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2010 Human Rights Report: Equatorial Guinea

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Equatorial Guinea, with an estimated population of approximately one million, is nominally a multiparty constitutional republic. All branches of government were dominated by President Obiang Nguema Mbasogo, who has ruled since seizing power in a military coup in 1979, along with his clan from the majority Fang ethnic group and his political party, the Democratic Party of Equatorial Guinea (PDGE). In November 2009 President Obiang was reelected with 95.37 percent of votes cast. There were instances in which elements of the security forces acted independently of civilian control.

The following human rights problems were reported: limited ability of citizens to change their government; unlawful killings, including summary executions; abductions by security forces; torture of detainees and prisoners by security forces; life-threatening conditions in prisons and detention facilities; official impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents with limited due process; constraints on judicial independence; official corruption at all levels of government; restrictions on the right to privacy; restrictions on freedoms of speech, press, assembly, association, and movement; official corruption and impunity; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Security forces killed several persons, including by summary execution, during the year.

On December 28, a Malian emigrant, Bakary Konate, was killed by uniformed men at a checkpoint in Bata after he failed to pay a bribe.

On June 30, a civilian court convicted and sentenced three persons, including an army officer sentenced in absentia, to long prison sentences and hefty fines for manslaughter and trafficking. The three were involved in trafficking seven

presumed African illegal aliens, who were believed to have died from asphyxiation while being transported in the back of a truck in February.

On August 21, the government summarily executed four former military officers—Jose Abeso Nsue, Manuel Ndong Azeme, Jacinto Micha Obiang, and Alipio Ndong Asumu—one hour after a military tribunal convicted them of terrorism for seeking to overthrow the government and the attempted assassination of the head of state in February 2009. According to Amnesty International (AI), the government facilitated their forced return to Equatorial Guinea in late January from a neighboring country, where they had been living for several years as refugees; they were held incommunicado in Black Beach Prison, where they reportedly were tortured. In a statement released on August 23, AI criticized the country for "abductions, torture, and executions it currently carries out under the pretense of justice." The government stated that the four had been captured in international waters when they were duped into preparing an attack similar to the February 2009 attack on the Malabo presidential palace that they were accused of carrying out.

There were no further developments in the September 2009 death of a Nigerian, Akee Jimoh, who was beaten to death by four off-duty police officers after refusing to pay a bribe. At year's end, the four officers remained suspended from the police force and an investigation continued.

There were no further developments in the following 2008 security force killings: the January police killing of an alleged illegal immigrant; the March death in detention of Ncogo Mbomio, a member of a banned political party, which AI claimed was a result of torture; the May police killing of a Malian citizen; and the December killing of a Cameroonian fisherman.

b. Disappearance

In January security forces secretly detained former military men Jose Abeso Nsue, Manuel Ndong Azeme, Jacinto Micha Obiang, and Alipio Ndong Asumu and summarily executed them in August (see section 1.a.).

Former army colonel Cipriano Nguema Mba, who was abducted from Cameroon in 2008, reportedly escaped from Evinayong Prison on October 15 (see section 1.e.).

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

The law prohibits such practices; however, security officials abused and tortured persons during the year.

Following his 2008 mission to the country to assess the use of torture in the penal system, UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment Manfred Nowak, stated that police employed the "systematic use of torture" on detainees, including political prisoners and suspects of common crimes. Nowak, who observed a fully equipped torture room in the basement of the Bata Central Police Station, documented police abuse, corroborated by a medical expert, including beatings to the soles of the feet and buttocks with batons, solid rubberized cables, and wooden bars; electric shocks with starter cables attached to different parts of the body with alligator clips; and various forms of suspension with hands and feet tied together for prolonged periods while security officials beat victims as they swung back and forth.

Nowak underlined the inhuman treatment of political prisoners in Black Beach Prison where they had been held in solitary confinement for up to four years without being allowed the one hour of exercise per day required by international minimum standards. Political prisoners generally were held in leg irons for almost the entire duration of their imprisonment. Nowak also found that immigrants ran an increased risk of physical abuse in police cells. The government categorically rejected Nowak's report but then said it would take steps to improve conditions.

According to an August 23 AI report, security forces tortured four former military officers in Black Beach Prison until they confessed to the attack on the presidential palace in February 2009; the four were subsequently executed (see section 1.a.).

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Information surfaced during the year that in February 2009 police arrested without warrant Epifanio Pascual Nguema, who they detained at the Bata police station. Approximately four days later, police officers took Nguema from his cell and tortured him for four hours, according to an AI report released on May 28. Police reportedly beat Nguema around the kidneys, belly, and genitals. For several days he passed blood in his urine and was unable to walk or stand straight. Nguema, who reportedly was arrested for procuring travel documents for his wife and for criticizing President Obiang, was released uncharged in May 2009.

Following a February 2009 armed attack on the presidential palace, the government rounded up, arbitrarily arrested without warrant, and held without charge 10 Popular Union (UP) members, at least two of whom were reportedly tortured.

Foreigners, primarily irregular immigrants from other African countries, were harassed, intimidated, and arbitrarily arrested and detained. Foreign diplomats, primarily those from African countries, also complained that police harassed, abused, and assaulted them and their family members, even after the victims displayed their diplomatic documents.

