

EQUATORIAL GUINEA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Equatorial Guinea is nominally a multi-party constitutional republic. Since a military coup in 1979, President Teodoro Obiang Nguema Mbasogo has dominated all branches of government in collaboration with his clan and political party, the Democratic Party of Equatorial Guinea (PDGE). In May 2013 the PDGE won a claimed 98.7 percent of seats in the bicameral legislature and 98.1 percent of city council seats throughout the country. The lopsided results and weak independent monitoring of electoral processes raised suspicions of systemic vote fraud. Foreign diplomatic observers noted numerous irregularities and the presence of military personnel at all voting stations. Civilian authorities did not maintain effective control over the security forces.

The most significant human rights problems 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, assembly, and association; and widespread official corruption.

Other human rights problems included the inability of citizens to change their government through the right to vote in free and fair elections; arbitrary and unlawful killings; abuse of detainees and prisoners; and poor conditions in prisons and detention facilities. Arbitrary arrest and detention, incommunicado detention, harassment, deportation of foreign residents without due process, and lack of judicial independence were problems. The government restricted the right to privacy, freedom of internal movement, and political party activity. Restrictions on domestic and international nongovernmental organization (NGO) activity, violence and discrimination against women and children, and trafficking in persons occurred. Societal discrimination against persons with disabilities; ethnic minorities and immigrants; the lesbian, gay, bisexual, and transgender (LGBT) community; and persons with HIV/AIDS was a problem. Labor rights were restricted, and forced labor, including forced child labor, occurred.

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. An increase in violent crime during the year was widely attributed to military and national security personnel.

Impunity continued to be a problem.

b. Disappearance

Politically motivated kidnappings occurred. For example, Cipriano Nguema Mba, a former military officer who had refugee status in Belgium, was abducted while visiting Nigeria in late 2013 and illegally returned to Equatorial Guinea, where he was secretly held by authorities and allegedly tortured. In 2008 Nguema Mba was illegally arrested in Cameroon, where he had refugee status, and returned to prison in Equatorial Guinea; he escaped prison in 2010.

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

The law prohibits such practices, but torture and excessive force by police occurred “routinely,” according to a June 8 report by Freedom House. Police officers and military personnel used excessive force during interrogations, sometimes to facilitate their own robberies and extortion. Despite international criticism of the government’s systemic use of torture, President Obiang continued to deny the existence of torture. In a February submission to the UN Human Rights Council, his government stated it had a firm policy “not to tolerate the practice of torture or arbitrary detention, on penalty of drastic coercive measures.”

International NGOs reported that Italian businessperson Roberto Berardi, who was arrested in January 2013, was tortured.

Foreigners, primarily irregular immigrants from other African countries, were harassed, intimidated, arbitrarily arrested and detained, and sometimes killed.

According to NGOs security forces sexually assaulted women on multiple occasions during the year. In one case several military personnel sexually assaulted a woman at a military checkpoint along an intercity road.

Prison and Detention Center Conditions

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

Physical Conditions: Although there were no reliable statistics, government officials and opposition party members estimated there were approximately one thousand prisoners and detainees at any given time. A small percentage of these were women. There was no information on the number of juvenile detainees.

Authorities generally did not hold female or juvenile prisoners separately, and they were vulnerable to rape and sexual abuse. Authorities held pretrial detainees together with convicted prisoners.

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

Lawyers and others who visited prisons and jails reported serious abuses, including beatings that "amount to torture," according to Human Rights Watch (HRW). In 2013 audio recordings of abuses in Bata Prison were smuggled out. According to HRW, "one recording features five and one-half minutes of cries, screams, and the loud sound of beating, followed by commentary in which the speaker says, 'This is what we hear every day, the torture sessions from morning till evening and at night.'" The lawyer who claimed to have verified the origin of the tapes told HRW, "There is no doubt that torture is taking place."

