



U.S. Department of State

Equatorial Guinea Country Report on Human Rights Practices for 1998

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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 the small Mongomo clan of the majority Fang ethnic group, which has ruled since the country's independence in 1968. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was elected to a 7-year term in February 1996 in elections that were 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. The judiciary is not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who serves as president of the National Electoral Board as well. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 470,000 live by subsistence agriculture, supplemented by hunting and fishing. Barter is a major aspect of the economy, and the small monetary sector is based on exports of petroleum, cocoa, and 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 oil deposits were discovered in 1995, and exploitation began in 1996. However, the investment and other use of oil revenues remains a closed process, despite repeated calls from financial institutions and citizens for financial openness. The country's economic potential continues to be undermined by poor fiscal

management and a lack of transparency in public finance. A 1997 national economic conference held in Bata allowed public debate on the use of oil revenues for the first time. However, since the conference, there has been little evidence that the country's oil wealth is being used for the public good.

The Government's human rights record remained poor. Serious and systematic human rights abuses continued and the security forces committed many serious abuses. Citizens continued not to have the right to change their government. There were reports of extrajudicial killings, both of prisoners in detention and of individuals in rural areas; some security force members reportedly were tried for these actions. Other principal abuses by the security forces included: Torture; physical abuse of prisoners; beating and mutilation of detainees; arbitrary arrest and detention; extortion from prisoners; searches without warrants, looting of private homes and the raping of female residents; and confiscation of property without due process. Security force abuses committed following armed attacks on army and police installations on the island of Bioko on January 21 by members of a group seeking political autonomy for that island were particularly egregious. Officials claimed to have taken action against security force members suspected of human rights abuses. However, senior members of the Government allegedly involved in the systematic torture of detainees have not been prosecuted. Prison conditions remained life threatening. Prisoners often were subjected to torture in order to extract confessions. The judicial system continued not to ensure due process and remained subject to executive influence. The Government severely restricted freedom of speech and of the press. It continued to restrict the right of assembly, and did not always respect the right of association. The Government continued to limit freedom of religion and freedom of movement. The Government engaged in the illegal capture and involuntary repatriation of its citizens living abroad. Discrimination and violence against women and foreigners remained serious problems. Discrimination against minorities, particularly the Bubi ethnic group on the island of Bioko, worsened in the wake of the January 21 revolt by Bioko separatists in which between six and nine persons, including some government officials, were killed. Security forces reportedly broke into Bubi houses following the coup attempt, raped Bubi women, and looted Bubi homes. In some instances, security forces threw the belongings of Bubis into the streets and encouraged passersby to help themselves to the property. The Government continued to restrict labor rights; no labor unions exist, and strikes are prohibited by law. Abuse of workers' rights was particularly serious in the oil industry.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were reports of extrajudicial killings. Five persons allegedly involved in the January 21 revolt died while in detention. According to one detainee, the prisoners were beaten to death by security forces under the direction of Armengol Ondo Nguema, the head of presidential security (see Section 1.c.). There were reports of an unknown number of summary executions near the Bioko village of Belebu Belacha following the January 21 revolt. Inhabitants of the island said that security forces buried the dead in the jungle prior to the arrival in March of the United Nations Special Rapporteur on Human Rights for Equatorial Guinea. Foreign journalists who attempted to confirm the violence were prevented from visiting the affected areas by the Government and ultimately were expelled from the country (see Section 2.a.). One of the acknowledged leaders of the January 21 incident, Martin Puye, died in prison in

July. The Government claimed that Puye died of hepatitis. However, credible reports before his death indicated that he had been beaten badly while in detention. When Puye's attorney, Jose Olo, criticized Puye's death, he was sentenced to 5 months in jail and a substantial fine for slandering members of the Government. Security forces allegedly beat and killed a demonstrator (see Section 1.c.).

The Government did not prosecute those responsible for extrajudicial killings in prior years.

b. Disappearance

According to a prisoner who had been arrested and tortured by government security forces, at least 10 individuals disappeared during police raids following the January 21 incident. However, this number remains unconfirmed and may include some persons who fled the island.

