



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on Equatorial Guinea in the absence of its initial report*

1. In the absence of a report by the State party, the Human Rights Committee considered the situation of civil and political rights under the International Covenant on Civil and Political Rights in Equatorial Guinea at its 3,623rd and 3,624th meetings (CCPR/C/SR.3623 and CCPR/C/SR.3624), held in a public session on 10 and 11 July 2019. In accordance with rule 71 (1) of the Committee's rules of procedure, the failure of a State party to submit its report under article 40 of the Covenant may lead to an examination in a public session of the measures taken by the State party to give effect to the rights recognized in the Covenant and to adopt concluding observations.

2. At its 3,638th and 3,641st meetings, held on 22 and 23 July 2019, the Committee adopted the present concluding observations.

A. Introduction

3. The Covenant entered into force for Equatorial Guinea on 25 September 1987. The State party was required to submit its initial report by 25 October 1988, under article 40 (1) (a) of the Covenant. The Committee regrets that the State party has failed to honour its reporting obligations under article 40 of the Covenant and that, despite numerous reminders, the State party has not submitted the initial report.

4. The Committee nevertheless expresses appreciation for the opportunity to engage in a constructive dialogue with the State party's high-level delegation on the implementation of the Covenant. The Committee is grateful to the State party for its written replies (CCPR/C/GNQ/Q/1/Add.1) to the list of issues (CCPR/C/GNQ/Q/1), which were supplemented by oral responses by the delegation.

5. In the light of the replies to the Committee's list of issues which the State party submitted in writing and the constructive dialogue that the Committee had with a delegation of the State party, the Committee considers the written replies as the initial report of the State party and requests that the State party submit a common core document in order to facilitate future discussions.

B. Positive aspects

6. The Committee welcomes the numerous legislative and institutional measures adopted by the State party during the reporting period in the area of civil and political rights, including:

* Adopted by the Committee at its 126th session (1–26 July 2019).



- (a) Decree No. 75/2018 of 18 April, establishing a national committee for the coordination of policies to combat money-laundering and the financing of terrorism;
- (b) The Order of 5 August 2016 creating a commission for the verification of situations of double employment, improper receipt of multiple salaries and conflicts of interest for public figures and dignitaries serving as State officials;
- (c) Decree No. 426/2014 of 13 February, establishing the moratorium on the death penalty;
- (d) The multisectoral national action plan for the advancement of women and gender equality (2005–2015);
- (e) The “No to violence against women in Equatorial Guinea” campaign (2008);
- (f) Act No. 3/2005 on the prevention and combating of sexually transmitted diseases and HIV/AIDS;
- (g) Act No. 1/2004 on migrant smuggling and human trafficking.

7. The Committee welcomes the fact that the State party has ratified or acceded to the following international instruments:

- (a) The United Nations Convention against Corruption, on 30 May 2018;
- (b) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 16 October 2009.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

8. The Committee notes that international treaties have the same status and effect as provisions of the Constitution and form part of the body of constitutional law within the State party. However, notwithstanding the information received from the State party delegation indicating that the provisions of the Covenant are invoked before, and enforced by, the courts, the Committee regrets the lack of information available on specific cases and examples of implementation of the Covenant by the national courts. Likewise, the Committee regrets the lack of information on the existence of an effective remedy for individuals seeking justice in the event of a violation of the Covenant (art. 2).

9. The State party should guarantee, in practice, the primacy of the Covenant over national law and an effective remedy for individuals seeking justice in the event of a violation of the Covenant. It should also make efforts to train all legal professionals, including judges, prosecutors and lawyers, public officials and the general public, on the rights enshrined in the Covenant and its Optional Protocol and on their application.