No action was taken during the year against officials at the Malabo Central Police Station who in 2008 reportedly beat at least two former members of the banned opposition Progress Party of Equatorial Guinea (PPGE) to force confessions.

Prison and Detention Center Conditions

Prisons did not meet international standards. Following his 2008 visit to assess the use of torture in the penal system, UN special rapporteur Manfred Nowak noted the use of prolonged solitary confinement, insufficient food, and poor sanitary conditions in prisons.

With the exception of the newly renovated principal jails in Bata, Evinayong, and Malabo, conditions in police station jails and other local detention centers were harsh and sometimes life threatening. Holding cells were overcrowded and dirty, and detainees very rarely had access to medical care, exercise, or mattresses. Provision for sanitation, ventilation, and lighting and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. Access to medical care was inadequate. However, prison authorities reportedly provided emergency medical care to prisoners they had tortured to keep them alive for other torture sessions. The government has begun providing basic meals in the three main prisons, but food was often provided by detainees' families or fellow detainees, and access to potable water was severely restricted. Most detainees had no access to toilets and resorted instead to plastic bottles or bags.

Detained irregular immigrants pending deportation were held in police cells without food or water for lengthy periods, since most had no relatives nearby. In 2008 the UN Working Group on Arbitrary Detention, which visited the country in 2007, expressed concern over the lengthy arbitrary detentions of irregular immigrants and recommended that the government make significant efforts to ensure foreigners received access to consular officials and establish reasonable periods of maximum detention; however, foreign embassies reported conditions for irregular immigrant detainees remained the same during the year.

There were no reliable statistics on the total number of prisoners (including juveniles and women) in detention. Local observers believed that there were several hundred overall, but no breakdown was available for juveniles or women.

Female prisoners were generally separated from male prisoners; however, juveniles were not separated from adults. Juveniles were generally imprisoned for the most serious crimes; otherwise they were given "provisional liberty" in some cases and monitored. Pretrial detainees were held together with convicted prisoners.

In most cases, prisoners had reasonable access to visitors and were permitted religious observances. Authorities did not permit prisoners and detainees to submit complaints to judicial authorities and to request investigation of allegations of inhumane conditions. During the year the director general for penitentiaries twice visited prisons, and his visit led to some cosmetic improvements.

Neither the judicial system nor police had a fully effective system to register cases or track prisoners. Prisons provided the Ministry of Justice with a monthly printout of prison inmate numbers, including releases with full names, sentences completed, and release dates. However, the list was not always reliable, and authorities generally kept better track of political prisoners than common criminals.

The government sometimes permitted independent monitoring of conditions in the country's three prisons, 12 jails, and numerous holding cells in smaller localities. According to government officials, meetings were held during the year with representatives of the International Committee of the Red Cross (ICRC) to discuss reopening an ICRC office in the country. Government officials confirmed two ICRC officials were allowed to visit Malabo's Black Beach Prison and other prisons on several occasions throughout the year, but access to detainees was intermittent and not uniform for most of the year, and standard modalities for these visits were seldom followed. However, full, unlimited access was granted to the ICRC in November.

There was no provision for an ombudsman to serve on behalf of prisoners to consider matters such as alternatives to incarceration for nonviolent offenders and to prevent overcrowding in prisons.

During the year the government continued to make some efforts to improve prison conditions by allocating increased budgetary resources and improving diet. As a result of renovations completed in 2009, prisoner cells and the exercise yard at the Malabo City Prison--which was singled out for criticism by Nowak--were larger and better ventilated. Physical renovations at the three main civilian prisons improved living conditions as did the requirement to feed prisoners for the first time instead of relying on relatives. The government also hung antitorture posters at airports and border crossings. Minister of National Security Nicolas Obama also met with all police commissioners to underscore the illegality of mistreating prisoners. The director of human rights held four workshops during the year; security and police officials stressed that torture was against the law.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces arrested or detained persons arbitrarily, secretly, and without due legal process. A 2008 report by the UN Working Group on Arbitrary Detention expressed concern that both police and gendarmes frequently ordered arrests and detentions without legal authorization. Secret detentions reportedly occurred (see section 1.a.).

Role of the Police and Security Apparatus

The police are generally responsible for security in the cities, while gendarmes are responsible for security outside the cities and for special events; both report to the minister of national security. Military personnel, who report to the minister of defense, also fulfilled police functions in border areas, sensitive sites, and high-traffic areas. In addition there were police elements within the Ministries of Interior (border and traffic police), Finance (customs police), and Justice (investigative/prosecuting police). Presidential security officials also exercised police functions in the vicinity of the

president and presidential facilities. Foreign contractors continued to work with the government to consolidate and organize security structures within the country.

Police remained underfunded and poorly trained, and corruption and impunity were problems, although less so than in previous years. Security forces continued to extort money from citizens and immigrants, although the number of such incidents significantly decreased during the year. There was no internal investigation unit within the police, and mechanisms to investigate allegations of abuse were poorly developed.

The government recognized the need for professional improvement of police and continued to support a broad training program. A foreign contractor continued to train police officers and their leaders on human rights, prevention of trafficking in persons, rule of law, appropriate use of force, and a code of ethics. Evidence and feedback from expatriates, citizens, and community leaders indicated improvement in performance in human rights and professional conduct, particularly among younger officers who received training.