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

The Fundamental Law (constitution) mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture or cruel or inhuman punishment, and security forces tortured, beat, abused and mutilated prisoners. The level of these abuses is serious and, in the wake of the January 21 revolt, increased over the previous year, with the methods of torture becoming increasingly gruesome. Security forces cut and mutilated the ears of dozens of prisoners arrested following the revolt while they were in detention. When they appeared before a summary military court, one member of the Government explained that the unsightly mutilations were the result of birth defects. A credible source claimed that prisoners arrested for alleged involvement in the January 21 incident were subject to particular abuse. Police reportedly urinated on prisoners, kicked them in the ribs, sliced their ears with knives, and smeared oil over their naked bodies in order to attract stinging ants. The President and senior government officials acknowledged that the security forces had committed excesses, but attributed them to what were allegedly rogue elements. However, according to credible reports, this torture was approved at the highest levels of the Government and was directed by the chief of presidential security, Armengol Ondo Nguema, who is also President Obiang's brother. Ondo Nguema allegedly taunted prisoners by describing the suffering that they were about to endure.

Following the January 21 attacks, the Prime Minister organized a march through Malabo to demonstrate Bubi support for the Government. During the demonstration, security forces reportedly beat many marchers and allegedly killed one.

Police routinely stop members of the opposition at roadblocks and subject them to searches and extortion (see Section 2.d.). Local authorities also singled out foreigners from neighboring countries for harassment, intimidation, and extortion. In late January, when a rumor spread that Nigerian citizens had taken part in the January 21 revolt, security forces targeted Nigerians living in Malabo (see Section 5). Soldiers and police robbed merchants from Nigeria of their wares and forced many to pay sizable fines at gunpoint. Those who hesitated reportedly were beaten.

Several security officials reportedly were detained for abuses committed against Bubis during reprisals for the January 21 revolt, but subsequently were released.

Following the January 21 revolt, vigilantes from the dominant Fang ethnic group raped women who were members of ethnic minorities on Bioko in the women's homes (see Section 1.f.). The Government initially did little to prevent such abuses.

Prison conditions are primitive and life threatening. Rations are inadequate, and sanitary conditions practically nonexistent. Prisoners arrested following the January 21 revolt reported being fed bread and water only once every 2 days. Authorities prohibited family and friends of prisoners from bringing them food from outside, as is the custom. Some 60 prisoners allegedly were crowded into a single cell without toilet facilities. Once every 3 or 4 days the prisoners were ordered outside in order to clean the cell. Female prisoners are housed separately from men. Women arrested following the January 21 incident allegedly were stripped and beaten by prison guards. They then reportedly were thrown to the ground in full view of male prisoners and made to swim and crawl through mud. Guards reportedly ordered female prisoners to spread their legs and then beat their naked inner thighs with sticks.

The International Committee of the Red Cross (ICRC) reportedly has made recommendations about prison conditions to the Government, which the Government declined to release publicly. Prison conditions reportedly improved somewhat during the year; cement floors reportedly replaced dirt floors and clean water reportedly was made available to prisoners in at least some prison facilities. However, the ICRC reportedly did not have unrestricted access to prisons and detention centers.

Arbitrary Arrest, Detention, or Exile

There are nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other procedural safeguards of citizens' rights; however, these safeguards are ignored systematically by security forces.

Police routinely hold prisoners in incommunicado detention. Foreigners from neighboring countries sometimes are targeted for arbitrary mistreatment and random arrest. These include visitors from Nigeria, Ghana, Togo, and Benin. Members of the security forces often resorted to these crimes in order to extort money prior to national holidays.

Three Spanish doctors who sought to establish a temporary medical assistance mission in a rural area were arrested upon entering the country on August 28 and deported a few days later.

Political detentions seldom lasted more than a few months. At year's end, there were no known long-term political detainees; there were also none the previous year. Following the January 21 revolt, some 500 ethnic Bubi reportedly were arrested and interrogated. However, reliable information on the number and identities of detainees was not readily available.

During the year, the Government arrested political activists and detained them without charge for periods of several months, during which officials at times interrogated, beat, and tortured them. In April security forces reportedly arrested 64 members of the three largest opposition parties in Rio Muni, the mainland part of the country (also see Section 1.f.). Of those arrested, 30 were members of the Convergence for Social Democracy Party (CPDS), 19 of the Popular Union (UP), and 15 of the banned Party of Progress (PP). In October security forces arrested several dozen activists of the CPDS, according to the party's secretary general. The Government uses the psychological effects of arrest, along with the fear of future beating, to

intimidate opposition party members. In April security forces reportedly arrested opposition party members for listening to Spanish government radio broadcasts (see Section 2.a.). None of the opposition party activists arrested in April and October was believed still to be in detention at year's end. Security forces also arrested a priest and broke up a religious revival (see Section 2.c.).