In January 2013 security forces arrested Roberto Berardi, a former business partner of President Obiang's eldest son, Teodoro Nguema Obiang Mangue; in August 2013 authorities sentenced Berardi to a minimum of two years' imprisonment for financial crimes. Berardi was kept in solitary confinement for lengthy periods, denied access to his attorney for nearly a year, and denied other visitors since December 2013. According to his lawyer, Berardi had been flogged, severely beaten with a baton, and threatened with death. Berardi's family provided HRW, which conducted independent research on Berardi's case, with photographs showing lash marks across his back from one of these episodes.

Prison cells were overcrowded, dirty, and lacked mattresses. Prisoners and detainees rarely had access to exercise. Diseases, including malaria, typhoid, and HIV/AIDS, were serious problems. The government provided sporadic medical care to a limited number of prisoners and detainees. The government provided basic meals in some penitentiary institutions, but the food was generally

insufficient and of poor quality. Other institutions provided no food. Families of prisoners and detainees or fellow prisoners and detainees often had to provide food.

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

Provisions for sanitation, ventilation, lighting, and access to potable water were inadequate.

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 report of the number of prison inmates being held as well as those released by name, sentence completed, and release date. This did not occur.

Authorities often granted provisional liberty to nonviolent juvenile offenders, who they subsequently monitored. Courts did not use alternatives to sentencing.

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

Independent Monitoring: The International Committee of the Red Cross (ICRC) had very limited access to detention centers. The government required extensive advance notice of all visits.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but security forces arrested and detained persons arbitrarily. Authorities held detainees incommunicado, denied them access to lawyers, and jailed them for long periods without charge.

Role of the Police and Security Apparatus

Police generally are responsible for law enforcement and maintenance of order in the cities, while gendarmes are responsible for security outside the cities and for special events. Both entities report to the minister of national security. Military

personnel, who report to the minister of defense, also fulfill police functions in border areas, sensitive sites, and high-traffic areas. In addition there are police elements within the Ministries of Interior (border and traffic police), Finance (customs police), and Justice (investigative/prosecuting police). Presidential security officials also exercise police functions at or near presidential facilities.

Police and gendarmes were ineffective and corrupt, and impunity was 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, although the Ministry of National Security reported that it was required to appear before the legislature to provide responses about police abuses and that police officers were dismissed as a result. The government did not provide statistics on police dismissals.

There is no government body that examines security force killings to evaluate whether they occurred in the line of duty or were otherwise justifiable. Investigations occurred on an ad hoc and inconsistent basis.

The government continued the professionalization training of its security forces. Several foreign contractors trained police officers and military officials on human rights, rule of law, appropriate use of force, and ethics.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants unless a suspect is caught in the act, but security force members frequently arrested persons not caught in the act without a warrant. A detainee has the right to a judicial determination of the legality of detention within 72 hours of arrest, excluding weekends and holidays, but detentions were often longer, sometimes lasting several months. NGOs indicated that the majority of detainees were not charged and that judges typically failed to issue a writ of habeas corpus within the legal time limit of 36 hours.

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 informed of the charges against them. A bail system existed, and public defenders supplied by the bar association were available upon request, but most detainees were 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, but these provisions were not always respected and sometimes depended on the discretion of local police chiefs.

Arbitrary Arrest: The government arbitrarily arrested irregular immigrants, opposition members, businesspersons, and others. Many detainees complained about the bribes required for release from detention.

Police raids continued on immigrant communities. 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 many embassies in the country criticized the government for its harassment, abuse, extortion, and detention of foreign nationals. Authorities held irregular immigrants awaiting deportation for lengthy periods. Deportees were generally required to pay for their transportation, although the government occasionally provided flight service on the national airline or ferry, which served only a few neighboring countries. Some deportees were taken to a country other than that of their citizenship.

There were reports that authorities arbitrarily arrested businesspersons in connection with business disputes. For example, in December 2013 police detained Daniel Janse van Rensburg, a South African businessman, as the result of a commercial dispute with an Equatoguinean former politician. At year's end Van Rensburg remained in prison without formal charges or a trial.

