



U.S. Department of State

Equatorial Guinea Country Report on Human Rights Practices for 1996

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EQUATORIAL GUINEA

Equatorial Guinea is nominally a multiparty constitutional republic, but in reality power is exercised by President Teodoro Obiang Nguema through a small subclan of the majority Fang tribe, which has ruled since the country's independence in 1968. President Obiang was elected to a new 7-year term of office in February through elections marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature, the latter also through fraudulent elections.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who also serves as president of the national electoral board. The security forces committed numerous serious human rights abuses.

The majority of the population of approximately 400,000 lives by subsistence agriculture, supplemented by hunting and fishing. Barter is a major aspect of the economy in which the small monetary sector is based on exports of petroleum, cocoa, and increasing quantities of timber. Most foreign economic assistance has been suspended due to the lack of economic reform and the Government's repeated violations of human rights. Substantial new oil deposits were discovered in 1995, with exploitation beginning in 1996. The use and investment of oil revenues remains a closed process despite repeated calls from financial institutions and Equatoguinean citizens for financial openness. The country's economic potential continues to be undermined by fiscal mismanagement and a lack of transparency in public finance.

The Government's human rights record remained poor, and serious and systematic abuses continued, although there was some improvement in certain areas. Citizens do not have the right to change their government. Principal abuses by the security forces included: Physical abuse of prisoners; torture; beatings of detainees; arbitrary arrest and detention; extortion from prisoners; searches without warrants; and confiscation of property without due process. Officials took no action against security force members suspected of human rights violations. However, unlike the previous year, there were no reports of extrajudicial killing. Prison conditions remained life threatening. The judicial system does not ensure due process and is subject to executive influence. The Government severely restricts freedom of speech and the press. However, it permitted the establishment of two small, independent newspapers. The Government effectively limits the right of assembly. In the February presidential elections, the Government used arbitrary arrests, illegal detention, extensive roadblocks, beatings, and outright fraud to ensure President Obiang's hold on power. Discrimination and violence against women and foreigners remain serious problems. Discrimination against minorities persists.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of any unresolved disappearances. Reported disappearances usually involved detention for several days in secret locations without notification of family members or access to legal representation.

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

These abuses are serious, frequent, and widespread. The police routinely beat detainees severely, and victims often require hospitalization after release. Access to prisoners is not generally permitted. The Government also uses the psychological effect of arrest, along with the fear of beating, to intimidate opposition party members. The security forces arrested prominent members of the opposition and beat and tortured them, the torture usually taking the form of beating of the soles of the feet.

Credible reports emerged that authorities arrested opposition politicians Victorino Bolekia, the mayor of Malabo, along with deputy mayor Santiago Obama and opposition figures Celestino Bacale and Julian Ehapo in February and badly beat them in detention. According to police, the prisoners--all of whom were elected in the municipal elections of 1995--were engaged in plotting a coup. However, credible sources report that rather than plotting, the four were attending French lessons at the French cultural center when the police raided the location. Mayor Bolekia was released within a few hours while the others remained incarcerated for 2 days. No official government action was taken against those responsible for the arrests and subsequent mistreatment of the prisoners in detention.

In March presidential candidate Amancio Gabriel Nze was reportedly arrested in Bata, chained to a wall, and beaten by Lt. Colonel Diosdado Nguema, police chief of Bata and reportedly a cousin of the President. Supporters arriving at the prison with food for Nze were allegedly also beaten.

In April Celestino Bacale was arrested again, this time for writing a memorandum calling attention to the Government's poor human rights record. He was secretly flown to Bata, on the African mainland, where he was allegedly tortured. In a rare show of independence, however, a magistrate reviewed Bacale's case and ordered his release.

While campaigning in Konibe, presidential candidate Secundino Oyono was reportedly fired upon by soldiers, later arrested, and tortured for 14 hours along with campaign worker Roque Maria Oyon. While there is no independent confirmation of the incident, it appears consistent with other accounts of arbitrary arrests and beatings. The Government has not prosecuted or punished any security officials for these abuses.

Prison conditions are primitive and life threatening. During a September roundup of foreigners for the purpose of extortion, authorities locked 29 detainees in a small cell for 1 week with only a bucket for a toilet. Several independent sources confirmed that prison guards beat a Togolese woman in her sixth month of pregnancy, causing a miscarriage. Rations are inadequate, and sanitary conditions practically nonexistent. Female prisoners are housed separately from men but are reportedly subjected to sexual abuse by guards.