In April Equatoguinean security forces involuntarily repatriated from Nigeria three persons suspected of involvement in the January 21 revolt, and detained them without trial for 3 months (see Section 2.d.).

At various times during the year, government security forces detained four employees of a foreign oil company for periods ranging from a few days to several months. The grounds for their detentions included importation of explosives for use in offshore oil operations, attempted use of the oil company's radio frequency by insurgents in January, and the oil company's sponsorship of the visit of the Spanish doctors whom the Government arrested and deported.

The Government does not force its citizens into exile, but some persons who were able to travel abroad have sought political asylum.

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 widespread.

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 Fundamental Law 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. Cases involving national security are tried by a military tribunal.

The Government held a number of political prisoners. Between May 25 and 29, the Government conducted a public trial before a military tribunal in a Malabo theater. The tribunal tried 116 persons allegedly involved in the January 21 attacks on Bioko island. The Government charged the defendants with terrorism, undermining state security, and illegal possession of weapons. Many defendants claimed that the Government had obtained confessions from them by torture. However, the President of the military tribunal refused to allow defense lawyers to raise the question of torture, although a number of defendants bore unmistakable marks of recent physical abuse. Observers at the trials reported seeing defendants with fractured bones in their feet or hands; some defendants were missing parts of their ears, which appeared to have been cut off recently. Although observers noted that some of those detained may have been guilty of the offenses with which they were charged, the conduct of the trials drew universal criticism. The judges were members of the dominant Fang tribe, while nearly all the defendants were Bubi. The qualifications of the judges were questionable, since none was known to have legal training. The military tribunal was never seen in deliberation, and a number of defendants on trial for their lives were not allowed to

testify. However, the defendants were represented by independent attorneys who criticized the Government publicly for the torture of their clients, and demanded restitution for the victims of the Government's excesses. The tribunal found 63 persons guilty on at least one charge, but acquitted 53 of all charges. It sentenced 15 convicted defendants to death, and sentenced the 48 others to terms ranging from 6 to 26 years in prison. The 15 condemned to death were the only defendants absent from the court when the sentences were announced. There were reports that their graves already had been dug, and a firing squad assembled, on a beach near the prison where they were held at that time. However, they were not executed, and President Obiang later commuted their sentences to life imprisonment, following pleas for clemency from foreign governments and non-governmental organizations (NGO's).

In July two members of the ruling Mongomo clan and of the banned Democratic Republican Forces (FDR) Party, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema, were convicted of libeling the State and sentenced to 30 months' imprisonment. In November 1997 security forces had repatriated them forcibly from Gabon with the consent and complicity of the Gabonese Government (see Section 2.d.). The basis of the libel charge was a letter that the two had circulated after being repatriated from Gabon, in which they stated that they expected to be arrested soon. Shortly thereafter, in March, the security forces arrested them. They were charged with libeling the State, for which each was tried, convicted and sentenced to 30 months' imprisonment and fines equivalent to \$45,000.

At year's end there were three known political prisoners: Felipe Ondo, Guillermo Nguema, and Jose Olo (see Section 1.a.).

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

The Government infringes on these rights. 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.

Following the January 21 revolt, soldiers in Malabo forcibly entered Bubi homes, threw the belongings of the residents into the streets, and invited the populace to help themselves to these goods. Soldiers reportedly also looted Bubi-owned stalls in the marketplace and forcibly prevented Bubi farmers from leaving town to work their fields. The Government initially did little to prevent gangs of Fang vigilantes who roamed the streets at night from breaking into Bubi homes. Credible reports indicated that Fang vigilantes routinely looted homes and raped female residents.

On at least one occasion the Government attempted to force opposition members to join the ruling party, the PDGE. In April approximately 64 members of the opposition reportedly were arrested in Rio Muni, after refusing to join the PDGE (see Section 1.d.). The arrests appeared to be a coordinated government campaign spread over a wide area and designed to intimidate the opposition and to dissuade voters from registering as members of opposition parties.

