



# U.S. DEPARTMENT OF STATE

DIPLOMACY IN ACTION

## 2009 Human Rights Report: Equatorial Guinea

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### [2009 Country Reports on Human Rights Practices](#)

**March 11, 2010**

Equatorial Guinea, with an estimated population of approximately 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, along with his clan from the majority Fang ethnic group and his political party the Democratic Party of Equatorial Guinea (PDGE). On November 29, President Obiang was reelected with 95.37 percent of votes cast. The lopsided results and weak independent monitoring of the electoral process raised suspicions of systematic vote fraud. Foreign diplomatic observers noted numerous irregularities and the presence of military personnel at all voting stations. While civilian authorities generally maintained effective control of security forces, there were instances in which elements of the security forces acted independently.

The following human rights problems were reported: limited ability of citizens to change their government; unlawful killings by security forces; torture of detainees and prisoners by security forces; life-threatening conditions in prisons and detention facilities; official 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 freedoms of speech, press, assembly, association, and movement; government corruption; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

Following a February 17 armed attack on the presidential palace, which was later blamed on a Nigerian rebel group, the government rounded up, arbitrarily arrested without warrant, and held without charge numerous persons, one of whom died from beatings during interrogation and two of whom were tortured.

#### **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 arbitrary or unlawful killings during the year.

On February 17, eight Nigerian fishermen were detained for questioning regarding an armed assault on the Presidential Palace in Malabo the same day. Security officials also detained Afiong Etim, the wife of one of the fisherman, who subsequently died from beatings administered during interrogation. The eight fishermen were being held in Black Beach Prison awaiting trial at year's end. Two of 10 Equatoguineans also arrested in connection with the attack were being held in Black Beach Prison awaiting trial at year's end; the other eight were out on bail.

On September 15, four off-duty police officers beat to death Akeem Jimoh, a Nigerian legal resident, who reportedly refused to pay a bribe. Jimoh, who was on his way home from work, was stopped by three policemen who requested his identification papers. Jimoh telephoned a friend to bring the

papers and subsequently presented them to the police, who became verbally abusive and demanded a bribe of 50,000 CFA francs (\$115). After the friend's departure, Jimoh's body was found near the center of Malabo with a severe contusion to the head. Government officials claimed no witnesses had come forward to substantiate the beating but admitted the officers had attempted to extort money from a legal resident. The four officers, who claimed Jimoh was found unconscious at another location after running from police, were suspended from service and awaiting the results of an investigation at year's end.

There were no further developments in the following 2008 security force killings: the January police killing of an alleged illegal immigrant; the March death in detention of Ncogo Mbomio, a member of a banned political party, whose death Amnesty International (AI) claimed was a result of torture; the May police killing of a Malian citizen; and the December killing of a Cameroonian fisherman.

No further information was available on the 2007 torture death of Salvador Ndong Nguema, a member of the opposition Convergence for Social Democracy (CPDS) party; the two security force members detained in connection with the killing were released and reassigned.

#### Disappearance

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

Former army colonel Cipriano Nguema Mba, who was abducted from Cameroon in October 2008 and secretly transported to Black Beach Prison in Malabo, remained in prison at year's end (see section 1.e.).

Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutumu, all of whom were kidnapped in 2005 from foreign countries where they had refugee status, were confirmed by government sources as being held at Black Beach Prison at year's end (see section 1.e.).

#### 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. AI reported on May 28 that "suspected criminals continued to be tortured or otherwise ill treated with impunity in police stations." In September 2008 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.

Following his November 2008 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 said police employed the "systematic use of torture" on detainees, including political prisoners and suspects of common crimes. 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. Political prisoners generally were held in leg irons for almost the entire duration of their imprisonment. The UN mission led by Nowak also found immigrants ran an increased risk of physical abuse in police cells.

Following a February armed attack on the presidential palace, the government rounded up, arbitrarily arrested without warrant, and held without charge 10 Popular Union (UP) members, at least two of whom were tortured. Eight were later released, but two remained in Black Beach Prison awaiting trial at year's end.

