



Economic and Social Council

Distr.: General
4 June 2012

Original: English

Committee on Economic, Social and Cultural Rights

Pre-sessional working group

21- 25 May 2012

Implementation of the International Covenant on Economic, Social and Cultural Rights

List of issues prepared in the absence of the initial report of Equatorial Guinea due in 1990

Equatorial Guinea

Taking into account the prolonged absence of the report of the State party under articles 16 and 17 of the Covenant on Economic, Social and Cultural Rights and the established practice of the Committee, the Committee decided to initiate the analysis of the implementation of the rights under the Covenant in the State party. This list of issues, which follows the communication of 13 December 2011 from the Secretariat, may assist the State party in the preparation of its report to the Committee or in providing relevant information to the Committee otherwise.

I. General information

1. In accordance with the harmonized reporting guidelines under the international human rights treaties (HRI/GEN/2/Rev.5), please submit general and factual information about the country, its system of governance and legal system, relevant to the implementation of the International Covenant on Economic, Social and Cultural Rights.
2. Please clarify the status of the Covenant in the domestic legal system. Please provide examples of cases where the Covenant has been invoked before or by the courts.
3. Please provide information regarding the work of the Equatorial Guinean National Commission on Human Rights (EGNCHR) in promoting and protecting the economic, social and cultural rights protected under the Covenant. Please also provide information on the draft law on the mandate of the EGNCHR and as to whether the EGNCHR is in the process of applying for accreditation to the International Coordinating Committee of National Human Rights Institutions.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 2, paragraph 1 - Maximum available resources

4. In the view of the fact that only 3.9 per cent of the GDP has been spent on health and education respectively between 2006 and 2009, please provide information on the progress in implementing the State party's commitment in 1997 to spend 40 per cent of all its revenues on the social sector.

5. Please comment on the information that the State party fails to meet the requirement to use the maximum of available resources to realize economic, social and cultural rights as required under the Covenant (art. 2, para. 1).

6. Please provide information on the measures taken to tackle the high level of corruption in the State party, which hinders the effective disbursement of the funds for public expenditure and the implementation of social programmes and projects.

Article 2, paragraph 2 - Non-discrimination

7. Please provide information on legislative, administrative and other measures taken, if any, to eliminate and prohibit discrimination against the most disadvantaged and marginalized individuals and groups, including people with disabilities, women in rural areas and LGBT persons.

8. Please inform the Committee whether the right to non-discrimination of people living with HIV is promoted and protected through the Strategic Emergency Plan and the Multi-sectoral Plan against HIV/AIDS.

Article 3 - Equal rights of men and women

9. Considering the inherent challenges of the dual legal system of civil law and customary law in promoting and protecting equal rights of men and women, please provide information on the customary laws in the areas of marriage, ownership of property and inheritance that are discriminatory against women and the measures taken to protect the equal rights of women in the customary legal system.

10. Please provide information on measures taken to tackle the deep-rooted gender stereotypes and harmful traditional practices in the State party.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 - Right to work

11. Please provide statistical data on unemployment and underemployment, disaggregated by sex, urban/rural areas, formal/informal economy and age groups.

12. In the view of the fact that women constitute the majority of workers in the agricultural sector, while less than 40 per cent of adult women are employed as compared to 92 per cent of men, please provide information on the measures taken to promote and protect women's right to work.

13. Please provide information on the Promotion of Self-Employment for Rural Women (PRAMUR) project, including its implementation and data regarding beneficiaries of the programme.

Articles 7 - Right to just and favourable conditions of work

14. Please provide information on how the minimum wage is established in the State party and what mechanisms are in place to ensure that its level enables workers and their families to have a decent living.

15. Please provide information on measures taken to ensure access to basic services and social protection by people in informal employment, especially women and young people.

16. Please provide information on the legal framework regarding the protection of workers.

17. Please provide information on the steps taken, legislative or otherwise, with a view to implement the principle of equal pay for the work of equal value for men and women.

