

EQUATORIAL GUINEA

November 2015

STATE

PARLIAMENT PASSES LAW ON PRESIDENTIAL ELECTIONS

On 28 May 2015, the parliament passed a law on presidential elections to replace the 1995 law that governed the two last polls. Law 7/2015, which was published in September, also determines how the registration of voters for any other elections to be held in the country should be made. However, the bulk of its provisions is about presidential elections, as they address in detail the requirements to run for President and the steps of election procedure, including irregularities, infractions, challenges and other issues. The next presidential election is expected to be held in November 2016.

CENTRAL STATE ADMINISTRATION WITH NEW GOVERNING LAW

The 1995 Law on the State Central Administration, as amended in 2000, has been superseded by Law 2/2015, of 28 May 2015. The new law contains the basic rules governing the structure and authority of the Council of Ministers, Prime Minister, Ministers and other government members and at the same time clarifies the scope of the President's powers. It also sets forth fundamental principles related to the scope, form, contents and hierarchy of orders and decrees issued by ministers and the Council of Ministers, making it clear that in order to come into force they must be published in the official gazette. The law also addresses the liability of public officers for decisions made while in office.

NEW LEGAL FRAMEWORK FOR POLITICAL PARTIES

During July 2015, three laws of significant relevance for political parties entered into force: Law 4/2015, which lays down the requirements and process to create a political party; Law 5/2015, on freedom of assembly and demonstration; and Law 6/2015 on political parties' financing. Law 5/2015 does not only apply to meetings of political parties at public places, but also to any other meetings or similar events open to the public. They are subject to a 7-day prior notice to the governor of the province where they are planned to occur, who for safety reasons may prohibit them or instead propose a change of date or venue.

NEW PARLIAMENT ELECTIONS LAW APPROVED

Under constitutional reforms approved in a 2011 referendum, Equatorial Guinea replaced its one chamber system with a parliament consisting of a 70-seat Senate (with 55 seats directly elected) along with a 100-seat Chamber of Deputies. The new Constitution was passed in 2012 simultaneously with other laws, including a law on elections and referendums. The first election to the Chamber of Deputies and Senate was held together with local elections in 2013. The next elections will take place in 2018. These will be held under a new law governing parliament and municipal elections as well as referendums, which became effective on 18 September 2015: Law 8/2015.

TELECOMMUNICATIONS

RULES FOR USE OF ELECTRONIC COMMUNICATIONS BY STATE DEPARTMENTS

The parliament has approved Law 3/2015, dated 28 May 2015, to discipline the use of electronic communications in administrative procedures and activities. Law 3/2015 acknowledges that citizens are entitled to communicate with administrative authorities by electronic means and lays down rules and mechanisms to be adopted by State national and local bodies for the use of technology resources to communicate with private parties or administrative authorities in a safe and reliable manner. The new law also sets out the steps to be adopted by governmental and municipal departments to provide services such as the publication and distribution of the official gazette.

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