Foreigners, primarily illegal immigrants from other African countries, were harassed, intimidated, and arbitrarily arrested and detained (see section 1.d.). Foreign diplomats, primarily those from African countries, also complained police harassed, abused, and assaulted them and their family members, even after victims displayed their diplomatic documents. In one case a foreign diplomat reported when he came to the aid of his wife, who was being arrested by police, he was beaten with the butt of a rifle. The government had not responded to formal protests against such incidents filed by foreign diplomats by year's end.

No action was taken during the year against officials at the Malabo Central Police Station who in 2008 reportedly beat at least two former members of the banned opposition Progress Party of Equatorial Guinea (PPGE) to force confessions.

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 2007.

During the year the 12 police officers suspended as a result of their role in assaulting and looting Cameroonian immigrants following a 2007 bank robbery in Bata were dismissed. In 2007 security forces and citizens assaulted and looted the possessions of up to 8,000 Cameroonian immigrants, hundreds of whom sought refuge in the Cameroonian Embassy in Malabo and the consulate in Bata. The Cameroonian Government was forced to airlift several of their nationals out of the country. The government had not responded to requests for financial compensation filed by Cameroonian nationals impacted by the looting by year's end.

#### Prison and Detention Center Conditions

Prisons did not meet international standards, although there were some improvements during the year. Following his November 2008 mission to the country to assess the use of torture in the penal system, UN Special Rapporteur Manfred Nowak noted the use of prolonged solitary confinement, insufficient food, and poor sanitary conditions.

With the exception of the newly renovated jails in Bata and Malabo, conditions in police station jails and other detention centers were harsh and sometimes life threatening. Holding cells were overcrowded and dirty, and detainees very rarely had access to medical care, exercise, or mattresses. Diseases, including 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.

Detained illegal immigrants pending deportation were held in police cells without food or water for lengthy periods since most had no relatives nearby. In February 2008 the UN Working Group on Arbitrary Detention, which visited the country in 2007, expressed concern over the lengthy arbitrary detentions of illegal immigrants and recommended the government make significant efforts to ensure foreigners received access to consular officials and establish reasonable periods of maximum detention; however, foreign embassies reported conditions for illegal detainees remained the same during the year.

Unlike in the previous year, female prisoners were generally separated from male prisoners, and juveniles were generally separated from adults; however, there were exceptions. For example, in April a foreign woman detained in the Bata jail claimed she was held with male, female, and juvenile inmates. 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.

The government sometimes permitted independent monitoring of conditions in the country's three prisons, 12 jails, and numerous holding cells in smaller localities. According to government officials, meetings were held during the year with representatives of the International Committee of the Red Cross (ICRC) to discuss reopening an ICRC office in the country. However, authorities regularly prevented monitoring of certain parts of prisons and other detention facilities, particularly military detention facilities.

Government officials confirmed two ICRC officials were allowed to visit Malabo's Black Beach Prison on June 18 and 19; the ICRC closed its Bata office and suspended such visits in March 2008 after the government refused to grant access to some prisoners.

In November 2008 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, security force members threatened and intimidated UN monitoring officials, pointing guns at them as they tried to gain access to detention facilities. In a January 22 letter in response to the Nowak accusations, the government said it regretted the lack of cooperation it had shown to Nowak during his visit.

During the year the government made efforts to improve prison conditions. As a result of renovations completed in July, prisoner cells and the exercise yard at the Malabo city jail--which was singled out for criticism by Nowak--were larger and better ventilated. The government also hung antitorture posters at airports and border crossings. Minister of National Security Obama Schama also met with all police commissioners to underscore the illegality of mistreating prisoners.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces frequently arrested or detained persons arbitrarily and without due legal process. A February 2008 report by the UN Working Group on Arbitrary Detention expressed concern both police and gendarmes frequently ordered arrests and detentions without legal authorization. Secret detentions reportedly occurred.