Customary rules and domestic application of the Covenant

10. Notwithstanding the delegation’s explanations regarding the importance of customary rules in the society of Equatorial Guinea, the Committee is concerned that some provisions of the State party’s domestic law, including customary law, remain incompatible with the provisions of the Covenant and that there are still discrepancies between the various sources of law applied in the State party. Specifically, the Committee notes with concern articles 70 and 71 of Act No. 5/2009 on the application of customary rules to separations or the annulment or dissolution of marriages celebrated in accordance with traditional rituals, as well as to decisions on the guardianship and custody of children from such marriages and to the distribution of estates. In this connection, the Committee is concerned by reports that, in practice, there is a discrepancy with regard to the protection enjoyed by married women, who do not always have access to the civil courts to claim their rights or to appeal decisions of the traditional courts (arts. 2 and 3).

11. In accordance with general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, the State party should

ensure to all individuals within its territory the rights recognized in the Covenant and should take all possible steps to ensure that traditional and customary norms are consistently harmonized and made compatible with the Covenant. Accordingly, the State party should eliminate discrimination against women in all matters relating to marriage, guardianship and inheritance, and ensure that the provisions applied by the traditional courts are in line with the Covenant. It should also ensure that traditional authorities receive training on the primacy of the Covenant's provisions and of positive law over customary law.

Legislative reform

12. Notwithstanding the delegation's explanation, the Committee notes with concern the information it has received regarding the lack of independence of the committee responsible for constitutional reform in 2011 and the absence of public debate regarding that reform. The Committee acknowledges the State party's efforts to revise national laws that are out of date or non-compliant with the Covenant, including the forthcoming enactment of the amended Criminal Code. However, the Committee regrets the lack of clarity as to the terms and time frame for the drafting and amendment of the Code of Criminal Procedure and the Civil Code (art. 2).

13. The State party should expedite the process to review the Code of Criminal Procedure and the Civil Code within a clear time frame and in a transparent and participatory manner. It should also adhere to the plan for adoption of the Criminal Code, enacting the Code as soon as possible through a transparent process involving civil society. The State party should ensure that the rights enshrined in the Covenant are fully incorporated into the relevant domestic laws and take the necessary measures to ensure that all laws are interpreted and applied in full compliance with the Covenant.

National human rights institution

14. The Committee notes the State party's intention to transform the Centre for the Promotion of Human Rights and Democracy into a national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), but it regrets the scant information on specific measures taken by the State party in this connection (art. 2).

15. The State party should establish an independent national human rights institution with a broad human rights protection mandate and adequate human and financial resources, in accordance with the Paris Principles.

Submission of periodic reports and statistics relating to the exercise of human rights

16. While it welcomes the statement by the State party delegation that it intends to submit periodic reports in the future, the Committee is concerned about the State party's repeated delays in fulfilling its reporting obligations and implementing the Committee's recommendations and views. The Committee is also concerned at the lack of data and statistics relating to the exercise of human rights, which impedes monitoring of the effective implementation of the Covenant (art. 2).

17. The State party should accelerate its efforts to ensure compliance with its reporting obligations and to implement the Committee's recommendations and views. It should also improve the collection of statistics, in order to make progress in monitoring the implementation of the Covenant, and avail itself of technical and capacity-building assistance, as necessary.

Anti-corruption measures and natural resource management

18. The Committee notes the anti-corruption measures taken by the State party, including the ratification of the United Nations Convention against Corruption, the establishment of a Prosecutor's Office at the Court of Auditors (*Fiscalía del Tribunal de Cuentas*) and the promulgation of Decree No. 75/2018 establishing a national committee for the coordination of policies to combat money-laundering and the financing of terrorism.

Nevertheless, it is concerned about reports that corruption remains widespread in the State party, especially at the highest levels of the Government, and that preventive measures are inadequate. The Committee is also concerned at the State party's failure to provide specific information on any trials and convictions in corruption cases. The Committee notes the information provided by the State party delegation, according to which a proportion of the profits generated by the extractive industries are invested in social projects. Nonetheless, it is concerned at reports of a lack of civil society participation and transparency in natural resource management (arts. 1, 2, 14 and 25).

