

EQUATORIAL GUINEA 2013 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). On May 26, 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 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. Security forces committed human rights abuses.

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, assembly, and association; and widespread official corruption.

Other human rights abuses included: inability of citizens to change their government; arbitrary and unlawful killings; abuse of detainees and prisoners; and poor conditions in prisons and detention facilities. Arbitrary arrest and detention, incommunicado detention, harassment and deportation of foreign residents without due process, and lack of judicial independence were problems. The government restricted the right to privacy, freedom of 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.

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 that the government or its agents committed arbitrary or unlawful killings. There is no government body that examines all 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.

On August 21, police shot and killed a taxi driver after he did not pull over immediately when flagged down at a checkpoint. The driver had already stopped when he was shot. The police officer was awaiting trial at year's end.

Impunity continued to be a problem.

No action was taken to end impunity for arbitrary killings from 2012, including those of Nigerian citizen Prince Mathew Adekanmi and Malian citizens Oumar Kone and Alit Togo.

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, but opposition leaders and international NGOs continued to criticize the government's 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 May security officials allegedly beat Enrique Nsolo Nzo to obtain information about his involvement in planning a public demonstration on May 15. Nsolo Nzo appeared disoriented during his interrogation, which was broadcast on local television. He was released the following day.

Foreigners, primarily irregular immigrants from other African countries, were killed, harassed, intimidated, and arbitrarily arrested and detained (see sections 1.d. and 2.d.).

Prison and Detention Center Conditions

Conditions in the country's three prisons, 12 detention centers, and numerous police station jails were harsh and life threatening.

Physical Conditions: Although there were no reliable statistics, government officials and opposition party members estimated there were approximately 1,000 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 prisoners 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. Authorities held pretrial detainees together with convicted prisoners.

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

Prison cells were overcrowded, dirty, and lacked mattresses. Prisoners and detainees rarely had access to exercise. Diseases, including malaria 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 within 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 printout of prison inmate numbers, including releases with full names, sentences completed, and release dates. This did not occur.

Authorities often granted provisional liberty to nonviolent juvenile offenders, who were 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 to judicial authorities or to request investigation. In most cases prisoners had reasonable access to visitors and were permitted religious observance.

Independent Monitoring: The International Committee of the Red Cross (ICRC) visited several detention centers during the year. 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 and without due legal process. Authorities held detainees incommunicado, denied them access to lawyers, and jailed them for long periods without charge.

Role of the Police and Security Apparatus

The 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 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 and gendarmes 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, although 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. The government did not provide statistics on police dismissals.

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 ethics.

Arrest Procedures and Treatment of Detainees

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. NGOs indicated that the majority of detainees had not been charged. They noted the process of habeas corpus was not an effective remedy, as judges typically failed to issue a writ of habeas corpus in the legal timeframe 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 told 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 the local police chief.

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

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 foreign embassies in the country criticized the government during the year for its harassment, abuse, extortion, and detention of foreign nationals. Authorities held in police cells for lengthy periods detained irregular immigrants awaiting deportation. Deportees were generally required to pay for their transportation, although the government occasionally provided flight service on the national airline or ferry, which serve only a few neighboring countries. Some deportees were taken to a country other than that of their citizenship. Many detainees complained about the bribes required for release from detention.

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

Pretrial Detention: Lengthy pretrial detention remained a problem, and many of those incarcerated were pretrial detainees; the exact number was unavailable. Although the government required prison authorities 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: Unlike in previous years, the government did not pardon any prisoners.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but 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. 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 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 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. Those 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 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. The courts did not respect these rights. It was unclear whether defendants have the right to free interpretation if necessary. 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. 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. The law extends these rights equally to all citizens, but the law was not respected.

Political Prisoners and Detainees

There were several political prisoners, although no reliable estimates were available. Political prisoners did not receive the protections accorded them under the law, although they were not singled out for poor treatment. The government allowed international organizations to visit facilities where political prisoners were held.

In December government forces reportedly illegally detained former military officer and opposition member Cipriano Nguema Mba in Nigeria. Nguema Mba, a citizen of Equatorial Guinea who was granted political asylum in Belgium, was making a personal trip to Nigeria. Nguema Mba was reportedly returned to Equatorial Guinea onboard one of President Obiang's airplanes. The government denied detaining or holding Nguema Mba. This was the second time Nguema Mba

was reportedly detained abroad and returned to detention in Equatorial Guinea, having previously been detained in 2008 and escaping in 2010.