Pretrial Detention: Lengthy pretrial detention remained a problem, and many of those incarcerated were pretrial detainees; the exact number was unavailable. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

Amnesty: On October 21, the government issued a decree of general amnesty for persons convicted of political crimes, and on November 14, the government released Emilia Abeme and Mercedes Obono Nkoni following pressure from opposition parties. Although the government initially claimed Abeme and Nkoni were not political prisoners, it subsequently agreed to release them as part of the national political dialogue negotiations.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the government did not respect this provision. 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 judges in sensitive cases often consulted with the Office of the President before issuing a ruling. Judges sometimes decided cases on political grounds. Authorities did not always respect court orders.

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 who are alleged to have committed an offense considered 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 the 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." Civilians may face trial in military courts for certain offenses.

On September 27, a military tribunal convicted and sentenced five civilians to 27 years in prison for plotting crimes against the state and planning an attack against the president.

In rural areas 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. Persons dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures

The law provides for the presumption of innocence, but the government suspended due process and the presumption of innocence for several detainees. Defendants have the right to be informed promptly and in detail of charges against them and to have adequate time and facilities to prepare a defense. The courts did not respect these rights. It was unclear whether defendants had the right to free interpretation. Defendants have the right to a public trial without undue delay, and 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. 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. Courts seldom enforced this right. Defendants do not have the ability to access government-held evidence. Defendants have the right not to be compelled to testify or confess guilt. 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. The law extends these rights equally to all citizens but was not respected.

Political Prisoners and Detainees

There were several political prisoners, but no reliable estimates of their numbers were available. Political prisoners did not receive the protections accorded them under the law. Although they were not generally singled out for poor treatment, they were placed in solitary confinement more frequently than were other prisoners. The government often denied international organizations access to facilities where political prisoners were held.

On July 26, authorities transferred Cipriano Nguema Mba, a former military officer, to solitary confinement. Nguema Mba, who was granted refugee status in Belgium, was abducted while visiting Nigeria in late 2013 and illegally returned to Equatorial Guinea, where he was secretly held by authorities and allegedly tortured. On September 27, he was convicted of planning a coup attempt and an attack against President Obiang. On September 29, he was sentenced to 27 years in prison. Nguema Mba's attorney was not provided with any evidence against his client or allowed to speak with his client, and on the day of the trial Nguema Mba was assigned a military attorney instead. Five alleged coconspirators--Mercedes Obono Nkoni, Timoteo Asumu Abaga, Ticiano Obama, Emilia Abeme, and Antonio Nkoni--were convicted alongside Nguema Mba and given the same sentence. Mercedes Obono Nkoni and Emilia Abeme were wives of Leoncio Nguema Asumu, who was out of the country but also sought by police in connection with the case. They originally were arrested to induce their husband,

who remained outside the country at year's end, to return; subsequently they were charged with involvement in the case. All five defendants were denied access to their attorney and reportedly convicted on very little evidence. On November 14, the government released Emilia Abeme and Mercedes Obono Nkoni following pressure from opposition parties during the national political dialogue.

On February 10, authorities released Agustin Esono Nsogo, who was detained in 2012 without charge and subsequently tortured, following international pressure.

Civil Judicial Procedures and Remedies

Courts ruled on civil cases submitted to them, some of which involved human rights complaints. 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 pertaining to human rights, including political rights. For example, despite a 2012 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 that joined a coalition with the ruling party 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 nevertheless entered homes without authorization and arrested alleged criminals, foreign nationals, and others, often without required judicial orders, and confiscated their property with impunity. Break-ins were widely attributed to military, national security, and police personnel.

Government informers reportedly monitored opposition members, NGOs, and journalists, including through internet and telephone surveillance. 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, often with little or no compensation to the land titleholders. The government also destroyed homes and

businesses for failure to comply with physical appearance requirements that were imposed inconsistently and on extremely short notice.

