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DIPLOMACY IN ACTION



2008 Human Rights Report: Equatorial Guinea

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Equatorial Guinea, with an estimated population of between 500,000 and one million, is nominally a multiparty constitutional republic. All branches of government were dominated by President Teodoro Obiang Nguema Mbasogo, who has ruled since seizing power in a military coup in 1979, and his clan from the majority Fang ethnic group. International election observers judged the May 4 legislative elections to be peaceful, orderly, and an improvement compared to the seriously flawed 2004 legislative and 2002 presidential elections; however, there were credible reports and evidence of electoral irregularities, and allegations by the opposition of fraud and harassment of opposition supporters. While civilian authorities generally maintained effective control of security forces, there were instances in which elements of the security forces acted independently.

The government's human rights record remained poor, although there were some notable governmental efforts to improve respect for human rights. The following human rights problems were reported: limited ability of citizens to change their government; increased reports of unlawful killings by security forces; government-sanctioned kidnappings; systematic torture of prisoners and detainees by security forces; life threatening conditions in prisons and detention facilities; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents with limited due process; judicial corruption and lack of due process; restrictions on the right to privacy; restrictions on freedom of speech and of the press; restrictions on the rights of assembly, association, and movement; government corruption; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

The government reduced the number of political prisoners; allowed international monitors to assess conditions in detention facilities; took steps to professionalize security forces; and conducted public awareness campaigns on women's rights and domestic violence in conjunction with international organizations.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of government agents committing politically motivated killings; however, security forces committed some arbitrary or unlawful killings during the year. For example, in January a police officer in Malabo shot and killed an alleged illegal immigrant. The officer was arrested and investigated for excessive use of force. At year's end the case was ongoing.

On the night of March 12-13, Saturnino Ncogo Mbomio, a member of a banned political party, died at Black Beach Prison in Malabo while in police custody for possession of illegal weapons, which authorities stated were intended for use in a planned coup attempt. Police stated that Ncogo died as a result of a fractured skull after falling from the top of the bunk bed in his cell, in an apparent suicide attempt. The prime minister invited several foreign diplomats to watch prison surveillance video of the incident, which showed Ncogo leap headfirst from his bed while alone in his cell and showed him walking earlier without difficulty. Amnesty International (AI) questioned the official account of his death and alleged that, after Malabo police arrested Ncogo on the morning of March 12, they interrogated him for several hours in Malabo Central Police Station and tortured him to the point he was unable to stand on his own. AI called for a thorough and impartial investigation into Ncogo's death. By year's end, no investigation had been conducted.

In May a police officer investigating immigration violations in Malabo shot and killed a resident alien (a Malian citizen). Authorities subsequently arrested and detained the officer and suspended him from duty, pending the outcome of a military trial for excessive use of force. At year's end, the government reported that the trial was underway.

According to regional media reports, on December 12, security force members reportedly killed a Cameroonian fisherman in what were believed to be Cameroonian territorial waters and abducted two Cameroonian immigrants while attempting to prevent a boat of Cameroonian immigrants from reaching the country. Following protests in Cameroon, both governments closed their mutual border. At year's end, the whereabouts of the two abducted Cameroonians remained unknown.

Following the October 2007 death of Salvador Ndong Nguema, which, according to parliamentary testimony by members of the opposition party Convergence for Social Democracy (CPDS), was a result of injuries inflicted during torture by officials in a jail in Evinayong, authorities temporarily detained two members of the security forces for misconduct. However, according to an international organization that followed the case closely, authorities later released the two suspects and reassigned them to security duties at another location. Officials did not provide any information on this case.

During the year AI reported that authorities released from detention and reinstated at least three police officers and soldiers who they had arrested in November 2007 for involvement in the torture of several detainees, three of whom died as a result of injuries inflicted from torture.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

According to AI, on or around October 8, former army colonel Cipriano Nguema Mba was arrested illegally by two Cameroonian police officers and transferred to security personnel in the country's embassy in Yaounde, before being secretly transported to Black Beach Prison in Malabo. In a 2004 military trial, Nguema was convicted in absentia and sentenced to 30 years' imprisonment for allegedly plotting a coup and leaving the country with government funds. Many members of his family were also tried and sentenced to long prison terms and were tortured during pretrial detention, according to AI. Immediately following the Nguema's abduction, authorities allegedly held him incommunicado at the prison and would not confirm his whereabouts or whether they were holding him. However, by year's end, authorities had allowed family members and UN officials to visit Nguema, who reportedly showed no signs of torture.

On June 5, as part of a general amnesty granted by presidential decree, the government released Juan Ondo Abaga, who had disappeared in 2005 with three other citizens--Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutumu--all of whom remained missing. They reportedly had been forcibly repatriated from Benin and Nigeria, incarcerated without charge in Black Beach Prison, severely tortured, and denied access to a lawyer and their families. There was no government confirmation of their presence in the prison.

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

The law prohibits such practices; however, security officials abused and tortured persons during the year. Based on his November 9-18 mission to the country to assess the use of torture in the penal system, UN Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment Manfred Nowak stated that police employed the "systematic use of torture" on detainees, including political prisoners and suspects of common crimes. In his public statement, Nowak detailed specific techniques used to extract confessions or information from those in police custody, to punish detainees, or to extort money. Nowak underscored the government's role in such practices and provided preliminary recommendations to reform the security forces and judiciary (see section 4).

Nowak, who observed a fully equipped torture room in the basement of the Bata Central Police Station, documented police abuse, corroborated by a medical expert, including beatings to the soles of the feet and buttocks with batons, solid rubberized cables, and wooden bars; electric shocks with starter cables attached to different parts of the body with alligator clips; and various forms of suspension with hands and feet tied together for prolonged periods while security officials beat victims as they swung back and forth.