Arrest Procedures and Treatment While in Detention

The constitution requires arrest warrants, except in cases in which a suspect is caught committing a crime; however, the government frequently arrested persons without a warrant. A detainee has the right to a judicial determination of the legality of the detention within 72 hours of arrest, excluding weekends and holidays; however, such detentions were often longer, occasionally several months. For example, on October 8, police detained Marcos Manuel Ndong, a party secretary of the opposition Convergence for Social Democracy (CPDS) in a police jail and in Black Beach Prison before allowing him to see a judge on October 18; the judge released Ndong on December 8 and all charges were dropped.

There were several reports of international businessmen being arbitrarily detained in conjunction with business disputes.

The law provides for detainees to be promptly informed of the charges against them; however, authorities did not respect this right in practice. Some foreign detainees complained they were detained and subsequently deported without knowledge of the charges against them. Although a bail system and public defenders--supplied by the bar association, which received funding from the government--were available upon request, the public was largely unaware of either, and neither system operated effectively.

The law provides for family visits and prohibits incommunicado detention; however, use of such detention and denial of family visits were serious problems. According to the 2008 report by the UN Working Group on Arbitrary Detention, lawyers did not have access to police stations and could not contact detainees while they were held there; police superintendents interviewed by the working group stated they did not see the need for or advisability of such access.

Police periodically raided immigrant ghettos, local stores, and restaurants to apprehend irregular immigrants; however, reliable sources reported that many legal, as well as irregular, immigrants were abused, extorted, or detained during such raids. Police often used excessive force to detain and deport detainees, and almost all foreign embassies in the country criticized the government during the year for its harassment, abuse, extortion, and detention without representation of foreign nationals. Many detainees complained about the bribes required for release from detention.

In January security forces forcibly returned from overseas four citizens for suspected involvement in the February 2009 presidential palace attack, detained them in Black Beach Prison, and summarily executed them in August (see section 1.a).

The government arbitrarily arrested a journalist during the year (see section 2.a.).

Unconfirmed information surfaced during the year that at least 20 minors between ages of 10 and 17 were arrested in February 2009 for receiving money from one of President Obiang's grandchildren, who apparently had stolen the money. They were detained for nearly two months before being released.

Lengthy pretrial detention remained a problem, and a significant number of those incarcerated were pretrial detainees; however, the number of pretrial detainees, especially of common criminals as opposed to political prisoners, was generally unavailable. Prison authorities started to provide monthly printouts on prisoners and detainees to the Ministry of Justice. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the government did not respect this provision in practice, and the judiciary was not independent, according to UN officials and local and international human rights advocates. Judges served at the pleasure of the president and were appointed, transferred, and dismissed for political as well as competency reasons. Judicial corruption was widely reported, and cases were sometimes decided on political grounds.

The military justice system did not provide defendants with the same rights as the civil criminal court system. The code of military justice states that persons who disobey a military authority, or are alleged to have committed an offense considered to be a "crime against the state," should be judged by a military tribunal, with limited due process and procedural safeguards, regardless of whether the defendant is civilian or military. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public, and the defendants do not have a right of appeal to a higher court. According to the UN Working Group on Arbitrary Detention, "judges and defenders in military courts were not lawyers or jurists, but military officials with no legal training."

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside. These adjudications were conducted according to tradition and did not afford the same rights and privileges as the formal system. Those dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures

By law a defendant enjoys the presumption of innocence until proven guilty; however, the government suspended due process and the presumption of innocence for several detainees during the year (see section 1.a). Most trials for ordinary crimes were public, but juries were seldom used. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys unless they could afford private counsel. An accused person who cannot afford a lawyer is entitled to ask the government to provide one, but only if the accused is summoned to appear in court, and defendants were not routinely advised of this right. The country's bar association was available to defend indigent defendants; however, there remained a shortage of lawyers, and there continued to be no effective system of court-appointed representation. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence; however, this right was seldom enforced in practice. By law the accused has the right to appeal; however, legal appeals were not common due to lack of adequate legal representation and ignorance of constitutional rights. The law extends these rights to all citizens.

Political Prisoners and Detainees

It was difficult to estimate the number of persons detained or imprisoned for exercising their political rights, in part because authorities did not maintain reliable prisoner lists or allow comprehensive independent monitoring of detention facilities. However, approximately 20 political prisoners were believed to remain incarcerated at year's end.

Political prisoners were incarcerated for offenses relating to the exercise of political rights; all were members of opposition parties, mainly banned parties, or persons the government accused of involvement in various coup attempts. Of those convicted, most were charged with "crimes against the state." Some were convicted by military courts without respect for due process, and some were tried summarily without the right to appeal their sentences, according to the UN Working Group on Arbitrary Detention.

Some political prisoners were released during the year.

On October 7, seven Nigerians (one died earlier in captivity) and UP opposition activists Marcelino Nguema and Santiago Asumu were pardoned and released; all had been accused of involvement in the February 2009 presidential palace attack. The pardon of the Nigerians followed their April conviction and sentencing to 12 years in prison by a civilian court. The two UP opposition activists were acquitted by the same civilian court but subsequently tried by a military tribunal, which sentenced them to 20 years in prison. According to AI, Marcelino Nguema and Santiago Asumu were tried twice on the same charges.