Agustin Esono Nsogo was detained in October 2012 for his alleged involvement in financing a suspected coup plot and remained in detention without formal charges at year's end.

Civil Judicial Procedures and Remedies

Courts ruled on civil cases brought before 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 March 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 as the legitimate UP party, including in the May elections, when that faction ran in coalition with the ruling 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.

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.

Family members, including children, were sometimes temporarily detained for alleged offenses committed by other individuals.

For example, in May national security officials detained Jeronimo Ndong Mesi Mibuy and Luis Nzo Ondo in connection with a planned public demonstration on May 15, in advance of the May 26 elections. Mesi Mibuy was temporarily released on May 19, but national security officials decided to return him to prison. When they could not find him, officials incarcerated his wife and children until Mesi Mibuy turned himself in. Authorities released both prisoners the day after the elections.

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, who were subject to surveillance and threats by the government, practiced self-censorship.

Freedom of Speech: 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.

Attorney Ponciano Mbomio Nvo continued to be suspended from legal practice for criticizing the government in closing arguments in a 2012 trial.

Press Freedoms: 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 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. Certain international newspapers or news magazines could be found occasionally in limited quantities in grocery stores and hotels in major cities, but they sold out quickly and were generally not available in rural areas.

International news agencies did not have regular local correspondents or stringers 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 and ability to operate freely of the few foreign journalists who visited. The government owned the only national radio and television broadcast system, RTVGE. The president's eldest son, Teodoro Nguema Obiang Mangue, owned the only private broadcast media. Satellite broadcasts were widely available, including the French language Africa24 television channel that occasionally carried criticism of the government.

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

Violence and Harassment: There were no reports that security forces detained journalists, although independent journalists reported intimidation and harassment.

For example, police and election officials openly harassed journalists who attempted to report on the May municipal and legislative elections. Some journalists had their cameras and recording equipment confiscated by members of the government while attempting to cover the elections. Journalists who reported that the government was responsible for blocking opposition websites and social media were threatened with violence. The government took no steps to preserve the safety and independence of the media or to prosecute individuals who harassed journalists.

Censorship or Content Restrictions: The law gives the government considerable authority to restrict publication through official prepublication censorship. The law also establishes criminal, civil, and administrative penalties for violation of its provisions, 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.

During the year the host of a radio program on national radio lost his job and had his program cancelled after he used a story considered to be critical of a senior government official.

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.

Internet Freedom

The government appeared to block access to websites maintained by the domestic political opposition and exiled groups and to social media in the months leading up to the May elections. Users attempting to access these sites were redirected to the government's official press website. The government denied responsibility for the blockage. The internet replaced broadcast media as the primary way opposition views were expressed and disseminated. The most overt criticism of the government came from the country's community in exile. According to International Telecommunications Union statistics, 14 percent of individuals used the internet in 2012.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. According to the opposition party Convergence for Social Democracy (CPDS), at least three professionals lost their teaching positions due to their political affiliation or critical statements reported to government officials by students in their classes. Additionally, on May 15, Enrique Nsolo Nzo was suspended from his position at the National University of Equatorial Guinea for his involvement in a planned public demonstration (see section 1.c.). Most professors reportedly practiced self-censorship.

Members of opposition political parties, faculty members, and students complained of government interference in the hiring of teachers, the continued 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.

Cultural events required coordination with the Ministry of Information, the Department of Culture and Tourism, or both, which was a disincentive to prospective organizers.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly, but the government 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.

For example, the government denied a request from a group of opposition activists to hold a public demonstration on May 15 in Malabo. In the week before May 15, national security officials detained and held incommunicado Salvador Ebang Ela, Clara Nsegue Eyi, and Natalia Angue Edjodjomo Ela in connection with the demonstration. Authorities released Edjodjomo Ela shortly after May 15, Ebang Ela the day after the May 26 elections, and Nsegue Eyi in October.

On the morning of May 15, armed military personnel barricaded the area where the demonstration was to have been held. A government helicopter hovered over the area, and plainclothes police officers were reportedly stationed outside of opposition members' houses. The demonstration was not held.

The government also denied a CPDS party request to hold a demonstration on June 25 to protest election results. When the CPDS attempted to hold the demonstration without authorization, police converged outside party headquarters, forcing members to seek refuge inside the building. Some CPDS members were briefly detained on the evening of June 25.

