

EQUATORIAL GUINEA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Equatorial Guinea is nominally a multiparty constitutional republic. Since a military coup in 1979, President Teodoro Obiang Nguema Mbasogo has dominated all branches of government in collaboration with his clan and political party, the Democratic Party of Equatorial Guinea (PDGE), which he founded in 1991. President Obiang received a claimed 93.7 percent of the vote in an election that many considered neither free nor fair in April 2016.

In November 2017 the country held legislative and municipal elections that lacked independent domestic or international monitoring and verification of the voter census, registration, and the tabulation of ballots. The ruling PDGE party and its 14 coalition parties won 92 percent of the vote, taking all 75 Senate seats, 99 of 100 seats in the lower chamber, and all except one seat in municipal councils. The voter registration process was not transparent. The government restricted opposition party access to the media and blocked access to social media and opposition websites during the electoral campaigns. Official observer communication was restricted on the day of the elections by a shutdown of the internet.

Civilian authorities did not maintain effective control over the security forces.

Human rights issues included reports of unlawful or arbitrary killings by government agents; torture and arbitrary detention by government agents; harsh and life-threatening prison conditions; political prisoners; censorship and site blocking; criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization (NGO) laws; significant restrictions on freedom of movement; severe restrictions on political participation; corruption; trafficking in persons; crimes involving violence targeting lesbian, gay, bisexual, transgender, and intersex persons; violence against women, including rape, with limited government action to investigate or prosecute those responsible; and forced labor.

The government took few steps to prosecute or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity was a serious problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. On April 3, Santiago Ebee Ela, 41, member of the outlawed opposition party Citizens for Innovation (CI), died at Malabo Central Police Station, reportedly because of “cruel torture.” Government authorities did not confirm the death, nor did state media report it. CI alleged that Ebee Ela was arrested at home on the night of January 2 and was one of more than 200 party activists authorities detained since December 2017 as part of a crackdown following the mid-November 2017 elections. The majority of the CI members were released quickly. The final 36 received a pardon on October 10 and were released that month. Judge Jose Esono Ndong Bidang died in a police station in Malabo on July 23 after he was denied medical attention in police custody.

b. Disappearance

There were reports of at least two disappearances by or on behalf of government authorities. Foreign press reported that Equatoguinean-Italian citizen Fulgencio Obiang Esono and Equatoguinean citizen (and Spanish resident) Francisco Micha Obama disappeared from Togo. Reports suggest that the government may have ordered their rendition and that both were later brought to Malabo’s infamous “Black Beach” prison.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were reports that both police and military personnel in Malabo and in Bata used excessive force during traffic stops, house-to-house searches, and interrogations, sometimes including sexual assault, robbery, and extortion. Police also tortured opposition members, according to opposition leaders.

On January 4, approximately 150 members of the CI political party were arrested and detained in both Malabo and Bata without notification of a crime committed. CI leaders asserted they were tortured by soldiers and held for days without access to food and water (see section 1.e., Political Prisoners). On October 10, the president pardoned 169 prisoners, including the 36 members of the CI party who were still in prison. These were among the first prisoners released by October 22.

Police reportedly beat and threatened detainees to extract information or to force confessions.

Authorities routinely harassed, intimidated, arbitrarily arrested, detained, and deported foreigners--primarily African immigrants--without due process (see section 2.d.).

Military personnel and police reportedly raped, sexually assaulted, and beat women, including at checkpoints. Senior government officials took no steps to address such violence and were themselves sometimes implicated in the violence.

Prison and Detention Center Conditions

Conditions in the country's three prisons and 12 police station jails were harsh and life threatening due to abuse, overcrowding, disease, inadequate food, poorly trained staff, and lack of medical care.

Physical Conditions: In 2016 there were approximately 475 adult male inmates and 25 adult female inmates in police station jails; no data was available on the number of inmates in prisons. There was no information available on the number of juvenile detainees.

Statistics on prisoner deaths were unavailable.

Men, women, and minors had separate sleeping quarters and bathrooms but shared a common area for meals. Pretrial and convicted prisoners were held separately, although they shared a common area.

Lawyers and other observers who visited prisons and jails reported serious abuses, including beatings.

Prison cells were overcrowded, dirty, and lacked mattresses. Up to 30 detainees shared one toilet facility that lacked toilet paper and a functioning door. Inmates rarely had access to exercise. Diseases including malaria, typhoid, tuberculosis, hepatitis C, and HIV/AIDS were serious problems. Authorities sporadically provided a limited number of prisoners and detainees with medical care as well as basic meals, but food was generally insufficient and of poor quality. Ventilation and lighting was not always adequate, and rodent infestations were common. Jails did not provide food to detainees, but authorities generally allowed families and

friends to deliver meals twice daily, although police did not always pass on the food to detainees. Visitors had to pay guards small bribes to see detainees and to provide them with food.

In addition, the Ministries of Justice and National Security operated civilian prisons for civilians on military installations, with military personnel handling security around the prisons and civilians providing security and other services within the prisons. There was little information on conditions in those prisons.

Administration: Authorities did not investigate credible allegations of mistreatment. Visitors and religious observance were restricted for political prisoners.