19. The State party should:

(a) **Intensify its efforts to combat corruption, including money-laundering, review the legal framework with a view to making it more comprehensive and protective of whistle-blowers, and reinforce good governance practices by monitoring the implementation of the anti-corruption strategy adopted;**

(b) **Strengthen the capacity of the prosecution service and law enforcement agencies to combat corruption, in particular through the provision of in-service training and adequate resources;**

(c) **Ensure that all acts of corruption are investigated in an independent and impartial manner, and that those responsible are brought to justice and, if found guilty, appropriately punished;**

(d) **Carry out further awareness-raising campaigns on the economic and social costs of corruption, directed at politicians, government officials, the business sector and the general public;**

(e) **Take the necessary measures, including the enforcement of Decree No. 42/2007 on the inclusion of civil society in the transparency initiative relating to the extractive industries, to ensure transparent management of natural resources, with the participation of civil society.**

State of emergency

20. The Committee notes the information provided by the State party and reiterated by its delegation that a state of emergency has not, to date, been officially proclaimed. Nevertheless, the Committee is concerned about information indicating that, in the context of the 2016 elections and during the attempted coup d'état in 2017, the State party applied measures amounting to a state of emergency, without respecting the basic safeguards provided for in article 4 of the Covenant. It is also concerned at the lack of implementing regulations for Act No. 4/2010, which refers to cases of declaration of a state of alert, emergency or siege (art. 4).

21. The State party should, as soon as possible, take steps to end the de facto state of emergency and ensure that any state of emergency applied in its territory, and measures taken pursuant to that state of emergency, comply with the provisions of article 4 of the Covenant. In accordance with general comment No. 29 (2001) on states of emergency, the State party should promulgate legislation containing clear provisions on states of emergency, so that there can be no derogation from the rights protected under article 4 (2) of the Covenant under any circumstances, and should ensure that any derogation is in accordance with the Covenant.

Counter-terrorism measures

22. The Committee is concerned that the definition of terrorism included in national legislation could, in view of its imprecise and ambiguous nature, be applied to a specific group of persons, in particular civil society and members of political parties, and to peaceful activities carried out pursuant to the rights to freedom of expression, association or peaceful assembly (arts. 2, 9, 14, 18, 19, 21 and 22).

23. The State party should ensure that measures taken to combat terrorism are fully compatible with its obligations under the Covenant and are directed solely at the suspected perpetrators.

Combating discrimination

24. The Committee notes the legislative framework, including constitutional provisions that prohibit discrimination. Nevertheless, it regrets the absence of legislation defining and prohibiting direct and indirect discrimination, and covering all prohibited grounds for discrimination enumerated in articles 2 and 26 of the Covenant, in particular sexual orientation, gender identity and disability. It further regrets the lack of information regarding a legislative framework offering effective remedies for victims of discrimination. The Committee is concerned about the information received regarding acts of discrimination and stigmatization against lesbian, gay, bisexual, transgender and intersex persons and persons living with HIV/AIDS, and about the lack of action taken to ensure that persons with disabilities are not discriminated against in practice (arts. 2 and 26).

25. **The State party should take the necessary measures to:**

(a) **Enact comprehensive legislation providing full and effective protection against multiple discrimination, both direct and indirect, in all spheres and on all grounds enumerated in the Covenant;**

(b) **Provide access to effective and appropriate remedies for all victims of discrimination;**

(c) **Effectively protect lesbian, gay, bisexual, transgender and intersex persons, persons living with HIV/AIDS and persons with disabilities, and safeguard their fundamental rights, while ensuring that all cases of discrimination are duly addressed;**

(d) **Conduct wide-ranging education and awareness-raising campaigns that promote equality, tolerance and respect for diversity.**

Rights of minorities

26. The Committee remains concerned (CCPR/CO/79/GNQ, para. 14) at reports of discrimination against and persecution of the country's minority ethnic groups. In this connection, notwithstanding the State party delegation's explanation of rules regarding land tenure, the Committee is concerned about reports of expropriation of lands from the Bubi people without the right to compensation (arts. 2, 26 and 27).