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. During the year the Democratic Party for Social Justice requested registration as a political party, but the government denied the request.

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 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. In the days prior to a planned public demonstration on June 26, airport officials blocked CPDS members from traveling from the mainland city of Bata to Malabo on Bioko Island.

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.

Emigration and Repatriation: On September 22, immigration officials denied entry into the country for Weja Chicampo, leader of the Movement for the Self-Determination of Bioko Island. He had attempted to return from exile in Spain.

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 due to the dominance of the PDGE party.

Elections and Political Participation

Recent Elections: The government held legislative and municipal elections on May 26. The PDGE won 98.7 percent of seats in the house of deputies and the newly created senate. The CPDS 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 systematic fraud. The CPDS disputed the results publicly, but the government did not address their objections.

Many of the same irregularities were observed 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 European Union. 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 results summaries, lack of posting of voting results as required by law, and ruling party propaganda around and in the stations. Soldiers were deployed 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 had the responsibility to ensure the fairness of elections and handle postelection grievances, but the commission was comprised mostly of 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: The PDGE ruled through a complex network of family, clan, and ethnic relationships. Public 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 – the CPDS, the UP, and the Popular Action for Equatorial Guinea. The government subjected opposition members to

arbitrary arrest and harassment and continued to report discrimination in hiring, job retention, and obtaining scholarships and business licenses. Opposition parties reported that some of their members were fired from their private sector positions following the May elections for their political activism. Opposition members 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 that were 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 (see sections 2.a. and 2.b.). 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 opposition parties.

In 2011 the government convoked 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 34 years, to serve another seven 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 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. Obiang Mangue continued in this office after a cabinet reshuffle occurred following the legislative elections.

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, three of the 19 vice ministers were women, and there was one woman among the 19 ministers delegate. 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 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.

Corruption: The Presidency 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.

In June 2012 a foreign government amended its October 2011 legal filing seeking to seize assets of Teodoro Nguema Obiang Mangue, 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 \$38.5 million in real and personal property Nguema Obiang Mangue allegedly obtained through such corrupt practices. A separate case for bank fraud was also pending.

During the year another foreign government auctioned 11 luxury vehicles belonging to Nguema Obiang Mangue for approximately \$4 million as a result of a 2010 investigation into suspected concealment and laundering of embezzled public funds abroad.

Whistleblower Protection: There is no law that provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality. Many public employees reported fear of retribution for such disclosures.

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 continued to moonlight and conduct 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 antiregime exile groups and hostile foreign NGOs. The few local activists who sought to address human rights risked intimidation, harassment, and other reprisals. International human rights NGOs continued to report difficulties obtaining visas to visit the country.

Government Human Rights Bodies: All citizens have the right to file a petition with the Commission on Human Rights as 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. 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, some 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 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, and public marches against violence against women were authorized.

Sexual Harassment: No law prohibits sexual harassment, and NGOs reported that it was a problem, although 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 their children and to have the information and means to do so free from discrimination, coercion, and violence. According to UN estimates, only 6 percent of 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 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, labor 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 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. 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 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 during the year to combat child abuse.

Forced and Early 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.

Sexual Exploitation of Children: Child prostitution is illegal, but some children reportedly 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.

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. 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 students with 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 also 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. 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 on the basis of their disability, but lack of access posed a barrier to full participation.

Although there was no legal mandate, the ministries of Education and Health worked to ensure that 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. 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 (see sections 1.d. and 2.d.). The government raised wages for security forces, in part to discourage extortion, but it did not otherwise address the issue.

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

There are no laws criminalizing sexual orientation, but societal stigmatization and traditional discrimination against the lesbian, gay, bisexual, and transgender (LGBT) community were problems, and the government made little effort to combat it. There was no legal discrimination against LGBT persons, and discussions of sexual orientation and homosexuality were not completely taboo. Nevertheless, LGBT lifestyles were not generally accepted. There are no legal impediments to LGBT organizations, but none was active during the year due mainly to societal stigma. Such stigma likely also 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 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 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.

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. 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.

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, a possible indication of forced labor.

Also see the Department of State’s *Trafficking in Persons Report* at 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, 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 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 their foreign peers.

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

d. Acceptable Conditions of Work

The monthly minimum wage is 129,035 CFA (\$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 government does not have an established poverty line and does not 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 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 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 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 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.