

# **EQUATORIAL GUINEA 2012 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Equatorial Guinea is nominally a multiparty constitutional republic. Following a military coup in 1979, President Obiang Nguema Mbasogo has dominated all branches of government in collaboration with his clan and political party, the Democratic Party of Equatorial Guinea (PDGE). In 2009 voters reelected President Obiang with a claimed 95.4 percent of votes cast. The lopsided results and weak independent monitoring of the electoral process raised suspicions of systematic vote fraud. Foreign diplomatic observers noted numerous irregularities and the presence of military personnel at all voting stations. There were instances in which elements of the security forces acted independently of civilian control.

The most significant human rights abuses in the country were disregard for the rule of law and due process, including police use of torture and excessive force; denial of freedom of speech, press, and assembly; and widespread official corruption.

Other human rights abuses included: inability of citizens to change their government; abuse of detainees and prisoners; poor conditions in prisons and detention facilities; arbitrary arrest and detention; incommunicado detention; harassment and deportation of foreign residents without due process; lack of judicial independence; restrictions on the right to privacy; violence and discrimination against women and children; trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

The government did not take 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 or Unlawful Deprivation of Life**

There were several reports the government or its agents committed arbitrary or unlawful killings. On May 24, police beat to death Nigerian legal resident Prince Mathew Adekanmi Aderemi Bepo after he refused to give extra fuel to a government official. Also in May an army officer shot and killed Oumar Kone, a Malian citizen, after he refused to pay a bribe. In November police officers beat to

death Malian citizen Alit Togo after he tried to flee a traffic stop. No action was taken against perpetrators in any of the cases.

### **b. Disappearance**

There were no reports of politically motivated abductions or kidnappings.

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

The law prohibits such practices; however, opposition leaders and international nongovernmental organizations (NGOs) continued to criticize the government for its “systematic use of torture.” Police officers and military personnel used excessive force during interrogations, sometimes to facilitate their own robbery and extortion.

For example, in October military officials beat Agustin Esono Nsogo to obtain information about his alleged involvement in financing an alleged coup plot. Esono Nsogo remained in detention awaiting trial at year’s end.

Foreigners, primarily irregular immigrants from other African countries, were killed, harassed, intimidated, and arbitrarily arrested and detained (see section 1.a.). Unlike in previous years, there were no reports police harassed and abused foreign diplomats.

### **Prison and Detention Center Conditions**

Conditions in the country’s three prisons, 12 detention centers, and numerous police station jails were harsh and sometimes life threatening. Prison cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees but not routinely. The government provided basic meals in the three main prisons and some police station jails, but it was generally insufficient and of poor quality. Families of prisoners and detainees or fellow prisoners and detainees often had to provide food.

Several civilian jails were located within military bases and headed by civilian administrators; however, military personnel served as guards. Conditions were similar to those in prisons.

Physical Conditions: Although there were no reliable statistics, government officials and opposition party members estimated there were between 500 and 800 persons incarcerated in the country. A small percentage of these were women; there was no information on the number of juvenile detainees.

Female prisoners generally were not held separately and there were reports male prisoners raped and abused them. Juveniles also were not held separately and were vulnerable to rape and sexual abuse. Pretrial detainees were held together with convicted prisoners.

There were no statistics on the prevalence of deaths in prisons or detention centers.

Administration: Neither the judicial system nor police had an effective system to register cases or track prisoners. The law requires prison authorities to provide the Ministry of Justice with a monthly printout of prison inmate numbers, including releases, with full names, sentences completed, and release dates; however, this did not occur.

Nonviolent juvenile offenders were often granted provisional liberty and monitored; no other alternatives to sentencing were used.

A local judge served as ombudsman to hear complaints about sentencing, but authorities generally did not permit prisoners and detainees to submit complaints to judicial authorities or to request investigation. In most cases prisoners had reasonable access to visitors and were permitted religious observance.

Monitoring: In 2011 the International Committee of the Red Cross (ICRC) signed a headquarters agreement and established a permanent presence in Malabo. The ICRC visited some detention centers during the year. However, apart from one visit, the government did not permit monitoring in accordance with the ICRC's standard modalities, particularly in Black Beach Prison.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention; however, security forces arrested and detained persons arbitrarily and without due legal process. Detainees were

held incommunicado, denied access to lawyers, and jailed for long periods without charge.

