



Republic of Equatorial Guinea  
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Submission by CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

CPJ, NGO in General Consultative status with ECOSOC

Centro de Estudios e Iniciativas para el Desarrollo (CEID)

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## **1. Introduction**

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 170 countries.
- 1.2** The Committee to Protect Journalists (CPJ) is an independent CSO that promotes press freedom worldwide and defends the right of journalists to report the news without fear of reprisal.
- 1.3** Centro de Estudios e Iniciativas para el Desarrollo (CEID) is a CSO that promotes integral social and economic development for the people of Equatorial Guinea, and cooperation with other nations.
- 1.4** ONG Cooperación y Desarrollo is a CSO dedicated to the promotion of sustainable economic development, through the protection of economic, social and cultural rights.
- 1.5** EG Justice is a CSO and an independent voice for reform in Equatorial Guinea. EG Justice works to promote human rights, the rule of law, transparency and civic participation to build a just Equatorial Guinea.
- 1.6** In this document, the five organisations examine the Government of Equatorial Guinea's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Equatorial Guinea's fulfilment of the rights to the freedoms of association, peaceful assembly and expression, and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in May 2014. To this end, we assess Equatorial Guinea's implementation of recommendations received during the 2<sup>nd</sup> UPR cycle relating to these issues and provide a number of follow-up recommendations.
- 1.7** During the 2<sup>nd</sup> UPR cycle, the Government of Equatorial Guinea received 47 recommendations relating to the space for civil society (civic space). Of these recommendations, 28 were accepted and 19 were noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission, as well as consultations with Equatoguinean human rights activists and experts, demonstrate that the Government of Equatorial Guinea has not implemented any of the recommendations relating to civic space. The government has persistently failed to address unwarranted restrictions on civic space since its last UPR examination, and acute implementation gaps were found with regard to the freedom of expression and issues relating to the freedoms of association and peaceful assembly, and the treatment of HRDs.

**1.8** We are deeply concerned by the complete closure of civic space in Equatorial Guinea and the use of state institutions to stifle fundamental freedoms. President Teodoro Obiang Nguema Mbasogo came to power through a military coup in 1979 and has since used violence to target, intimidate and repress members of CSOs, the media and the political opposition. Even though elections are held regularly, the authorities repress the activities of opposition parties and arrest and prosecute dissidents to enable the ruling Democratic Party of Equatorial Guinea to stay in power. The independence of the judiciary is seriously compromised as judges must consult President Obiang, who is Equatorial Guinea's First Magistrate according to Article 85 of the Constitution, before they rule on certain cases.

**1.9** We are further alarmed by the targeting of HRDs, bloggers, journalists and anyone with views that are critical of the government. Most HRDs and independent journalists resort to self-censorship or have been forced to flee the country, as the government systematically persecutes anyone reporting on the corrupt, repressive, or negligent actions of the state. Restrictions on the freedoms of association and expression means civil society groups operating in Equatorial Guinea are also unable to speak openly about governance challenges and raise concerns over issues affecting citizens. These restrictions are compounded by the fact that the media environment is dominated by the state.

**1.10** As a result of these issues, civic space in Equatorial Guinea is currently classified as 'closed', the most serious category, by the CIVICUS Monitor.<sup>1</sup>

- Section 2 of this submission examines Equatorial Guinea's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Equatorial Guinea's implementation of UPR recommendations and compliance with international human rights standards relating to the protection of HRDs and civil society activists.
- Section 4 examines Equatorial Guinea's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and journalists and access to information.
- Section 5 examines Equatorial Guinea's implementation of UPR recommendations and compliance with international human rights standards relating to the freedom of peaceful assembly.
- Section 6 makes recommendations to address the concerns listed.
- An annex lists the implementation of recommendations received by Equatorial Guinea during the 2<sup>nd</sup> UPR cycle that are referenced in this submission.

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<sup>1</sup> CIVICUS Monitor: Equatorial Guinea, <https://monitor.civicus.org/country/equatorial-guinea>.

## 2. Freedom of association

- 2.1** During Equatorial Guinea's examination under the 2<sup>nd</sup> UPR cycle, the government received 18 recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to guarantee the right to the freedom of association by creating an open political space, which would allow all citizens to exercise their rights without interference. It also agreed to put an end to restrictions hindering the exercise of the right to the freedom of association. Of the recommendations received, the government accepted 14 and noted four. However, as evidenced below, the government has not implemented any of the recommendations.
- 2.2** Article 13 (k) of the Constitution of Equatorial Guinea guarantees the right to the freedom of association. It states that every citizen shall enjoy rights and freedoms including the freedom of association and assembly and the right to strike.<sup>2</sup> Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Equatorial Guinea is a state party, guarantees the freedom of association. However, despite these commitments, the government has consistently denied people the right to organise freely into groups or associations for the purpose of asserting or demanding rights. The government views any independent CSO with suspicion and over recent decades has systematically cultivated an environment that makes it impossible for organisations interested in addressing human rights, corruption, democracy and governance to be registered or function effectively.<sup>3</sup> The targeting of CSOs has created a climate of fear and forced many to self-censor. While there are dozens of civil society groups in Equatorial Guinea, especially in the two largest cities of Bata and Malabo, many are not formally recognised by the government.<sup>4</sup> This refusal to recognise some CSOs officially severely restricts their activities and makes them susceptible to government harassment.
- 2.3** The registration of CSOs is governed by Law No 1/1999 on the Regime of NGOs. The process of registering CSOs as contained in the law is cumbersome and involves many administrative hurdles. In effect this process is used by the authorities to prevent organisations registering that work on particular issues, including protecting human rights, equitable use and distribution of oil revenues and good governance. The first

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<sup>2</sup> Constitution of the Republic of Equatorial Guinea, <http://www.wipo.int/edocs/lexdocs/laws/en/gq/gq001en.pdf>.