During the year all charges were dropped against eight UP activists who were arrested in connection with the presidential palace attack and subsequently released on bail in 2009.

The government also pardoned five political prisoners being held in Bata Prison: Jesus Micha Micha, Carmelo Ncogo Mitogo, Juan Bestue Santander, Antonio Mba Ndong, and Juan Maria Itutu Mendez. The five had been extradited from Gabon in 2004 and given long jail sentences in 2007 in connection with disturbances on Corisco Island.

On October 15, former army colonel Cipriano Nguema Mba, who in 2008 was abducted from Cameroon where he was recognized as a refugee, escaped from Evinayong Prison. In a 2004 military trial, Nguema was convicted of treason in absentia and sentenced to 30 years' imprisonment for allegedly plotting a coup and leaving the country with government funds.

The government continued to detain other political prisoners whom government agents had kidnapped from neighboring countries in recent years, according to the UN Working Group on Arbitrary Detention.

The UN Working Group on Arbitrary Detention recommended in 2008 the adoption by the government of necessary measures to put an immediate end to secret detentions. The group cited the (at that time) secret detentions of Florencio Ela Bibang, Felipe Esono Ntumu, and Antimo Edu Nchama, all of whom were kidnapped in foreign countries where they had refugee status, tortured, and convicted of treason in a military tribunal. Bibang and Nchama were believed to remain in Black Beach Prison. On October 15, Felipe Esono Ntumu reportedly escaped from Evinayong Prison, along with Cipriano Nguema Mba.

In 2008 a court convicted and sentenced to six years' imprisonment five former members of the banned PPGE political party--Cruz Obiang Ebele, Emiliano Esono Micha, Gerardo Angue Mangué, Gumersindo Ramirez Faustino, and Juan Ecomo Ndong--on charges of belonging to a banned party, holding illegal meetings, attempting to overthrow the government, and arms smuggling. At year's end the five remained in prison.

The government took little action on 2008 recommendations by the UN Working Group on Arbitrary Detention that the government draft a new criminal code; establish an independent judiciary; prompt judges and law officers to make periodic visits to prisons and police detention centers; limit the jurisdiction of military courts to military offenses committed by armed forces personnel; and extend human rights training to judges, law officers of all grades, security force members, and the Office of the Attorney General. The government stated it lacked the internal capacity to fully institute such changes but that it would welcome the efforts of outside organizations and governments to provide this capacity training.

Civil Judicial Procedures and Remedies

Civil matters can be settled out of court, and in some cases tribal elders adjudicated local disputes. Courts were increasingly engaged in ruling on civil cases brought before them, some of which involved human rights complaints. Many international companies doing business in the country operated with mediation clauses, which were occasionally activated. Resulting resolutions were generally respected.

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

The constitution and law prohibit such actions, but the government often did not respect these prohibitions in practice. Security forces entered homes without authorization and arrested suspected dissidents, criminals, foreign nationals, and others--often without judicial orders, which are not required for certain officials to enter and search homes--and confiscated their property with impunity.

Government informers reportedly monitored opposition members, nongovernmental organizations (NGOs), and journalists. Most residents and journalists believed the government monitored telephone calls.

Individuals may hold property title to pieces of land, but the state has full power of eminent domain, which it often exercised in the interests of development. In past years, scores of families were forcibly evicted from their homes to make room for roads and housing developments, especially in Malabo and Bata. The local Red Cross, Catholic Church, human rights lawyers, and opposition members expressed concerns about the displacement of poor communities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the law grants extensive powers to authorities to restrict the activities of the media, and the government continued to limit these rights in practice. The country's media remained weak and under government influence or control. Journalists were subject to surveillance and practiced self-censorship.

While criticism of government policies was allowed, individuals generally could not criticize the president, his family, other high-ranking officials, or the security forces without fear of reprisal, and the government reportedly attempted to impede criticism by continuing to monitor the activities of the political opposition, journalists, and others. Libel is a criminal offense.

Starting a new periodical required a complicated process governed by an ambiguous law and was often inhibited by government bureaucracy. In addition, accreditation was cumbersome for both local and foreign journalists, who had to register with the Ministry of Information.

Only one international news agency had a regular stringer present in the country, and government agents reportedly followed and observed stringers for foreign media. Some international media were not able to operate freely in the country during the year, and the government refused to issue visas to some Spanish journalists from major media organizations prior to the November 2009 presidential election. International newspapers or news magazines were generally not available in rural markets due, at least in part, to their high price and the low rate of literacy in rural areas; however, international magazines and newspapers increasingly were being sold in a number of grocery stores and hotels in Malabo and Bata.

On April 14, police in Malabo detained Agence France-Presse and Africa One radio correspondent Samuel Obiang Mbana for five hours while he attempted to cover a regional summit.

The law allows the government considerable authority to restrict press activities through official prepublication censorship. The law also establishes criminal, civil, and administrative penalties for violation of its provisions, in particular when it comes to violations of the 19 "publishing principles" in article 2 of the Law on the Press, Publishing, and Audiovisual Media.

Many of the legal and administrative obstacles criticized by international press freedom advocacy groups continued to pose significant problems for the country's media.