Authorities detained temporarily family members, including children, for alleged offenses committed by other relatives. For example, police detained the sister and cousin of Santiago Martin Engono Esono until Engono Esono turned himself in.

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. Libel and defamation are criminalized, and the government restricted journalistic activity by exercising its right to official prepublication censorship. The country's media remained weak and under government influence or control. Persons close to the president owned the few private media outlets that existed. Journalists, who were subjected to government surveillance and threats, practiced self-censorship.

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

On February 14, the Bar Association of Equatorial Guinea reinstated attorney Ponciano Mbomio Nvo, who was suspended from legal practice for allegedly criticizing the government in closing arguments in a 2012 trial.

Press Freedoms: The country had one marginally independent newspaper that published sporadically. Print media outlets were extremely limited. Starting a periodical or newspaper was a complicated process governed by an ambiguous law and impeded by government bureaucracy. In addition accreditation was cumbersome for both local and foreign journalists, who must register with the Ministry of Information. International newspapers or news magazines occasionally could be found in limited quantities in grocery stores and hotels in major cities, but they sold out quickly and were generally unavailable in rural areas.

International news agencies did not have correspondents or regular stringers present in the country. Visiting journalists for foreign media outlets and independent local journalists generally could not operate freely, and there were reports that government agents followed and observed both groups.

The government owned the only national radio and television broadcast system, RTVGE. The president's eldest son, Teodoro Nguema Obiang Mangue, who was a senior government official, owned the only private broadcast media, Television Asonga and Asonga Radio. Requests by political parties and religious organizations to establish private radio stations were denied or remained perpetually pending. Satellite broadcasts were widely available, including the French language Africa24 television channel, which the government partially owned.

Foreign radio transmissions broadcast from neighboring countries, including Radio France International and the BBC, were broadcast uncensored throughout the country.

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

For example, on January 20, national security officials detained two foreign journalists from the *Financial Times* publication. The journalists were in the country at the invitation of the government to cover events prior to an investment conference. Government officials claimed the reporters strayed from their authorized parameters by speaking with members of the political opposition. National security officials confiscated their equipment and forced the journalists to give them the password to their laptop computer so that authorities could access recordings and other content. Authorities allowed the reporters to leave the country the following day but retained their equipment, only some of which was eventually returned following international pressure.

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.

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

In January Amparo Oba Efua, host of the RTVGE radio program “Cultura En Casa,” was dismissed following the live broadcast of discussions considered critical of the government.

The director of news programs for Television Asonga, Leticia Nguema, was dismissed following a news segment that included images of police dispersing student demonstrators at an August protest at the National University of Equatorial Guinea.

In November 2013 the government blocked a workshop for independent journalists; the event was postponed indefinitely.

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

Internet Freedom

The government restricted and disrupted access to the internet and censored online content. The government also monitored private online communications without appropriate legal authority. The government appeared to block access to websites maintained by the domestic political opposition and exile groups. Users attempting to access these sites were redirected to the government’s official press website. The government denied responsibility for the blockage. The internet was the primary way opposition views were expressed and disseminated. The most overt criticism of the government came from the country’s exile community. According to the International Telecommunication Union, 16.4 percent of the country’s inhabitants used the internet in 2013.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Members of opposition political parties, faculty members, and students complained of government interference in the hiring of teachers, the employment of unqualified teachers, and pressuring teachers to give passing grades to failing students with political connections. Teachers were employed who had political connections but no experience or accreditation. Reportedly, these teachers seldom appeared at the

classes they were assigned to teach. Unlike in the previous year, there were no reports that teachers lost their jobs due to political activities or affiliations. Most professors reportedly practiced self-censorship.

Cultural events require coordination with the Ministry of Information, the Department of Culture and Tourism, or both. The resulting bureaucratic delay was a disincentive for prospective organizers, who often did not know the criteria by which proposals would be judged or its chances for approval.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly, but the government routinely restricted this right. Although the government formally abolished permit requirements for political party meetings within party buildings, it requires prior permission for public events, such as meetings or marches, and frequently denied these permit requests.