Independent Monitoring: There was no independent monitoring of prisons or detention centers. The government allowed UNICEF to visit youth rehabilitation centers in Centro Sur and Riaba but did not permit monitoring by media or local human rights groups.

Improvements: On July 27, the government inaugurated a new, modern maximum-security correctional facility located in Oveng Asem, on the mainland, with a capacity for more than 500 prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government rarely observed these requirements. Authorities held detainees incommunicado, denied them access to lawyers, and jailed them for long periods without charge, beyond the 72 hours allowed by law.

Role of the Police and Security Apparatus

The vice president asserts overall control over the security forces. Police generally are responsible for maintaining law and order in the cities, while gendarmes are responsible for security outside cities and for special events. Both entities report to the minister of national security. Military personnel, who report to the minister of defense, also fulfill police functions in border areas, sensitive sites, and high-traffic areas. Additional police elements are in the Ministries of Interior (border and traffic police), Finance (customs police), and Justice (investigative/prosecuting police). Presidential security officials also exercise police functions at or near

presidential facilities. The military often carried out police functions and, in some cases, mixed units of police and military operated together.

Civilian authorities did not maintain effective control over the security forces. Police, gendarmes, and military personnel were poorly trained, ineffective, and corrupt. Impunity was a problem. Security force members, who often were inebriated, extorted money from citizens and foreigners at police checkpoints and during routine traffic stops. The government did not maintain effective internal or external mechanisms to investigate and punish security force abuses.

No government body examines security force killings to evaluate whether they occurred in the line of duty or were otherwise justifiable. Nevertheless, in some high-profile cases, prosecutors and the judiciary performed show trials to exonerate the accused.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants unless a crime is in progress or in cases that affect national security. Members of the security forces frequently arrested persons in violation of the warrant requirement. A detainee has the right to a judicial determination of the legality of detention within 72 hours of arrest, excluding weekends and holidays, but determination of the legality of detention often took longer, sometimes several months. NGOs indicated the majority of detainees were not charged and that judges typically failed to issue a writ of habeas corpus within the legal time limit of 36 hours.

Some foreigners complained of detention and deportation without prior notification of the charges against them. Courts rarely approved bail. The bar association supplied public defenders to those who could not afford private counsel but only at the time they were charged. Authorities occasionally denied access to lawyers, particularly to political detainees. The law prohibits incommunicado detention, but local police chiefs did not always respect this prohibition.

Arbitrary Arrest: The government arbitrarily arrested immigrants, opposition members, businesspersons, and others. Many detainees complained that bribes had to be paid to obtain release.

Police detained foreigners and took them into custody even when they provided proper documentation. Police raided immigrant communities. Reliable sources reported that police abused, extorted, or detained legal and irregular immigrants

during raids. Diplomatic representatives in the country criticized the government for the harassment, abuse, extortion, and detention of foreign nationals and for not renewing residence and work permits in a timely manner, making foreign nationals vulnerable to such abuse.

There were numerous reported cases of arbitrary arrest. Professor Julian Abaga Ncogo was detained in December 2017, allegedly for discussing what he perceived as an untenable political, economic, and social situation in the country. Somehow, the message got to some authorities who had him arrested. He was released in July, just before the National Political Dialogue.

Pretrial Detention: Lengthy pretrial detention remained a problem and was often politically motivated. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees have the right to challenge their detention and obtain release, although there is no provision for compensation if a detainee is found to have been unlawfully detained. Nevertheless, authorities did not respect this right, and detainees could not challenge the validity of the charges against them in practice. The 150 CI party members arrested in early January were detained for a month without access to lawyers and were only allowed representation after their convictions.

e. Denial of Fair Public Trial

The constitution does not provide for an independent judiciary. Instead, the president is designated the “first magistrate of the nation” and chair of the Judicial Council responsible for appointing judges and magistrates.

Members of the government often influenced judges in sensitive cases. Judges sometimes decided cases on political grounds; others sought bribes. Authorities did not always respect court orders, and many persons turned to the parliament, the Constitutional Court, or the president as first magistrate of the nation for enforcement of civil judgments on matters such as employment, land, and personal injury disputes.

The military justice system, based entirely on the system in effect in Spain when the country gained its independence in 1968, provided defendants with fewer procedural safeguards than the criminal court system. The code of military justice

states that a military tribunal should judge any civilian or member of the military who disobeys a military authority or who is accused of committing a crime that is considered a “crime against the state.” A defendant in the military justice system may be tried in absentia, and the defense does not have the right to cross-examine an accuser. Such proceedings were not public, and defendants had no right of appeal to a higher court.

In rural areas tribal elders adjudicated civil claims and minor criminal matters in traditional courts. Traditional courts conducted cases according to customary law that does not afford the same rights and privileges as the formal system. Persons dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures

The law provides for the right to a fair public trial, but the judiciary generally did not enforce this right. The law provides for the presumption of innocence, and defendants have the right to be informed promptly and in detail of charges against them with free interpretation as necessary from the moment charged through all appeals, and to have adequate time and facilities to prepare a defense but the courts did not respect these rights. Defendants have the right to a public trial without undue delay, and most trials for ordinary crimes were public. Defendants have the right to be present at their trials but unless they could afford private counsel rarely were able to consult promptly with attorneys. A defendant unable to afford a lawyer is entitled to request a government-appointed lawyer but only after first appearing in court, which generally did not occur within the mandated 72 hours. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence but courts seldom enforced this right. Defendants have the right not to be compelled to testify or confess guilt and the right to appeal. The law extends these rights equally to all citizens, but authorities did not respect the law.