27. **The State party should take effective measures to combat discrimination against minority ethnic groups. It should further ensure, when land expropriations do occur, that they comply with the law, that they are not discriminatory, that they are duly compensated and that the affected persons are provided with an effective and appropriate remedy.**

Non-discrimination and equality between men and women

28. The Committee welcomes the adoption of the multisectoral national action plan for the advancement of women and gender equality (2005–2015). However, it is concerned about the persistence of traditional gender stereotypes regarding the roles of women and men in the family and in society. Such stereotypes have an adverse impact on women's effective enjoyment of their civil and political rights. The Committee is concerned about women's low level of representation in political and public life, including at the highest levels of the Government. Specifically, the Committee notes with concern that, currently, just 20 per cent of members of the Parliament and 10 per cent of members of the Senate are women, and that those figures have not changed in the last 10 years. The Committee notes the explanation that the State party has offered for the widespread practice of polygamy in the State party (arts. 2, 3, 25 and 26).

29. **The State party should:**

(a) **Strengthen measures to raise public awareness with a view to combating gender stereotypes in the family and in society;**

(b) **Eliminate from its domestic legislation all provisions that discriminate against women;**

(c) **Take all necessary measures to promote women's equal participation in all aspects of public life, in particular their representation at the highest levels of the Government, and in legislative and judicial bodies;**

(d) **Take appropriate measures to reduce the incidence of polygamy, with a view to achieving its abolition, including by making the public more aware of the discriminatory nature of this practice.**

Violence against women and domestic violence

30. The Committee notes the delegation's explanation of the acts considered as potentially constituting violence against women under domestic legislation, which is not always in compliance with the Covenant. The Committee reminds the State party that it is obliged to take all necessary measures to realize the rights enshrined in the Covenant and that provisions of the constitutional law or other aspects of domestic law may not be invoked to justify a failure to perform or give effect to obligations under the Covenant (general comment No. 31). In this connection, the Committee is concerned that:

(a) Although a bill on gender-based violence and a draft Family Code have been prepared, the time frame for their enactment is unclear and the State party does not have a comprehensive legal framework for protection designed to prevent and eliminate violence against women, including domestic violence, and punish perpetrators;

(b) Gender-based violence against women and girls is under-reported owing to stigmatization of victims, fear of reprisals and lack of trust in law enforcement authorities;

(c) It has not been provided with information on investigations or statistics on prosecutions;

(d) The definition of sexual violence is restrictive and provides for presumed sexual violence only when the victim is under the age of 12 (Criminal Code, art. 429), and the provision allowing for the termination of criminal proceedings in rape cases when the victim has explicitly or tacitly forgiven the perpetrator remains in force (Criminal Code, art. 443) (arts. 3, 6, 7, 14 and 26).

31. The State party should:

(a) **Adopt, in consultation with civil society, a comprehensive law to prevent, combat and punish all forms of violence against women and girls, including domestic violence, in both the public and the private spheres;**

(b) **Encourage women and girls who have been victims of violence to report cases to the police, prosecute all acts of violence against women and girls, and punish perpetrators appropriately;**

(c) **Conduct nationwide awareness-raising initiatives and training programmes for State officials, especially judges, prosecutors, police officers, and medical and paramedical personnel, to ensure that they respond effectively in all cases of domestic violence and gender-based violence;**

(d) **Ensure that victims receive material and psychological support, and have access to legal services.**

Voluntary termination of pregnancy and reproductive rights

32. The Committee notes the State party's explanation that articles 411 et seq. of the Criminal Code, which criminalize voluntary termination of pregnancy, are not applied, but it is concerned that those provisions remain in force and could be applied in the future. The Committee notes that termination of pregnancy is currently permitted in cases of rape and threat to the mother's life, subject to spousal consent, and remains concerned that the restrictions in force could oblige women and girls wanting to undergo an abortion to do so under risky conditions that endanger their life and health. The Committee is concerned about the high rates of adolescent pregnancy and about the reports received of a lack of appropriate reproductive health services and very poor sexuality education. It is also

concerned that, despite the major improvements achieved, maternal mortality remains very high, in particular in rural areas (arts. 2, 3, 6, 7, 17 and 26).