Prison conditions are monitored by the International Committee for the Red Cross (ICRC), which makes recommendations to the Government. However, the ICRC recommendations are reportedly not released to the public. At the Government's insistence, they remain restricted to the ICRC, the Government, and the local Red Cross, which is charged with implementing the recommendations. There were credible reports that suggested changes, such as providing cells with cement floors and allowing prisoners access to clean water, had led to modest improvements in otherwise filthy conditions.

d. Arbitrary Arrest, Detention or Exile

There are nominal but unenforced legal procedural safeguards regarding detention, the need for search warrants, and other protection of citizen's rights. These safeguards are systematically ignored by security forces.

Police routinely hold prisoners in incommunicado detention. The Government arrested political figures and detained them for indeterminate periods. Foreigners from neighboring countries are likewise subject to arbitrary mistreatment. On September 26 and 27, when security forces purportedly needed funds for the upcoming national day celebration on October 12, authorities took into custody hundreds of foreigners allegedly living without documentation. These included Nigerians, Ghanaians, Togolese, and Beninois. Many were taken from their beds and had their homes looted during raids. Bribes for release reportedly ranged from the equivalent of \$10 to \$100.

Even after paying bribes and being freed, some foreigners were reportedly arrested a second time and forced to pay again. Women seized during the raid were confined to a small cell without windows. One credible source described their detention chamber as "a sweat box" and said that their screaming could be heard all night. The guards verbally abused one person

who attempted to bring food to jailed friends. A credible source reported that over 200 Nigerians were arrested and jailed. Many of these reportedly had their immigration papers in order, but were nevertheless jailed for the purpose of extortion. Authorities allegedly forced prisoners to pay rent on their cells for the time of incarceration. The authorities reportedly confiscated the documents and property of 35 Nigerians without due process, then loaded them onto a freighter, many clothed only in underwear, for forced repatriation to Nigeria.

On November 13, security agents arrested opposition figure Celestino Bacale for allegedly insulting the President in their presence. Reportedly, an intoxicated security agent accused Bacale of plotting to kill President Obiang, and ordered Bacale's arrest, after Bacale refused to allow his briefcase to be searched. Authorities released him November 16, hours before a meeting between President Obiang and the Spanish President in Rome. The Government later ordered Bacale to present himself before a military court on the charge of insulting the President. Bacale went into hiding, with the Government reportedly broadcasting appeals to the public to apprehend him. He fled the country in December, with the charges pending against him.

There were no reports of long term political detainees. However, during the year, the Government arrested political leaders and detained them for indeterminate periods while they were interrogated, beaten, and tortured (see Section 1.c.).

The Government does not officially force its citizens into exile, but many persons who were able to travel abroad sought political asylum (see Section 2.d.).

e. Denial of Fair Public Trial

The judiciary is not independent; judges serve at the pleasure of the President and are appointed, transferred, and dismissed for political reasons. Corruption is rampant.

The court system is composed of lower provincial courts, two appeals courts, and a Supreme Court. The President appoints members of the Supreme Court, who report to him. There are also traditional courts in the countryside, in which tribal elders adjudicate civil claims and minor criminal matters.

The Constitution and laws passed by the Chamber of Deputies provide for legal representation and the right to appeal. In practice, authorities often do not respect these provisions. Civil cases rarely come to public trial.

There were no reports of long term political prisoners. During the year, however, the Government arrested political leaders and detained them for indeterminate periods (see Section 1.d.).

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

The Government does not enforce the law requiring judicial warrants for searches. Security forces regularly search homes and arrest occupants and generally do so without warrants.

The Government does not overtly force officials to join the PDGE. However, for lawyers, government employees, and others, party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is necessary

in order to be hired. The party banner is prominently displayed with the national flag in government offices, and many officials wear PDGE lapel pins.

There is surveillance of members of the opposition parties, resident diplomats, as well as accredited diplomats.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and the press, but the Government severely restricts these rights in practice. Mild criticism of public institutions and government mismanagement is allowed. The Government, however, permits no criticism of the President or the security forces. All journalists must be registered with the Ministry of Information. According to trade sources, there are five or six independent reporters registered with the Ministry of Information. Between 30 and 40 reporters working for official party or government publications are also registered. Foreign reporters visiting Equatorial Guinea are required to be accompanied by guides from the Ministry of Information.

The Ministry of Information also allegedly requires publishers to submit copy for approval prior to publication. All local publications exercise self-censorship and are subject to prior restraint. However, the Government permitted the establishment of two small, independent newspapers, La Gaceta and El Sol. Some foreign publications are sold, though security forces reportedly peruse the contents of publications from Spain and confiscate literature critical of the Government. Outdated copies of Spanish and American newspapers are available to clients of prominent hotels. Shortwave broadcasts and government-controlled radio and television are available. Spanish broadcasts transmitted to Equatorial Guinea have been a source of friction between the two governments. Radio France International also transmits from Malabo.