Political Prisoners and Detainees

There were reports of political prisoners or detainees, but no data was available on their number. They were held at Black Beach prison where they remained without charge or trial and without access to attorneys for several months.

On March 8, political activist and cartoonist Ramon Nse Esono Ebale was released from prison after being acquitted for counterfeiting and money laundering, crimes

that he was charged with in December 2017 due to false testimony by a police officer, the state's main witness.

After the early January arrest of 150 members of the opposition CI party, on February 23, the High Court in Mongomo convicted and sentenced 31 CI members to 41 years in prison for sedition, undermining authority, damaging government property, and physical injury. The court also ordered the dissolution of the CI political party and imposed a fine of 138 million CFA francs (\$235,000). CI's Jesus Mitogo Oyono Andeme, the only opposition party member elected to the legislature in the November 2017 elections, was among those convicted. All 31 were released on October 22 as part of the amnesty ordered by the president on October 10.

Civil Judicial Procedures and Remedies

Courts ruled on civil cases submitted to them, some of which involved human rights complaints. Civil matters were often settled out of court, and in some cases tribal elders adjudicated local disputes.

The government sometimes failed, for political reasons, to comply with domestic court decisions pertaining to human rights, including political rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but the government often did not respect these prohibitions. Search warrants are required unless a crime is in progress or for reasons of national security. Nevertheless, security force members reportedly entered homes without required warrants and arrested alleged criminals, foreign nationals, and others; they confiscated property and demanded bribes with impunity. Many break-ins were attributed to military and police personnel. In 2017 a Chinese citizen was killed by a group attempting to rob his house. One of the perpetrators dropped his identity card as he fled the scene, which showed he was a member of the military. In prior years, military members had been killed while they attempted break-ins.

Authorities reportedly monitored opposition members, NGOs, journalists, and foreign diplomats, including through internet and telephone surveillance. The government blocked employment of known members of opposition parties.

Members of civil society have reported both covert and overt surveillance by security services.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution and law provide for freedom of speech and press, the government has extensive legal powers to restrict media activities. The government restricted journalistic activity through prepublication censorship. Media remained weak and under government influence or control. Persons close to the president owned the few private media outlets that existed. Most journalists practiced self-censorship. Those who did not were subject to government surveillance and threats.

Freedom of Expression: Individuals generally chose not to criticize the president, his family, other high-ranking officials, and security forces due to fear of reprisal. The government attempted to impede criticism by continuing to monitor the activities of opposition members, journalists, and others.

Press and Media Freedom: The country had one marginally independent newspaper that published sporadically. Print media outlets were extremely limited. Starting a newspaper was a complicated process governed by an ambiguous law and impeded by government bureaucracy. Accreditation was cumbersome for both local and foreign journalists. International newspapers and news magazines occasionally were available in grocery stores and hotels in major cities.

The government owned the only national radio and television broadcast system, Radio-Television of Equatorial Guinea. The president's eldest son, Vice President Teodoro Nguema Obiang Mangue, owned the only private broadcast media, Television Asonga and Asonga Radio. Journalists who worked for these entities could not report freely. During the legislative and municipal elections in November 2017 the government censored all international channels.

The government denied or left pending requests by political parties to establish private radio stations. Satellite broadcasts were widely available, including the French-language Africa24 television channel that the government partially owned.

International news agencies did not have correspondents or regular stringers in the country.

Violence and Harassment: Security forces detained, intimidated, and harassed journalists. The government took no steps to preserve the safety and independence of media or to prosecute individuals who harassed journalists.

Censorship or Content Restrictions: The law gives the government considerable authority to restrict publication through official prepublication censorship. The law also establishes criminal, civil, and administrative penalties for violation of its provisions, particularly of the 19 publishing principles in Article 2 of the Law on the Press, Publishing, and Audiovisual Media. The only marginally independent newspaper practiced self-censorship and did not openly criticize the government or the president.

The only publishing facility available to newspapers was located at the Ministry of Information, Press, and Radio, where officials censored printed materials.

Libel/Slander Laws: The government used laws against libel and slander, both of which are criminalized, to restrict public discussion.

Internet Freedom

The government restricted and disrupted access to the internet and censored online content. During the November 2017 legislative and municipalities elections, the government blocked all access to the internet for approximately 10 days.

In December 2017 cell phone access to WhatsApp resumed while access to Facebook, *Diario Rombe*, and *Radio Macuto* continued to be generally restricted throughout the year.

Users attempting to access political opposition sites were redirected to the government's official press website or received a message that the websites did not exist. WhatsApp and the internet were the primary ways that the opposition expressed and disseminated their views.

According to the International Telecommunication Union, 26.2 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Faculty, students, and members of opposition political parties complained of government interference in the hiring of teachers, the employment of unqualified teachers, and official pressure on teachers to give passing grades to failing students with political connections. Teachers with political connections but no experience or accreditation were employed and reportedly seldom appeared at the classes they were assigned to teach. Most professors practiced self-censorship. In December the press reported the minister of education fired a teacher from the opposition Convergence for Social Democracy Party (CPDS), allegedly because he was promoting his political ideology in his classes. Opposition blogs alleged the teacher was fired because he criticized a rule requiring female students to cut their hair to a certain length.