### **Role of the Police and Security Apparatus**

The police generally are 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 at and in the vicinity of presidential facilities.

Police were ineffective and corrupt, and impunity continued to be a problem. Security forces extorted money from citizens and immigrants at police checkpoints. The government did not maintain effective internal or external mechanisms to investigate security force abuses. However, the Ministry of National Security reported it was required to appear before the legislature to provide responses about abuses committed by individual police officers and that police officers were dismissed as a result. No statistics on police dismissals were provided.

The government continued to invest in the professionalization of its security forces. Several foreign contractors trained police officers and military officials on human rights, prevention of trafficking in persons, rule of law, appropriate use of force, and code of ethics.

### **Arrest Procedures and Treatment While in Detention**

Although the constitution requires arrest warrants, except in cases in which a suspect is caught committing a crime, security force members 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, but detentions were often longer, sometimes several months.

Although the law provides for detainees to be informed promptly of the charges against them, authorities did not respect this right. Some foreign detainees complained they were detained and subsequently deported without being told the charges against them. While a bail system and public defenders were supplied by

the bar association, which received funding from the government, and were available upon request, the public largely was unaware of either, and neither system operated effectively. Detainees, particularly political detainees, occasionally were denied access to lawyers.

The law provides for family visits and prohibits incommunicado detention; however, these provisions were not always respected and sometimes depended on the discretion of the local police chief.

Arbitrary Arrest: During the year the government arbitrarily arrested irregular immigrants, businessmen, and others.

Early in the summer police raids increased on immigrant communities, local stores, and restaurants after the government announced all immigrants were required to regularize their status. Reliable sources reported many legal as well as irregular immigrants were abused, extorted, or detained during such raids. Police occasionally used excessive force to detain and deport immigrants, and almost all foreign embassies in the country criticized the government during the year for its harassment, abuse, extortion, and detention of foreign nationals. Detained, irregular immigrants awaiting deportation were held in police cells for lengthy periods. Many detainees complained about the bribes required for release from arbitrary detention.

There were several reports businesspersons were arbitrarily detained in connection with business disputes.

On June 4, the president pardoned Florentino Manguire Eneme Ovona. As a former manager of a lumber export company owned by Teodoro Nguema Obiang Mangué, the president's eldest son, and the country's second vice president, Manguire was detained for more than two years for allegedly stealing public property after a dispute with his employer. In August Manguire again was briefly detained for allegedly divulging information to a Web site about corrupt practices in the lumber export industry that involved the president's son. Manguire denied having anything to do with the information posted on the Web site.

In August several persons were briefly detained in Mbini for not attending a government-sponsored event celebrating Liberty Day.

Pretrial Detention: Lengthy pretrial detention remained a problem, and many of those incarcerated were pretrial detainees; the exact number was unavailable.

Although prison authorities were required to provide monthly lists of prisoners and detainees to the Ministry of Justice, this did not occur. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

Amnesty: On June 4, the government pardoned 16 prisoners, including two political prisoners (see section 1.e.).

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary; however, the government did not respect this provision, 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, based entirely on the system in effect in Spain during General Franco's rule, 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 may not have a right to cross-examine an accuser. Such proceedings are not public, and 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 officers with no legal training."

In the countryside, tribal elders adjudicated civil claims and minor criminal matters in traditional courts. 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**

The law provides for the presumption of innocence; however, the government suspended due process and the presumption of innocence for several detainees during the year. Defendants have the right to be informed promptly of charges, to have adequate time and facilities to prepare a defense, and not to be compelled to

testify or confess guilt; however these rights were not respected. 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 bar association was available to defend indigent defendants, but there remained a shortage of lawyers and no effective system of court-appointed representation. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence. This right was seldom enforced. Defendants do not have the ability to access government-held evidence. By law the accused has the right to appeal, but legal appeals were not common due to lack of adequate legal representation and ignorance of constitutional rights.

Suspects were detained incommunicado.

On October 22, lawyer and human rights defender Fabián Nsue Nguema was arrested while attempting to visit a client in prison. He was subsequently held incommunicado and without charge at Black Beach Prison for three days. Although his car was parked inside the prison precinct, prison authorities did not acknowledge they had detained him. On October 25, Nsue Nguema was transferred to Malabo's Central Police Station where he was held without charge until his release on October 30.