Nowak underlined the inhuman treatment of political prisoners in Black Beach Prison, where he stated they had been held in solitary confinement for up to four years, without being allowed the one hour of exercise per day required by international minimum standards. He found that they were held in leg irons for almost the entire duration of their imprisonment. The UN mission led by Nowak also found that immigrants ran an increased risk of physical abuse in police cells. Nowak added that he was concerned about possible reprisals against detainees who provided testimony to the UN mission, in particular at the central police stations in Malabo and Bata. By year's end, there were no reports of reprisals.

According to AI, officials at the Malabo Central Police Station reportedly beat at least two former members of the banned opposition party Progress Party of Equatorial Guinea (PPGE) to force confessions during the year (see section 1.e.).

On April 24, a bodyguard of the secretary of state for national security allegedly assaulted Brigida Asongsua Ela, who had been arbitrarily detained in the Malabo Central Police Station since December 2007 for refusing to sweep the floor in the secretary of state's office, according to AI. Following a complaint from Asongsua's attorney, the secretary of state ordered the arrest of the bodyguard, subsequently relieved him of duty, and apologized for the bodyguard's actions. Authorities released Asongsua without charge on April 25.

In September a government official told a foreign diplomat that, despite efforts by a government human rights center to monitor detention facilities, beatings in jails across the country were a common occurrence due to a lack of training and political will to address the problem.

According to government officials and a private foreign firm working closely with the military on training programs, during the year a military court convicted at least one member of the security forces in connection with the torture of Jaime Ndong Edu, a CPDS member, by Deputy Police Commissioner Donato Abogo Menden in October 2007. However, military tribunals remained closed to the public and it was not possible to independently verify whether any action had been taken in this case.

During the year a parliamentary committee charged with handling complaints from citizens involving police abuses reviewed complaints regarding the actions of four police officers from the Bomudi precinct in Bata, including precinct captain Juan Engonga. Engonga had allegedly tortured Emilio Mbana Moyong and Alberto Mbira in the Bomudi police station during their five-day detention in August 2007. By September authorities had fired at least one of the officers involved and had enforced a September 2007 parliamentary order requiring the officers to compensate the victims. One torture victim reportedly received one million CFA francs (\$2,078). The parliamentary committee fined Captain Engonga 4.8 million CFA francs (\$10,000) for dereliction of duty.

Foreigners, primarily illegal immigrants from other African countries, continued to experience harassment, intimidation, and arbitrary arrest and detention.

Police periodically raided immigrant ghettos, local stores, and restaurants, arbitrarily detained immigrants and extorted them for money, and used excessive force.

In mid-December 2007 there were international media reports of citizens, including members of the security forces, looting the possessions of and beating up to 8,000 Cameroonian immigrants in Malabo and Bata following a bank robbery in Bata by foreigners. Several hundred Cameroonian immigrants sought refuge over several days in the Cameroonian embassy in Malabo and the consulate in Bata, and The Cameroonian government was forced to airlift several immigrants out of the country, according to reports. Government officials and Cameroonian officials stated that the security forces attempted to protect Cameroonians from civilian mobs. Officials reportedly suspended 12 members of the security forces for using excessive force against immigrants and citizens who attacked immigrants.

Prison and Detention Center Conditions

UN Special Rapporteur on Torture Nowak's monitoring mission in November, which the government had originally requested in January but postponed, included visits to prisons as well as short-term detention facilities such as jails. Nowak observed that prison conditions did not meet international standards, and at least one prisoner died from an apparent suicide in Malabo's Black Beach Prison during the year (see section 1.a.). The UN mission led by Nowak cited some improvements in prison conditions, such as improved hygienic

conditions in the prison in Bata, as a result of renovations to the country's three prisons in previous years. However, the use of prolonged solitary confinement, leg irons, and insufficient food and sanitary conditions posed risks to prisoners' health.

Conditions in police station jails and other detention centers (apart from prisons) were harsher and life threatening. Many detainees were held in these conditions well beyond the maximum 72 hours stipulated by law, sometimes up to several months. Allegations of violence among detainees were frequently ignored or even tolerated by authorities. Holding cells were overcrowded and dirty, and detainees very rarely had access to medical care, exercise, mattresses, or sleeping facilities. Diseases such as malaria and HIV/AIDS were serious problems. Food was usually provided by detainees' families or fellow detainees, and access to potable water was severely restricted. Most detainees had no access to toilets and resorted to plastic bottles or plastic bags instead.

During the year the government continued efforts to upgrade jails associated with local police precinct offices.

According to Nowak, detained illegal immigrants pending deportation were held in police cells for long periods in poor conditions with no food or water since they had no family nearby. Detained illegal immigrants were also at increased risk of physical abuse and discrimination from other detainees with the approval of the police. In February the UN Working Group on Arbitrary Detention, which visited the country in June 2007, expressed concern over the lengthy arbitrary detentions of illegal immigrants and recommended that the government make significant efforts to ensure that foreigners receive access to consular officials and that reasonable periods of maximum detention be established.

Female prisoners and juveniles were not separated from male prisoners. Pretrial detainees were held together with convicted prisoners. Neither the judicial system nor the police had an adequate, effective system to register cases or track prisoners; however, an official registry existed and officials were systematically upgrading it. Some detention facilities restricted visitation.

The government sometimes permitted independent monitoring of conditions in the country's three prisons and approximately 12 jails and numerous holding cells in smaller localities, including monitoring by the UN, the International Committee of the Red Cross (ICRC), and foreign media. However, authorities regularly prevented monitoring of certain parts of prisons and other detention facilities, and they denied some international monitoring requests during the year (see section 4). In March the ICRC suspended visits to jails and prisons because, despite the ICRC's repeated requests, authorities did not meet the organization's minimum modalities and conditions required for international monitoring. Despite a prior agreement, during the year government authorities denied the team of the UN Special Rapporteur on Torture access to military detention facilities at the Cogo and Ela military camps, effectively preventing investigation into allegations of torture and secret detentions; follow-up access to the central police stations in Malabo and Bata was also denied. According to Nowak, during the UN monitoring mission, members of security forces threatened and intimidated UN monitoring officials, both verbally and by pointing guns at them as they tried, sometimes unsuccessfully, to gain access to detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces frequently ignored these safeguards and arrested or detained persons arbitrarily and without due legal process.