Freedom of Association

The constitution and law provide for freedom of association, but the government severely restricted this right. All political parties, labor unions, and other associations must register with the government, but the registration process was costly, burdensome, opaque, and slow. At year's end only one labor organization was registered. The law prohibits the formation of political parties along ethnic lines. Several political parties remained banned, including the Progress Party of Equatorial Guinea. Authorities did not permit other parties, including the Center-Right Union and the Democratic Republican Force, to register.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at 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 and repatriation, the government occasionally restricted these rights.

In-country Movement: Police at roadblocks routinely checked 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 and immediately joined the ruling PDGE party, but many remained in self-imposed exile. On October 21, the government issued a decree of general amnesty for persons convicted of political crimes. Several political party leaders returned from the diaspora to participate in a national political dialogue. Unlike in the previous year, there were no reports that the government denied entry to persons who attempted to return from 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 through free and fair elections, but the government severely limited this right.

Elections and Political Participation

Recent Elections: The government held legislative and municipal elections in May 2013. The PDGE won 98.7 percent of seats in the house of deputies and the newly created senate. The opposition Convergence for Social Democracy (CPDS) party won a single seat in each chamber. The PDGE also won 98.1 percent of city council seats throughout the country. The lopsided results and weak independent monitoring of the electoral process raised suspicions of systemic fraud. The CPDS disputed the results publicly and filed a formal complaint with the National Electoral Commission, but the government did not address its objections.

Observers noted many of the same irregularities during the 2009 presidential election. The few international election observers present were able to cover only

a small percentage of the polling stations. The government refused election assistance offered by the EU. Election observers noted the following irregularities at some polling stations: failure to respect the secrecy of the vote, the absence of ballots printed to enable voting for an opposition party, unsealed ballot boxes, incomplete voting result summaries, lack of posting of voting results as required by law, and ruling party propaganda around and in the polling stations. Authorities deployed soldiers to all polling stations, and there were reports that they intimidated voters.

Opposition parties questioned the legitimacy of the voter registration process, and voter registries were not made public in advance of the election. No independent and impartial body existed to oversee the electoral process or consider election-related complaints. The National Electoral Commission has the responsibility to provide for the fairness of elections and to handle postelection grievances, but the commission comprised mostly members of the ruling party, including the minister of interior, who headed the commission. The government restricted opposition parties' access to the media and delayed the provision of constitutionally mandated campaign funding during the campaign.

Voters took three party-slate ballots into the voting booth and chose only one to deposit in the voting urn outside. The two ballots that were not used were discarded on the voting booth floor. This system required each voter to cast all of her or his votes in the municipal and legislative races for candidates of a single party. As a result there was increased pressure on voters to demonstrate loyalty to the ruling party by voting for PDGE candidates exclusively. Furthermore, this system of voting made it impossible to track all of the ballots printed in order to safeguard against multiple voting.

Political Parties and Political Participation: The PDGE ruled through a complex network of family, clan, and ethnic relationships. Public sector employees were pressured to join the PDGE. The party's near monopoly on power, funding, and access to national media hampered the country's three primary opposition parties-- CPDS, UP, and Popular Action for Equatorial Guinea. The government subjected opposition members to arbitrary arrest and harassment.

For example, on July 11, police detained Santiago Martin Engono Esono without providing a reason. The CPDS, of which Engono Esono is a member, reported the detention was at the request of the regional governor. On July 15, following international pressure, police released Engono Esono.

Opposition members reported discrimination in hiring, job retention, and obtaining scholarships and business licenses. They also reported that government pressure on foreign companies precluded them from obtaining jobs with foreign companies. Businesses that employed citizens with ties to families, individuals, parties, or groups out of favor with the government reportedly were forced to dismiss those employees or face reprisals.