For lawyers, government employees, and some others, PDGE 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 displayed prominently with the national flag in government offices, and many officials wear PDGE lapel pins.

The abuses associated with the Malabo urban renewal program in 1997 reportedly did not continue during the year.

There reportedly is surveillance of members of the opposition parties and foreign diplomats.

Credible sources state that citizens living in rural areas are hesitant to associate with, or even be seen with foreigners, due to the fear of repercussions from government authorities.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of speech and the press

The Constitution provides for freedom of speech and of the press, but the Government severely restricts these rights in practice. Journalists practice self-censorship.

During the year, three persons were sentenced to prison as a result of the Government's intolerance of free speech. Former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema were convicted of libeling the State and sentenced to 30 months' imprisonment for circulating a letter predicting their imminent arrest (see Sections 1.e. and 2.d.). Attorney Jose Olo was jailed for denouncing the death of his client in prison after severe beatings (see Section 1.a.).

The Government allows mild criticism of infrastructure, public institutions, and government mismanagement and has permitted some increased criticism of minor administrative decisions. However, the Government permits no criticism of the President or the security forces. All journalists must be registered with the Ministry of Information. According to press sources, there are five or six independent reporters registered with the Ministry of Information. Between 30 and 40 reporters employed by the official party or government publications also are registered. Visiting foreign reporters must be accompanied by guides from the Ministry of Information.

In May the Government expelled eight Spanish journalists whom it previously had invited to attend the public trials of defendants accused of instigating the January 21 violence. Prior to the trial, the Government allegedly had told the journalists that they were not to mention the President in their reports on the proceedings, and that they were not to report on anything except the trials. According to the Government, the journalists were expelled when they failed to abide by this agreement. The Government also accused the journalists of lying about the extent of torture that security forces had inflicted on the prisoners. Some had reported the visible mutilation of the defendant's ears. However, credible sources claimed that the journalists were expelled when several showed an interest in visiting the sites of the violence and interviewing Bubi villagers who allegedly had suffered at the hands of security forces.

Only one newspaper is published regularly: La Gaceta, a Malabo-based publication with connections to the government, is published monthly. Human interest stories dominate its domestic news coverage.

The current press law, enacted in 1992, reportedly is based on Spain's 1967 Franco-era press law, and authorizes government censorship of all publications. The Ministry of Information sometimes requires publishers to submit copy for approval prior to publication. All local publications exercise self-censorship, and are subject to prior restraint. Few foreign

publications are available for sale, and security forces reportedly peruse the contents of publications from Spain and confiscate literature critical of the Government.

Radio is the most important medium of mass communication. The Government continued effectively to monopolize domestic radio broadcasting. The Government owns and operates Radio Malabo. During the year the Government reportedly permitted the establishment of the country's first private domestic radio station, an FM station called Radio Asonga; however, that station reportedly is owned by Forestry Minister Theodoro Obiang Nguema Mbazogo, the son of the President. The Government has not granted other applications to operate private radio stations, including one application from an evangelical group that has been pending for 2 years.

All domestic television stations are government-controlled and broadcast only a few hours per day. Foreign cable television is available, and offers Cable News Network, French news, movies, and cartoons, but few citizens can afford access to it.

The Government generally withholds access to domestic broadcasting from prodemocracy opposition parties, and rarely refers to what it calls the "radical" opposition in anything but negative terms when broadcasting the news.

Radio Exterior, the international short-wave radio service of the Government of Spain, which ruled Bioko and Rio Muni until 1968, often broadcasts news about the country and interviews with opposition politicians. Its editorials, like those of the private Spanish media, are often highly critical of the Government. In 1997 the Government accused Radio Exterior of "inciting armed rebellion" in the country and warned that the Government "cannot accept responsibility for anything that might happen to the radio station following these incitements." In April security forces reportedly arrested several opposition CPDS party members in the mainland town of Micomeseng for listening to Radio Exterior. In July the Government asked the Government of Spain to halt Radio Exterior broadcasts "that may provoke troubles."

There are no known domestic Internet service providers, although Internet access is reportedly available through service providers in other countries at a high cost.

There are no institutions of higher learning, although the Government has constructed several buildings, and has sent contingents of professors overseas for training.

b. Freedom of Peaceful Assembly and Association

The Fundamental Law provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the regime considers political. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform authorities in order to hold gatherings of any kind, regardless of location.