<sup>3</sup> 'Global Trends in NGO Law. A quarterly review of NGO legal trends around the world', International Center for Not-for-Profit Law, Vol. 3, Issue 3, June 2011, [http://www.icnl.org/research/trends/trends3-3.html#\\_ftn55](http://www.icnl.org/research/trends/trends3-3.html#_ftn55).

<sup>4</sup> 'State of civil society in Equatorial Guinea: An interview with CEID', CIVICUS, 8 February 2017, <https://www.civicus.org/index.php/media-resources/news/2731-state-of-civil-society-in-equatorial-guinea-an-interview-with-ceid>.

phase of the registration process requires representatives of CSOs to submit their bylaws, articles of association and constitutions to a state notary for approval before they can be submitted for processing to the Ministry of Interior. However, a major challenge is that there are only two notaries who provide civil and legal services in the entire country, one in Bata and one in Malabo, making it difficult for them to dedicate time to approving documents submitted by civil society groups, as these are deemed less important.<sup>5</sup>

**2.4** Once registration documents are approved by notaries, CSO representatives are required to include two affidavits confirming that the organisation agrees to be subjected to the control of the relevant ministry and that it will submit reports four times a year to the authorities. The application, inclusive of these documents, is then submitted to the Ministry of Interior. Organisations whose applications are successfully processed by the Ministry of Interior are then registered with the National Registry of Associations. There are no time limits set for applications for an application to be approved or rejected by the Ministry of Interior and in practice many CSOs do not receive feedback on their applications for years after they have been submitted. Organisations that are aligned to the ruling party or those submitted by government representatives are approved within a short period of time, while many applications from CSOs focusing on human rights, accountability and the rule of law are not even acknowledged by the Ministry of Interior. For example, Coordinadora Nacional (Civil Society National Focal Point), a CSO coalition, has been waiting for feedback on its registration application for several years. Many organisations are forced to close down because they have not been made aware of the status of their application.

**2.5** In addition, the law on the regime of NGOs is vague about the process for deregistering CSOs and reapplication for deregistered CSOs (see 2.7). The implication of this is that some organisations operate without registering or continue to operate after they have been informed by the authorities that they have been de-registered.<sup>6</sup> In addition CSOs are required to inform the Ministry of Interior if they receive donations that exceed 50,000 FCFA (approximately US\$100). This increases the reporting and administrative requirements for CSOs.

**2.6** Although the right to form and belong to trade unions is recognised in the constitution, the Law on Trade Unions (1992) imposed a number of restrictive provisions that make it difficult for trade unions to register and represent their members. While the law codifies that the state will recognise the right of employees

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<sup>5</sup> 'Disempowered Voices: The Status of Civil Society in Equatorial Guinea', EG Justice, 2011, <http://egjustice.org/sites/default/files/EITI%20Civil%20Society%20Report%20-%20Final%20Published%20Version%20Color.pdf>.

in the public administration to organise and that it shall be regulated by law,<sup>7</sup> it also stipulates that trade unions should have at least 50 members from the same workplace and geographic location before they can be registered. This requirement effectively prevents unions from registering because very few employers employ large numbers of people and there are many geographic divisions in Equatorial Guinea. Workers are also intimidated and put under pressure to join the ruling party. In effect, the government only recognises one union – the union of small farmers. Unions such as the Workers’ Unions of Equatorial Guinea, the Independent Service Union, Teachers’ Union Association and the Rural Workers’ Organisation have sought to be registered formally and recognised by the government for many years but have been ignored.<sup>8</sup> When some of these unions have made requests for registration to notaries they have been informed that trade unions are not allowed in Equatorial Guinea.<sup>9</sup>

**2.7** On 2 March 2016, the Minister of Internal Affairs and Local Corporations, Clemente Engonga Nguema Onguene, informed CEID representatives that all its activities must be suspended.<sup>10</sup> The Minister’s order stated that the suspension was in response to messages delivered during a youth meeting organised by CEID in January 2016, which were aimed at compelling young people to engage in civil disobedience.<sup>11</sup> This, according to the Minister’s order, violated the law on the regime of NGOs. CEID responded by stating that none of the views expressed during the forum were aimed at inciting violence or civil disobedience and that messages from participants were in line with constitutional guarantees of the freedom of expression.<sup>12</sup> Before the suspension of CEID activities, the government forced it to cancel its youth forum, a day after it had started in January 2016. The youth forum had brought together more than 150 participants from the different parts of Equatorial Guinea. In September 2016, CEID announced that it was restarting its activities and went on to hold several meetings attended by public officials, including the Prime Minister.<sup>13</sup>

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<sup>7</sup> ‘Observation (CEACR) – adopted 2016 published 106<sup>th</sup> ILC session (2017)’, International Labour Organization, 2017,

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100\\_COMMENT\\_ID:3296757](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3296757).