### **Political Prisoners and Detainees**

During the year there were three political prisoners. Two of the three were released in June as a result of a presidential pardon, and one was held for one week and released without charges. Political prisoners did not receive the protections accorded them under the law; however, they were not singled out for poor treatment.

On February 9, security forces arrested Wenceslao Mansogo, a medical doctor, human rights defender, and opposition leader, for alleged medical malpractice; the arrest occurred after one of Mansogo's patients died in surgery. Although foreign observers agreed the prosecution failed to present any convincing evidence to support its charge of medical malpractice, on May 7, Mansogo was convicted and sentenced to three years in prison. The defendant was also temporarily suspended from the medical profession and fined. Ponciano Mbomio Nvo, one of Mansogo's

lawyers, was suspended from legal practice for two years for criticizing the government in closing arguments in the case.

On May 18, Mansogo was transferred to an isolation cell in Bata Prison. Mansogo's attorneys had difficulty gaining access to him. On June 6, Mansogo was released after widespread international criticism resulted in a presidential pardon.

### **Civil Judicial Procedures and Remedies**

Courts ruled on civil cases brought before them, some of which involved human rights complaints; however, plaintiffs could not appeal decisions to an international regional court. Civil matters also may be 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. For example, despite a March court ruling that Daniel Dario Ayecaba was the rightful president of the opposition Popular Union (UP) party, the government continued to recognize a breakaway faction as the legitimate UP party.

#### **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. Search warrants are required unless the crime is in progress or for reasons of national security. Security forces entered homes without authorization and arrested alleged criminals, foreign nationals, and others, often without required judicial orders, and confiscated their property with impunity.

Government informers reportedly monitored opposition members, NGOs, and journalists. The government blocked employment of known members of opposition parties.

Individuals may hold title to land, but the state has full power of eminent domain, which it exercised in the interests of development. In November the government forcibly evicted without compensation at least 30 residents of the town of Rebola.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**



Although the constitution and law provide for freedom of speech and press, the law grants authorities extensive powers to restrict media activities, and the government limited these rights. The country's media remained weak and under government influence or control. The few private media outlets that existed were generally owned by persons close to the president. Journalists were subject to surveillance and practiced self-censorship.

Freedom of Speech: 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. The government reportedly attempted to impede criticism by continuing to monitor the activities of the political opposition, journalists, and others.

Freedom of Press: The country had one marginally independent newspaper that appeared at infrequent intervals during the year. Print media outlets were extremely limited. Starting a new periodical or newspaper is a complicated process governed by an ambiguous law and impeded by government bureaucracy. In addition accreditation is cumbersome for both local and foreign journalists, who must register with the Ministry of Information. International newspapers or news magazines were sold in grocery stores and hotels in Malabo and Bata but generally not available in rural areas.

Only one international news agency had a regular part-time local correspondent stringer present in the country; government agents reportedly followed and observed stringers for foreign media, who generally could not operate freely. The government severely restricted the movements of the few foreign journalists who visited. 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 occasionally carried opposition criticism.

Foreign channels, including Radio France International and the BBC, were broadcast uncensored throughout the country.

Violence and Harassment: Unlike in the previous year, there were no reports security forces detained 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, in particular violations of the 19 publishing principles in Article 2 of the Law on the Press, Publishing, and Audiovisual Media. The country's only independent newspaper practiced self-censorship and did not openly criticize the government or the president.

On October 19, authorities indefinitely suspended the RTVGE radio program "Cultura En Casa" after it included criticism of the Supreme Court president. The program featured an interview with Teresa Mbasogo, a guest representing 18 families seeking justice for the November 2011 demolition of their homes and confiscation of their land in Bata.

Libel Laws/National Security: Libel is a criminal offense, but there were no instances of the government using such laws to suppress criticism during the year.

Publishing Restrictions: The only publishing facility available to newspapers was located at the Ministry of Information, which allowed the Ministry to censor printed materials.

### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms without judicial oversight. 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. According to International Telecommunication Union statistics, 6 percent of individuals used the Internet in 2010.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events. 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. Cultural events required coordination with the Ministry of Information, Culture, and Tourism.