33. The State party should:

(a) **Amend its legislation to guarantee safe, legal and effective access to the voluntary termination of pregnancy when the life or health of the pregnant woman or girl is at risk or when carrying the pregnancy to term could cause the pregnant woman or girl substantial harm or suffering, especially in cases where the pregnancy is the result of rape or incest or when it is not viable;**

(b) **Ensure that women and girls who have recourse to abortion and the doctors who attend to them are not subject to criminal penalties, given that the existence of such penalties obliges women and girls to resort to unsafe abortions;**

(c) **Ensure full access to sexual and reproductive health services and comprehensive sexuality education for men, women, boys and girls throughout the country, including in rural and remote areas.**

Death penalty

34. While the Committee notes that no executions have been carried out since 2010 and welcomes the moratorium established by Decree No. 426/2014, it regrets that the State party's legislation still provides for the death penalty for certain crimes and that the courts continue to impose death sentences. The Committee is concerned about reports that, before the moratorium came into force, all persons who had been sentenced to death in the State party were executed (art. 6).

35. In accordance with general comment No. 36 (2018) on the right to life, the State party should consider formally abolishing the death penalty in law and repealing any provisions of the Criminal Code that provide for its application. It should also take all the necessary measures to expedite the process of ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Excessive use of force and conduct of law enforcement officers

36. The Committee is concerned that the State party has not provided information on any specific provisions regarding the appropriate use of force and firearms by law enforcement personnel and security forces in the State party. It is also concerned by reports of excessive use of force and firearms by law enforcement personnel, who allegedly kill and injure individuals who fail to stop at military checkpoints in the State party. Despite the State party's assertion that officials who exceed their powers are investigated and convicted, the Committee expresses its concern at reports of a climate of impunity in the State party and at the State party's failure to provide detailed information on the actual number of investigations and resulting discharges, trials and convictions, and on the resources assigned to such cases (arts. 6, 7, 9, 17 and 21).

37. The State party should take measures to effectively prevent and eliminate all forms of excessive use of force by police and security officers, including by:

(a) **Adopting appropriate laws and policies to control the use of lethal force by law enforcement officials, based on the Committee's general comment No. 36 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Intensifying the provision of training for law enforcement personnel on international standards on the use of force, and raising awareness of those standards among judges, prosecutors and lawyers;**

(c) **Introducing procedures designed to ensure that law enforcement operations are properly planned in a manner consistent with the need to minimize the risk they pose to human life;**

(d) **Ensuring that all cases of excessive use of force are independently investigated, that the perpetrators are prosecuted and sentenced to penalties**

commensurate with the seriousness of their acts, and that victims are provided with comprehensive reparation.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment

38. The Committee is concerned at reports of the systematic use of torture by the police, especially in police stations, against persons who refuse to “cooperate”, whether they are suspected of political or ordinary offences. Despite the State party’s commitment, repeated by the delegation, to punish those responsible, the Committee is concerned about reports that there are few investigations and convictions in cases of acts of torture, and notes with concern the absence of detailed information on the number of such investigations and convictions. The Committee is further concerned at reports that the competent authorities, including the judiciary, do not take allegations of torture seriously (arts. 7 and 10).