The government owned the only national radio and television broadcast system, RTVGE. The president's eldest son owned the only private broadcast media. Satellite broadcasts were widely available, including the French language Africa24 television channel that carried opposition criticism.

Foreign channels were not censored, were broadcast throughout the country, and included Radio France International, the BBC, and Radio Exterior, the international shortwave service from Spain.

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms or collected personally identifiable information. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Most overt criticism of the government came from the country's community in exile, and the Internet replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked and some Internet-based criticism of the government and its leaders was openly sourced to individuals living inside the country without negative repercussions. According to International Telecommunication Union statistics for 2009, approximately 2.2 percent of the country's inhabitants used the Internet.

Academic Freedom and Cultural Events

There were no official restrictions on academic freedom or cultural events; however, in past years some professionals lost their teaching positions because of their political affiliation or critical statements reported to government officials by students in their classes. Most professors reportedly practiced self-censorship to avoid problems. Cultural events required coordination with the Ministry of Information, Culture, and Tourism.

Members of opposition political parties and faculty members complained of government interference in the hiring of teachers, continued employment of unqualified teachers, and pressure to give passing grades to failing students with connections. Teachers with political connections but no experience or accreditation were hired, even though they seldom appeared at the classes they purportedly taught. No teacher's union existed to defend the rights of teachers, and teaching positions were available only to PDGE members.

On May 26, university professor Alfredo Okenve Ndo was fired from the National University's School of Engineering Technology as both a board member and professor after speaking about official corruption at a civil society event abroad on May 21.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly; however, the government restricted this right, largely through limits on freedom of association, which made it difficult for organizations that had not gained legal authorization to operate and hold meetings legally. Although the government formally abolished permit requirements for political party meetings

within party buildings, opposition parties were expected to inform authorities if they wished to hold gatherings outside of their headquarters. The government required notification for public events such as meetings or marches. According to foreign donors and members of local civil society groups, in light of coup attempts in recent years, the government continued to view some informal meetings by associations as security threats.

On September 1, the provincial governor in Bata refused to authorize a public demonstration against the death penalty by the legally recognized UP party on the grounds that the party "is not represented in parliament where it could actually introduce a bill against it."

During the 2009 election campaign, local officials impeded opposition attempts to campaign in regions loyal to the president (see section 3).

Freedom of Association

The constitution and law provide for freedom of association, but the government significantly restricted this right in practice. All political parties, labor unions, and other associations must register with the government. As of year's end, only one labor organization had been registered. The law prohibits the formation of political parties along ethnic lines, and several political parties remained banned (see section 3). The registration process for NGOs was costly, burdensome, opaque, and sometimes took years to complete. However, there were no government restrictions that targeted specific groups. During the year foreign donors continued to urge the government to review and reform the legal regime governing the establishment of NGOs.

c. Freedom of Religion

For a description of religious freedom, see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the government sometimes restricted these rights in practice.

During the year there were no cases in which the government cooperated with the UN High Commissioner for Refugees, which had no local office, or other humanitarian organizations in assisting refugees and asylum seekers.

Police at roadblocks routinely checked passing travelers and occasionally engaged in petty extortion, although reports of such practices declined during the year. Frequent roundups of irregular immigrants also occurred at roadblocks. The government claimed roadblocks impeded illegal immigration, mercenary activities, and attempted coups.

The law prohibits forced internal or external exile; however, the government did not respect this in practice. Following the granting of pardons to political prisoners in 2008, the government required several of them to return to and remain in their villages of origin. Several members of banned political parties remained in self-imposed exile.

Internally Displaced Persons (IDPs)

Unlike in the previous year, there were no reports that the government continued to forcibly evict scores of families from their homes to make room for roads and luxury housing developments (see section 1.f.).

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government provided temporary humanitarian protection to individuals who may not qualify as refugees under the 1951 Convention and its 1967 Protocol.

In practice the government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Although reliable data on the number of persons involved was not available, the government provided temporary humanitarian protection to individuals who may not qualify as refugees during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully; however, despite continued improvements in the electoral process during the year, this right was extremely limited, partly as a result of the dominance of the ruling PDGE party.

Elections and Political Participation

In November 2009 President Obiang was reelected, winning 95.37 percent of votes cast; opposition candidate Placido Mico of the CPDS won 3.55 percent of the vote. The lopsided results and weak independent monitoring of the electoral process raised the suspicion of systematic voting fraud. Few international election observers monitored the country's 1,289 polling stations as a result of the government's insistence on coordinating their movement, prohibition of criticism, and control of media access. Procedural irregularities at some polling stations included multiple voting, failure to respect secrecy of the vote, and the absence of a posted list of registered candidates. At some stations, family voting was allowed, unregistered voters were allowed to vote, and ballot boxes were unsealed. Soldiers were deployed to all polling stations.

In October 2009 President Obiang announced the election would be on November 29, with campaigning to begin officially on November 5. According to Human Rights Watch, the tight election timetable and the government's refusal to make the voter rolls public severely limited the opposition's ability to campaign and win support. The voter registration process, an important part of the preparations for elections in the country, was seriously flawed. The registration committee was composed primarily of PDGE members and routinely decided issues in favor of the PDGE. When registering a PDGE member, the committee registered all members of the family as PDGE voters, including children. Persons who were dead, underage, or living abroad were included as PDGE registrants.