Some cultural events required coordination with the Ministry of Information, Press, and Radio, the Department of Culture and Tourism, or both. This was more common outside of the largest cities. The resulting bureaucratic delay was a disincentive for prospective organizers, who often did not know the criteria used for judging proposals or their chances for approval.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association, although the constitution and law provide for these freedoms.

Freedom of Peaceful Assembly

The constitution and law provide for the right of peaceful assembly, but regulatory provisions effectively undermined this right, and the government routinely restricted freedom of assembly. The government formally abolished permit requirements for political party meetings within party buildings but requires prior permission for public events, such as meetings in other venues or marches, and frequently denied these permit requests. The government frequently dispersed peaceful, preapproved public gatherings if a participant asked a question that could be construed as criticism of the government or the PDGE.

In contrast, authorities pressured citizens to attend progovernment demonstrations and rallies. For example, various citizen groups, government employees, and others were required to participate in the annual Independence Day parade.

Freedom of Association

The constitution and law provide for freedom of association, but the government severely restricted this right. All political parties, labor unions, and other associations must register with the government, but the registration process was costly, burdensome, opaque, and slow. During the year the government continued to reduce funding for civil society organizations and distributed remaining funds among a few mostly progovernment organizations close to the president's inner circle. Grant funding decisions were arbitrary and nontransparent.

Politically motivated crackdowns on civil society organizations remained a problem, including the temporary detention of civil society activists without charge.

The law prohibits the formation of political parties along ethnic lines. Only one labor organization was believed to be registered by the end of the year, but the registry was inaccessible due to a change in leadership at the Ministry of Labor and Social Security (see section 7.a.).

Despite laws that authorities stated were designed to facilitate the registration of political parties, the government prevented the registration of opposition parties. Although elected officials from the CI opposition party were released from prison on October 22 after a presidential pardon, they were not immediately allowed to return to their positions in local and national offices because the party had been deregistered early in the year.

During the 2017 legislative and municipal electoral campaign season, public gatherings were closely monitored and tightly controlled. Political parties required government authorization to hold rallies. Authorities prohibited political parties from campaigning in the same location at the same time as the official PDGE party. The PDGE received preferential treatment. On election day security forces prevented voters from forming large groups (see section 3).

A 1999 law on NGOs limits to approximately 53,000 CFA francs (\$90) per year the amount of funding civil society organizations can receive from foreign sources. The government has also pressured civil society organizations, especially those focused on human rights, through both overt and covert means (see sections 1.d. and 5 for additional information).

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government often restricted these rights.

The government did not generally cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. In December 2017 the navy intercepted and impounded a boat carrying 205 West African migrants in the Port of Malabo. Authorities transferred the migrants to Malabo's central police station, where they received shelter, food, and access to consular services. The government hosted the African Union Commission on Refugees, IDPs, and Counter Terrorism to discuss region-wide solutions in October.

In-country Movement: Police at roadblocks routinely checked travelers and engaged in petty extortion. Frequent roundups of foreigners also occurred at roadblocks that the government claimed were necessary to counter irregular immigration, delinquent activities, and coup attempts. Tourists require permits for visiting many locations, especially those near government installations.

Foreign Travel: The government has been known to issue temporary travel prohibitions on government officials due to alleged national security concerns.

Exile: The law prohibits forced internal or external exile, but at year's end, opposition party political leader Gabriel Nze Obiang of CI still had his movements restricted to the capital and was not allowed to travel to the mainland.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair elections held by secret ballot and based on universal and equal suffrage, but the government severely limited this right.

Elections and Political Participation

Recent elections: In November 2017 legislative and municipal elections the ruling party (PDGE) and 14 coalition parties claimed 92 percent of the vote in the country's closed-list party system. The PDGE and its 14 coalition parties took all 75 Senate seats and 99 out of 100 seats in the Chamber of Deputies. CI was the only opposition party to win a seat in the legislature, although the single opposition legislator was imprisoned for several months during the year (see section 1.e., Political Prisoners and Detainees). At the local level, the PDGE coalition won all but one of the municipal council seats and all except one mayoral race.

There were irregularities and no transparency in the electoral process. The voter census and registration process took place without independent domestic or international monitoring. The government restricted media access to the opposition and blocked access to social media and opposition websites during the electoral campaigns. Official observer communication was restricted for more than one week before the day of the elections by a shutdown of the internet. The government created an atmosphere of intimidation by deploying military personnel at polling stations.

In 2016 President Obiang claimed 93.7 percent of the vote in presidential elections that were marred by reports of capricious application of election laws, nontransparent political funding, polling station irregularities, voter fraud, intimidation, and violence. Military personnel and PDGE representatives were present at all polling stations, while opposition representatives were present only at some stations. There were instances in which procedures to protect ballot secrecy were not enforced. Photographs of the president remained on public buildings used as polling stations.

Contrary to the constitution, which requires that presidential elections be held no more than 45 days before or 60 days after the end of the prior presidential term, the election was held 136 days before the end of the president's term.