Registered opposition parties faced restrictions on freedom of speech, association, and assembly. Some political parties that existed before the 1992 law establishing procedures to register political parties remained banned, allegedly 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 the government restricted leadership positions in government to select members of the PDGE or from a coalition of loyal parties that campaigned and voted with the PDGE.

In 2011 the government conducted and won a referendum to alter the constitution significantly. The amended constitution concentrates power in the hands of the president and allows President Obiang, who has been in power for 35 years, to serve two more seven-year terms. (One of the amendments cancels the presidential age limit of 75 and institutes presidential term limits of two consecutive seven-year mandates, to become effective in the 2016 presidential election, when Obiang is to be 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. Neither the anticorruption tribunal nor the human rights ombudsman was operational by year’s end. The amendments also create the post of vice president. Following the referendum, President Obiang created a second vice presidential position 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.

Participation of Women and Minorities: Women constituted 18 percent of the 100-member house of deputies and 13 percent of the 75-member senate, including its president. There were three women in the 24-member cabinet and one woman among the 19 ministers-delegate. Three of the 19 vice ministers were women, and three of 24 secretaries of state were women. The government did not overtly limit participation of minorities in politics. Nevertheless, 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 the law provides severe criminal penalties for official corruption, the government did not implement the law 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.

According to Freedom House, the budget process was "opaque." The Open Budget Survey for 2012 gave the country a score of zero, the lowest possible result. The country was delisted from the Extractive Industries Transparency Initiative in 2010.

Corruption: In October Teodoro Nguema Obiang Mangue, the president's eldest son and second vice president, reached a settlement with a foreign government related to a legal filing seeking to seize assets that Obiang Mangue was alleged to have purchased with corruption proceeds. According to the filing, Obiang Mangue allegedly 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 settlement forced Obiang Mangue to sell a \$30 million mansion, a Ferrari automobile, and various items of Michael Jackson memorabilia. The settlement requires that \$20 million of the proceeds be given to a charitable organization for the benefit of the citizens of Equatorial Guinea and \$10.3 million be forfeited to the foreign government--also to be used for the benefit of the country's citizens.

Another foreign government continued to pursue seizure of real and personal property of Nguema Obiang Mangue as the result of a 2010 investigation into suspected concealment and laundering abroad of embezzled public funds.

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

Financial Disclosure: 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, but observers considered it unlikely the law was enforced. The law precludes government officials from conducting business, but most ministers moonlighted and conducted businesses they conflated with their government responsibilities.

Public Access to Information: The law does not provide for public access to government information, and citizens and noncitizens, including those employed by foreign media, generally were unable to access government information. A lack of organized recordkeeping, 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 NGOs focused on development issues 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 activities, claiming human rights concerns were largely prompted by antigovernment exile groups and hostile foreign NGOs. The few local activists who sought to address human rights risked intimidation, harassment, and other reprisals.

The United Nations or Other International Bodies: International human rights NGOs continued to report difficulties obtaining visas to visit the country. The government limited ICRC access to detention centers.

In 2013 President Obiang filed a libel case against the France-based NGO Catholic Committee against Hunger, which reported he misappropriated national oil profits. In April 2013 a French lower court ruled against Obiang, and the decision was upheld upon appeal.

Government Human Rights Bodies: All citizens have the right to file a petition with the Commission on Human Rights, which is part of the house of deputies' committee for complaints and petitions. Petitions were televised, and decisions were announced on national radio. The commission occasionally resolved such

complaints, including cases involving women's rights in divorce cases. The committee did not address high-profile cases and was limited to the availability of the house of deputies, but it served as an effective remedy to some low-level civil disputes.

Government officials responsible for human rights functioned more to defend the government from accusations than to investigate human rights complaints or compile 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. The law does not address spousal rape. The government did not enforce the law effectively, in part due to reluctance of victims and their families to report rape. Even when victims reported rape, police and judicial officials were reluctant to act, particularly if perpetrators were politically connected. Nevertheless, authorities prosecuted some cases during the year, but the exact number was unavailable.