On May 1, the government canceled all Labor Day celebrations in Malabo and Bata without providing an explanation. Members of opposition political parties, faculty members, and students complained of government interference in the hiring of teachers, continued employment of unqualified teachers, and pressure to give

passing grades to failing students with political connections. Although reportedly they seldom appeared at the classes they were assigned to teach, teachers with political connections, but no experience or accreditation, were employed. Teaching positions were available only to PDGE members.

## **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. Although the government formally abolished permit requirements for political party meetings within party buildings, it denied requests by opposition parties to hold meetings outside of their meeting spaces. The government required prior permission for public events such as meetings or marches.

### **Freedom of Association**

The constitution and law provide for freedom of association, but the government significantly 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. At year's end, only one labor organization had been registered (see section 7.a.). The law prohibits the formation of political parties along ethnic lines, and several political parties remained banned, including the Progress Party of Equatorial Guinea (PPGE). During the year the PPGE requested permission to be reinstated as a political party, but the government did not respond to the request.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

Although the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government occasionally restricted these rights.

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

In-country Movement: Police at roadblocks routinely checked passing travelers and engaged in petty extortion. Frequent roundups of irregular immigrants and others also occurred at roadblocks. The government claimed roadblocks impeded illegal immigration, mercenary activities, and attempted coups.

Exile: The law prohibits forced internal or external exile. Some members of banned political parties returned from exile during the year; however, many remained in self-imposed exile.

### **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. 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, although this right was extremely limited, partly as a result of the dominance of the ruling PDGE party.

### **Elections and Political Participation**

Recent Elections: In 2009 President Obiang was reelected with a claimed 95.4 percent of votes cast; opposition candidate Placido Mico of the Convergence for Social Democracy (CPDS) party won 3.6 percent of the vote. The lopsided results and weak independent monitoring of the electoral process raised suspicion of systematic voting fraud. The government's insistence on coordinating the movements of election observers, prohibition on criticism of the elections, and control of media access limited the participation of international election observers to a small percentage of the 1,289 polling stations. 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, and there were reports they intimidated voters.

In October 2009 President Obiang announced the election would occur the following month. 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 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 or underage 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, was charged with ensuring the fairness of elections and handling formal postelection complaints; however, the commission was controlled by the ruling party. The interior minister, a prominent party member, headed the commission, and the majority of commission members were also members of the ruling party. While its membership included a representative of each political party that fielded candidates, the commission lacked civil society representation and included representatives from the government. The opposition CPDS party claimed one of its electoral officials was forced with a pistol held to his head to approve a vote count.

Opposition party members and candidates operated at a significant disadvantage. Unlike in previous elections, no opposition members were arbitrarily arrested, detained, or tortured, but opposition candidates were harassed and intimidated during the presidential campaign. The government denied the opposition equal access to the media, and several peaceful political parties banned in prior years were not allowed to participate in the elections. Opposition members and leaders also claimed the government monitored their activities. Opposition parties and their candidates generally were poorly organized and inadequately financed.

Political Parties: The PDGE party ruled through a complex arrangement built around family, clan, and ethnic loyalties. Indirect pressure for public employees to join the PDGE continued. The ruling party's virtual monopoly on power, funding, and access to national media hampered the country's two primary opposition parties--the CPDS and UP. Opposition members were subject to arbitrary arrest and harassment and continued to report being discriminated against in hiring, job

retention, scholarships, and obtaining business licenses. Opposition members contended government pressure precluded them from obtaining jobs with foreign companies. Opposition party members claimed businesses having employees with direct links to families, individuals, parties, or groups out of favor with the government often were forced to dismiss those employees or face reprisals.

Legal opposition parties faced restrictions on freedom 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 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 the government were restricted to selected members of the president’s party or the coalition of loyal opposition parties.

