, Equatorial Guinea appeals once again for the support of the international community and all its development partners so that it may continue collaborating to achieve the objectives set in the National Economic and Social Development Plan.

Siglas/Abreviaturas

AAUUCA	Universidad Afroamericana de África Central
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
AMUSIDA	Asociación de Mujeres en la Lucha contra el SIDA
ANIF	Agencia Nacional de Investigación Financiera
ASONAMI	Asociación Nacional de Minusválidos
BEAC	Banco de los Estados de África Central
BIMCP	<i>Bioko Island Malaria Control Project</i>
CEMAC	Central African Economic and Monetary Community
CEN-III	Tercera Conferencia Económica Nacional
COBAC	Comisión Bancaria de África Central
PCD	Personas con Discapacidad
CTI	Comisión técnica intersectorial
EDSGE	Encuesta Demográfica y de Salud en Guinea Ecuatorial
EGMVI	<i>Equatorial Guinea Malaria Vaccin Initiative</i>
UPR	Universal periodic review
EUFP	Escuela Universitaria de Formación del Profesorado
FAO	Food and Agriculture Organization of the United Nations
GABAC	Grupo de Acción contra el Blanqueo de Capitales en África Central
INCOMA	Instituto Nacional de Conservación del Medio Ambiente
INSESO	Instituto Nacional de Seguridad Social
INEGE	Instituto Nacional de Estadísticas de Guinea Ecuatorial
LOGT	Ley de Ordenamiento General del Trabajo
MCDI	<i>Medical Care Development International</i>
MINASCOM	Ministerio de Asuntos Sociales y Condición de la Mujer
ODS	Objetivos de Desarrollo Sostenible
OHADA	Organización para el Derecho Mercantil en África
WHO	World Health Organization
ONCIGE	Organización Nacional de ciegos de Guinea Ecuatorial
PCD	Personas con Discapacidad
PGE	Presupuesto General del Estado
PNDES/H-2020	Programa Nacional de Desarrollo Económico y Social Horizonte 2020
PNSR	Programa nacional de Salud Reproductiva
PEP	Personas Políticamente Expuestas
PRODEGE	Programa de Desarrollo Educativo de Guinea Ecuatorial
R	Recomendación

SMI	Salario Mínimo Interprofesional
TCID	Tratos crueles, inhumanos y degradantes
UMAC	Unión Monetaria de África Central
UNGE	Universidad Nacional de Guinea Ecuatorial
UREI	Unidades de Referencia de Enfermedades Infecciosas
HIV	Virus de Inmunodeficiencia Humana

Notes

¹ Personas con Discapacidad.

² Tratos crueles, inhumanos o degradantes.

³ EDS-2011.

⁴ EDS-2011.

⁵ Estudio socioeconómico de la situación de la mujer en GE. MINASPROM, 2012.