<sup>8</sup> ‘Equatorial Guinea - Trade unions still not recognised’, International Trade Union Confederation, 2011, <https://survey.ituc-csi.org/Trade-unions-not-recognised.6145.html>

<sup>9</sup> ‘2008 annual survey of violations of trade union rights – Equatorial Guinea’, Ref World, UN Refugee Agency, 20 November 2008, <http://www.refworld.org/docid/4c52ca9328.html>.

<sup>10</sup> ‘Press statement on the suspension of CEID by the Ministry of Interior of Equatorial Guinea’, CEID, 23 March 2016, <http://ceidge.org/index.php/quienes-somos-3/26-press-statement-on-the-suspension-of-ceid-by-the-ministry-of-interior-of-equatorial-guinea>.

<sup>11</sup> ‘RESOLUCION de fecha 2 de marzo por la que se SUSPENDE las actividades de la ONG Centro de Estudios e Iniciativas para el Desarrollo (CEID)’, Republica de Guinea Ecuatorial, Ministerio del Interior y Corporaciones Locales, 2 March 2016, <http://egjustice.org/sites/default/files/Suspension%20CEID%20Marzo%202016.pdf>.

<sup>12</sup> ‘Press statement on the suspension of CEID by the Ministry of Interior of Equatorial Guinea’, EG Justice, 23 March 2016, <http://www.egjustice.org/post/ceid-response-shutdown>.

<sup>13</sup> ‘Serious concern over the arbitrary arrest of two civil society leaders’, CIVICUS Monitor, 24 April 2017, <https://monitor.civicus.org/newsfeed/2017/04/24/two-civil-society-leaders-arbitrarily-detained-cso-heavily-fined-operating-while-suspended>.

**2.8** In August 2015, local authorities dismissed the entire management board of the CSO Rebola Cultural Centre – Casa de Cultura de Rebola. The authorities claimed that the activities of the centre were unconstitutional. The management of the Centre, made up of volunteers, was dismissed because Clemente Engonga Nguema Onguene expressed concerns about the lyrics of a song produced by two young artists at the centre.<sup>14</sup> The minister speciously contended that the lyrics and some activities of the centre were against the ideals of the ruling party and were thus unconstitutional.<sup>15</sup> The authorities then decided to replace the management with members of the ruling party. In response, the community of Rebola organised peaceful demonstrations to express concerns over the interference of the government in the centre’s activities, but the protests were violently dispersed by security forces, and several protesters were arrested and detained.

### **3. Harassment, intimidation and attacks against human rights defenders and civil society activists**

**3.1** Under Equatorial Guinea’s previous UPR examination, the government received eight recommendations on the protection of HRDs and civil society representatives. The government committed to implement several recommendations including “facilitating the legal recognition of HRDs and simplifying the procedure of their recognition and function.” The government also agreed to ensure that all HRDs work in a safe environment and to prosecute all those responsible for intimidating and threatening them. Of the recommendations received, five were accepted and three were noted. However, the government has not implemented any of the recommendations.

**3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take the necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of association, peaceful assembly and expression. However, in spite of these protections, HRDs and civil society representatives are often subjected to arbitrary arrests, prolonged detentions and judicial persecution.

**3.3** On 17 April 2017, the authorities detained HRDs Enrique Asumu and Alfredo Okenve. Enrique is president of CEID and Alfredo its vice president. The two were prevented from boarding flights from Malabo to Bata following their participation in events on 14 and 15 April 2017 marking the 20<sup>th</sup> anniversary of CEID.<sup>16</sup> After they visited the

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<sup>14</sup> ‘Joint NGO Statement Urging a Halt of Pre-Election Civil Society Crackdown in Equatorial Guinea’, CIVICUS, 4 April 2016, <https://www.civicus.org/index.php/media-resources/news/902-joint-ngo-statement-urging-a-halt-of-pre-election-civil-society-crackdown-in-equatorial-guinea>.

<sup>15</sup> ‘Freedom of expression under threat’, EG Justice, 1 September 2015, <http://www.egjustice.org/post/freedom-expression-under-threat>.

<sup>16</sup> ‘Urgent: the President and the Vice President of CEID arrested in “Guantanamo”’, CEID, 17 April 2017, <http://www.ceidge.org/index.php/quienes-somos-3/39-urgent-the-president-and-the-vice-president-of-ceid-arrested-in-guantanamo>.

office of the Minister of National Security, adjacent to the Central Police Commissary, to find out why they had been prevented from flying, they were instead interrogated and detained. They were not charged or brought before a judge. Several other members of CEID who participated in the events were interrogated and released. Enrique and Alfredo were released on 25 April and 4 May 2017 respectively after they each paid a fine of 2 million FCFA (approximately US\$3,500).