Domestic violence is illegal but culturally accepted in some societal groups. There were no available statistics on the extent of domestic violence, although local NGOs reported the problem was widespread. 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 coordination with international organizations, the government conducted public awareness campaigns on domestic violence around International Women's Day on March 8. On occasion police organized workshops on family violence. During the year state-operated media refused to broadcast public service announcements produced by a local NGO about domestic violence.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, which was not a known practice in the country.

Other Harmful Traditional Practices: Although not widespread, levirate marriage--the practice by which a man may be required to marry his brother's widow--resulted in discrimination against women and girls.

Sexual Harassment: No law prohibits sexual harassment, and NGOs reported that it was a problem, but the extent of the problem was unknown. There were no government efforts to address the problem.

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 having children; to have the information and means to do so; and the right to obtain the highest standard of reproductive health, free from discrimination, coercion, and violence. According to the 2012 Demographic and Health Survey, 11 percent of girls and women of reproductive age used a modern method of contraception. 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 the UN Population Fund, in 2013 the maternal mortality rate was 290 per 100,000 live births; 8.9 percent of those deaths were attributed to HIV/AIDS. Some prenatal and obstetric care was free in government clinics, but the availability and quality of care varied greatly, and access was limited primarily to Malabo and Bata, the two main cities.

Discrimination: While the law provides for equal rights for women and men in the judicial system--including rights under family law, labor law, and property law--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 and customs 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 (see section 7.d.).

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

Children

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

Education: Education is tuition-free and compulsory until age 13, although all students are required to pay for textbooks and other materials. The overwhelming majority of children attended school through the primary grades. Boys generally completed an additional seven years of secondary school or attended a program of vocational study after primary education. Domestic work and childbearing limited secondary education attendance for many girls in rural areas.

Child Abuse: Abuse of minors is illegal, but the government did not enforce the law effectively, and child abuse occurred. Physical punishment was a culturally accepted method of discipline. The government took no steps to combat child abuse.

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

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, which was not a known practice in the country.

Other Harmful Traditional Practices: Although not widespread, levirate marriage--the practice by which a man may be required to marry his brother's widow--resulted in discrimination against women and girls.

Sexual Exploitation of Children: Child prostitution is illegal, but some children were involved in prostitution, especially girls working in urban centers such as

Malabo and Bata, where oil and construction industries 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/rls/tiprpt/.

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 or transportation for persons with disabilities (see section 7.d.). Many newly constructed government buildings did not make provision for access by persons with disabilities.

Children with disabilities attended primary, secondary, and higher education, although no accommodations were made for their disabilities. The local Red Cross, with financial support from the government, managed a school for deaf children in Malabo. A privately run school for deaf children affiliated with a foreign religious group operated in Bata. The first lady gave several donations to help persons with disabilities, including to the private school in Bata. Two privately funded mental health clinics offered limited services in Bata. During the year a private mental health facility, funded primarily by the Ministry of Health, opened in Malabo. The government did not routinely audit educational and mental health facilities to ascertain if persons with disabilities were subject to abuse. There were no legal restrictions on the right of persons to vote or participate in civic affairs based on their disability, but lack of access posed a barrier to full participation.

Although not required by law, the national health-care system provided wheelchairs and promoted government employment for persons with physical disabilities.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal. Nevertheless, societal discrimination, harassment by security forces, and political marginalization of minorities were problems (see section 7.d.). 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. Officials routinely stopped foreigners at checkpoints, asked them to provide documentation, and often abused and extorted them.

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

There are no laws criminalizing same-sex sexual conduct, but societal stigmatization and discrimination against the LGBT community were problems, and the government made no effort to combat it. There are no specific legal impediments to LGBT organizations, but none existed at year's end, due mainly to societal stigma. Such stigma likely also prevented incidents of abuse from being reported.

