



**International covenant
on civil and
political rights**

Distr.
LIMITED

CCPR/C/78/L/GNQ
25 March 2003

ENGLISH
Original: SPANISH

HUMAN RIGHTS COMMITTEE
Seventy-seventh session

**LIST OF ISSUES PREPARED IN THE ABSENCE OF
THE INITIAL REPORT OF EQUATORIAL GUINEA,
DUE ON 24 DECEMBER 1988**

**Constitutional and judicial framework within which
the Covenant is implemented (art. 2)**

1. Please provide information on the status of the Covenant in domestic jurisdiction. May Covenant provisions be invoked directly before the domestic courts in Equatorial Guinea? If so, have there been any recent examples? Please give details of any pertinent cases.
2. What has the State party done to implement the Committee's findings in its Views on communications 468/1991 (Angel N. Oló Bahamonde v. Equatorial Guinea) and 414/1990 (Primo José Essono Mika Miha v. Equatorial Guinea), adopted in 1993 and 1994 respectively? (See CCPR/C/49/D/468/1991 of 10 November 1993 and CCPR/C/51/D/414/1990 of 10 August 1994.)
3. Please provide information on whether a national human rights plan has been implemented. Please also provide information on the jurisdiction and work of the Inter-Ministerial Commission on Human Rights established by the Government in 2001.
4. Please clarify whether the State party has a system providing an effective judicial remedy for victims of human rights violations.

Equality between men and women and the right not to be imprisoned on the ground of inability to fulfil a contractual obligation (arts. 3, 11 and 26)

5. Please provide information on women's status in the political, economic and social life of the country. Please supply information on levels of employment among women. Please indicate the literacy and school enrolment rates for women as compared with those for men. What measures is the State party taking to ensure equality between the sexes in the various areas?

6. Please provide information on the extent of the problem of violence against women, the number of cases of rape reported and the number of judicial proceedings leading to a conviction. What steps are being taken to protect women from violence in the home and in society?

7. Please provide information concerning practices of discrimination against women, in particular:

(a) In the event of the dissolution of a marriage, the woman must return the dowry paid by the husband, which, in many cases, results in the woman being put in prison because she has no money or property left after the divorce to pay back the dowry. How can this practice be justified in the light of article 11 of the Covenant?

(b) In the event of divorce, the husband is automatically given custody of the children born during the marriage.

Right to life, prohibition of torture, prohibition of slavery and slavery-like practices, right to due process (arts. 6, 7, 8 and 14)

8. Please provide information on legislation concerning the death penalty in the State party. Please indicate which offences are punishable by death and whether there have been any guilty verdicts and executions in recent years.

9. The State party is invited to comment on whether ill-treatment and torture of prisoners have taken place, including sexual abuse and rape of women. Please also comment on whether the National Gendarmerie barracks in Bata serve as a clandestine detention centre where torture is practised.

10. Please comment on whether people are convicted on the strength of confessions obtained under torture in trials conducted without guarantees of due process.

11. Please provide information on mechanisms to investigate cases of torture and bring the culprits to trial, and on the number of cases actually investigated and their outcome.

12. Please provide information concerning reports that persons deprived of their liberty in the various detention centres are subjected to forced labour.

Prohibition of arbitrary detention and prison conditions (arts. 9 and 10)

13. Please provide information on the procedure for bringing detainees before a judge or judicial officer. What are the deadlines for bringing arrested individuals before a judge? If these deadlines are not respected in judicial practice, please explain why. Please also provide information about the procedure for granting bail to detained persons and the percentage of cases in which bail is actually granted.

14. Please provide information on the structure of the prison system in the State party and statistics on the prison population. Please comment on reported overcrowding and poor prison conditions in Equatorial Guinea. In particular, are pre-trial detainees held separately from convicted prisoners? Are women detained separately from men and minors from adults?

Right to due process and independence of the judiciary (art. 14)

15. Please provide information on the structure of the judiciary, indicating whether magistrates perform their duties in an independent and stable manner, without outside interference and shielded from corruption.

16. Has the competence of military courts been redefined to ensure that civilians can be tried only by civilian courts?

17. Please comment on reports that those accused of offences against national security or who oppose the Government do not benefit from all procedural safeguards or a fair trial, and that some of them have been tried by military tribunals.

18. Please provide information on trials conducted by the House of Representatives of the People.

Freedom of religion, opinion and expression (arts. 18 and 19)

19. The State party is invited to provide information on the existence of an independent press in Equatorial Guinea and the regulations to which foreign journalists are subject.

20. Please provide information on whether, at the beginning of May 2002, the authorities barred the Press Association of Equatorial Guinea (ASOPGE) from organizing the activities it had scheduled to mark International Press Freedom Day. Please explain why the Deputy Minister of Information reportedly asked the Government to ban ASOPGE.

21. The State party is invited to provide information on conditions of access to the Internet, the existence of illegal phone tapping and close monitoring of e-mail traffic by the country's sole Internet service provider.

Freedom of assembly, association and movement (arts. 21 and 22)

22. Please provide information on the regulations governing the operation of political parties, trade unions and non-governmental organizations (NGOs) and on their application in practice.

23. Please comment on information to the effect that the freedom of movement is still subject to serious restrictions, owing, inter alia, to the existence of military roadblocks, the practice of internal exile and the requirement for visas to leave the State party.

Right to vote and to stand for election (art. 25)

24. Please provide information on current measures guaranteeing the right to vote and to stand for election. Please also provide clarifications on the irregularities that allegedly occurred during the May 2000 municipal elections.

Minority rights and the principle of non-discrimination (arts. 26 and 27)

25. Please provide information on the various ethnic groups in the State party, the discrimination allegedly practised by the Fang ethnic group against other ethnic groups and, in particular, the discrimination allegedly suffered by the Bubi ethnic group.

Dissemination of the Covenant (art. 2)

26. Has the State party taken any action to educate public officials, law-enforcement and judicial officers, the legal profession and the general public about the provisions of the Covenant? Please indicate what type of human rights training is received by law enforcement officers.