39. The State party should, as a matter of urgency, put an end to the practice of torture and ill-treatment. In particular, it should:

(a) **Ensure prompt, thorough and effective investigation of all allegations of torture and ill-treatment; where appropriate, prosecute and punish the perpetrators with penalties commensurate with the gravity of the offence; and provide effective remedies for the victims, including rehabilitation;**

(b) **Take all necessary measures to prevent torture, including by enhancing the training given to judges, prosecutors and members of the police, the military and the security forces;**

(c) **Collect accurate data on cases of torture and ill-treatment and on the ensuing prosecutions, convictions and sentences, and make such information public;**

(d) **Establish an independent mechanism for investigating complaints of torture and ill-treatment by law enforcement officials.**

Prison conditions

40. Notwithstanding the information provided by the State party delegation, the Committee is concerned at reports that prisons remain overcrowded and that incarceration conditions are harsh, in particular with regard to access to food, sanitation and health care. The Committee is also concerned at reports that, in some prisons, there is no separation of women, men and minors, or of those held in pretrial detention from those convicted of a crime. The Committee is further concerned at the lack of statistics on the number of persons detained in the State party and at the absence of information on the existence of a centralized record of detainees that includes the place of deprivation of liberty (arts. 7, 9 and 10).

41. The State party should:

(a) **Effectively implement measures to reduce overcrowding, in particular through the promotion of alternatives to detention, such as bail and house arrest;**

(b) **Safeguard the right of all persons deprived of their liberty to be treated with humanity and dignity, and ensure that the conditions in which prisoners are held comply, in all places of detention, with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including those concerning access to health care, sanitation and food;**

(c) **Take the necessary measures to separate prisoners according to age, sex and grounds for deprivation of liberty;**

(d) **Establish a centralized official register of the names and places where individuals are held, and times of arrival and departure, as well as of the names of persons responsible for their detention; that register should be made readily available and accessible to those concerned, including relatives.**

Trafficking in persons and forced labour

42. While it notes the State party's efforts to combat trafficking in persons, the Committee is concerned at the extent of such trafficking, particularly of women, girls and boys, for economic and sexual exploitation. The Committee is concerned about the insufficient resources allocated to protecting the victims of trafficking, including reception centres and legal, medical and psychological services. Likewise, despite the statements by the State party delegation, it is concerned at the insufficient efforts being made to combat forced labour, including the situation of boys, girls and women subjected to domestic servitude (arts. 7, 8 and 24).

43. **The State party should:**

(a) **Enforce anti-trafficking legislation by conducting gender- and age-sensitive investigations and ensuring that perpetrators, including public officials who are complicit in trafficking, are prosecuted and appropriately punished;**

(b) **Train law enforcement officials on standards for the early identification of trafficking victims and their referral to appropriate assistance and rehabilitation services;**

(c) **Allocate adequate resources for the creation of easily accessible reception centres in all provinces of the State party and for the provision of adequate legal, medical and psychosocial assistance in those centres;**

(d) **Take all necessary measures to eliminate forced labour and all forms of child labour, in particular in the domestic sector.**

Arbitrary arrest and pretrial detention

44. The Committee is concerned about reports of arbitrary arrest and detention beyond 48 hours without charge, incommunicado detention and the use of detention as a means of intimidation. It is also concerned about allegations that persons have been detained for long periods without the benefit of legal guarantees, in particular appearance before a judge, access to a lawyer and the right to inform their family. The Committee is also concerned about the large number of persons held in pretrial detention and the lack of clear information on the maximum duration of such detention (arts. 9, 10 and 14).