- 3.4** On 12 November 2017, during legislative elections, civil society activist Raimundo Nandong was arbitrarily arrested outside a polling station in Bata. He is a member of the Locos por Cultura group, director of the Biyeyema theatre group and a CEID board member.<sup>17</sup>
- 3.5** On 16 January 2017, police arrested activists Anselmo Santos Eko Anvom and Urbano Elo Ntutum in Bata. They are members of the *Covergencia para la Democracia Social* (CPDS) political opposition party and were arrested as they distributed flyers for an event on the electoral census and broader issues affecting citizens.<sup>18</sup> They were interrogated and detained at Bata Central Police Station. The police accused them of attempting to disrupt public activities.
- 3.6** On 19 March 2015, HRD Luis Nzo was arrested by three policemen in Malabo as he distributed flyers and used a megaphone to denounce the arrest of Guillermo Nguema, a leader of the Republican Democratic Front opposition party.<sup>19</sup> Luis was physically assaulted during his arrest before he was forced into a police car and transported to the town of Mongomo in Wele-Nzas province, mainland Equatorial Guinea. He was denied immediate access to medical personnel and a lawyer following his arrest.<sup>20</sup> Guillermo was arrested in Malabo by the Director of National Security and accused of being “a bad influence” on young people and inciting them to violence against the government.
- 3.7** HRDs Miguel Mbomio, Antonio Nguema and Celestino Okenve were arrested between 14 and 16 January 2015 while distributing flyers calling on people not to participate in the African Cup of Nations football tournament beginning on 17 January 2015. They were offered limited access to legal representatives and their families and held for two weeks without charges. They were released after appeals from CSOs, including domestic and exile CSOs and international human rights groups.

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<sup>17</sup> ‘URGENTE: Detención arbitraria de Raimundo B. Nandong “Russo”, directivo de CEIDGE’, CEID, 14 November 2017, <http://www.ceidge.org/index.php/quienes-somos-3/54-urgente-detencion-arbitraria-de-ramundo-b-nandong-russo-directivo-de-ceidge>.

<sup>18</sup> ‘Authorities must End Clampdown on Freedom of Expression’, EG Justice, 20 January 2016, <http://www.egjustice.org/post/authorities-must-end-clampdown-freedom-expression>.

<sup>19</sup> ‘Equatorial Guinea Detentions Threaten Constitutional Rights’, Voice of America, 8 April 2015, <https://editorials.voa.gov/a/equatorial-guinea-detentions-threaten-constitutional-rights/2711047.html>.

<sup>20</sup> ‘Release human rights defender and opposition leader’, EG Justice, 20 March 2015, <http://www.egjustice.org/post/release-human-rights-defender-and-opposition-leader>.

#### 4. Freedom of expression, independence of the media and access to information

- 4.1** Under the 2<sup>nd</sup> UPR cycle, the government received 22 recommendations relating to the freedom of expression, protection of journalists and access to information. For example, the government pledged to ensure that journalists work in a safe environment by prosecuting those that intimidate and threaten them. It also agreed to support the creation of independent information bodies to ensure that the independence of the press is guaranteed. Of the recommendations received, 15 were accepted and seven were noted. However, as discussed below, the government has not implemented any of the recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedoms of expression and opinion. Article 13 (b) of the Constitution of Equatorial Guinea also guarantees the right to the freedom of expression. However, in policy and practice this freedom is severely restricted. All broadcast media are owned by the state, with the exception of RTV-Asonga, a radio and television network owned by the president's son, Teodoro Nguema Obiang. The state-owned television station RTVGE is used as a platform for government propaganda and only broadcasts activities that are related to the governing party. Very few private newspapers exist and those that do are strictly censored. Journalists who offer views that are critical of the government, security forces or the president and his family are dismissed or judicially persecuted. In the light of these severe restrictions on state-owned media houses, Equatoguineans who can afford the hefty costs rely on online news sources for information. However, the authorities regularly block the websites of exiled groups, the political opposition and foreign news sources. The government also prevents information on protests and democratic uprisings in other countries from being broadcast in Equatorial Guinea. Because of these restrictions many journalists resort to self-censorship and others have fled into exile.
- 4.3** The authorities use the Press, Printing and Audiovisual Law (Law No. 6/1997) to target journalists and media agencies. Article 10 of the law recognises the right of the media to receive and publish information, but in practice, these rights are restricted if, for example, the authorities consider the information published to be defamatory.<sup>21</sup> The publication of information or request for information by journalists or media agencies which the authorities deem violates the personal honour or reputation of a family or individual is considered an act of defamation. In addition, libel and defamation continue to be codified under Article 240 of the Criminal Code, making them criminal rather than civil matters. Further, journalists have been suspended

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<sup>21</sup> 'Libertad de expresión e información. Ley nº 6/1997, de prensa, imprenta y medios audiovisuales'.

during the UPR reporting period for reporting on issues considered libellous by government officials.