Role of the Police and Security Apparatus

The police were generally responsible for security in the cities, while gendarmes were responsible for security outside the cities and for special events. Both report to the minister of national security. Military officials also fulfilled police functions in border and high-traffic areas, and near sensitive sites. These officials reported to the minister of defense. In addition, there are police elements within the ministries of interior (border and traffic police), finance (customs police), and justice (investigative/prosecuting police) which fulfilled particular functions. Presidential security officials also exercise police functions in the vicinity of the president and presidential facilities. Foreign contractors continued to work with the government to consolidate and organize security structures within the country.

Though improving, police remained underfunded, poorly trained, and corrupt. Security forces continued the practice of extorting small bribes from citizens and immigrants, and impunity remained a problem. There was no internal investigation unit within the police, and mechanisms to investigate allegations of abuse were poorly developed.

In February a report by the UN Working Group on Arbitrary Detention expressed concern that both the police and gendarmes frequently ordered arrests and detentions with no legal authorization.

The government recognized the need for professional improvement of the police and continued to support a broad training program. A contracted private foreign group has trained over 600 police officers and their leaders on subjects including human rights, prevention of

trafficking in persons, rule of law, appropriate use of force, tactics and code of ethics. Evidence and feedback from expatriates, citizens, and community leaders indicated improvement in performance, particularly among younger officers receiving training.

Arrest and Detention

According to the constitution, arrest warrants are required, except in cases of flagrate delicto or cases established by law, and some persons were taken into custody on the verbal orders of officials. A detainee has the right to a judicial determination of the legality of the detention within 72 hours after arrest, excluding weekends and holidays. In practice the length of such detentions was often longer, occasionally several months. Although a bail system and public defenders--supplied by the bar association, which receives funding from the government--were available upon request, the public was largely unaware of either, and neither system operated effectively. According to the report released in February by the UN Working Group on Arbitrary Detention, lawyers did not have access to police stations and could not contact detainees while they were held there; police superintendents interviewed by the working group stated they did not see the need for or advisability of such access. Many detainees were not promptly informed of charges against them. Authorities' use of incommunicado detention and torture were serious problems (see section 1.c.). In November a UN assessment mission expressed concern at the prohibition of family visits in detention facilities.

Arbitrary arrest and detention were serious problems. Employing large roundups periodically, local authorities singled out West African illegal immigrants for document checks, arbitrary detention, and deportation; however, local authorities released immigrants if they paid a fine (bribe) of approximately 20,000 CFA francs (\$400 dollars).

According to AI, in late February or early March, police failed to comply with a judicial order to bring Brigida Asongsua Ela, the wife of political prisoner Guillermo Nguema Ela, before the court to determine whether her arrest and detention were legal; Asongsua had been arbitrarily detained in Malabo Central Police Station since 2006. On April 25, Asongsua was released without charge as a result of a formal complaint filed after she was assaulted (see section 1.c.).

In October a judge investigating the status of detainees in Black Beach Prison determined that 23 prisoners were being held without completion of due process. These prisoners were subsequently released.

Lengthy pretrial detention remained a problem, and a significant number of those incarcerated were pretrial detainees. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

The UN Working Group on Arbitrary Detention recommended that the government adopt necessary measures to put an immediate end to the practice of secret detentions. The group cited the secret detentions in Black Beach Prison of Juan Ondo Abaga (who was later released in June), Florencio Ela Bibang, Felipe Esono Ntumu, and Antimo Edu Nchama, all of whom were kidnapped in foreign countries where they had international refugee status, according to the working group.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the government did not respect this provision in practice, and the judiciary was not independent, according to UN officials and local and international human rights advocates. Judges serve at the pleasure of the president, and were appointed, transferred, and dismissed for political as well as competency reasons. Judicial corruption was widely reported, and cases were sometimes decided on political grounds.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and the Supreme Court. The president appoints members of the Supreme Court, who reportedly took instructions from him. The Supreme Council of the Judicial Power appoints and controls judges. President Obiang is president of the Supreme Council, and the president of the Supreme Court is the vice president of the Supreme Council.

The military justice system 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. In the past, some military cases were essentially political in nature. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public, and the 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 officials with no legal training.

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside. 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

By law a defendant enjoys the presumption of innocence until proven guilty. Many trials for ordinary crimes are public, but in accordance with the continental law model upon which the judicial system is based, juries are seldom used. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys, unless they could afford private counsel. An accused person who cannot afford a lawyer is entitled to ask the government to provide one, but only if the accused is summoned to appear in court, and defendants were not routinely advised of this right. The country's bar association was available to defend indigent clients; however, there remained a serious shortage of lawyers in the country, and there continued to be no effective system of court-appointed representation, according to the UN Working Group on Arbitrary Detention. Defendants may confront and question witnesses and may present their own witnesses and evidence, although in practice this was seldom done. There was limited access to evidence. By law the accused has the right to appeal; however, legal appeals were not common.

Political Prisoners and Detainees

While it was difficult to estimate the number of persons detained or imprisoned for exercising their political rights--in part because authorities did not maintain reliable registration lists for prisons and jails or allow comprehensive independent monitoring of detention facilities--in February a report by the UN Working Group on Arbitrary Detention, which visited the country in June 2007, cited 100 cases of "persons detained for merely exercising their political rights." After the government released political prisoners, credible reports indicated that approximately 39 individuals remained incarcerated at year's end for offenses relating to the exercise of political rights. Of those convicted, most were charged with "crimes against the state"; some were convicted by military courts without respect for due process, and some were tried summarily without the right to appeal their sentences, according to the working group. They were all members of opposition parties, mainly banned parties, or persons the government accused of involvement in alleged coup attempts. The government did not allow international humanitarian access to at least three of these prisoners and detainees during the year.