Gatherings in public places, even small gatherings, generally are observed by security forces. The Government requires notification for public events, and routinely denies permission to meet, effectively restricting the right of assembly. Security forces broke up a religious revival in January (see Section 2.c.).

The Fundamental Law provides for the right of association; however, the Government does not always respect this right in practice. Police routinely and systematically harass and jail members of opposition parties. Opposition party members complained of disruption of meetings and roadblocks at which they are forced to pay soldiers the equivalent of \$30 in order to proceed.

c. Freedom of Religion

The Fundamental Law provides for freedom of religion, but the Government limited this right in practice. There is no state religion, and the Government does not discriminate against any faith. However, a religious organization must be recognized formally by the Ministry of Justice and Religion before its religious activities are allowed. The Government continued to restrict the freedom of expression of the clergy, particularly regarding open criticism of the regime.

The Government restricted the activities of the Catholic Church, of which most citizens are at least nominally members. In February security forces arrested Father Eduardo Losoha Belope, who is a Bubi, a priest, and the president of the Malabo chapter of the Catholic NGO, Caritas, in connection with the January 21 revolt. In July the Archbishop of Malabo, Laureano Ekua Obama, stated publicly that the Government now requires Catholic priests to obtain government permission before celebrating mass, and commented that the Government does this because the Church repeatedly has denounced human rights violations, social injustice, and corruption in the country. The Archbishop also stated that government harassment made it very difficult to be a Catholic priest in the country.

The Government relaxed some restrictions on religious activities by foreign missionaries in 1996. Missionaries in Bata and Malabo reported little government interference in their work. However, in January security forces broke up a religious revival in Bata, the largest town on the mainland, by a popular European evangelist, and expelled him from the country. According to several sources, the governor of Bata and the police chief expelled the evangelist and his group the following day in order to take possession of the evangelist's vehicles, sound system, and other equipment. Diplomatic intervention by a number of foreign governments allowed the evangelist to depart with his vehicles.

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

In principle, freedom of movement and travel throughout the country are provided for by law; however, the Government limits these rights in practice. Local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. Opposition activists complain of harassment at roadblocks. Police routinely stop members of the opposition at roadblocks, subject them to searches, and extort money from them. Members of the Bubi ethnic group on the island of Bioko are unable to move about freely, according to credible sources. Roadblocks throughout the island prevent Bubis from traveling between villages.

All citizens are required to have permission to travel abroad, although members of opposition parties regularly are denied this permission and sometimes are interrogated or detained upon their return.

Government officials attempt to control the movements of opposition party members by requiring exit visas or confiscating passports. Those who depart Malabo without an exit visa must travel by canoe across 40 miles of open ocean to reach mainland Africa, then face possible immigration charges upon their return. However, several prominent members of opposition parties were able to travel abroad without hindrance.

During recent years, an average one or two foreigners a year, from Mauritania, Nigeria or the Congo, have requested refugee or asylum status in the country. The Government provides first asylum and generally grants asylum requests, although security forces reportedly have harassed asylum seekers, few of whom have remained long in the country. There were no reports of the forced return of any foreigners to a country where they feared persecution.

In late 1997, during a visit by President Obiang to Gabon, Gabonese authorities arrested two Equatoguinean citizens, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema, and surrendered them to Equatoguinean security forces who involuntarily repatriated them. Both were registered with the U.N. High Commissioner for Refugees (UNHCR) as refugees. After returning them to Malabo, the Government charged them with libeling the State, for which they were convicted, fined, and imprisoned (see Section 1.e.).

The Government also attempted to neutralize opposition groups outside its borders by kidnaping its citizens living in other countries.

In April three Bubi students studying in Calabar, Nigeria were abducted by the Equatoguinean consul general and flown back to Malabo surreptitiously aboard an Equatoguinean government-chartered aircraft. This action was approved by President Obiang. Security forces detained them for several months on suspicion of planning violence against the State, then released them but made no effort to transport them back to Calabar or make restitution in any other way.

The Government also reportedly attempted to repatriate surreptitiously an undisclosed number of citizens living in Benin.