Television broadcasts only a few hours each day. Cable is available, broadcasting the Cable News Network (CNN), Music TV (MTV), French news, movies, and cartoons. The Government withholds access to broadcasting by opposition parties, and rarely refers to the opposition in anything but a negative light when broadcasting the news.

There are no institutions of higher learning, although the Government is planning to open a university, with the foreign assistance, by combining teachers' training centers and other institutions.

b. Freedom of Peaceful Assembly and Association

The right of assembly and association is provided for in the Constitution. However, government authorization must be obtained for meetings in private homes of more than 10 people for discussions that the regime considers political.

All parties must register with the Minister of Interior, and supply the names of members and a statement of purpose. Opposition parties must seek permits to hold meetings, including conferences and private meetings. Opposition members who have attempted to circumvent this regulation were beaten by security forces. Gatherings in public places, even small gatherings, are generally observed by security forces. The Government requires permits for

public events, which it routinely grants but often quickly cancels, effectively undermining the right of assembly. Authorities granted, then canceled, permission for a meeting on the national day by opposition members who had planned to gather to discuss long-term strategies.

Credible sources state that citizens living in rural areas are hesitant to associate or even be seen with foreigners, fearing that doing so may lead to repercussions from government authorities.

c. Freedom of Religion

The Government generally respects freedom of religion. There is no state religion, and the Government does not discriminate against any faith. However, a religious organization must first be formally recognized by the Ministry of Justice and Religion before its practice is allowed. Foreign missionaries reported a significant easing of restrictions on their activities during the year.

Nevertheless, the Government restricts the freedom of expression of the clergy. During the year, there were several incidents in which priests were arrested, beaten, and expelled from their parishes for allegedly preaching "political sermons." On February 13, Father Jose Carlos Esono was reportedly arrested in Bata and subjected to mistreatment by police who accused him of antigovernment activities. Reliable sources reported that a Nigerian priest was expelled in March for declining to celebrate mass for the President.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

In theory, freedom of movement and travel throughout the country are provided for in the law. However, local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. The Bubi ethnic group on the island of Bioko is unable to move about freely, according to credible sources, as the Government fears separatist sympathies among the Bubis. Roadblocks throughout the island reportedly prevent them from traveling between villages. Ethnic Fangs are also subject to extortion at random roadblocks.

During the 1996 Presidential elections, the Government systematically restricted the travel of opposition presidential candidates. According to credible reports, roadblocks on the island of Bioko and in continental Equatorial Guinea effectively kept opposition candidates away from their bases of popular support. Meetings were disrupted, and rallies canceled as a result. Election observers noted chains across major roads during the height of the political campaign.

Since the elections, the PDGE promulgated a directive to provincial bureaus to further restrict the free movement of opposition figures. The order entails confiscating property and documents of traveling members of the opposition, as well as searching them for "subversive documents." The directive has been described as "an order of permanent harassment."

Members of opposition parties frequently travel abroad but may face a hostile reception upon their return. For example, opposition figure Placido Mico was stopped and searched at the airport in October, following a visit to the United States. Authorities, led by the director general of national security, Antonio Mba (the President's brother), reportedly confiscated literature and souvenirs brought home from the trip. Nearly 90 percent of citizens who

obtained visas for Spain in recent years reportedly never returned to Equatorial Guinea. Most sought political asylum.

There are both refugees and asylum seekers. According to a credible source, some 20 refugees from Liberia, Rwanda, Sudan, and Mauritania have sought political asylum. The Government generally grants these requests. Most refugees, however, do not declare themselves.

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

The Constitution nominally provides citizens with the right to change their government peacefully, but in fact there have been no free, fair, and transparent presidential elections since independence in 1968. The President exercises complete power as Head of State, commander of the armed forces, and leader of the PDGE. Leadership positions with the Government are, in general, restricted to the President's subclan and closest supporters. While there is an elected Chamber of Deputies, it is not representative and is dominated by the Government. The Minister of the Interior also acts as president of the national electoral board.

The February presidential election, in which President Obiang claimed victory with 98 percent of the vote, was considered openly fraudulent by international observers. The President's early call for elections, ostensibly an effort to move toward democracy at the earliest opportunity, was perceived by many as a ploy to catch the opposition, as well as the nation's voters, off guard. The move met with repeated protests from the international community. It deprived opposition parties of sufficient time to organize their campaigns and meet with voters. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections. Several countries refused to dispatch official observers. Accounts of observers who did attend included reports of beatings, roadblocks, stuffed ballot boxes, and open voting in the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, opted to boycott the elections.