Article 8 - Right to form and join trade unions

18. Please provide information on measures taken to guarantee the right to form and join trade unions. Please, also, comment on reports that the State party does not recognise various unions, including the Workers' Union of Equatorial Guinea, the Independent Service Union, the Teachers' Trade Union Association and the Rural Workers' Organization.

19. Please provide information on the legal and policy frameworks concerning the right to collective bargaining.

Article 9 – Right to social security

20. Please provide information on the progress achieved in the modernization of the social security system in the State party. Please, also, inform whether the planned reforms enable the State party to meet its obligations under the Covenant taking into account the Committee's general comment No. 19 (2008) on the right to social security, in particular with regard to the universal coverage and minimum amount of benefits.

Article 10 – Protection of the family, mothers and children

21. Please provide an estimation of the extent of child labour in the State party. Please, also, provide information on targeted measures taken to address its root causes, as well as data, disaggregated by year, sex and region..

22. Please provide information on the implementation of the Government Decree prohibiting the customary practice of returning the dowry upon the dissolution of the marriage. Please, also, provide updated information on the Draft Family Code, in particular, with regard to customary marriages.

23. Please provide information on the measures taken, legislative or otherwise, to combat domestic violence against women or children, including marital rape and corporal punishment against children, and on the results achieved.

24. Please provide information on the establishment of the family courts, their competencies and the training courses of the ‘family judges’ under the Judiciary Act No 5 of 2009.

Article 11 – Right to an adequate standard of living

25. Please provide information on the measures taken, legislative or otherwise, to combat widespread poverty in the State party, including tackling the root causes of poverty. Please highlight the measures taken to eliminate poverty among disadvantaged and marginalized groups, including female-headed households, older persons, persons with disabilities and workers in the informal economy.

26. Please provide information on the housing situation in the State party, including the legal framework. Please comment on the report that some 300 families were made homeless due to development-based evictions.

27. Please provide information on the specific measures taken to improve the urban housing situation in order to reduce the number of persons living in slum areas. Please, also, provide updated information on social housing projects including on the extent to which disadvantaged and marginalized populations, including female-headed households, older persons and persons with disabilities benefited from the projects.

28. Please provide information on the measures taken to ensure access to safe drinking water in both urban and rural areas taking into account the Committee’s general comment No 15 (2002) on the right to water. Please, also, provide information on the extent to which this access is granted to disadvantaged and marginalized households including female-headed households and households with persons with disabilities.

29. Please provide information on measures taken to address the income disparities in the State party, including fiscal and taxation policies.

Article 12 – Right to health

30. Please provide information on the contents of the programme to reduce maternal and neonatal mortality.

31. Please provide information on the draft legislation on reproductive health. Please, also, provide information on the availability and affordability of sexual and reproductive health services, including for adolescents and in rural areas. Please, also, provide information on sexual and reproductive health education programmes at different levels of education.

32. Please provide information on the health situation in rural areas in the State party and indicate to what extent the population, including the disadvantaged and marginalized benefit from the rural health-care clinics and facilities established.

Articles 13 and 14 – Right to education

33. Please provide information on the education situation in the State party, including the measures taken to increase enrolment of children in primary, secondary and tertiary education.

34. Please provide information on measures taken by the State party to eliminate the impediments to girls’ access to formal education. Please, also, provide updated information on measures taken to reduce illiteracy among women, and for their continuous education.

35. Please provide information on the proportion of children with disabilities who attend regular schools.

Article 15 – Cultural rights

36. Please provide information on measures taken to enable those living in the State party, in particular the most disadvantaged and marginalized, to have access to and enjoy the right to take part in cultural life.

37. Please provide information on measures taken by the State to guarantee the protection of the cultural heritage of the various ethnic groups in the State party. Please also provide information on how the cultural heritage is reflected in the school curriculum and in the cultural events and activities in the State party.