No independent and impartial body existed to oversee the electoral process or consider election-related complaints. The National Electoral Commission, which was separate from the voter registration committee and charged with ensuring the fairness of the elections and handling formal postelection complaints, was controlled by the ruling party and headed by the interior minister, a prominent member of the party. While its membership included a representative of each political party that fielded candidates, it also included representatives from the government, lacked civil society representation, and a majority of its members were ruling party officials. The opposition CPDS party claimed that one of its electoral officials was forced with a pistol held to his head to sign off on a vote count.

Opposition party members and candidates operated at a significant disadvantage when attempting to gain voter support. On the whole, opposition parties and their candidates were poorly organized, poorly financed, and lacked public support. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters. Several peaceful political parties banned in recent years were not

allowed to participate in the elections. The government denied the opposition equal access to the media. Opposition members and leaders also claimed the government monitored their activities.

Unlike in previous elections, no opposition members were arbitrarily arrested, detained, or tortured; however, opposition candidates were harassed and intimidated during the presidential campaign.

No action was taken against a priest in Ayene who stopped a CPDS candidate from holding a rally in the town square in November 2009 or against the security forces and PDGE members who assaulted supporters of the UP party in Aconibe the same month.

The ruling PDGE party ruled through a complex arrangement built around family, clan, and ethnic loyalties. Indirect pressure for public employees to join the PDGE continued. Opposition party members continued to report they had been discriminated against in hiring, job retention, scholarships, and obtaining business licenses. During the year individuals contended government pressure precluded opposition members from obtaining jobs with foreign companies. Opposition party members claimed businesses found to have hired employees with direct links to families, individuals, parties, or groups out of favor with the government were often forced to dismiss employees or face recrimination.

The three legal opposition parties faced restrictions on freedoms of speech, association, and assembly (see sections 2.a. and 2.b.). Some political parties that existed before the 1992 law establishing procedures to legalize political parties remained banned, generally for "supporting terrorism."

The president, who may serve an unlimited number of six-year terms, exercised strong powers as head of state, commander of the armed forces, head of the judiciary, and founder and head of the ruling party. In general, leadership positions within government were restricted to the president's party or the coalition of "loyal opposition" parties. Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, few changes were made. The minister of the interior was appointed to act as president of the national electoral commission.

The government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated to constitute more than 85 percent of the population, continued to exercise strong political and economic power. Women comprised more than 10 percent of the 100-member parliament, including its vice president. There was one woman in the cabinet and four of the vice ministers (for the Ministries of Health, Economy, Finance, and Planning) were women.

Section 4 Official Corruption and Government Transparency

Laws provide severe criminal penalties for official corruption; however, the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Corruption continued to be a severe problem. The presidency and prime minister's office were the lead agencies for anticorruption efforts. The president and members of his inner circle continued to amass personal profits from the oil windfall.

At least two high-profile corruption cases involving officials stealing government funds were successfully prosecuted during the year. Both involved well-connected government officials in the Ministry of Finance and in the state-run telephone company, GETESA. Lengthy jail sentences and heavy fines were handed down to senior officials, including a parliamentarian from the ruling party and a relative of a vice prime minister.

In August, in the finance ministry case, treasury official and ringleader Ernesto Abeso was sentenced to 21 years in prison and fined 3 million CFA (\$6,072). Another finance ministry official, Adolfo Mba Ela, was sentenced to 21 years. A 19-year sentence was imposed on three other finance ministry officials, Martin Nseng Monsuy (also a PDGE parliamentarian),

Angel Salvador Elo Micue, and Astrina Micue Ndong. Seven others received lesser sentences, and 11 others were acquitted.

In September, in the GETESA case, a court convicted six persons of stealing government funds (three were French citizens who were tried in absentia).

In July some national security officials were removed because of corruption and posted abroad as diplomats in African embassies. The vice minister of national security and the secretary of state for national security were both removed from their positions. The vice minister refused to go to his posting and was briefly imprisoned and reportedly remained under house arrest.

In November a French appeals court reinstated the lawsuit filed in 2008 against President Obiang and two other African heads of state accused of acquiring luxury homes in France with embezzled public funds. The lawsuit, which was dismissed by a French court earlier in the year, was filed by anticorruption activist groups, including the French chapter of AI.

A lawsuit filed by a Spanish human rights group in 2008 alleging that members of President Obiang's family and high-ranking political officials close to the president had laundered money and bought homes in Spain from embezzled funds continued at year's end.

Officials by law must declare their assets, although no declarations were published publicly. There was no requirement for officials to divest themselves of business interests in potential conflict with official responsibilities and no law prohibiting conflict of interest. Most ministers continued to moonlight and conduct businesses they conflated with their government responsibilities.

During the year the government made progress toward meeting objectives required to join the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries, developing an approved work plan and achieving candidate status. As a result of its participation in the EITI, the government for the first time released oil revenue figures for 2007 (\$4 billion) and 2008 (\$5.9 billion). However, in April EITI delisted Equatorial Guinea as a candidate country because of lack of consensus among board members on whether or not there were extenuating circumstances that would give the country an extension to complete all EITI requirements.