During the year Cameroonian newspapers revealed that since September 1997, Cameroonian security forces had detained--ostensibly for their own protection--12 former officers of the Equatoguinean armed forces now in opposition to the Government, including former Armed Forces Commander Alfonso Mba Nsogo and UP party official Fabian Asumu Ondo, who were registered as refugees with the UNHCR and had resided in Cameroon for 4 years as political asylees. In November 1997, Cameroonian authorities at Douala airport arrested six Equatoguinean presidential security officers, including Intelligence Section Director Donato Abogo, a cousin of President Obiang, who were trying to enter Cameroon. Media reports have suggested that the presidential security officers had traveled to Cameroon to kidnap and repatriate some of the 12 military officer asylees there, whose detention was not yet known publicly at that time. At year's end, all 12 officers remained detained on a military base in Cameroon, although they enjoyed considerable freedom of movement.

The Government repeatedly demanded that the Spanish Government repatriate Severo Moto, the former leader of the now-banned PP party, who led an attempt to overthrow the Government by armed force in 1997, and to whom the Government of Spain had granted asylum.

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 government party, the PDGE. Leadership positions within the Government are, in general, restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. While there is an elected Chamber of Deputies, it is not representative and is dominated by the Government; 68 of its 80 members belong to the PDGE. The Minister of the Interior also acts as president of the National Electoral Board.

The February 1996 presidential election, in which President Obiang claimed a reelection victory with 98 percent of the vote, was considered openly fraudulent by international observers. Some opposition politicians who campaigned were beaten and jailed. Voting was done in the open and without secrecy, with opposition parties allegedly being barred from access to polling areas. There were credible reports of widespread arrests and violence against opposition party members before the elections, as well as of beatings, roadblocks, stuffed ballot boxes, and the presence of security forces. Most opposition parties, claiming that it was futile to run amidst such blatant corruption, boycotted the election, and boycotted similarly flawed legislative elections in 1993 and municipal elections in 1995.

In 1997 the Government and 13 political parties promulgated a revised national pact following 3 months of debate. The pact called for the creation of a multiparty electoral commission and an observance commission to monitor compliance with the agreement. The pact also stipulated an end to various political and electoral abuses and the extension of voting rights already nominally provided for in the Constitution. However, the Government has not abided by most of the pact's provisions. Opposition activists report that the Government has made virtually no effort to implement the pact. The Government's refusal to issue exit visas to opposition figures violates the pact's principle of freedom of travel. The continued arrests of CPDS, PP, and FDR activists further undermined the Government's claims that it abides by the pact, as did its continued restrictions on freedom of movement and the continued lack of access to government media by the opposition.

In February the Government enacted a new electoral law that mandates the replacement of open voting by secret ballots in future elections, but prohibits coalitions between political parties. This prohibition weakens the opposition by preventing the formation of any opposition umbrella groups.

Although the electoral law required the Government to set a date for legislative elections before the terms of the Chamber of Deputies expired in November, the Government did not set a date for such elections until December 30, when it announced that they would be held on March 7, 1999. Although in June President Obiang called on citizens to "register massively" to vote, in October the Government reportedly removed 65,000 voters (15 percent of the country's total population) from the electoral register. The Secretary General of the opposition CPDS party, Placido Miko, publicly accused the Government of removing from the electoral register persons whom it considered unlikely to vote for ruling party candidates. The electoral registration was completed in December, with the approval of most but not all opposition

parties. However, the resulting voter lists were not published with the December 30 decree calling the elections, as prescribed by the electoral law.

Citizens have limited ability to choose their local governments. The State is highly centralized. There are subnational government entities at the regional, provincial, district, and municipal levels. The President appoints all officials at all but the municipal level, where there are elected mayors. However, municipal governments have little power to tax or to hire and fire their own personnel; they must rely on the central Government for the preponderance of their revenues, and on central government civil servants for their administrative staff. During the year the central government reportedly gave an annual budget equivalent to \$5,000 to the municipal government of Malabo, whose mayor was a member of an opposition party.

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented in government positions. There are 6 women in the 42-member Cabinet, and 5 in the 80-member legislature. There were only 2 women in the Cabinet in 1997.

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

There are no effective local human rights nongovernmental organizations. Amnesty International has no permanent presence in the country. The Government does not recognize its reports or acknowledge their credibility.