- 4.4** On 16 September 2017, blogger and cartoonist Ramón Esono Ebalé was arrested by security forces in Malabo and questioned about his cartoons, which were critical of the president.<sup>22</sup> His blog, Locos TV, and drawings were critical of the authorities and expressed concerns about the lack of basic services, high levels of inequality and corruption.<sup>23</sup> Even though he had been interrogated about his cartoons, he was later charged with engaging in counterfeit activities and money laundering under the Criminal Code and Criminal Procedure. He was ordered by a judge to pay 2 million FCFA (approximately US\$3,500) as surety and all his assets in Equatorial Guinea were seized by the authorities. He was jailed at Black Beach prison in Malabo but was later released on 7 March 2018 on the orders of a judge.<sup>24</sup> He was released after the charge of engaging in counterfeit activities was dropped as the main state witness withdrew his testimony and stated that he had been following orders from his superiors who had compelled him to accuse Ramón.<sup>25</sup> After his release from jail, Ramón was unable to travel out of Equatorial Guinea to join his family, as the authorities refused to issue him a new passport.<sup>26</sup>
- 4.5** On 23 June 2017, the police arbitrarily arrested Justo Enzema, Samuel Obiang Mbanda and nine other journalists as they covered a press conference organised by a coalition of opposition parties at the headquarters of the CPDS. The arrests were conducted by Pedro Mba Obama, the Director General of Police, and 50 police officers, who dispersed the press conference and blocked access to the area.<sup>27</sup>
- 4.6** Samuel Obiang Mbanda was previously arrested on 25 March 2015 as he covered the violent repression of student protests by security forces. His press card, phone and passport were confiscated after his arrest. He was detained for eight hours before being released. Samuel is a freelance reporter for Agence France Press, Deutsche Welle and Africa number 1 radio. As one of the few Equatoguineans working for foreign-based media agencies in the country he is viewed with suspicion by the authorities and perceived as a traitor. He has been arrested several times and

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<sup>22</sup> 'Free Ramon', EG Justice, 2017, <http://freenseramon.egjustice.org>.

<sup>23</sup> 'Cartoonist detained in Equatorial Guinea for weeks without charge', CPJ, 7 October 2017, <https://cpj.org/2017/10/cartoonist-detained-in-equatorial-guinea-for-weeks.php>.

<sup>24</sup> 'Cartoonist Ramón Esono Ebalé finally released from jail in Equatorial Guinea', PRI, 5 March 2018, <https://www.pri.org/stories/2018-03-05/cartoonist-equatorial-guinea-has-been-cleared-charges-hes-still-jail>.

<sup>25</sup> 'PEN SA Concerned at Blocking of Cartoonist Ramón Esono Ebalé's Movement from Equatorial Guinea', PEN South Africa, 7 May 2018, <http://pensouthafrica.co.za/pen-sa-concerned-at-blocking-of-cartoonist-ramon-esono-ebales-movement-from-equatorial-guinea>.

<sup>26</sup> 'CPJ joins call for Equatorial Guinea to renew cartoonist's passport', CPJ, 1 May 2018, <https://cpj.org/blog/2018/05/cpj-joins-call-for-equatorial-guinea-to-renew-cart.php>.

<sup>27</sup> 'Human Rights Report 2016 -2017 Equatorial Guinea', EG Justice, 2017, [http://egjustice.org/sites/default/files/EG%20Justice%20HR%20Report%20ENG%202016\\_2017.pdf](http://egjustice.org/sites/default/files/EG%20Justice%20HR%20Report%20ENG%202016_2017.pdf).

prevented from reporting on press conferences because the authorities claimed they did not want some of the media agencies he reported for represented. On 1 August 2017, the authorities confiscated and destroyed copies of the pro-government weekly newspaper Ebano after it published an interview with Samuel, in which he called on the authorities to train security forces on issues related to the freedom of expression, so they could allow journalists to undertake their work without restrictions.

## 5. Freedom of peaceful assembly

- 5.1** During Equatorial Guinea's examination under the 2<sup>nd</sup> UPR cycle, the government received 16 recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government committed to providing human rights training to security officials and intensifying the fight against impunity and torture. In addition, the government agreed to hold officials accountable for the use of torture and arbitrary arrests of members of the political opposition. Of the recommendations received, 13 were accepted and three were noted. However, as evidenced below, the government has not implemented any recommendations.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In addition, article 13 (k) of the Constitution of Equatorial Guinea guarantees this right. However, in practice the authorities do not allow peaceful protests organised by members of the political opposition and civil society. Requests to hold peaceful protests are turned down and when protests take place, they are violently repressed by security forces.<sup>28</sup> The authorities also arbitrarily arrest and detain organisers of protests days before protests are scheduled to take place.
- 5.3** Public assemblies in Equatorial Guinea are governed by Law 4/1992 on Freedom of Assembly and Demonstrations. According to Article 7 of the law, protest organisers must inform the Director General of National Security seven days before the start of a protest. In practice, however, notifications from civil society and the political opposition to hold peaceful protests to raise concerns about the actions of the government or on any issue related to the military, the president and his family are rejected. In comparison, request for demonstrations by supporters of the government are allowed and encouraged. For example, on 19 June 2017, the authorities authorised protests largely led by officials and members of the ruling party against France for prosecuting the son of President Obiang, who is also vice president of Equatorial Guinea, on corruption charges. The protesters called on the French Government to respect the territorial integrity and sovereignty of Equatorial Guinea.<sup>29</sup> On several

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<sup>28</sup> "Peaceful assembly in Equatorial Guinea," CIVICUS Monitor <https://monitor.civicus.org/newsfeed/2016/06/01/peaceful-assembly-equatorial-guinea/>, accessed 20 August 2018.

<sup>29</sup> 'Widespread protests in Equatorial Guinea about Trial of Vice-President of the nation', Voice of Africa, 20 June 2017, <http://www.voiceofafrica.tv/en/widespread-protests-in-equatorial-guinea-about-trial-of-vice-president-of-the-nation-d2687>.

occasions, civil servants have been forced to participate in protests held in support of government or ruling party actions.