In the months leading up to the presidential election, security forces violently dispersed opposition rallies and arrested demonstrators and opposition leaders (see

section 2.b.). Some opposition political parties chose to boycott the elections in protest.

The government and the PDGE had an absolute monopoly of national media, leaving opposition political parties with no means to disseminate their message. The PDGE received hourly radio and television coverage before and during the campaign period while opposition parties received none. The PDGE was also able to cover the city in campaign posters and gave away smart phones, promotional clothing, and even cars at campaign events.

The National Electoral Commission (NEC) was not independent of PDGE or government influence. By law the NEC consists of six judges appointed by the head of the Supreme Court, six government representatives and a secretary appointed by the president; and one representative from each registered political party. The president appointed the minister of interior, a PDGE leader, to be head of the NEC.

Political Parties and Political Participation: The PDGE ruled through a complex network of family, clan, and ethnic relationships. Public-sector employees were pressured to join the PDGE and even to agree to garnishment of their salaries to fund PDGE activities. The party's near monopoly on power, funding, and access to national media hampered the independent opposition parties--the CPDS, Popular Union of Equatorial Guinea, Popular Action for Equatorial Guinea, and the CI.

For example, the PDGE conducted a national campaign with extensive media coverage in preparation for the November 2017 legislative and municipal elections. Opposition parties, however, had little to no access to media during this period, contravening the National Pact of 1993, the regulating framework for political parties that stipulates access to media and political financing and that provides for opposition political parties to have free, weekly national radio and television spots.

Political parties could receive both private and public funding but were not required to disclose the amount of private funding. In advance of the 2016 presidential elections, only the PDGE received public funding, and the amount was not publicly disclosed.

The government subjected opposition members to arbitrary arrest and harassment before and after the elections.

Opposition members reported discrimination in hiring, job retention, and obtaining scholarships and business licenses. They also claimed the government pressured foreign companies not to hire opposition members. Businesses that employed citizens with ties to families, individuals, parties, or groups out of favor with the government reportedly were selectively forced to dismiss those employees or face reprisals.

Registered opposition parties faced restrictions on freedom of speech, association, and assembly. For example, supporters who attended opposition political party campaign rallies were singled out for police interrogation and harassment. Some political parties that existed before the 1992 law establishing procedures to register political parties remained banned, allegedly for “supporting terrorism.”

Civil servants were removed for political reasons and without due process. In 2016 both the executive and judicial branches were restructured, with party affiliation a key factor in obtaining government employment. The PDGE conducted a nationwide campaign, and government employees were required to support it to keep their positions.

The president exercised strong powers as head of state, commander of the armed forces, head of the judiciary, and founder and head of the ruling party. The government generally restricted leadership positions in government to select PDGE members or members of a coalition of loyal parties that campaigned and voted with the PDGE.

A 2011 constitutional amendment removes the presidential age limit of 75 and limits a president to two seven-year terms (starting from the next election). The constitution also establishes three separate branches of government and creates a new post of vice president appointed by the president. As a result, President Obiang, who has ruled since 1979, may serve one more seven-year term if he chooses to run for re-election in 2023. In 2016 the president appointed his son, Teodoro Nguema Obiang Mangue, as vice president.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Male-controlled cultural influences, however, limited women’s political participation, especially in rural areas.

The president, vice president, prime minister, deputy prime minister, and all three vice prime ministers were men. After the November 2017 elections, women

occupied 21 of 72 Senate seats and 11 of 100 seats in the Chamber of Deputies. Two of the 25 cabinet members were women, and two of the 28 deputy and vice ministers were women. There was one woman among the eight justices of the Supreme Court.

The government did not overtly limit minority participation in politics, but members of the Fang ethnic group occupied the top ranks. The group, estimated to constitute 80 percent of the population, exercised dominant political and economic power.

Section 4. Corruption and Lack of Transparency in Government

While the law provides severe criminal penalties for official corruption, the government did not effectively implement the law. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, as the president and members of his inner circle continued to amass personal fortunes from the revenues associated with monopolies on all domestic commercial ventures, as well as timber and oil exports. Corruption at all levels of government was a severe problem.

Numerous foreign investigations continued into high-level official corruption. According to Freedom House, the budget process was “opaque.” The *International Budget Partnership’s Open Budget Survey for 2017* gave the country a score of eight points out of 100. The International Monetary Fund had a staff-monitored program during the year, based on the government’s request. The government received a list of requirements to improve fiscal transparency, including hiring auditors to review government and state-owned enterprise budgets.

There are no specific laws about conflict of interest or nepotism.

Corruption: On September 14, Brazilian authorities seized two suitcases with \$1.4 million in cash and another suitcase containing approximately 20 watches valued at \$15 million when Vice President Teodoro Obiang Nguema Mbasogo landed in Sao Paulo on an unofficial visit. The press reported on October 10 that Brazilian officials launched an investigation because they believed the undeclared cash and luxury watches, along with apartments and cars owned by the vice president in Brazil, may have been part of an effort to launder money embezzled from Equatorial Guinea’s government.

The government acceded to the United Nations Convention against Corruption on May 30.