In November 2011 the government convoked and won a referendum to significantly alter the constitution. The amended constitution concentrates power in the hands of the president and allows President Obiang, who has been in power for 33 years, to serve another 19 years. (One of the amendments cancels the presidential age limit of 75 and institutes presidential term limits of two consecutive seven-year mandates, which become effective in the 2016 presidential election, when Obiang turns 74.) Other amendments establish a senate and anticorruption tribunal court, some of whose members are appointed by the president, and a human rights ombudsman, also appointed by the president. The amendments also create the post of vice president. Following the referendum, President Obiang created a second vice presidential slot in charge of defense and national security, a position not provided for in the constitution. In a move widely viewed as a further attempt to consolidate power, Obiang appointed his eldest son Teodoro Nguema Obiang Mangue to the post.

The government claimed the referendum passed with 97.7 percent of the vote. The text of the proposed amendments was made public only two weeks before the vote, preventing the opposition from mobilizing against it. Opponents of the reforms were not allowed to present their case in the government-controlled media (see section 2.a.) Apart from foreign diplomats at several polling stations outside Malabo, no independent observers monitored the referendum. According to international NGOs and local opposition parties, vote fraud, harassment of opposition supporters, and intimidation of voters occurred. There were scattered confrontations between regime authorities and opposition activists in Bata.

Participation of Women and Minorities: Women constituted 8 percent of the 100-member parliament, including its vice president. There were two women in the 22-member-cabinet, and four of the 24 vice ministers were women. The government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated to constitute 85 percent of the population, continued to exercise dominant political and economic power.

#### **Section 4. Corruption and Lack of Transparency in Government**

While laws provide severe criminal penalties for official corruption, the government did not implement these laws effectively, and officials engaged in corrupt practices with impunity. Corruption at all levels of government was a severe problem. Numerous foreign investigations continued into high-level corruption tied to the country's natural resource wealth.

In June a foreign government amended its October 2011 legal filing seeking to seize assets of Nguema Obiang Mangué, the president's eldest son and second vice president. The amended filing alleges the president's son extorted funds from timber and construction companies through fictitious companies, fraudulently inflated public construction contracts by as much as 500 percent, and funneled public money into a private bank account under his control while he served as the minister of agriculture and forestry. The amended filing seeks to recover \$70.8 million in real and personal property Nguema Obiang Mangué allegedly obtained through such corrupt practices.

In a separate case, on July 13, French officials issued an international arrest warrant for Nguema Obiang Mangué for failure to appear before a court for questioning regarding a 2010 investigation into suspected concealment and laundering of embezzled public funds abroad. On July 19, judges in Paris seized a mansion reportedly owned by Nguema Obiang Mangué; in 2011 the French government seized 11 luxury vehicles also owned by the president's son.

The law requires officials to declare their assets to the National Commission on Public Ethics, although no declarations were made public. Income and assets of spouses and minor children must be reported, but there are no penalties for noncompliance. The reports are confidential to the commission; however, observers considered it unlikely the law was enforced. While by law government officials are forbidden from conducting business, most ministers continued to

moonlight and conduct businesses they conflated with their government responsibilities.

Although the Presidency and Prime Minister's Office are the lead agencies for anticorruption efforts, the president and members of his inner circle continued to amass personal fortunes from the revenues associated with oil exports.

The government held a series of workshops on transparency in the extractive industries for civil society in cooperation with the World Bank as part of efforts to renew its candidacy for the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries. The country was delisted as a candidate country in 2010 because it had not completed all EITI requirements; there was no consensus within the EITI board on the existence of extenuating circumstances that could have justified an extension of the deadline for compliance.”]

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

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

The law restricts NGO activity, and the few 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, political, or other human rights by the government or on official corruption. The government was suspicious of human rights activity, claiming much of it was prompted by antiregime exile groups and critical foreign NGOs. The few local activists who sought to address human rights-related issues were vulnerable to intimidation, harassment, and reprisals.

UN and Other International Bodies: The government sometimes cooperated with international organizations such as the UN and the ICRC.

Government Human Rights Bodies: All citizens had the right to file a petition with the Commission on Human Rights as part of the parliamentary committee for complaints and petitions. Petitions were televised and decisions were announced



on national radio; however, the commission did not resolve human rights abuses. The sole opposition member in parliament vociferously and publicly denounced abuses.

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

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

The constitution and law prohibit discrimination based on race, gender, religion, language, or social status; neither the law nor the constitution addresses discrimination based on disability or sexual orientation. The government did not enforce the law effectively.