On June 4, a presidential decree granted pardons to 37 prisoners and pretrial detainees, although nine of these individuals had in fact already been released in previous years. AI determined that at least 11 of the released prisoners had in no way advocated or participated in acts of violence. Among the prisoners of conscience who were pardoned and released in June were Reverend Bienvenido Samba Momesori; a critic of the government's treatment of minorities, who had been held without charge or trial since 2003; Felipe Ondo Obiang, Guillermo Nguema Ela, and 11 other members of the banned political party Democratic and Republican Force, all of whom had been convicted in an unfair trial in 2002 for an attempted coup; and Juan Ondo Abaga, whose secret detention and whereabouts the government did not acknowledge until the pardon.

On July 7, a court convicted and sentenced to six years' imprisonment five former members of a banned political party, the PPGE--Cruz Obiang Ebele, Emiliano Esono Micha, Gerardo Angue Mangue, Gumersindo Ramirez Faustino, and Juan Ecomo Ndong--on charges of belonging to a banned party, holding illegal meetings, attempting to overthrow the government, and arms smuggling.

Police arbitrarily arrested the five individuals in March, along with another former PPGE member, Bonifacio Nguema Ndong, who the court absolved, after the discovery of weapons in the trunk of a car being imported to the country from Spain. The five men were found guilty in the same trial as Simon Mann, a British citizen who pled guilty to plotting a 2004 coup attempt; however, the charges against them were unrelated to the events for which Mann was tried, and--according to AI--no attempt was made in court to link the six men to Mann's case. The weapons were alleged to be associated with the coup attempt.

The pretrial detention and the trial of the six former PPGE members failed to meet due process norms. Authorities arbitrarily held the men for more than two months without charge or trial. According to AI, authorities arrested the six men without a warrant, forced them to sign under duress statements they had not made, beat at least two of the men (including one with a baton), held them incommunicado without access to a lawyer until five days before the trial, and failed to produce evidence that they had been in possession of the weapons. At year's end it was unknown whether authorities had undertaken any investigation into the alleged beatings.

There were a few concerns about whether Mann's trial complied with international fair trial standards. Mann's first defense attorney (Ponciano Mbomio) was replaced prior to the trial when the bar association suspended his license; the suspension occurred after Mbomio attempted to block the trial's commencement by arguing that correct legal procedures had not been observed. Mann, who pled guilty to the charges against him, was sentenced to 34 years' imprisonment.

In February the UN Working Group on Arbitrary Detention issued several fundamental recommendations for the government concerning the judiciary, penal system, and criminal legal system. The working group recommended that the government do the following: urgently revise the national criminal law framework; eliminate inconsistencies with the constitution and international instruments; consider drafting a new criminal code, one providing the possibility of community service; establish by law and in practice an independent judiciary; prompt judges and law officers to make periodic visits to prisons and police detention centers; exclusively limit the jurisdiction of military courts to military offenses committed by armed forces personnel, and end their jurisdiction to try civilians; extend human rights training to judges, law officers of all grades, security forces members, and the Office of the Attorney General; revise the current application procedures for habeas corpus, with a view to making it easier to use and more effective to remedy arbitrary detention; guarantee lawyers free access to police stations and prisons so they may be able to interview detainees from the beginning of their detention; and employ the national budget to guarantee the resources required to ensure the effective functioning of the justice administration system as well as the prison and police detention system, in part to ensure the provision of sufficient and adequate food and medical care.

Civil Judicial Procedures and Remedies

Civil matters can be settled out of court, and in some cases tribal elders adjudicated local disputes. Courts were increasingly engaged in ruling on civil cases brought before them, some of which involved human rights complaints. Many international companies doing business in the country operated with mediation clauses that were occasionally activated. Resulting resolutions were generally respected.

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 in practice. Security forces violated homes and arrested suspected dissidents, criminals, foreign nationals, and others--often without judicial orders, which are not required for certain officials to enter and search homes--and confiscated their property with impunity.

Government informers reportedly monitored opposition members, nongovernmental organizations (NGOs), and journalists. Most residents and journalists believed that the government monitored telephone calls.

Indirect pressure for public employees to join the ruling Democratic Party of Equatorial Guinea (PDGE) continued. Opposition party members were reported to have been discriminated against in hiring, job retention, scholarships, and obtaining business licenses. Businesses found to have hired employees with direct links to families, individuals, parties, or groups that were out of favor with the government were often forced to dismiss employees or face recrimination.

The law provides for restitution or compensation for the taking of private property; however, in practice when the government forced persons from their homes or land, it sometimes did not provide equitable compensation. Individuals may hold property title to pieces of land, but the state has full power of eminent domain, which it often exercised as development continued. The government offered payment to those who proved title.

As in previous years, the government continued to exercise right of eminent domain in pursuit of development goals, which include construction of thousands of low-cost housing units. In cases of neighborhood demolition during the reporting period, officials held community meetings to discuss proposed actions and means of restitution. Many of the residents affected were squatters. With regard to restitution, those who could prove title generally received fair payment. For others who had built on land they did not own, the government paid restitution equal to the amount of documented investment.

However, the Red Cross, the Catholic Church, human rights lawyers, and the political opposition expressed concerns about the displacement of poor communities during the increased construction of new roads and buildings in recent years; one opposition party claimed the selection of slums for displacement was sometimes motivated by political reasons, although there was no evidence to support this allegation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the Law on the Press, Publishing, and Audiovisual Media grants extensive powers to authorities to restrict the activities of the media, and the government limited these rights in practice.

While criticism of government policies was allowed, individuals could not criticize the president, his family, other high-ranking officials, or the security forces without fear of reprisal, and the government reportedly attempted to impede criticism by continuing to monitor the

activities of the political opposition, journalists, and others. Since 2007 some journalists have covered topics previously considered to be off limits, including mild criticism of institutions for lack of progress on economic development issues and government inefficiency, but the country's tiny media remained weak and under government influence or control, and journalists practiced self-censorship.