In August a Catholic priest, a nun, and a lay worker based in Anisoc, Rio Muni, all citizens of other countries, were expelled from the country after having been granted funds by a Western government to promote democracy and human rights through a series of workshops. The project had been approved by the Government and signed by Minister of Justice and Religion Ruben Maye. The expulsion appeared to be an attempt by the Government delegate of Anisoc to gain control of project funds and neutralize the project's impact on local villages. During the expulsion, in which the Minister of Justice and Religion played a leading part, the Catholic lay worker was separated forcibly from his Equatoguinean wife and child, and told by local authorities that he would never see them again. After a diplomatic appeal to President Obiang by the lay worker's national government, the family was reunited outside Equatorial Guinea.

The U.N. Special Rapporteur on Human Rights for Equatorial Guinea visited in March and December and ostensibly received the Government's cooperation. However, Bioko residents alleged that, shortly before the Special Rapporteur arrived in March, the Government hastily buried in shallow graves in the jungle persons whom security forces had summarily executed after the January revolt on Bioko (see Section 1.a.).

The Government established a parliamentary commission on human rights approximately 6 years ago. However, this entity rarely has been heard from and 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 societal discrimination continue. These are reflected in traditional constraints on women's education and in restricted opportunities for professional and occupational achievement by ethnic minorities. The Government deliberately limits potential opportunities for ethnic minorities, and intensified its repression of the Bubi minority on Bioko during the year.

Women

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

Although the Constitution provides for equal rights, women largely are 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 all children born after the marriage. The mother maintains custody of all children born prior to marriage.

Similarly, in the Fang, Ndowne, and Bisio cultures, primogeniture is practiced, and as women become members of their husband's family upon marriage, they usually are not 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 their 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

There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment or education. There is no legislation mandating accessibility for the disabled to buildings or government services.

National/Racial/Ethnic Minorities

There is no legal discrimination against ethnic or racial minorities, and the Government does not limit their participation overtly; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persists. In practice some members of minorities face official 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.

Differences between the majority Fang ethnic group and the Bubi ethnic minority are a major source of political tension and often have erupted into violence. Bubis led the January 21 separatist revolt on Bioko, after which the Fang-dominated Government and security forces intensified their longstanding institutionalized repression of the Bubis and allowed Fang vigilante groups to abuse Bubi citizens with impunity (see Sections 1.a., 1.c., 1.e. and 1.f.). Before independence the Bubis were a majority of the population of the island of Bioko (then Fernando Po), which was both administratively distinct from and more economically developed than the larger and more populous mainland (then Rio Muni), where the Fang were a majority. The two Spanish colonies were united 9 years before independence, after which many Fang migrated to Bioko, where Malabo, the capital, is located. The Fang dominated the united independent state; during the first decade after independence misrule by Obiang's uncle, Macias Nguema, reduced the country's population by about one-third and devastated Bioko's economy.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, are also sources of significant political tensions and occasional violence.

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. In the small wage economy, no labor union 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 generally is acknowledged that membership in the PDGE is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.f.). 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.

Hiring by the oil industry, one of the country's major employers, is controlled largely by the Government through its agency, APEGESA. Independent sources confirm that APEGESA, in screening applicants for positions, excludes those whom it considers unfriendly or indifferent to the PDGE. APEGESA reportedly keeps nearly two-thirds of employees' wages. Oil workers earning \$47 (26,000 CFA Francs) per day reportedly receive only \$16 (9,000 CFA Francs); the remainder is kept by APEGESA, which allegedly is managed by the Minister of Mines and Energy. In 1997 when several employees signed a petition complaining of this treatment they were fired.

The Government did not allow unions to affiliate internationally.

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 participation by the workers. Employers must pay the minimum wages set by the Government, and most companies pay more than the government-established minimum.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or bonded labor (including that performed by children) and slavery, and there were no reports of these practices. Convicted felons do, within the law, perform extensive labor in the public sector outside prison without compensation.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment of children 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. The Labor Code prohibits forced or bonded labor by children, and there were no reports that it exists (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum monthly wage is approximately \$44 (27,000 CFA Francs). The minimum wage does not provide a decent standard of living for a worker and family. The law prescribes a standard 35-hour workweek and a 48-hour rest period which are observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. Employees who protest unhealthy or dangerous working conditions risk losing their jobs.

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