### **Women**

Rape and Domestic Violence: Rape is illegal and punishable by 12 to 20 years' imprisonment and additional fines; spousal rape is not addressed in the law. The government did not enforce the law effectively, in part due to reluctance of victims and their families to report rape. Even when cases were reported, police and judicial officials were reluctant to act, particularly if perpetrators were politically connected. Nevertheless, seven youths were arrested for an alleged gang rape, and several cases were prosecuted in court during the year, but the exact number was unavailable.

Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. Victims were reluctant to report domestic violence, which was widespread. Depending on severity and circumstances, the penalty for assault ranges from one to 20 years' imprisonment. Police and the judiciary were reluctant to prosecute domestic violence cases, and no statistics were available on prosecutions, convictions, or punishments during the year. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence. On occasion, police organized workshops on family violence, and public marches against violence against women were authorized.

Sexual Harassment: No law prohibited sexual harassment, and the extent of the problem was unknown.

Reproductive Rights: 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), 13 percent of the population used contraceptives. Statistics on maternal health, prenatal care, essential obstetric care, and postpartum care were dated and unreliable. The maternal mortality rate continued to decline due to government and private-sector efforts to reduce malaria and improve care in hospitals, according to government officials and international observers. According to UNFPA, in 2010 the maternal mortality rate was 240 deaths per 100,000 live births; 21.8 percent of those deaths were attributed to HIV/AIDS. Some prenatal and obstetric care was free in government clinics but availability and quality varied greatly, and access was limited primarily to the two main cities.

Discrimination: While the law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system, the rights of women were limited. According to the UN Committee on the Elimination of Discrimination against Women, the prevalence of negative stereotypes and 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)--resulted in discrimination against women. Lack of legislation regulating customary marriages and other aspects of family law also permitted discrimination against women, particularly with respect to polygyny, inheritance, and child custody.

The culture was conservative and maintained a societal bias against women. Custom confined women in rural areas largely to traditional roles. There was less overt discrimination in urban areas, although women sometimes experienced discrimination in access to employment and credit and did not always receive equal pay for 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.

## **Children**

Birth Registration: Citizenship is derived from one's parents. The Ministry of Health requires parents to register all births; failure to register a child may result in denial of public services.

Education: Education is tuition-free and compulsory until age 13. The overwhelming majority of children attended school at least through primary grades. Boys generally completed an additional seven years of secondary school or attended 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 girls generally attained lower educational levels than boys. During the year the government continued to partner with a foreign oil company to undertake a multimillion dollar school renovation program and worked with a foreign country to reform outdated curriculum materials.

Child Abuse: 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 involving alleged child abuse reached the courts.

Child Marriage: While teenage pregnancies were common, the Ministry of Social Affairs and the Promotion of Women operated several programs to deter child marriage. There is no minimum age for marriage.

Sexual Exploitation of Children: Child prostitution is illegal; however, some children were reportedly involved in prostitution, especially girls working in urban centers such as Malabo and Bata, where a burgeoning oil industry created demand for cheap labor and commercial sexual exploitation. The commercial sexual exploitation of children is punishable by fines and imprisonment. These laws were generally not enforced. The law does not address child pornography. The minimum age for sexual consent is 18.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

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

Children with disabilities attended primary, secondary, and higher education, although no accommodations were made for special needs students. The government did not routinely audit educational and mental health facilities to ascertain if students with disabilities were subject to abuse. There were no restrictions on the right of persons to vote or participate in civic affairs on the basis of their disability. The local Red Cross, with financial support from the government, managed the country's school for deaf children. The Ministry of Social Affairs and the Catholic Church worked together to provide care for persons with mental disabilities in the Virgin Madre Maria Africa facility. The first lady gave several highly publicized donations to help persons living with disabilities.

Although there was no legal mandate, the Ministry of Education and the Ministry of Health worked to ensure that the national health-care system provided wheelchairs and promoted government employment for persons with physical impairments.

### **National/Racial/Ethnic Minorities**

Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, harassment by security forces, and political marginalization of minorities were problems. Foreigners were often victimized. Irregular immigrants from Nigeria, Ghana, Cameroon, Mali, Togo, Gabon, and other African countries represented a significant and growing portion of the labor force. Foreigners routinely were stopped at checkpoints, asked to provide documentation, and often abused and extorted.