Financial Disclosure: The constitution and law require public officials to declare their assets to the National Commission on Public Ethics, although no declarations were made public. There are no formal procedures to control submission of asset disclosures and no penalties for noncompliance. No public officials have been required to comply with asset disclosure laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

The law restricts NGO activity. The country's few domestic NGOs mainly focused on issues such as health, women's empowerment, and elder care. Although the law includes human rights among the areas in which NGOs may operate, no local NGO reported publicly on the abuse of civil, political, or other human rights by the government or on official corruption. The Center for Studies and Initiatives for the Development of Equatorial Guinea (CEIDGE) has spoken publicly about government corruption, but it has been restricted since 2016. On October 27, four individuals detained and beat civil society leader and human rights activist Alfredo Okenve Ndo of the CEIDGE. Initial reports suggest that security force members may have carried out the attack, mistaking him for his brother Celestino Okenve Ndo, who was a member of an opposition party.

Amnesty International, Freedom House, and Human Rights Watch focused on human rights. No international NGOs maintained offices in the country.

The government was suspicious of human rights activities, claiming human rights concerns were largely prompted by antigovernment exile groups and hostile foreign NGOs. Government officials rarely were cooperative and responsive to their views. Government officials used media outlets to try to discredit civil society actors, categorizing them as supporters of the opposition and critics of the government. The few local activists who sought to address human rights risked intimidation, harassment, unlawful detention, and other reprisals.

The government's 2016 suspension of CEIDGE activities, including participation in the government's effort to rejoin the Extractive Industries Transparency Initiative committee, continued. In August the government warned several NGOs about accepting financing from foreign sources and warned them about terrorist

financing and money laundering (see sections 1.d. and 2.b. for additional information).

The United Nations or Other International Bodies: The United Nations maintains an office and has several programs in the country. Members of international human rights NGOs and the African Development Bank continued to report difficulties obtaining visas to visit the country.

Government Human Rights Bodies: Citizens have the right to file a petition with the Commission on Human Rights that is part of the House of Deputies' Committee for Complaints and Petitions. A government-funded Center for Human Rights and Democracy held human rights awareness campaigns. A National Commission on Children's Rights was created in 1997, in coordination with UNICEF. These human rights bodies were not fully operational, independent, adequately resourced, or effective, although UNICEF continued to provide capacity building.

Government officials responsible for human rights issues functioned more to defend the government from accusations than to investigate human rights complaints or compile statistics.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is illegal and, if convicted, punishable by 12 to 20 years' imprisonment and fines if convicted. The law does not address spousal rape. The government did not enforce the law effectively, in part due to reluctance of victims and their families to report rape. Even when victims reported rape, police and judicial officials were reluctant to act, particularly if alleged perpetrators were politically connected or members of the police or military.

Domestic violence is illegal. The penalty for conviction of assault ranges from one to 20 years' imprisonment. Victims were reluctant to report cases, and the government did not enforce the law effectively. Authorities treated domestic violence as a private matter to be resolved in the home. Police and the judiciary were reluctant to prosecute domestic violence cases. No statistics were publicly available on prosecutions, convictions, or punishments during the year.

The Ministry of Social Affairs and Gender Equality mediated some domestic disputes but had no enforcement powers. Police organized several workshops on family violence during the year.

The government-controlled media regularly broadcast public service announcements regarding domestic violence.

Other Harmful Traditional Practices: Although not widespread, levirate marriage, the practice by which a man is required to marry his brother's widow, occurred.

Sexual Harassment: No law prohibits sexual harassment and it was a problem. The government made no effort to address the problem, and no statistics were publicly available.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: While the constitution provides for equality between men and women, the country follows the Spanish civil code that applied when the country gained independence in 1968. The code discriminates against women in matters of nationality, real and personal property, and inheritance. According to a 2012 UN Committee on the Elimination of Discrimination against Women report, the prevalence of negative stereotypes and adverse cultural norms and customs resulted in discrimination against women.

Custom confined women in rural areas largely to traditional roles. Women in urban areas experienced less overt discrimination but did not enjoy pay or access to employment and credit on an equal basis with men (see section 7.d.).

The government provided courses, seminars, conferences, and media programs to sensitize the population and government agencies to the needs and rights of women. The Ministry of Social Affairs and Gender Equality held events around International Women's Day to raise public awareness of these rights. The ministry also provided technical assistance and financial support to rural women.

Children

Birth Registration: Citizenship is derived from (at least) one Equatoguinean parent, whether born in the country or abroad. The Ministry of Health requires

parents to register all births, and failure to register a child may result in denial of public services. For additional information, see Appendix C.

Education: Education is tuition free and compulsory until age 13, although all students are required to pay for textbooks and other materials. Most children attended school through the primary grades (sixth grade). Boys generally completed secondary or vocational schooling. The Ministry of Education required teenage girls to take a pregnancy test, and those who tested positive were not allowed to attend school. Domestic work and childbearing also limited girls' access to secondary education, especially in rural areas. No public statistics on school enrollment, attendance, or completion were available.

Child Abuse: Abuse of minors is illegal, but the government did not enforce the law effectively. Corporal punishment was a culturally accepted method of discipline, including in schools.