#### Role of the Police and Security Apparatus

The police are generally responsible for security in the cities, while gendarmes are responsible for security outside the cities and for special events; both report to the minister of national security. Military personnel, who report to the minister of defense, also fulfilled police functions in border areas, sensitive sites, and high-traffic areas. In addition there were police elements within the ministries of Interior (border and traffic police), Finance (customs police), and Justice (investigative/prosecuting police). Presidential security officials also exercised police functions 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.

Police remained under funded and poorly trained, and corruption and impunity were problems, although less so than in previous years. Security forces continued to extort money from citizens and immigrants, although the number of such incidents significantly decreased during the year. There was no internal investigation unit within the police, and mechanisms to investigate allegations of abuse were poorly developed.

The government recognized the need for professional improvement of the police and continued to support a broad training program. A foreign contractor continued to train police officers and their leaders on human rights, prevention of trafficking in persons, rule of law, appropriate use of force, and a code of ethics. Evidence and feedback from expatriates, citizens, and community leaders indicated improvement in performance in human rights and professional conduct, particularly among younger officers who received training.

#### Arrest Procedures and Treatment While in Detention

The constitution requires arrest warrants, except in cases in which a suspect is caught committing a crime. Unlike in previous years, there were no reports 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 of arrest, excluding weekends and holidays; however, such detentions were often longer, occasionally several months. The law provides for detainees to be promptly informed of the charges against them; however, authorities did not respect this right in practice. Some foreign detainees complained they were detained and subsequently deported without knowledge of the charges against them. 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.

The law provides for family visits and prohibits incommunicado detention; however, use of incommunicado detention and denial of family visits were serious problems (see section 1.c.). According to the February 2008 report 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.

Police periodically raided immigrant ghettos, local stores, and restaurants to apprehend illegal immigrants; however, reliable sources reported that many legal, as well as illegal, immigrants were abused, extorted, or detained during such raids. Police often used excessive force to detain and deport detainees, and almost all foreign embassies in the country criticized the government during the year for its harassment, abuse, extortion, and detention without representation of foreign nationals. Many detainees complained about the bribes required for release from detention.

The government arbitrarily arrested a journalist during the year (see section 2.a.).

Lengthy pretrial detention remained a problem, and a significant number of those incarcerated were pretrial detainees; however, the number of pretrial detainees was unavailable due to poor record keeping. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

On November 3, the president pardoned Simon Mann (see section 1.e.).

#### 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 the 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 persons who disobey a military authority, or are alleged to have committed an offense considered to be a "crime against the state," should be judged by a military tribunal, with limited due process and procedural safeguards, regardless of whether the defendant is civilian or military. A defendant may be tried without being present, and the defense 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 juries were seldom used. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys, unless they could afford private counsel. An accused person who cannot afford a lawyer is entitled to ask the government to provide one, but only if the accused is summoned to appear in court, and defendants were not routinely advised of this right. The country's bar association was available to defend indigent defendants; however, there remained a serious shortage of lawyers, and there continued to be no effective system of court-appointed representation. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence; however, this right was seldom enforced in practice. By law the accused has the right to appeal; however, legal appeals were not common due to lack of adequate legal representation and ignorance of constitutional rights.

#### Political Prisoners and Detainees

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 prisoner lists or allow comprehensive independent monitoring of detention facilities.

At the end of 2008, 39 persons were incarcerated for offenses relating to the exercise of political rights; all were members of opposition parties, mainly banned parties, or persons the government accused of involvement in alleged coup attempts. 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 UN Working Group on Arbitrary Detention.

Following the February 17 attack on the Presidential Palace in Malabo, 10 members of the UP party were arrested and detained. Eight of the 10 were released on bail, but UP members Marcelino Nguema and Santiago Asumu remained in Black Beach Prison awaiting trial at year's end.