- 5.4** In May 2017, police arrested 17 protesters during a demonstration against high prices for permits for taxi drivers. Some protestors were assaulted and had to receive medical treatment. Many of those arrested were detained and only released after several days. On 8 March 2018, security forces arrested 47 women and several men and children during an event commemorating international women's day in Bata. The event was held at the office of the CPDS, and those arrested were detained at Mbini police station, where some were assaulted.
- 5.5** On 25 March 2015, security forces forcefully dispersed peaceful protests organised by students of the Universidad Nacional de Guinea Ecuatorial. The students were protesting against the process of scholarship allocation, and the fact that the scholarship recipients were not receiving their funds. The protests were organised by students in Bata and Malabo and protesters held banners with inscriptions such as "scholarships for all" and "no cuts in education."<sup>30</sup> Police used teargas to disperse the protests and arrested 26 students in Bata and 20 in Malabo. The following day, the police again use excessive force to disperse protests calling for the release of those arrested the day before. Artist Benjamin Ndong, who released a song in support of the protests, was also arrested.

## **6. Recommendations to the Government of Equatorial Guinea**

The authors call on the Government of Equatorial Guinea to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be guaranteed: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made:

### **6.1 Regarding the freedom of association**

- Take measures to foster a safe, respectful and enabling environment for civil society, including by removing legal and policy measures that unwarrantedly limit the right to association.

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<sup>30</sup> 'Arbitrary arrest and detention including that of a child', EG Justice, 9 April 2015, <http://www.egjustice.org/post/arbitrary-arrest-and-detention-including-child>.

- Facilitate the registration of all CSOs that have submitted applications for registration, including Coordinadora Nacional. Evaluate all applications on their merits and clarify the process for deregistering organisations.
- Create the conditions necessary for the registration and recognition of trade unions and allow the Workers' Unions of Equatorial Guinea, Independent Service Union, Teachers' Union Association and Rural Workers' Organisation to register and be recognised.
- Guarantee the existence and effective and independent functioning of autonomous trade unions by removing proscriptions on the formulation of independent labour unions and undue limitations on the right to strike.
- Stop interfering in the internal affairs of CSOs and allow them to operate as independent entities.
- Remove all undue restrictions on the ability of CSOs to receive domestic and international funding, in line with best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Abolish criminal responsibility for organising and participating in the activities of non-registered organisations and lift the ban on the activities of non-registered organisations.
- Immediately reinstate and allow all CSOs or individuals connected to CSOs that have been arbitrarily and unduly sanctioned or deregistered to resume their work.
- Refrain from acts leading to the closure of safe spaces for CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that places CSOs at the centre and allows and embraces diverging views, including those of HRDs, journalists, political activists and others.
- Amend the restrictive and vague provisions of Law No 1/1999 on the regime of NGOs to guarantee that undue restrictions on the freedom of association are removed, in line with articles 21 and 22 of ICCPR.

## **6.2 Regarding the protection of human rights defenders**

- Recognise HRDs and civil society representatives as key players in holding the state accountable and appreciate their contributions towards the development of the social and economic status of Equatoguineans.
- Ensure that HRDs are able to carry out their legitimate activities without fear or undue hindrance, obstruction or legal and administrative harassment.
- Provide a safe and secure environment in which civil society members and HRDs can carry out their work. Conduct impartial, thorough and effective investigations into all cases of attacks against and harassment and intimidation of them and bring the perpetrators of such offences to justice.
- Promptly initiate a process to repeal or amend legislation and decrees that unwarrantedly restrict the legitimate work of HRDs, in line with the UN Declaration Human on Rights Defenders.
- Unconditionally and immediately release all HRDs, civil society representatives and political activists detained for exercising their fundamental rights to the freedoms of association, peaceful assembly and expression. Order and conduct an immediate review of their cases to prevent further harassment or prolonged detention.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27.31.

## **6.3 Regarding the freedom of expression, independence of the media and access to information**

- Lift restrictions that prevent private media outlets and journalists working for them from travelling freely and doing their work without intimidation and harassment.
- Ensure the freedom of expression and media freedom by bringing national legislation into line with international standards.
- Cease the practice of confiscating and censoring print media.

- Reform defamation legislation in conformity with article 19 of the ICCPR.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive.
- Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, including by ensuring free access to electronic media, liberalising electronic media ownership rules and allowing domestic bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Remove all restrictions on internet access, social media outlets and CSO websites, thereby allowing unfettered access to online information resources.
- Adopt a law on access to information in order to promote fully the exercise of the rights to the freedoms of expression and opinion.
- Refrain from adopting any laws providing for censorship or undue control over the content of the media.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including in the arts.

#### **6.4 Regarding the freedom of peaceful assembly**

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Amend restrictive and vague provisions of Law 4/1992 on freedom of assembly and demonstrations to guarantee fully the right to the freedom of peaceful assembly.

- Unconditionally and immediately release all protesters, journalists and HRDs detained for exercising their right to the freedom of peaceful assembly. Immediately review their cases to prevent further harassment and, when warranted, compensate the affected individuals for undue harassment, arbitrary detention and unlawful incarceration.
- Review and if necessary update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publicly condemn at the highest levels the use of excessive and brutal force by security forces to disperse protests. The Ministers of National Security, Interior and Defense should launch a formal investigation into past and future instances and bring to justice perpetrators and accomplices.
- Provide recourse for judicial review and effective remedy, including compensation, in cases of unlawful denial of the right to the freedom of peaceful assembly by state authorities.