The law does not provide for public access to government information, and citizens and noncitizens, including foreign media, were generally unable to access government information. A lack of organized record keeping, archiving, and public libraries also limited access.

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

The law restricts NGO activity, and the few existing domestic human rights NGOs focused on development issues involving social and economic rights, such as health and elder care. Although the law includes human rights among the areas in which NGOs may operate, no NGO reported publicly on the abuse of civil or political rights by the government or on official corruption. Thus, there were no local groups dedicated to human rights, rather there were groups that worked on human rights as part of their overall brief. The government was suspicious of human rights activity, claiming that much of it was prompted by antiregime exile groups and critical foreign NGOs.

On September 28, the government, working with the World Bank and Revenue Watch Institute, allowed a rare NGO training workshop to take place in Bata, according to a foreign diplomat charged with evaluating the status of civil society

in the country. Government restrictions, including burdensome registration requirements and lack of capacity to manage and provide the public with information, continued to impede the activities and development of domestic civil society. There were few international human rights NGOs resident in the country, and they generally focused on social and economic rather than civil and political rights.

The government cooperated to varying degrees with international organizations such as the ICRC and the UN. According to government officials, meetings were held during the year with representatives of the ICRC to discuss reopening an ICRC office in the country. In February the ICRC, which suspended prison visits in 2008 after the government refused to grant access to some prisoners, resumed visits (see section 1.c.).

In 2009 the government categorically rejected the 2008 report on detention facilities by UN special rapporteur on torture Manfred Novak, who reported that torture appeared to reflect a state-endorsed method of obtaining evidence and confessions and that a culture of total impunity allowed torture to continue unabated (see section 1.c.).

The primary official in charge of human rights, the third vice prime minister for human rights, functioned more to defend the government from accusations than to investigate human rights complaints or keep statistics on them.

The parliamentary committee for complaints and petitions provided a forum for the public to register concerns and was increasingly active during the year. The committee accepted complaints and petitions whenever the parliament was in session. The sole opposition member in parliament vociferously and publicly denounced abuses.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively. Nonetheless, numerous public outreach efforts were undertaken to improve public awareness of the issues associated with violence and discrimination against women and children, discrimination against ethnic minorities, and discrimination against those with HIV/AIDS.

Women

Rape is illegal and penalties date back to the Spanish colonial era penal code in existence as of 1968, but spousal rape is not specified in the law. Penalties include a minimum punishment of 12 years in prison to a maximum of 20 years. An additional fine may be levied, but the law does not specify the amount. The government did not enforce the law effectively. Reporting rape was considered shameful to the families involved. Several cases were prosecuted in court during the year, but the exact number was not known.

Domestic violence was a widespread problem. Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. Depending on severity and circumstances, the penalty for assault can range from one to 20 years' imprisonment. Police and the judiciary were reluctant to prosecute domestic violence cases. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence. In accordance with a law passed in May 2009, family courts were created to deal with cases of violence against women. On occasion, the police organized workshops on family violence.

Sexual harassment is illegal; its extent was unknown. There were no known cases brought before the courts.

The government did not interfere with the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the UN Population Fund (UNFPA), less than 10 percent of the population used any contraceptives. Statistics on maternal health, prenatal care, essential obstetric care, and postpartum care were dated and unreliable. However, the UNFPA estimated the maternal mortality ratio to be 280 deaths per 100,000 live births. The

Population Reference Bureau estimated that in 2008 approximately 65 percent of births were attended by skilled health personnel. However, many local observers believed that such data was unreliable. Some prenatal and obstetric care was free in government clinics but availability and quality was highly variable, and access was limited mostly to the two main cities. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

The law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system; however, the rights of women were limited in practice. According to the UN Committee on the Elimination of Discrimination against Women, the prevalence of negative stereotypes and the "deep-rooted adverse cultural norms, customs, and traditions, including forced and early marriage, and levirate marriage (the practice by which a man may be required to marry his brother's widow)" discriminated against women. Lack of legislation regulating customary marriages and other aspects of family law also discriminated against women, particularly with respect to polygyny, inheritance, and child custody.

Women in rural areas largely were confined by custom to traditional roles. In urban settings women with equal qualifications rarely suffered overt discrimination. However, the country maintained a conservative culture in which societal bias against women persisted. Women sometimes experienced discrimination in access to employment, credit, and equal pay for substantially similar work.

The government continued to provide 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 the Promotion of Women held several events during the year to publicize these rights and held public rallies for women's rights and against domestic violence.

Children

Citizenship is derived from one's parents. Registration of births is the responsibility of the parents, and failure to register a child so can result in the denial of public services.

Education was free and compulsory until 13 years of age. The overwhelming majority of children attended school at least through primary grades. Boys were generally expected by their families either to complete an additional seven years of secondary school or to finish a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men. During the year the government continued to partner with a foreign oil company to undertake a multimillion dollar school renovation program and work with a foreign country to reform outdated curriculum materials.

Abuse of minors is illegal; however, the government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. During the year a small number of cases in which child abuse was alleged came before the courts.

The law does not address child prostitution or child pornography. There was little evidence children engaged in prostitution for survival without third party involvement. The minimum age for sexual consent is 18.

While teenage pregnancies are not uncommon, the Ministry of Social Affairs and the Promotion of Women operated several successful programs to deter child marriage.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community was extremely small; there were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law does not provide persons with disabilities with protection from discrimination in employment, education, or the provision of other state services, nor does it mandate access to buildings for persons with disabilities.

Educational services for persons with mental or physical disabilities were limited. The local Red Cross, with financial support from the government, managed the country's school for deaf children. The government, through the Ministry of Social Affairs, and the Catholic Church worked together to provide care for the mentally handicapped in the Virgin Madre Maria Africa facility. The country's first lady gave several highly publicized donations to help the handicapped.

The Ministries of Education and Health have primary responsibility for protecting the rights of persons with disabilities. Public service announcements regarding rights of persons with disabilities continued to be broadcast.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, security force harassment, and political marginalization of minorities were problems. Foreigners were often victimized. Irregular residents from Nigeria, Ghana, Cameroon, Mali, Togo, Gabon, and other African countries represented a significant portion of the labor force and continued to grow, despite police attempts to enforce immigration laws.

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

There are no laws criminalizing sexual orientation; however, societal stigmatization and traditional discrimination against gay men and lesbians was strong, and the government made little effort to combat it.

Other Societal Violence and Discrimination

Despite frequent public statements and radio campaigns advocating nondiscrimination, persons with HIV/AIDS continued to be victims of societal stigmatization, which led them to keep their illness hidden. The government provided free HIV/AIDS testing and treatment and supported public information campaigns to increase awareness.

Section 7 Worker Rights

a. The Right of Association

The law provides workers the right to establish unions and affiliate with unions of their choice; however, the government placed practical obstacles before groups wishing to organize. Most often, those seeking to organize were co-opted into existing party structures by means of pressure and incentives. The Union Organization of Small Farmers continued to be the only legal operational labor union. According to the International Trade Union Confederation, authorities continued to refuse to register the Equatorial Guinea Trade Union or recognize other existing unions. The law stipulates a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation. Authorities

refused to legalize the Independent Syndicated Services, a public sector union, despite its having met the requirements of the law.

Workers have the right to strike; however, they rarely did so, in part because they feared losing their jobs and possible harm to themselves or their families. On several occasions during the year, both local and foreign workers engaged in temporary protests or "go slows" (work slowdowns and planned absences) which were resolved peacefully by labor ministry officials through negotiations and fines on employers.

Unlike in previous years, there were no reports that security forces killed strikers. No action was taken against police responsible for the 2008 killing of two Chinese strikers.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, but the government did not protect this right in practice.

The law provides for representatives of government, employers, and workers to meet biannually to review and set minimum wages; however, worker representation was limited. There were few reports of organized, collective bargaining by any group; however, the Ministry of Labor sometimes mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate; however, there was little trust in the fairness of the system. Citizens had a right to appeal labor ministry decisions to a special standing committee of the parliament established to hear citizen complaints regarding decisions by any government agency.

There is no law prohibiting antiunion discrimination, but there were no reports it occurred.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, children were subjected to forced labor. According to UN and other sources, there was no evidence of forced labor by adults. See also the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 14 from working and provides that persons found guilty of illegally forcing a minor to work may be punished with a fine of approximately 50,000 to 250,000 CFA francs (\$101 to \$505); however, child labor occurred. The law prohibits children from working as street vendors or car washers; however, children performed such activities. Children also worked as street vendors, in local markets, and in car washing and were involved in domestic servitude.

Law enforcement officials were often stationed in market places, where they enforced laws prohibiting minors from working there. Vendors who violated these laws could be forced to close down their stalls, heavily fined, or deported; however, no vendors were prosecuted during the year. The government did not provide social services to children found working in markets. In general there was greater protection for local children focusing on concern that they be in school; foreign children, mostly street vendors, were treated like foreign adults.

The Ministry of Labor is responsible for enforcing child labor laws. Authorities were relatively effective in enforcing child labor laws, at least as far as Equatoguinean children were concerned.

e. Acceptable Conditions of Work

Enforcement of labor laws and ratified international labor agreements was not effective, resulting in poor working conditions. While the government paid more attention to such issues during the year, safety codes, for example, were not generally enforced. Most petroleum companies, on the other hand, exceeded minimum international safety standards.

In April 2009 the government issued Public Decree 60/2009, which establishes a monthly minimum wage of 95,400 CFA francs (\$193) for all workers in the country, including farmers; however, the minimum wage did not provide a decent standard of living for a worker and family in Malabo or Bata. In the rest of the country, the minimum wage provided a minimally adequate income. Many formal-sector companies paid more than this, but many workers (e.g., farmers) were not covered under the minimum wage law. By law hydrocarbon industry workers received salaries many times higher than those in other sectors, creating disparities within society and fueling inflation for some goods and services. The Ministry of Labor is responsible for enforcing minimum wage rules.

The law prescribes a standard 35-hour workweek and a 48-hour weekly rest period; these requirements were generally observed in the formal economy. Exceptions were made for some jobs, such as those in offshore oil industry work. Premium pay for overtime was required, but the requirement was not always effectively enforced.

The law provides for protection of workers from occupational hazards, but the government did not effectively enforce this provision. In 2009 the government hired an additional 100 labor inspectors to oversee the industry. The law does not provide workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment. The law does not provide for any exception for foreign or migrant workers.

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