45. **The Committee encourages the State party to:**

(a) **Take appropriate measures to ensure that no person under its jurisdiction is subject to arbitrary arrest or imprisonment, or incommunicado detention, in accordance with the relevant provisions of the Covenant;**

(b) **Investigate all cases of arbitrary arrest and bring disciplinary action and/or judicial proceedings against those responsible;**

(c) **Ensure that those who have been detained enjoy all legal guarantees, in accordance with articles 9 and 14 of the Covenant;**

(d) **Amend its national legislation to limit the duration of pretrial detention, in accordance with the criteria established in article 9 of the Covenant and taking into consideration paragraph 37 of general comment No. 35 (2014), on liberty and security of person;**

(e) **Take all necessary measures to ensure that judges have recourse to pretrial detention only in exceptional circumstances and preferably use alternative, non-custodial measures.**

Freedom of movement

46. The Committee is concerned at the disproportionate restrictions on the right to freedom of movement in the State party, in particular owing to the large number of security checkpoints. The delegation's explanation notwithstanding, the Committee is concerned at reports that arbitrary restrictions are placed on the movement of specific people, especially members of civil society and opposition parties. The Committee notes with concern the

information provided by the delegation according to which members of opposition parties are required to notify the local authorities of their movements within the State party (art. 12).

47. The State party should guarantee freedom of movement and lift all restrictions incompatible with article 12 of the Covenant, taking into account general comment No. 27 (1999) on freedom of movement. In this connection, it should ensure that all persons who are in its territory legally have the right to move about freely without prior notice, regardless of their political affiliation or any other reason.

Independence of the judiciary and administration of justice

48. The Committee is concerned about the lack of independence of the judiciary, in particular the absence of a transparent procedure for the appointment and dismissal of judges and prosecutors, and the fact that many of them do not have adequate legal training. It notes with concern, moreover, that the executive plays a prominent role in the organization of the judiciary. While the Committee takes note of the delegation's explanation, it is concerned at reports that civilians can be tried by the military courts (art. 14).

49. The State party should continue its efforts to reform the justice system and ensure that all court proceedings are conducted in full observance of the due process guarantees set forth in article 14 of the Covenant. In particular, it should:

(a) **Guarantee the tenure and independence of judges and the impartiality of public prosecutors, by protecting the work of the judiciary from any interference;**

(b) **Intensify its efforts to eliminate corruption in the judiciary by, inter alia, prosecuting and punishing perpetrators, including any judges and prosecutors who are complicit therein;**

(c) **Ensure that judges and public prosecutors are appointed through an independent process that is based on objective, transparent criteria for assessing candidates' suitability in terms of the required skills, competence and reputation;**

(d) **Ensure that military courts adjudicate only cases involving military personnel, in keeping with domestic legislation.**

Right to privacy, and surveillance

50. The Committee takes note of the information provided by the State party. It is concerned, however, at reports that civil society activists, opposition members, journalists and foreign diplomats are subject to Internet and telephone surveillance (art. 17).

51. The State party should ensure: (a) that all types of surveillance activities and interference with privacy, including online surveillance for the purposes of State security, are governed by appropriate legislation that is in full accordance with the Covenant, in particular article 17, including with the principles of legality, proportionality and necessity, and that State practice conforms thereto; (b) that surveillance and interception are subject to judicial authorization, and to effective and independent oversight mechanisms; and (c) that affected persons have proper access to effective remedies in cases of abuse.

Freedom of expression and protection of journalists

52. The Committee is concerned about the severe restrictions on freedom of expression in the State party, in particular those set out in Act No. 6/1997 on the press, publications and audiovisual media. In this connection, the Committee is concerned about:

(a) Reports that the media are largely controlled by political parties close to the Government and that independent media publish only sporadically owing to a lack of funds, infrastructure and printing capabilities;

(b) Reports of harassment and persecution of journalists, as well as of the seizure and blocking of some publications;

(c) Reports that international journalists continue to be denied visas and that, when they are granted one, they are subjected to inspections and strict censorship while working in the State party;

(d) Reports that opposition party websites and social media have been repeatedly blocked, especially around the time of political events such as the 2017 elections (arts. 2, 7, 14 and 19).

