

officials have only a limited knowledge of current legislation, due in part to the government's failure to publicize laws; failure to implement the Habeas Corpus Act of 1995; and, excessive encroachment of military jurisdiction into criminal matters as manifested in the fact that the military courts exercise control over opponents, curtailing freedom of expression and limiting the exercise of political activity within the framework of the democratic pluralism of the State.

In terms of public and official awareness of the laws of the country, the report states that insufficient publicity is still given to laws and governmental acts. Not only is the general public unaware of them, so too are sectors of the public administration and especially the peripheral authorities responsible for public order. The report comments that these authorities take advantage of their ignorance to deny legally granted rights to applicants. The fact that laws, decrees and regulations are not published periodically and regularly is a source of serious legal uncertainty.

In light of these institutional inadequacies, the report comments on a number of kinds of violations that are still common. These violations include:

- ▶ repression against opponents and dissidents, generally manifested as "nuisance" deprivation of liberty of several days, rather than longer term detentions, and often accompanied by physical ill-treatment; or as threats and imposition of fines to intimidate those targeted into giving up political activities;
- ▶ a disproportionate number of arrests and detention of political activists in rural areas, generally accompanied by fines levied by governing authorities in the absence of judicial authorities; indefinite detention is often the penalty if the fine is not paid;
- ▶ unpaid work by prisoners outside the confines of the prison;
- ▶ inadequate diet and medical care for prisoners;
- ▶ the continuing practice of torture and ill-treatment of prisoners although the number of cases reported has decreased;
- ▶ continuing limitations on the right of assembly and other political rights; and,
- ▶ existence of police checkpoints which impede freedom of movement within the country and allow authorities to stop and delay opposition party activists and to confiscate their property.

Addressing the situation of women, the report states that women continue to hold a marginal position in public life despite the fact that their participation has increased slightly. The report notes that two women are currently Ministers of State, six are members of Parliament, seven are directors in the public administration, three are mayors and two are presidential advisors. The SR points out, however, that these positive developments have not been sufficient to reverse the situation, improve the inferior position of women in Equatorial Guinea, and end the discrimination against them.

The report does not deal with economic, social and cultural rights in depth. It does provide summary commentary, however, and notes that: 65 per cent of the population lives in

extreme poverty; until 1996 servicing of the external debt absorbed 75 per cent of the general state budget; this figure has been reduced but is still more than half, at 57.6 per cent; 60 per cent of the population has no access to drinking water; maternal mortality remains high because of medical and hygiene problems in early pregnancy; a low rate of prevention persists in terms of curable diseases and death rates from these diseases can be attributed to inadequate medication, lack of consultations with doctors for diagnosis and treatment purposes, and the geographical and financial inaccessibility of medical treatment; medical centres remain short of trained staff and technology; more than 50 per cent of women are illiterate; the school drop-out rate is estimated to be 37.5 per cent; classrooms remain in poor condition and there is a lack of educational materials; and, in terms of work, there remains a major lack of sources for work and employment, resulting in high rates of un- and under-employment.

The conclusion to this overview of economic and social conditions states that an all-embracing negative factor in the situation is the inadequate state administration arising from the lack of material resources and trained human resources, the lack of transparency in management, and the lack of coordination among the different services. The SR also believes that the future of human rights promotion and protection in Equatorial Guinea is strongly affected by impunity, described by him as a negative and detrimental factor which is an insult to justice and undermines equality before the law. The causes of impunity identified include the fact that the police or the courts do not investigate offences, deny or conceal them, protect those responsible, or fail to act against those responsible, whether on their own initiative, for political reasons or because they are subjected to intimidation. The report asserts that no progress has been made to combat impunity and that it will be difficult to make any progress towards respect for human rights in Equatorial Guinea, except incidentally, as long as the present conditions persist. The report expands consideration of impunity to its effect on economic, social and cultural rights by noting that the perpetrators of violations of economic, social and cultural rights also enjoy impunity when judicial mechanisms fail to function in corruption cases involving high-level state officials. The report notes that, despite promises made by senior officials to provide the Special Rapporteur with cases of abuse of power and unlawful conduct on the part of officials, there is no evidence of even a single investigation or administrative or criminal proceeding against an official responsible for abuse of power or for any other offence. The SR is careful to make a distinction between what may be called the "privileges of office" and a failure of the state to hold those in power accountable by pointing out that the impunity in question has nothing to do with the functional immunity protecting officials.

Among the points weighted in drafting the recommendations were: the absence of a process to ensure periodic and regular publication of laws, decrees and governmental acts, leading to serious uncertainty about the law; the inadequate functioning of institutions that could guarantee democratic coexistence; absence of separation of state powers despite Constitutional provisions establishing this principle; excessive encroachment of military jurisdiction into criminal matters leading to arbitrary acts and excesses; inadequacies in the measures taken by the government to improve the