#### **6.5 Regarding access to UN Special Procedures mandate holders**

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the: 1) Special Rapporteur on the situation of human rights defenders; 2) Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; 3) Special Rapporteur on the rights to freedom of peaceful assembly and of association; 4) Special Rapporteur on the Independence of Judges and Lawyers; 5) Special Rapporteur on extrajudicial, summary or arbitrary executions; 6) Special Rapporteur on the rights to privacy and; 7) Working Group on Arbitrary Detention.

#### **6.6 Regarding state engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.

- Systematically consult with civil society on the implementation of the UPR, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR into action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

### Annex: Assessment of Equatorial Guinea's implementation of civic space recommendations under the 2<sup>nd</sup> cycle

<b>Recommendation - Theme: D45 Freedom of association</b>	<b>Position</b>	<b>List of themes</b>	<b>Evaluation /comments on the level of implementation</b>
135.73 Take necessary steps, such as streamlining organizational registration processes and allowing independent media to operate in the country, to foster an environment where opposition parties, journalists, civil society, and all citizens of Equatorial Guinea can operate freely, independently, and without fear (United States of America)	Accepted	Civil Society Organisations  Trade unions	Status: Not implemented: Source: Paragraph: 2.3, 2.4
134.26 Create an independent national human rights institution, as well as facilitate the legal recognition of NGOs and human rights defenders, simplifying the procedure for their recognition and functioning (Spain)	Accepted	<b>Affected persons</b>  Civil society organisations  Trade Unions	Status: Not implemented: Source: Paragraph: 2.4, 2.5, 2.7, 2.8

134.25 Legally establish an independent judiciary and ensure that all laws are in line with the principles of international law (Switzerland)	Accepted	<b>Affected persons</b> Civil society organisations Trade unions HRDs	Status: Not implemented: Source: Paragraph:2.3, 2.4, 2.5
135.75 Guarantee the right to freedom of association by the establishment of an open political space allowing all citizens to exercise this right without interference (Canada);	Accepted	<b>Affected persons</b> Civil society organisations HRDs	Status: Not implemented: Source: Paragraph: 2.4, 2.5, 2.7, 2.8
135.76 Ease requirements for the registration of all NGOs and facilitate unhindered operation of all civil society actors, including human rights defenders (Czech Republic);	Accepted	<b>Affected persons</b> Civil society Organisations HRDs	Status: Not implemented: Source: Paragraph: 2.3, 2.4, 2.5
134.68 Promote the creation of pluralist, free and independent information bodies, ensure that the independence of the press is respected and protected and authorize peaceful demonstrations, as recommended previously (Switzerland);	Accepted	<b>Affected persons</b> Civil society organisations	Status: Not implemented: Source: Paragraph: 2.4, 2.5, 2.6, 2.7, 2.8
134.72 Put an end to restrictions hindering the free exercise of the right to freedom of expression, assembly and association (Spain)	Accepted	<b>Affected persons</b> Civil society organisations	Status: Not implemented: Source: Paragraph: 2.4, 2.5, 2.7, 2.8
135.25 Cooperate with the human rights mechanisms and extend a standing invitation to the special procedures of the Human Rights Council (Costa Rica)	Noted	<b>Affected persons</b> Civil society organisations	Status: Not implemented: Source: Paragraph: 2.3, 2.4

135.68 Permit journalists, NGOs and human rights experts to enter Equatorial Guinea and carry out their work without hindrance or risk of retaliation against those they meet (United Kingdom of Great Britain and Northern Ireland);	Noted	<b>Affected Persons</b> Civil society Organisations	Status: Not implemented: Source: Paragraph: 2.3, 2.4, 2.7, 2.8
135.73 Take necessary steps, such as streamlining organizational registration processes and allowing independent media to operate in the country, to foster an environment where opposition parties, journalists, civil society, and all citizens of Equatorial Guinea can operate freely, independently, and without fear (United States of America);	Noted	<b>Affected Persons</b> Representatives of civil society	Status: Not implemented: Source: Paragraph: 2.3, 2.4, 2.5
135.75 Guarantee the right to freedom of association by the establishment of an open political space allowing all citizens to exercise this right without interference (Canada);	Noted	<b>Affected Persons</b> Representatives of civil society	Status: Not implemented: Source: Paragraph: 2.4, 2.5, 2.6, 2.7, 2.8
135.76 Ease requirements for the registration of all NGOs and facilitate unhindered operation of all civil society actors, including human rights defenders (Czech Republic);	Noted	<b>Affected Persons</b> Representatives of civil society	Status: Not implemented: Source: Paragraph: 2.3, 2.4, 2.5
<b>Theme: H1 Human rights defenders</b>			