Official discrimination against LGBT persons occurred. For example, government-owned and private television stations contributed to stigmatization. RTVGE and Television Asonga broadcast news segments in which LGBT persons were publicly "shamed" and forced to stand in front of the camera and explain their "wrong actions."

HIV and AIDS Social Stigma

In the 2012 Demographic and Health Survey, the most recent survey available, 38 percent of women and 42 percent of men reported having discriminatory attitudes towards persons with HIV.

Despite frequent public statements and radio campaigns advocating nondiscrimination, persons with HIV/AIDS were stigmatized, 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, and bargain collectively. The law also allows unions to conduct activities without interference. The law stipulates, however, that a union must have at least 50 members from a specific workplace to register, effectively blocking union formation.

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

There is no law prohibiting antiunion discrimination, and the government placed practical obstacles before groups seeking to organize, such as not allowing groups to register legally. The government did not protect the right of unions to conduct their activities without interference. Most often those seeking to organize were co-opted into existing party structures by means of pressure and incentives.

There were few reports of organized collective bargaining by any group. The Ministry of Labor mediated labor disputes when they occurred. Dismissed workers 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 house of deputies established to hear citizen complaints regarding decisions by any government agency.

The law broadly acknowledges the right to engage in strikes, but there is no implementing legislation defining legitimate grounds for striking. No law requires the reinstatement of workers fired for union activity, although such dismissal may fall under wrongful termination. Unions generally are not allowed to organize. There have been no legal strikes in the country since independence. Occasionally 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but the government did not effectively enforce the law. The Ministry of Labor conducted numerous workplace inspections to verify adherence to labor laws regarding 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. These efforts were not adequate.

Forced labor, particularly forced child labor, occurred. Women from Cameroon, Benin, and other neighboring countries were recruited for work, and some were subsequently subjected to forced labor.

There were reports companies in the construction sector, among others, held the passports of their foreign workers, a possible indication of forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under age 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 (\$97 to \$473). Children younger than age 16 are prohibited from participating in work that may endanger their health, security, or morals, but there were no specific restrictions on working hours for child laborers. The Ministry of Labor is responsible for enforcing child labor laws, but inspectors focused mainly on the construction industry and not on child labor. The law was not effectively enforced, and penalties were not sufficient to deter violations. The government occasionally provided social services on an ad hoc basis to children found working in markets. Attention to school attendance generally focused more on local children than on their foreign peers. Children were transported from nearby countries--primarily Nigeria, Benin, Cameroon, Togo, and Gabon--and forced to work as domestic workers, market laborers, ambulant vendors, and launderers.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination based on race, sex, gender, language, HIV-positive status, or social status. The government did not effectively enforce these laws and regulations. Discrimination in employment and occupation occurred with respect to ethnicity, gender, sexual orientation, disability, and HIV-positive status (see section 6). Discrimination also occurred based on political affiliation (see section 3).

Discrimination against foreign migrant workers occurred (see section 7.e.).

e. Acceptable Conditions of Work

The monthly minimum wage is 197,611 CFA (\$374) for all workers. 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 paid in other sectors. The government does not set a poverty line or publish estimates of poverty. 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. The government sets occupational safety and health (OSH) standards. The law provides for protection of workers from occupational hazards, but the government did not always effectively enforce this provision. The law permits workers to remove themselves from situations that endanger health or safety without jeopardy to their employment. There were instances of authorities effectively protecting employees in such situations.

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 enforce the law effectively. The ministry does not publish the results of its OSH inspections.

Legal protections exist for employees who are injured or killed on the job and for those who are exposed to dangerous chemicals, but these protections were generally extended only to those in the formal sector. Protections in most petroleum companies exceeded minimum international safety standards. The government seldom monitored workers in the informal sector.

Foreigners in the oil services and construction sectors, including migrants from Africa, Asia, and the Americas, were sometimes subjected to poor working

conditions, and the passports of some workers were subject to confiscation. Workers were exposed to hazardous chemicals, had insufficient safety gear, and worked long hours.