There were virtually no domestic independent media. There was one state-run organ that published news regularly. There were three privately-owned domestic publications, including *La Gaceta de Guinea Ecuatorial*, which published news and commentary monthly; however, their readership remained very limited. The CPDS published an opinion newspaper semi-regularly but struggled to fund it adequately. News kiosks did not exist. There were only three libraries in the country, all supported by foreign governments or the Catholic Church, and there were only two bookstores, both affiliated with religious organizations.

Starting a new periodical requires a complicated process governed by an ambiguous law and was often inhibited by government bureaucracy. In addition, accreditation is cumbersome for both local and foreign journalists, who must register with the Ministry of Information.

Only one international news agency had a regular stringer present in the country, and government agents reportedly followed and surveilled stringers for foreign media. Some international media were not able to operate freely in the country during the year; the government refused to issue visas to Spanish journalists from major media organizations prior to the May elections (see section 3). International newspapers or news magazines were generally not available in rural markets due, at least in part, to their high price and low rates of literacy in rural areas; however, international magazines and newspapers were increasingly being sold in a number of grocery stores in Malabo and Bata.

The government owned a national radio and television broadcast medium. The president's eldest son owned the only private broadcast media. Satellite broadcasts increasingly were available. Foreign channels were not censored.

The Catholic Church had applied to establish a radio station in 2007, but the government had not granted authorization by year's end.

International electronic media were available and include Radio France International, which broadcast from Malabo, BBC, and Radio Exterior, the international short-wave service from Spain.

The Law on the Press, Publishing and Audiovisual Media allows the government considerable authority to restrict press activities through official prepublication censorship. The law also establishes criminal, civil and administrative penalties for violation of its provisions, in particular when it comes to violations of the 19 "publishing principles" in Article 2, which are vague and open to subjective and restrictive interpretations.

In September the government raided the headquarters of the opposition CPDS in an attempt to confiscate an unlicensed radio transmitter and forcibly confiscated editions of a semi-regular CPDS publication (see section 3).

Many of the legal and administrative obstacles emphasized by the international press freedom advocacy groups continued to pose significant problems for the country's media during the year. For example, there continued to be a lack of adequate government investment in infrastructure necessary for the development of strong independent media, including printing presses and newspaper retailers, and there was little evidence that the government encouraged--on a non-discriminatory basis--public advertising in locally printed media. During the year one journalist, a member of the national press association, equated this lack of investment by the government to "economic censorship" and expressed deep concern over the lack of training opportunities for local journalists, despite the country's recent exceptional economic growth.

Internet Freedom

There were no government restrictions on access to the Internet. Most overt criticism of the government came from the country's community in exile, and the Internet had replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked. Internet use grew significantly, and dozens of Internet cafes in the cities of Bata and Malabo continued to do a thriving business.

Academic Freedom and Cultural Events

There were no official restrictions on academic freedom or cultural events; however, in past years some qualified professionals were moved out of teaching positions because of their political affiliation or critical statements reported to government officials by students in their classes. Therefore, most professors reportedly practiced self-censorship to avoid problems. Cultural events required coordination with the Ministry of Information, Culture, and Tourism.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly; however, the government restricted this right, largely through limits on freedom of association, which made it difficult for organizations that had not gained legal authorization to operate and hold meetings legally. According to foreign donors and members of local civil society groups, in light of coup attempts in recent years, the government continued to view some informal meetings by associations as security threats. Although the government formally abolished permit requirements for political party meetings within party buildings, opposition parties were expected to inform authorities if they wished to hold gatherings outside of their headquarters. The government required notification for public events such as meetings or marches.

Freedom of Association

The constitution and law provide for freedom of association, but the government significantly restricted this right in practice. All political parties, labor unions, and other associations must register with the government. To date only one labor organization had been registered. The law prohibits the formation of political parties along ethnic lines, and several political parties remained banned (see section 3). The registration process for NGOs was costly, burdensome, opaque, and sometimes took years to complete (see section 4). During the year foreign donors continued to urge the government to review and reform the legal regime governing the establishment of NGOs. Many associations, including several women's groups focused on economic development, were unable to gain authorization or registration status from the government.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right. There were no reports that government officials monitored religious services.

The law gives official preference to the Catholic Church and the Reform Church of Equatorial Guinea, because of their traditional roots and historical influence in social and cultural life. A Roman Catholic Mass was normally part of any major ceremonial function or holiday. Long-established Catholic schools received the same benefits from the state as public schools.

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions to operate. Approval could take several years, due primarily to bureaucratic slowness rather than policy; however, the lack of clearly defined registration procedures remained an issue. Traditional African religions were practiced, even by many who belonged to other religious groups.

Religious study was optional in public schools but required in parochial schools and was usually, but not exclusively, Catholic.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the *2008 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation. However, the government restricted these rights in practice.

Police at roadblocks routinely checked passing travelers and occasionally engaged in petty extortion, including during quarterly roundups of illegal immigrants. The government justified roadblocks as means of control to prevent illegal immigration, mercenary activities, or attempted coups. These checkpoints restricted freedom of movement for all travelers.

The law prohibits forced internal or external exile; however, the government did not respect this in practice. Following the granting of pardons to political prisoners in June, the government required several of them to return to and remain in their villages of origin. Several members of banned political parties remained in self-imposed exile.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has not established a system for providing protection to refugees. In practice

the government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened.

However, in October Cameroonian police officers reportedly illegally arrested former Equatoguinean army colonel Cipriano Nguema Mba in Cameroon, where he was recognized as a refugee, and handed him over to the country's embassy in Cameroon. Equatoguinean officials reportedly transported Nguema Mba clandestinely to Malabo to face criminal charges of a political nature (see section 1.b.). The incident resulted in protests in Cameroon and extensive diplomatic discussions between both governments. In addition, the government continued to detain other political prisoners who government agents had kidnapped from neighboring countries in recent years, according to the UN Working Group on Arbitrary Detention.

The government provided temporary humanitarian protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

There were no recent cases of the government cooperating with the UN High Commissioner for Refugees (UNHCR), which had no local office, or other humanitarian organizations in assisting refugees and asylum seekers. The government did however cooperate with the UN Children's Fund in cases involving children.