53. In the light of general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:

(a) **Ensure that all provisions of its legislation are in accordance with article 19 of the Covenant;**

(b) **Review all restrictions imposed on press and media activities, so as to ensure that they are strictly in accordance with the provisions of article 19 (3) of the Covenant;**

(c) **Protect journalists and the media from any form of undue interference, harassment or attack, promptly investigating all such acts and bringing those responsible to justice.**

Freedom of peaceful assembly

54. The Committee is concerned that the State party regulates the right to freedom of peaceful assembly in a manner that undermines the exercise of that right. The Committee has particular concerns about: (a) the State's broad powers to suspend meetings; (b) the strict conditions for the granting of authorizations and the infrequency with which permits are issued for demonstrations by organizations not directly affiliated with the Government; and (c) the restrictions imposed on the content of demonstrations. It is also concerned about reports that law enforcement agencies threaten and use violence against organizers and demonstrators (arts. 7, 9, 10, 14, 21 and 25).

55. The State party should revise its laws, regulations and practices, with a view to guaranteeing the full enjoyment of the right to freedom of assembly, both in law and in practice, and to ensuring that any restrictions on the freedom of assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of article 21 of the Covenant. The State party should promptly and effectively investigate all cases of excessive use of force by law enforcement officials, take the necessary administrative measures and bring the perpetrators to justice.

Freedom of association

56. The Committee is concerned about the restrictive and disproportionate rules governing the registration of civil associations. It is particularly concerned about the high cost of the registration process and the lack of transparency in related decisions. The Committee is concerned about reports that human rights defenders operating in the State party are harassed and frequently arrested. In particular, the Committee notes reports that, in October 2018, the human rights activist Alfredo Okenve, of Centro de Estudios e Iniciativas para el Desarrollo, was beaten, allegedly by law enforcement officers (arts. 7, 9 and 22).

57. The State party should:

(a) **Take and implement, without delay, effective measures to protect civil society organizations, in particular those defending human rights, and enable them to register and operate freely and without fear of harassment, violence or intimidation, or the threat thereof, ensuring that perpetrators of such acts are brought to justice;**

(b) **Work with civil society organizations on the design, implementation and monitoring of policies, programmes and measures aimed at the advancement of civil and political rights, as well as on the process of reporting to the Committee.**

Participation in public affairs

58. Despite the information furnished by the State party, the Committee remains concerned (CCPR/CO/79/GNQ, para. 12) by reports that opposition candidates are subjected to persecution, intimidation, harassment and detention. It is also concerned at reports that the State party's political system limits political pluralism. In particular, it is concerned that opposition parties are allocated less air time than the Partido Democrático de Guinea Ecuatorial (Democratic Party of Equatorial Guinea) (PDGE), especially in election periods, and that, during the 2017 elections, PDGE apparently received public funds while opposition parties had to raise their own funds (arts. 7, 10 and 25).

59. **The State party should ensure that its electoral regulations and practices are in full compliance with the Covenant, particularly article 25, by guaranteeing, inter alia: (a) the full and effective enjoyment of rights by all, including opposition candidates; and (b) national elections that promote political pluralism, through the adoption of rules on the equal treatment of political parties in elections.**

D. Dissemination and follow-up

60. **The State party should widely disseminate the Covenant, the Committee's written replies to the list of issues and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minority communities.**

61. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 26 July 2021, information on the implementation of the recommendations made by the Committee in paragraphs 19 (anti-corruption measures and natural resource management), 21 (state of emergency) and 39 (prohibition of torture and other cruel, inhuman or degrading treatment or punishment) of the present concluding observations.**

62. **The Committee requests that the State party submit its next periodic report by 26 July 2025 and include in that report specific, up-to-date information on implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests that the State party, in preparing the report, consult widely with civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The Committee encourages all States to follow the simplified procedure when submitting their reports. Should the State party wish to follow the simplified reporting procedure for its next dialogue, it is requested to inform the Committee accordingly, within one year of receipt of these concluding observations. In that connection, the State party's replies to the list of issues prepared by the Committee under the simplified reporting procedure will constitute the next periodic report to be submitted under article 40 of the Covenant.**