Early and Forced Marriage: There is no minimum age for marriage. Forced marriage occurred, especially in rural areas, although no statistics were available. The Ministry of Social Affairs and Gender Equality operated programs to deter child marriage but did not address forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of sexual consent is 18. Child commercial sexual exploitation is illegal, but underage girls were exploited in commercial sex, particularly in urban areas of the two largest cities, Malabo and Bata. Conviction of the commercial sexual exploitation of children is punishable by 10 to 15 years' imprisonment, but authorities generally did not prosecute offenders. The law does not address child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

The Jewish community was small, likely less than 200 persons. There were no known reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, nor does it mandate access to buildings or transportation for persons with disabilities (see section 7.d.). Persons with disabilities may vote and otherwise participate in civic affairs, but lack of physical access to buildings posed a barrier to full participation. Inaccessible public buildings and schools were an obstacle for persons with disabilities, including some newly constructed government buildings that lacked such access.

Children with disabilities attended primary, secondary, and higher education, although no accommodations were made for their disabilities.

There were no legal restrictions on the right of persons to vote or participate in civic affairs based on their disability, but lack of access posed a barrier to full participation.

National/Racial/Ethnic Minorities

Societal discrimination, harassment by security forces, and political marginalization of minorities were problems (see section 7.d.).

The predominant ethnic group, the Fang, dominated political and economic power. Foreigners were often victimized. Documented and irregular immigrants from Nigeria, Ghana, Cameroon, Mali, Benin, Togo, Gabon, Ethiopia, and other African countries represented a significant portion of the labor force. Officials routinely stopped foreigners at checkpoints, asked them to provide documentation, and often attacked and extorted them. The government delayed its renewal of residence and work permits, leaving immigrants vulnerable to abuse because they lacked valid documents.

In public speeches, President Obiang frequently referred to foreigners as a security and terrorist threat and warned of a renewal of colonialism. Reports of drunken security forces harassing and extorting foreigners at gunpoint increased, including

an incident directed at foreign medical professionals and their families, whom they accused of being colonialists.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws criminalize same-sex sexual conduct, but societal stigmatization of and discrimination against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community was a problem. The government made no effort to combat this stigma and discrimination. The government does not formally recognize the existence of LGBTI persons or groups. Its position is that such sexual orientations and gender identities are abnormal. There is no formal, legal protection for LGBTI persons or groups.

LGBTI individuals often faced stigma from their families as well as from the government and employers. Families sometimes rejected youth and forced them to leave home, often resulting in them quitting school as well. Some LGBTI individuals were removed from government jobs and academia because of their sexual orientation.

HIV and AIDS Social Stigma

Despite frequent public statements and radio campaigns advocating nondiscrimination, there remained stigma around persons with HIV/AIDS, and many individuals kept their illness hidden.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to establish unions, affiliate with unions of their choice, and collectively bargain. The law also allows unions to conduct activities without interference. The law requires a union to have at least 50 members from a workplace to register, effectively blocking most union formation.

The government did not enforce laws providing freedom of association or the right to collective bargaining. The Union Organization of Small Farmers was the only legal, operational labor union. Authorities refused to recognize other unions, including the Workers Union of Equatorial Guinea, Independent Service Union,

Teachers' Trade Union Association, and the Rural Workers Organization. Penalties were not applied and were insufficient to deter violations.

The law broadly acknowledged the right to engage in strikes, but no implementing legislation defines legitimate grounds for striking. No law requires the reinstatement of workers fired for union activity, although such dismissal may fall under wrongful termination. The government did not generally allow unions to organize. The government has never authorized a strike.

Although labor law prohibits antiunion discrimination, the government placed practical obstacles before groups seeking to organize, such as not allowing groups to register legally. The government did not protect the right of unions to conduct their activities without interference. Most often those seeking to organize were co-opted into existing party structures by means of pressure and incentives. Labor NGOs faced restrictions and were unable to operate.

Dismissed workers could appeal to the Ministry of Labor and Social Security through their regional delegate, but there was little trust in the fairness of the system. Citizens and foreigners with valid work permits have the right to appeal Ministry of Labor and Social Security decisions to a special standing committee of the House of Deputies established to hear citizen complaints regarding decisions by any government agency.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. The Ministry of Labor and Social Security conducted numerous workplace inspections to verify adherence to labor laws regarding pay, benefits, and working conditions. When inspectors found violations, the government required some employers to correct the problem, pay fines, or pay reparations to the employees.

The government did not effectively enforce the law, and forced labor occurred. Neither penalties nor the government's inspection efforts were sufficient to deter violations.

Men and women from Cameroon, Benin, and other neighboring countries, as well as from the Dominican Republic and Cuba, were recruited for work, and some were subsequently subjected to forced labor. Often they were not compensated as agreed upon, and their passports were confiscated. In one publicized case, a high-level member of the president's cabinet severely beat an employee of one of his

private businesses when she demanded payment. He then returned her passport and forced her to leave the country.

Employees in the public and private sector were often paid months in arrears. Some workers, especially those from overseas, quit their jobs because of nonpayment, having effectively worked for months without compensation.

Companies in the construction sector, among others, held the passports of their foreign workers, a possible indication of forced labor. Some companies claimed they held passports to keep them from being stolen.