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; however, despite improvements in the electoral process during the year, this right continued to be limited, partly as a result of the dominance of the ruling PDGE party.

Elections and Political Participation

On May 4, the country held parliamentary and municipal elections, which resulted in the continuing political dominance of the ruling PDGE. The ruling coalition, which included the PDGE and nine other parties, increased its number of seats in the 100-member parliament to 99 (the PDGE itself won 89 seats); the opposition CPDS lost a seat, leaving it with one representative in the parliament. The ruling coalition also won 319 municipal councillorships, including 305 for the PDGE, out of a total of 331 municipal posts.

A small, mixed contingent of international observers characterized the elections as an improvement over the last legislative and presidential elections, which were severely marred by irregularities and were not free and fair. The contingent noted the voting process was peaceful and orderly and highlighted the increased use of transparent ballot boxes at polling stations. In addition, prior to the election the government established a public campaign financing system; as a result, the country's three main legal opposition parties received more than 505 million CFA francs (\$1 million) in campaign funds.

Despite these improvements over past elections, there were reports of notable electoral irregularities, including harassment of opposition supporters and voters at polling stations and during the campaign, some of which was captured on video by the opposition CPDS, and several reports by international media of the failure by local election authorities to ensure voting by secret ballot. A respected humanitarian organization with personnel working in different parts of the country characterized the election as "not very transparent." The national electoral commission, which was charged with ensuring the fairness of the elections and handling formal post-election complaints, was not independent; while its membership included a representative of each political party that fielded candidates, it also included representatives from the government, lacked civil society representation, and a majority of its members were officials who belonged the ruling party. Several peaceful political parties that were banned in recent years were not allowed to participate in the elections, and members of one banned party were arbitrarily arrested and detained for an alleged coup attempt and--according to AI--tortured shortly before the beginning of the campaign season (see sections 1.a. and 1.c.). Shortly before election day, the government refused to grant visas to Spanish journalists from international media organizations who had intended to observe and report on the elections, forcing these organs to rely on a few local stringers for election coverage.

The opposition CPDS submitted to a tribunal a formal complaint concerning electoral irregularities. The complaint focused on the method by which authorities calculated votes for the proportional distribution of legislative seats to political parties; however, after reviewing the complaint, the electoral commission dismissed it as invalid.

The ruling PDGE party rules through a complex arrangement built around family, clan, and ethnic loyalties. There is no presidential term limit.

Opposition political parties were not able to operate without restrictions. Several parties remained banned, and the three legal opposition parties faced restrictions on freedoms of speech, association, and assembly (see sections 2.a. and 2.b.). The number of abuses, such as

arbitrary arrest and detention, against the legal opposition parties has decreased in recent years; however, these parties continued to claim that they were monitored by government agents and practiced self-censorship.

In August, after informing the government in writing of its intention to set up a radio station, the opposition CPDS party began testing its equipment. In September the government ordered the CPDS to cease transmitting, which it did, and alleged that the CPDS illegally introduced radio broadcast equipment into Malabo without passing through customs and paying requisite taxes and attempted to begin transmissions without obtaining a broadcast license. The CPDS refused to surrender the broadcast equipment and countered that laws on political parties and the press explicitly provide for individuals and collective bodies, including political parties, to set up media outlets, and that the law does not specify the conditions for broadcasting authorization. On September 13, 20 members of the security forces raided the CPDS headquarters in Malabo in an attempt to confiscate the equipment; the security agents did not find the equipment, but confiscated party propaganda and editions of a CPDS publication. The government prohibited the activity but otherwise took no further actions. Negotiations regarding the incident were ongoing at year's end.

Opposition party members and candidates operated at a significant disadvantage when attempting to gain favor among the voters. On the whole, opposition parties and party candidates were poorly organized, poorly financed, and lacked public support. The government allowed opposition parties limited access to domestic media, and during the year the opposition participated in legislative debates, talk shows, and meetings with the president. Most state events were publicized in connection with the ruling PDGE party. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters.

The president exercised strong powers as head of state, commander of the armed forces, head of the judiciary, and founder and head of the ruling party. In general leadership positions within government were restricted to the president's party or the coalition of "loyal opposition" parties. Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, few changes were made. The minister of the interior was elected to act as president of the national electoral commission.

Some political parties that had been popular prior to the 1992 law that established procedures for political parties to become legal, remained banned, generally under the pretext that they were "supporting terrorism" or had been linked to attempts to overthrow the government.

The government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated at over 85 percent of the population, continued to exercise strong political and economic power. There were 20 ethnically-mixed or minority members in the 100-seat parliament; five of the total were women. Of 27 appointed cabinet ministers, 22 were Fang, one of whom was a woman.

Government Corruption and Transparency

Laws provide severe criminal penalties for official corruption; however, the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity. Corruption continued to be a severe problem.

Officials by law must declare their assets, although the declarations were not published publicly. There was no requirement that officials divest themselves of business interests that were in potential conflict with official responsibilities, and no law prohibiting conflict of interest. The presidency and prime minister's office were the lead agencies for anticorruption efforts. A number of ministers were reportedly replaced following the May elections as a result of corrupt practices.

During the year the government made additional progress toward meeting objectives required to join the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries, developing an approved work plan and achieving candidate status. However, there remained significant challenges in meeting EITI requirements concerning the development of civil society (see section 4), and there continued to be a lack of transparency in the extractive industries.

In October the government began disbursing funds for social projects under the social development fund, a mechanism developed jointly with a foreign donor that was designed to enhance the transparency of social spending in line with international development norms.

On December 2, anticorruption activist groups, including the French chapter of AI, filed a lawsuit in Paris against President Obiang and two other African heads of state, accusing them of acquiring luxury homes in France with embezzled public funds. The plaintiffs stated that there was "no doubt that these assets could not have been acquired with the sole salaries and benefits of these heads of state."