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented. There are 2 women in the 42-member Cabinet, and 5 in the 80-member legislature.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no effective local human rights nongovernmental organizations. One person who attempted to initiate a program with European Union funds to deal with human rights issues and the rehabilitation of torture victims was arrested and accused of running an illegal operation. According to credible reports, the person sought government approval and appealed to the Prime Minister for support, but the project failed and the individual left the country.

The United Nations Special Rapporteur for Human Rights visited once during the year and received government cooperation.

The United Nations Development Program's effort to encourage transparency in the 1995 municipal elections created friction with the Government. The Government requested the removal of the resident representative in 1995; he departed this year.

The Government established a parliamentary commission on human rights approximately 4 years ago. This organization, however, has rarely been heard from, and it has little credibility or influence.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

While the Constitution condemns all forms of discrimination, both governmental and social discrimination continue. These are reflected in traditional constraints on women's education and in the circumscribed opportunities for professional and occupational achievement of ethnic minorities. The Government deliberately limits potential opportunities for ethnic minorities.

Women

Societal violence against women, particularly wife beating, is common. Public beating of wives is forbidden by government decree, but violence in the home is generally tolerated. The Government does not prosecute perpetrators of domestic violence.

Although the Constitution provides for equal rights, women are largely confined by custom to traditional roles, particularly in agriculture. Polygyny, which is widespread among the Fang, contributes to women's secondary status, as does limited educational opportunity; on average, women receive only one-fifth as much schooling as men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife must return the dowry given her family by the bridegroom at the time of marriage, while the husband automatically receives custody of their children.

Similarly, in the Fang, Ndowe, and Bisio cultures, primogeniture is practiced, and as women become members of their husband's families upon marriage, they are not usually accorded inheritance rights. According to the law women have the right to buy and sell property and goods, but in practice the male-dominated society permits few women access to sufficient funds to engage in more than petty trading or to purchase real property beyond a garden plot or modest home.

Children

There are no legislated provisions for the welfare of children. The Government devotes little attention to children's rights or welfare and has no set policy in this area. Education is compulsory up to the age of 18, but the Government does not enforce the law.

People with Disabilities

No constitutional or legal provisions exist for the physically disabled with respect to discrimination in employment or education. Nor is there legislation mandating accessibility to buildings or government services.

National/Racial/Ethnic Minorities

There is no legal discrimination against ethnic or racial minorities, and the Government does not overtly limit participation by them, but the monopolization of political power by the President's Mongomo subclan of the Fang ethnic group persists.

In practice some members of minorities face discrimination because they are not members of the Fang ethnic group, or belong to a subclan other than the President's. Minorities do not face discrimination in inheritance, marriage, or family laws.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continue to reside in the country. Most are small traders and business people. There are numerous reports of their harassment by the police (see Section 1.d.)

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides for the right to organize unions, the Government has not passed enabling legislation. A 1995 petition by service sector employees to form a union in the mainland capital of Bata has yet to be answered by the Government. In the small wage economy, no labor organization exists, although there are a few cooperatives with limited power. The law prohibits strikes. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them.

It is generally acknowledged that membership in the PDGE is a prerequisite for hiring and promotion in both public and private sectors. Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians often claim to have been dismissed from their jobs after joining alternate political groups. Credible sources maintain that during the 1996 presidential elections several large private employers reportedly threatened to dismiss workers who did not vote for President Obiang. Now that the oil industry is a major employer, hiring is controlled by the Government, operating through an agency, APEGESA. Independent sources confirm that APEGESA screens applicants for positions and excludes those considered unfriendly or indifferent to the PDGE.

b. The Right to Organize and Bargain Collectively

There is no legislation regarding these rights, or prohibiting antiunion discrimination. There is no evidence of collective bargaining by any group. Wages are set by the Government and employers, with little or no input from the workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced labor and slavery, and there is no evidence that such activity takes place. Convicted felons do, within the law, perform extensive labor outside prison without compensation.

d. Minimum Age for Employment of Children

The legal minimum age for child employment is 18 years, but the Ministry of Labor does not enforce this law. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending.

e. Acceptable Conditions of Work

The law prescribes a standard 35-hour workweek and a 48-hour rest period which are observed in practice in the formal economy. The minimum monthly wage is approximately \$53 (cfa 27,500). The minimum wage does not provide a decent standard of living for a worker and family. The Labor Code provides for comprehensive protection for workers from occupational hazard, but the Government does not enforce this in practice. Employees who protest unhealthy or dangerous working conditions risk the loss of their jobs.



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