Late in the year, the government increased its attention and efforts to combat trafficking in persons (TIP), culminating in the creation of a government-wide action plan to deal with the issue. Action items included eliminating child labor, forced labor, and sexual exploitation.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The 2004 Antitrafficking Law prohibits the worst forms of child labor. The law prohibits employment of children under age 18, except that with the authorization of the Ministry of Labor and Social Security, minors between ages 16 and 18 may perform light work that does not interfere with their school attendance. Minors are permitted to work only during the day, and their workday is limited to six hours, for which they are paid the equivalent of an eight-hour daytime work rate. The penalty for employing children under age 16 is a fine equal to 15 months of the minimum wage per minor, which is doubled for repeat infractions. Penalties are higher for minors under age 18 who perform night work or work in hazardous environments.

The Ministry of Labor and Social Security is responsible for enforcing child labor laws, but labor inspectors focused mainly on the construction industry and not on child labor. The laws were not effectively enforced, and penalties were not sufficient to deter violations.

Children were transported from nearby countries--primarily Nigeria, Benin, Cameroon, Togo, and Gabon--and forced to work as domestic workers, market laborers, ambulant vendors, launderers, and beggars. The government occasionally

provided social services on an ad hoc basis to children found working in markets. Attention to school attendance generally focused more on citizen children than on their foreign peers.

In 2016, for the first time, security forces identified three potential child trafficking victims from the Central African Republic (CAR). The children had been living in the country for two years. Authorities considered them trafficking victims brought to Malabo for domestic servitude and sex trafficking. In August 2016 security officers turned over the children to the CAR embassy for repatriation without providing any victim protection services. The government did not identify or prosecute the persons suspected of exploiting the children, and there have been no other prosecutions for child labor violations.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination based on race, skin color, sex, political opinion, national origin, social status, or union affiliation. Labor laws do not prohibit discrimination based on age, disability, sexual orientation, language, HIV/AIDS status, or refugee or stateless status. The government did not effectively enforce these laws and regulations. Discrimination in employment and occupation occurred with respect to political affiliation, ethnicity, sex, sexual orientation, disability, and HIV/AIDS status. Discrimination against foreign migrant workers occurred. High-ranking members of opposition parties that were not aligned with the official government party (PDGE) were unable to find work and were barred from government employment.

The government does not have an agency responsible for the protection of persons unable to work due to permanent or temporary illness or other health conditions. The Ministry of Labor and Social Security did not effectively enforce the legal mandate to employ a specific percentage of persons with disabilities in companies with 50 employees or more, nor did the government take steps to accommodate them in the workplace.

The country continued to have a large gender gap in regard to access to education, equal pay, and employment opportunities. Deep-rooted stereotypes and ethnic traditions impeded women's employment opportunities. Men had more employment opportunities than did women. Women mostly worked in the informal sector where they did not have access to benefits or social security. The lack of enforcement left women vulnerable to discrimination, but they rarely complained due to fear of reprisals.

The Ministry of Social Affairs and Gender Equality continued a program to promote self-employment among rural women. The first lady, on an ad hoc basis, donated funds to promote women-owned businesses.

e. Acceptable Conditions of Work

The monthly minimum wage for the private sector was last set in 2011, and varied by occupation from 129,000 CFA francs (\$219) to 1.29 million CFA francs (\$2,190) monthly, higher than the World Bank poverty income level of \$1.90 per day. Pay rates in the hydrocarbon industry were set many times higher than comparable positions in other sectors.

The law requires employers to pay citizens at the same rate as foreigners and to pay domestic workers not less than 60 percent of the national minimum wage.

The standard work week is eight hours a day and 48 hours a week for daytime work, six hours a day and 36 hours a week for night work, and seven hours a day and 42 hours a week for mixed day and night work. Offshore workdays are a minimum of 12 hours, of which eight hours are considered regular work and four hours are counted as overtime. The workday includes one hour for meals and breaks. The law also requires paid leave for government holidays, annual leave, and bonuses of 15 days' pay twice yearly. Overtime is not mandatory, except as provided by law or special agreement, and is prohibited for pregnant workers. The law allows overtime for night work. Premium pay is required for overtime and holidays. Women had six weeks pre- and post-maternity leave that could be extended for medical reasons. The law provides for two paid daily breaks of one hour each to breast feed.

Occupational safety and health (OSH) standards provide for protection of workers from occupational hazards, but they were not consistently observed. The law permits workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor and Social Security is responsible for setting and enforcing minimum wage, workweek rules, and OSH standards. The ministry conducted numerous workplace inspections to verify adherence to labor laws regarding pay, benefits, and working conditions. When inspectors found violations, the government required some employers to correct the problem, pay fines, or pay reparations to the employees.

The government did not effectively enforce the law. Penalties were not sufficient to deter violations, and the small number of labor inspectors was insufficient to enforce the law effectively. The ministry does not publish the results of its OSH inspections.

Legal protections exist for employees who are injured or killed on the job and for those who were exposed to dangerous chemicals, but these protections were generally extended only to those in the formal sector. Protections in the hydrocarbons sector exceeded minimum international safety standards.

The government did not monitor the informal sector that included a majority of workers. No credible data or statistics were available.

Foreigners, including migrants from other parts of Africa, Asia, and the Americas, were sometimes subjected to poor working conditions, and the passports of some workers were confiscated. Some workers were exposed to hazardous chemicals, supplied with insufficient safety gear, and subjected to excessively long hours.