In December a Spanish human rights group filed a formal complaint with anticorruption public prosecutors in Spain, claiming that members of President Obiang's family and high-ranking political officials close to the president had illegally embezzled 12.7 billion CFA francs (\$26 million) from a state petrol company to buy homes in Spain, and had laundered these public funds between 2000 and 2003 in American and Spanish banks. According to media reports, Spain's anticorruption prosecutor had begun investigating allegations against these individuals by year's end.

The law did not provide for public access to government information, and citizens and noncitizens, including foreign media, were generally unable to access government information. A lack of organized record keeping, archiving, and public libraries also limited access. Government officials were more forthcoming with information during the year.

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

There were very few domestic human rights NGOs; they focused on development-related issues involving social and economic rights, such as health and elderly care, and none reported publicly on the abuse of civil or political rights by the government or official corruption. The law restricts NGOs and identifies specific areas in which they may operate; human rights was added in 2005 to those types of NGOs that may organize. During the year the government met with domestic NGO representatives to enhance cooperation on efforts to adhere to the transparency principles of EITI. Despite this increased cooperation, the government's attitude toward domestic and international NGOs that worked in or reported on the country generally remained "not friendly," according to a foreign diplomat charged with evaluating the status of civil society in the country. The government's relationship with NGOs was reported to be mistrustful due to concerns about state security, particularly in light of coup attempts in recent years. Government restrictions, including burdensome registration requirements and lack of capacity to manage and provide the public with information, continued to impede the activities and development of domestic civil society (see sections 2.a. and 2.b.). There were few international human rights NGOs resident in the country, and they generally focused on the rights of the poor (social and economic rights), not civil and political rights.

The government cooperated to varying degrees with international organizations such as the ICRC and the UN. During the year the government continued to allow the ICRC to monitor detention facilities, although the ICRC suspended its monitoring activities early in the year for lack of cooperation and had not resumed monitoring by year's end.

The government also invited and permitted UN Special Rapporteur on Torture Novak to visit the country to assess some but not all of the country's detention facilities. Novak expressed that examples of torture in the country appeared to reflect a state-endorsed method of obtaining evidence and confessions (see section 1.c.). Explaining that a culture of total impunity "allows torture to continue unabated," Novak noted that not one conviction for torture could be found in court records, and that officers known for resorting to torture were able to establish successful careers in the security forces. He also cited "the non-functioning of the administration of justice and, therefore, the absence of the rule of law." Novak recommended that the government undertake "profound reform" of its laws, penal system, and judicial and law enforcement institutions. He also recommended that the government establish effective monitoring and accountability mechanisms to combat torture, and that foreign diplomats in Malabo conduct regular monitoring visits to detention facilities. UN officials also recommended that the international community, including transnational corporations, ensure that they were not complicit in human rights abuses in their business practices and development activities.

The primary organization with some responsibility for human rights, the National Commission for Human Rights (CNDH), was dependent on and heavily influenced by the government and suffered serious funding, staff, and institutional limitations. It did not investigate human rights complaints or keep statistics on them. The president appointed the members of the CNDH.

The Center for Human Rights and Democracy, although organized as a quasi-independent body, had no independent source of funding or authority other than that provided by the government. It received minimal financial and administrative support. Nonetheless, the center showed greater independence during the reporting period. Previously its role had been primarily advocacy and public sensitization; however, during the year it began conducting investigations, including into detention center conditions, and reporting violations or complaints to the parliament.

The parliamentary committee for complaints and petitions provided a forum for the public to address concerns, and was increasingly active during the year. The committee accepted complaints and cases whenever the parliament was in session.

Section 5 Discrimination, Societal Abuses, and Trafficking in persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively. Nonetheless, numerous public outreach efforts were undertaken to improve public awareness of the issues associated with violence and discrimination against women and children, discrimination against ethnic minorities, and discrimination against those with HIV/AIDS.

Women

Rape is illegal, but spousal rape is not specified in the law. The government did not enforce the law effectively. Reporting rape was considered shameful to families involved. Several prosecutions came before the courts during the year, but the exact number was not known.

Domestic violence was a problem. Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence. The police and judiciary were reluctant to prosecute domestic violence cases.

Prostitution is illegal, and the government continued to enforce the law against businesses and pimps. Nonetheless, freelance prostitution was evident in the two major cities of Malabo and Bata.

Sexual harassment is illegal; its extent was unknown. There were no known cases brought before the courts.

The law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system; however, rights of women were limited in practice.

A foreign development fund, as part of its program to support civil society, dedicated one of its forums to the rights of women. The dominant topics were polygyny and traditional attitudes that make women vulnerable. Polygyny, which was widespread, contributed to women's secondary status, as did limited educational opportunities.

In rural areas, women largely were confined by custom to traditional roles, particularly in agriculture. In urban settings, women with equal qualifications rarely suffered overt discrimination. However, the country remained a conservative culture in which societal bias against women persisted. Women sometimes experienced discrimination in access to employment, credit, pay for substantially similar work, and business ownership or management.

Children

The government's commitment to children's rights and welfare improved during the year. The government continued a national vaccination campaign and conducted numerous public outreach campaigns to raise awareness of the importance of education, health, and the rights of children.

The overwhelming majority of children attended school at least through primary grades. Boys were generally expected by their families either to complete an additional seven years of secondary school or to finish a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men. During the year the government partnered with a foreign oil company to undertake a multi-million dollar school renovation program, and continued bilateral efforts with a foreign country to reform outdated curriculum materials.

Abuse of minors is illegal; however, the government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. During the year a small number of cases in which child abuse was alleged came before the courts.

There were no statistics on child prostitution, and there was little evidence it occurred.

Trafficking in Persons

The law prohibits trafficking in persons; however, some trafficking through and to the country was suspected. There were no reliable figures on the number of trafficking victims due to lack of any recent reliable studies. The country was a destination point for children primarily from Benin, Nigeria, and Cameroon trafficked to Malabo and Bata for the purpose of forced labor (such as domestic servitude), and possibly a transit and destination for women and children trafficked for sexual exploitation.

In the past traffickers generally crossed the border with false documents and children they falsely claimed were their own. However, removal of economic incentives for such activity apparently reduced trafficking to a small number of cases.