134.24 Continue determined efforts to improve national legislation in the area of the promotion and protection of the rights and freedoms of its citizens (Russian Federation);	Accepted	<b>Affected persons</b> HRDs Representatives of CSOs Bloggers Citizens	Status: Not implemented: Source: Paragraph: 3.1, 3.6
134.33 Consolidate achievements in the promotion and protection of human rights (Côte d'Ivoire)	Accepted	<b>Affected persons</b> HRDs Representatives of CSOs Trade Union representatives	Status: Not implemented: Source: Paragraph: 3.1, 3.6
134.64 Ensure that due process of law is observed in all judicial proceedings, including by bringing detainees before an independent judge within 72 hours and by refraining from torture and other cruel, inhuman or degrading treatment in order to extract confessions (Germany);	Accepted	<b>Affected persons</b> HRDs Representatives of civil society organisations Citizens	Status: Not implemented: Source: Paragraph: 3.3, 3.6
134.67 Allow journalists and human rights defenders to work in a safe environment, notably by prosecuting all those responsible for intimidating or making threats against them (France);	Accepted	<b>Affected persons</b> HRDs	Status: Not implemented: Source: Paragraph: 3.3, 3.4, 3.6
135.26 Extend an open invitation to all mechanisms and special procedures mandate holders (Uruguay)	Noted	<b>Affected persons</b> HRDs	Status: Not implemented: Source: Paragraph: 3.1

135.68 Permit journalists, NGOs and human rights experts to enter Equatorial Guinea and carry out their work without hindrance or risk of retaliation against those they meet (United Kingdom of Great Britain and Northern Ireland);	Noted	<b>Affected persons</b> HRDs	Status: Not implemented: Source: Paragraph: 3.1, 3.4, 3.6, 3.7
135.70 Adopt further and effective measures to prevent and punish episodes of harassment against journalists and human rights defenders, and ensure that nobody is arrested for exercising their right to freedom of expression (Italy);	Noted	<b>Affected persons</b> HRDs	Status: Not implemented: Source: Paragraph: 3.1, 3.4, 3.6
<b><i>Theme: D43 Freedom of opinion and expression</i></b>			
135.74 Adopt measures to guarantee the freedom of the press in line with international standards, including the decriminalization of defamation (Chile)	Accepted	<b>Affected persons:</b> Journalists Bloggers media	Status: Not implemented: Source: 4.3
135.73 Take necessary steps, such as streamlining organizational registration processes and allowing independent media to operate in the country, to foster an environment where opposition parties, journalists, civil society, and all citizens of Equatorial Guinea can operate freely, independently, and without fear (United States of America)	Accepted	<b>Affected persons</b> Journalists Bloggers Media	Status: Not implemented: Source: Paragraph: 4.2, 4.3, 4.4, 4.5

134.67 Allow journalists and human rights defenders to work in a safe environment, notably by prosecuting all those responsible for intimidating or making threats against them (France);	Accepted	<b>Affected persons</b> Journalists Bloggers Representatives of civil society	Status: Not implemented: Source: Paragraph: 4.2, 4.3, 4.4, 4.5
134.69 Take measures to promote and protect freedom of expression (Botswana);	Accepted	<b>Affected persons</b> Journalists Bloggers Media agencies	Status: Not implemented: Source: Paragraph: 4.2, 4.4, 4.5, 4.6
134.71 Ensure freedom of expression and information through the independence and pluralism of the media (France);	Accepted	<b>Affected persons</b> Journalists Bloggers Media agencies	Status: Not implemented: Source: Paragraph: 4.2, 4.4, 4.5, 4.6
134.72 Put an end to restrictions hindering the free exercise of the right to freedom of expression, assembly and association (Spain)	Accepted	<b>Affected persons</b> Journalists Bloggers	Status: Not implemented: Source: Paragraph: 4.2, 4.3, 4.5, 4.6
Extend an open invitation to special procedures (Guatemala)	Noted	<b>Affected persons</b> Journalists Bloggers	Status: Not implemented: Source: Paragraph: 4.2
135.74 Adopt measures to guarantee the freedom of the press in line with international standards, - including the decriminalization of defamation (Chile)	Noted	<b>Affected persons</b> Journalists Bloggers	Status: Not implemented: Source: Paragraph: 4.2, 4.3
<b>Theme: D44 Right to peaceful assembly</b>			

134.59 Provide law enforcement officials with human rights training and intensify the fight against impunity for acts of torture (Czech Republic);	Accepted	<b>Affected persons:</b> - Citizens - HRDs - Journalists - Representatives of civil society organisations	Status: Not implemented: Source: Paragraph: 5.4
134.62 Hold security forces and other government officials accountable for human rights violations, including the use of torture and arbitrary arrests and detention of members of the opposition (United States of America);	Accepted	<b>Affected Persons</b> Representatives of civil society HRDs Journalists Citizens	Status: Not implemented: Source: Paragraph: 5.4
134.65 Provide all those arrested with early access to legal representation (Australia);	Accepted	<b>Affected Persons</b> HRDs Representatives of civil society organisations Citizens	Status: Not implemented: Source: Paragraph: 5.4
134.72 Put an end to restrictions hindering the free exercise of the right to freedom of expression, assembly and association (Spain)	Accepted	<b>Affected Persons</b> Journalists Bloggers	Status: Not implemented: Source: Paragraph: 5.5
135.28 Issue standing invitations to all special procedures (Ghana)	Noted	<b>Affected persons</b> Representatives of civil society Citizens	Status: Not implemented: Source: Paragraph: 5.5

<p>135.71 Take measures to effectively guarantee freedom of expression, assembly and association, prevent censorship and undue control of the media, protect journalists and investigate all attacks against them (Czech Republic);</p>	<p>Noted</p>	<p><b>Affected persons</b>  Representatives of civil society  HRDs  Citizens</p>	<p>Status: Not implemented:  Source: Paragraph: 5.5</p>