### **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 were problems, and the government made little effort to combat it. There was no official or legal discrimination against the lesbian, gay, bisexual and transgender (LGBT) community, and discussions of sexual orientation and homosexuality were not completely taboo. For example, during the year a national television station featured a call-in program on whether homosexuality was an inherent trait. Nevertheless, LGBT lifestyles were not accepted. There are no legal impediments to LGBT organizations; however, none was active during the year due mainly to societal stigma. Such stigma likely prevented incidents of abuse from being reported.

### **Other Societal Violence or Discrimination**

Despite frequent public statements and radio campaigns advocating nondiscrimination, persons with HIV/AIDS continued to be victims of societal stigmatization, and many individuals kept their illness hidden. The government provided free HIV/AIDS testing and treatment and supported public information campaigns to increase awareness of health risks, availability of testing, and the importance of practicing safe sex.

## **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, bargain collectively, and engage in strikes. The law also allows unions to conduct activities without interference. The law stipulates a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation.

Freedom of association and the right to collective bargaining were not respected. The Union Organization of Small Farmers continued to be the only legal operational labor union. Authorities continued to refuse to recognize other existing unions.

The government placed practical obstacles before groups wishing to organize and 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. Workers rarely engaged in strikes, in part

due to fear of 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 Ministry of Labor officials resolved peacefully through negotiations or fines on employers.

There were few reports of organized, collective bargaining by any group; however, the Ministry of Labor mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate, but there was little trust in the fairness of the system. Citizens have the right to appeal Ministry of Labor 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, and there were no reports it occurred.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor; however, the government did not effectively enforce the law. The Ministry of Labor conducted numerous workplace inspections to verify adherence to labor laws in regard to pay, benefits, and working conditions. When violations were found, the government required some employers to correct the problem, pay fines, or pay reparations to the employees.

Forced labor, particularly forced child labor, occurred. Children were transported from nearby countries--primarily Nigeria, Benin, Cameroon, Togo, and Gabon--and forced to work as domestic servants, market laborers, ambulant vendors, and launderers. Women from Cameroon, Benin, and other neighboring countries were recruited for work, but some were subsequently subjected to forced labor. There were reports companies held the passports of their foreign workers, although it was unclear whether this was an indication of forced labor or a security precaution.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

#### **c. 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 employing a minor may be punished with a fine of approximately 50,000 to 250,000 CFA francs (\$101 to \$504). Children younger

than age 16 are prohibited from participating in work that may endanger their health, security, or morals; however there were no specific restrictions on working hours for child laborers. The Ministry of Labor is responsible for enforcing child labor laws; however, inspectors focused mainly on the construction industry and not on child labor. The government did not provide social services to children found working in markets. In general there was greater attention to local children, focused on school attendance; foreign children, mostly street vendors, were treated like foreign adults.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The monthly minimum wage is 129,035 CFA francs (\$260) for all workers in the country. While many formal sector companies paid more than the minimum wage, workers in the informal sector and domestic workers were not covered under the minimum wage law. By law, hydrocarbon industry workers received salaries many times higher than those in other sectors. The law prescribes a standard 35-hour workweek and a 48-hour weekly rest period. The law also requires paid leave for government holidays and annual leave. Premium pay is required for overtime and night work, and the law prohibits excessive or compulsory overtime. Occupational safety and health (OSH) standards are set by the government. The law provides for protection of workers from occupational hazards, but the government did not effectively enforce this provision. The law does not provide workers with the right to remove themselves from situations that endanger health or safety without jeopardizing their continued employment. The law does not provide for any exceptions for foreign or migrant workers.

The Ministry of Labor is responsible for enforcing minimum wage, workweek rules, and OSH standards. The ministry employed approximately 100 labor inspectors, which was insufficient to effectively enforce the law. 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 are exposed to dangerous chemicals; however, these protections were generally only extended to those in the formal sector. Protections in most petroleum companies, for example, exceeded minimum international safety standards. The government seldom monitored workers in the growing informal sector.

Foreigners in the oil services and construction sectors, including migrants from Africa, Asia, and the Americas, were often subjected to poor working conditions, and the passports of some workers were subject to confiscation. Workers were exposed to hazardous chemicals with insufficient safety gear and worked long hours.