The government cooperated with other governments and with international organizations and NGOs to aid trafficking victims and assist in their repatriation.

The Ministry of Justice was responsible for combating trafficking in persons, and the minister of justice was president of the interinstitutional commission on illegal trafficking of migrants and trafficking of persons. The Ministry of Women's Promotion was responsible for addressing issues related to protection of trafficking victims. However, the country lacked shelters for providing victim assistance.

The penalties for trafficking in persons for sexual exploitation or other exploitation are imprisonment for 10 to 15 years and a fine of not less than approximately 50 million CFA francs (approximately \$100,000). There were no reported prosecutions for trafficking during the year.

The government provided limited protection or assistance to victims or witnesses. Embassies of victims' countries of origin, if present, were invited to assume care of victims until they were returned to their home countries. There were few NGOs in the country to assist victims. The only victims identified were repatriated.

The government, through the National Action Plan to Fight Against Trafficking in Persons and Child Labor, continued to fund a program to educate the public against these practices, assist victims and punish offenders.

Law enforcement officials, often stationed in market places, enforced laws prohibiting minors from working in markets or other sectors. Vendors who violate these laws were forced to close down their stalls, were heavily fined, or were deported. Children found to be working in markets were not provided with social services.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

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

Educational services for the mentally or physically handicapped were limited. The local Red Cross, with financial support from the government, managed the country's school for deaf children. The country also provided care for the mentally handicapped in the Virgin Madre Maria Africa facility.

The ministries of education and health had primary responsibility for protecting the rights of persons with disabilities. Public service announcements regarding rights of persons with disabilities continued to be broadcast.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, security force harassment, and political marginalization of minorities were problems. The number of illegal residents from Nigeria, Ghana, Cameroon, Mali, Togo, and other African countries represented an estimated one-third of the population and continued to grow, despite police attempts to enforce immigration laws. Foreign workers from West Africa and elsewhere were attracted to the country by its growing oil-based economy.

In October the Ministry of the Interior requested the assistance of all embassies and consulates to help control the country's growing illegal immigration problems. Foreign diplomats requested ministry assistance in minimizing the harassment of legal immigrants and the tendency of officials to misplace or lose passports, work permits, and other official documents essential to immigrants.

Other Societal Abuses and Discrimination

Societal stigmatization and discrimination against homosexuals was strong, and the government made little effort to combat it.

Despite frequent public statements and radio campaigns advocating nondiscrimination toward them, persons with HIV/AIDS continued to be victims of societal stigmatization, which led them to keep their illness hidden. The government provided for free HIV/AIDS testing and treatment, and supported public information campaigns to increase awareness.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to establish unions and affiliate with unions of their choice, without previous authorization or excessive requirements; however, the government placed practical obstacles before groups wishing to organize. Most often, those

seeking to organize were co-opted into existing party structures by means of pressure and incentives. The Union Organization of Small Farmers continued to be the only legal operational labor union. According to the International Trade Union Confederation, authorities continued to refuse to register the Equatorial Guinea Trade Union. The law stipulates that a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation. Authorities refused to legalize the Independent Syndicated Services, a public sector union, despite its having met the requirements of the law.

Workers rarely exercised their right to strike in part because they feared losing their jobs and possible harm to themselves or their families. On rare occasions workers engaged in temporary protests or "go slows" (work slowdowns and planned absences).

In March pay issues reportedly led Chinese construction workers to strike against their Chinese employer in the town of Mongomo, which led to a violent confrontation with police and resulted in the deaths of at least three of the workers. No other information was available.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, but the government did not protect this right in practice.

The government and employers set wages with little or no participation by workers, though booming market conditions have driven wages to some of the highest levels in the region. There were few reports of organized, collective bargaining by any group; however, the Ministry of Labor sometimes mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate; however, there was little trust in the fairness of the system. Citizens had a right to appeal Labor Ministry decisions to a special standing committee of the parliament established to hear citizen complaints regarding decisions by any government agency.

There is no law prohibiting antiunion discrimination, but there were no reports that it occurred.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor and slavery, including by children. There were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

While no comprehensive child labor law has been passed, in practice a series of decrees and resolutions forms the basis for government action. The law against trafficking provides that persons found guilty of illegally forcing a minor to work may be punished with a fine from approximately 50,000 to 250,000 CFA francs (\$100 to \$500); however, child labor sometimes occurred, generally the selling of small items on the street or in markets.

The legal minimum age for employment is 14 years. In most cases children also went to school, girls through primary school and boys through middle school. The employment of children is prohibited in street vending and car washing, though individuals continued to freelance in such activities.

The Ministry of Labor is responsible for enforcing child labor laws.

e. Acceptable Conditions of Work

Enforcement of labor laws and ratified international labor agreements was not effective, resulting in poor working conditions. While the government paid more attention to related issues in during the year, safety codes, for example, were not generally enforced. Most petroleum companies, on the other hand, exceeded minimum international safety standards.

By law employers must pay the minimum wage set by the government. Minimum wage in the country is set by statute and varies from sector to sector. Minimum wages were set for all sectors of the formal economy; however, the minimum wage did not provide a decent standard of living for a worker and family in Malabo or Bata. In the rest of the country, the minimum wage would provide a minimally adequate income. Many formal sector companies paid more than this, but many workers (e.g. farmers) were not covered under the minimum wage law. By law, hydrocarbon industry workers received salaries many times higher than those in other sectors, creating disparities within society and fueling inflation for some goods and services. The Ministry of Labor is responsible for enforcing minimum wage rules.

The law prescribes a standard 35-hour workweek and a 48-hour weekly rest period, requirements that generally were observed in practice in the formal economy. Exceptions were made for some jobs, such as those in offshore oil industry work. Premium pay for overtime was required, but the requirement was not effectively enforced.

The law provides for protection for workers from occupational hazards, but the government did not effectively enforce this provision. The government had an insufficient number of labor inspectors to oversee industry. The law does not provide workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment.