



Equatorial Guinea
Joint Stakeholder Report for the United Nations Universal Periodic Review:
The Death Penalty

Submitted by The Advocates for Human Rights
a non-governmental organization in special consultative status with ECOSOC since 1996
and
The World Coalition Against the Death Penalty

for the 47th Session of the Working Group on the Universal Periodic Review
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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty (WCADP), an alliance of more than 150 NGOs, bar associations, local authorities, and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

1. Equatorial Guinea abolished the death penalty for ordinary crimes on September 19, 2022.¹ On that date, President Teodoro Obiang Nguema Mbasogo signed into law the country's new criminal code, which eliminated all previous references to the death penalty.² Equatorial Guinea's last execution took place in 2014.³ According to Amnesty International, the Code of Military Justice retains certain death penalty provisions.⁴
2. Equatorial Guinea ratified the International Covenant on Civil and Political Rights in 1987 but has neither signed nor ratified or acceded to the Second Optional Protocol to the ICCPR.

A1 Scope of international obligations; A12 Acceptance of international norms; D23 Death penalty

Status of Implementation: Accepted, Not implemented

3. In the third cycle of the Universal Periodic Review in 2019, Equatorial Guinea accepted 13 recommendations to take steps toward ratification of or accession to OP2.⁵ During the interactive dialogue, the delegation from Equatorial Guinea stated that “the Government had decided to abolish the death penalty and had prepared a decree, which had been put before Parliament for approval,” but did not make any commitments regarding OP2.⁶
4. Also in 2019, Equatorial Guinea informed the Human Rights Committee that, “in close collaboration with human rights organizations,” the government was “studying the mechanisms and derogations or modifications to the legal system necessary for the accession to and domestication of the Second Optional Protocol to the [ICCPR], aimed at the abolition of the death penalty, and there are no obstacles of any nature preventing such ratification.”⁷ In the constructive dialogue with the Human Rights Committee, authorities stated that the adoption of the bill abolishing the death penalty would “pav[e] the way for ratification of the Second Optional Protocol to the Covenant.”⁸
5. Since the third cycle UPR, however, there has been no evidence that authorities have taken any steps toward ratification of or accession to OP2.
6. **Suggested recommendations:**
 - **Take all necessary steps to ratify or accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, without reservations.**
 - **Abolish the death penalty in the Code of Military Justice.**

¹ *Equatorial Guinea becomes 25th African country to abolish death penalty*, Death Penalty Information Center, Sept. 20, 2022, <https://deathpenaltyinfo.org/news/equatorial-guinea-becomes-25th-african-country-to-abolish-death-penalty>.

² *Equatorial Guinea becomes 25th African country to abolish death penalty*, Death Penalty Information Center, Sept. 20, 2022, <https://deathpenaltyinfo.org/news/equatorial-guinea-becomes-25th-african-country-to-abolish-death-penalty>.

³ *Equatorial Guinea becomes 25th African country to abolish death penalty*, Death Penalty Information Center, Sept. 20, 2022, <https://deathpenaltyinfo.org/news/equatorial-guinea-becomes-25th-african-country-to-abolish-death-penalty>.

⁴ *Equatorial Guinea 2022*, Amnesty International, <https://www.amnesty.org/en/location/africa/west-and-central-africa/equatorial-guinea/report-equatorial-guinea/> (last visited Apr. 1, 2024).

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Equatorial Guinea*, (2 July 2019), U.N. Doc. A/HRC/42/13, ¶ 122.4-.16.

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Equatorial Guinea*, (2 July 2019), U.N. Doc. A/HRC/42/13, ¶ 66.

⁷ Human Rights Committee, *Lista de cuestiones en ausencia del informe inicial de Guinea Ecuatorial*, 9 July 2019, U.N. Doc. CCPR/C/GNQ/Q/1/Add.1, ¶ 46.

⁸ Human Rights Committee, 126th Session, Summary record of the 3623rd meeting, 10 July 2019, U.N. Doc. CCPR/C/SR.3623, ¶ 63.