Former army colonel Cipriano Nguema Mba, who in October 2008 was abducted from Cameroon where he was recognized as a refugee and secretly transported to Black Beach Prison in Malabo, remained in prison at year's end. In a 2004 military trial, Nguema was convicted of treason in absentia and sentenced to 30 years' imprisonment for allegedly plotting a coup and leaving the country with government funds. In addition the government continued to detain other political prisoners whom government agents had kidnapped from neighboring countries in recent years, according to the UN Working Group on Arbitrary Detention.

The UN Working Group on Arbitrary Detention recommended in February 2008 the adoption by the government of necessary measures to put an immediate end to secret detentions. In addition to Juan Ondo Abaga, who was released from Black Beach Prison in June 2008, the group cited the continuing secret detentions of Florencio Ela Bibang, Felipe Esono Ntumu, and Antimo Edu Nchama, all of whom were kidnapped in foreign countries where they had refugee status, tortured, and convicted of treason in a military tribunal. Bibang, Ntumu, and Nchama were believed to remain in Black Beach Prison, where they were denied access to lawyers or their families.

In July 2008 a court convicted and sentenced to six years' imprisonment five former members of the banned PPGE political party--Cruz Obiang Ebele, Emiliano Esono Micha, Gerardo Angue Mangué, 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 2008, 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. According to AI, authorities arrested the five without warrant, forced them to sign statements they had not made, beat at least two of the men, held them incommunicado without access to a lawyer until five days before the trial, and failed to produce evidence they had been in possession of the weapons.

The five men were found guilty in the same trial as Simon Mann, although the charges against them were unrelated to the events for which Mann was tried. Mann, a British citizen who pled guilty to plotting a coup in 2004, was pardoned by the president on November 2 and released.

In February 2008 the UN Working Group on Arbitrary Detention recommended the government draft a new criminal code; establish an independent judiciary; prompt judges and law officers to make periodic visits to prisons and police detention centers; limit the jurisdiction of military courts to military offenses committed by armed forces personnel; extend human rights training to judges, law officers of all grades, security force members, and the Office of the Attorney General; guarantee lawyers free access to police stations and prisons; and guarantee the resources for the effective functioning of the judiciary, prison, and police detention system. The government stated it lacked the internal capacity to institute such changes.

#### 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, which 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 the government monitored telephone calls.

The law provides for restitution or compensation for the taking of private property; however, the government seldom provided equitable compensation or alternate housing when it forced persons from their homes or land. Individuals may hold property title to pieces of land, but the state has full power of eminent domain, which it often exercised in the interests of development. During the year regeneration of the main cities continued to result in forced evictions. Scores of families were forcibly evicted from their homes to make room for roads and luxury housing developments, especially in Malabo and Bata. The local Red Cross, Catholic Church, human rights lawyers, and opposition members expressed concerns about the displacement of poor communities.

#### 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 continued to limit 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 media remained weak and under government influence or control, and journalists practiced self-censorship.

Government publications included *Ebano*, a biweekly newspaper published by the Ministry of Information, Tourism and Culture, and the monthly *La Gaceta de Guinea Ecuatorial* newspaper. Independent publications included the bimonthly newspaper *El Correo*, opposition newspapers *La Opinion* and *El Tiempo*, and privately owned publications *El Sol*, *La Nacion*, *Hola*, *Ceiba*, *El Ape*, *La Verdad*, and *La Voz Del Pueblo*.

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, and the government refused to issue visas to Spanish journalists from major media organizations prior to the November 29 presidential election (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 the low rate of literacy in rural areas; however, international magazines and newspapers were increasingly being sold in a number of grocery stores in Malabo and Bata.

On July 17, police arrested Rodrigo Angue Nguema, the Malabo correspondent of Agence France-Presse and Radio France Internationale, for defamation and reporting false information. Nguema had written an article accusing Mamadou Jaye, the executive head of the national airline Ceiba, of embezzling 3.5 billion CFA francs (\$7.64 million) and fleeing the country, a story he subsequently retracted after learning that his source had provided false information. Despite publishing a retraction, Nguema was tried on September 1 for defamation; on October 15, he was released after serving nearly four months in prison. Jaye, the airline executive who brought the case, sued Nguema for 5 million euros (\$7.06 million), the amount he was alleged to have embezzled in Nguema's retracted report. Reporters without Borders (RSF) called the detention "disproportionate punishment" for defamation and called for authorities to amend legislation to prevent sentences of such severity.

The law 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 of the Law on the Press, Publishing, and Audiovisual Media.

Many of the legal and administrative obstacles criticized by international press freedom advocacy groups continued to pose significant problems for the country's media. 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 the government encouraged--on a nondiscriminatory basis--public advertising in locally printed media. During 2008 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.

The government owned a national radio and television broadcast system, RTVGE. The president's eldest son owned the only private broadcast media. Satellite broadcasts increasingly were available.

In the absence of any independent radio or television, coverage of the presidential campaign for the November 29 election was largely one-sided. Noting the low level of attention state media paid to opposition activities, RSF said the president was "expected to get close to 100 percent of the vote, which is about the same as the share of media coverage he received." The state radio and TV broadcaster RTVGE organized no debate and covered only a few opposition activities or meetings.

On January 12, Deputy Information Minister Purita Opo Berila announced the dismissal of journalists David Ndong, Miguel Eson Ona, Cirilo Nsue, and Casiano Ndong, who were employed by RTVGE, for "insubordination" and "lack of enthusiasm." Citing local sources, RSF claimed the dismissals were due to the four journalists failing to praise the government's "merits." The organization noted state media employees were expected to relay government propaganda, were regarded as state employees, and had no legal protection or union representation to defend their actions or represent them in a disagreement with the government.

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

Foreign channels were not censored, were broadcast throughout the country, and included Radio France International, BBC, and Radio Exterior, the international short-wave service from Spain.

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. 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. According to International Telecommunication Union statistics for 2008, approximately 1.8 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

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

Members of opposition political parties and faculty members complained of government interference in the hiring of teachers, continued employment of unqualified teachers, and pressure to give passing grades to failing students with connections. Teachers with political connections but no experience or accreditation were hired, even though they seldom appeared at the classes they purportedly taught. No teacher's union existed to defend the rights of teachers, and teaching positions were available only to PDGE members.

#### 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. 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. 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.

Local officials impeded opposition attempts to campaign in regions loyal to the president (see section 3).

##### 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 registered 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 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.

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 *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf](http://www.state.gov/g/drl/rls/irf).

### 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.

During the year there were no cases in which the government cooperated with the UN High Commissioner for Refugees, which had no local office, or other humanitarian organizations in assisting refugees and asylum seekers.

Police at roadblocks routinely checked passing travelers and occasionally engaged in petty extortion, although reports of such practices declined during the year. Observers attributed the decline to increased training and to the hiring of younger, better educated officers. Frequent roundups of illegal immigrants also occurred at roadblocks. The government claimed roadblocks impeded illegal immigration, mercenary activities, and attempted coups; however, roadblocks also restricted travel.

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 2008, 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 country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, as well as to the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa; 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 2008 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, from where he was secretly transported to Black Beach Prison (see section 1.e.).

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

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

### Elections and Political Participation

On November 29, President Obiang was reelected, winning 95.37 percent of votes cast; opposition candidate Placido Mico of the CPDS won 3.55 percent of the vote. The lopsided results and weak independent monitoring of the electoral process raised the suspicion of systematic voting fraud. Few international election observers monitored the country's 1,289 polling stations as a result of the government's insistence on coordinating their movement, prohibition on criticism, and control of media access. Procedural irregularities at some polling stations included multiple voting, failure to respect secrecy of the vote, and the absence of a posted list of registered candidates. At some stations voters were allowed to vote for family members, unregistered voters were allowed to vote, and ballot boxes were unsealed. Soldiers were deployed to all polling stations.

On October 16, President Obiang announced the election would be on November 29, with campaigning to begin officially on November 5; according to the constitution, a presidential election should be called at least 45 days before the end of the president's term of 30 days thereafter. According to Human Rights Watch, the tight election timetable and the government's refusal to make the voter rolls public severely limited the opposition's ability

to campaign and win support. The voter registration process, an important part of the preparations for elections in the country, was seriously flawed. The registration committee was composed primarily of PDGE members and routinely decided issues in favor of the PDGE. When registering a PDGE member, the committee registered all members of the family as PDGE voters, including children. Persons who were dead, underage, or living abroad were included as PDGE registrants.

No independent and impartial body existed to oversee the electoral process or consider election-related complaints. The National Electoral Commission, which was separate from the voter registration committee and charged with ensuring the fairness of the elections and handling formal post-election complaints, was controlled by the ruling party and headed by the interior minister, a prominent member of the party. 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 ruling party officials. The opposition CPDS party claimed one of its electoral officials was forced with a pistol held to his head to sign off on a vote count.

Opposition party members and candidates operated at a significant disadvantage when attempting to gain voter support. On the whole, opposition parties and their candidates were poorly organized, poorly financed, and lacked public support. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters. Several peaceful political parties banned in recent years were not allowed to participate in the elections. The government denied the opposition equal access to the media. Opposition members and leaders also claimed the government monitored their activities.

Unlike in the previous year, no opposition members were arbitrarily arrested, detained, or tortured; however, opposition candidates were harassed and intimidated during the presidential campaign.

For example, on November 14, a parish priest in the town of Ayene stopped CPDS candidate Placido Mico from holding a rally in the town square in front of the church because, according to the priest, the square was owned by the church. The local chief of police interceded on the priest's behalf and ordered the candidate and his supporters out of the square. The police chief also reportedly ordered local youths to strip campaign posters from the party's own vehicle and brandished a gun while threatening Mico and his supporters. CPDS officials claimed PDGE members assaulted CPDS members.

On November 19, in the town of Aconibe, in President Obiang's home province of Wele-Nzas, security forces, PDGE members, and villagers assaulted supporters of the opposition UP party and its presidential candidate Archivaldo Montero Biribe. Police officials reportedly told UP supporters they were not welcome to rally in the town because all of its inhabitants supported President Obiang. UP party president Daniel Martinez, who sought the intervention of Interior Minister Clemente Nguema, reported he was told "this is Africa, what else do you expect and what do you expect me to do about it?" After receiving the same treatment in the adjacent town of Nsork, UP leaders stopped campaigning in the province. CPDS leaders and the Popular Action Party reported similar treatment in the province, where they also ceased campaigning.

The ruling PDGE party ruled through a complex arrangement built around family, clan, and ethnic loyalties. Indirect pressure for public employees to join the PDGE continued. Opposition party members continued to report they had been discriminated against in hiring, job retention, scholarships, and obtaining business licenses. During the year individuals contended government pressure precluded opposition members from obtaining jobs with foreign companies. Opposition party members claimed businesses found to have hired employees with direct links to families, individuals, parties, or groups out of favor with the government were often forced to dismiss employees or face recrimination.

During the year the government reportedly warned the spouse of an opposition party leader to join the PDGE (presumably to embarrass the opposition leader) or lose her position. The spouse refused to join the PDGE and was fired.

The three legal opposition parties faced restrictions on freedoms of speech, association, and assembly (see sections 2.a. and 2.b.). Some political parties that existed before the 1992 law establishing procedures to legalize political parties remained banned, generally for "supporting terrorism."

During the year the CPDS stated it had no plans to restart a radio station, but it reserved the right to do so in the future. In August 2008, after informing the government in writing of its intention to set up a radio station, the opposition CPDS party began testing its equipment. The government subsequently ordered the CPDS to cease transmitting, raided the station, and seized materials.

The president, who may serve an unlimited number of six-year terms, 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 appointed to act as president of the national electoral commission.

The government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated to constitute more than 85 percent of the population, continued to exercise strong political and economic power.

#### Section 4 Official Corruption and Government 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. No corruption cases were prosecuted during the year.

The president and members of his inner circle continued to amass huge personal profits from the oil windfall. According to Human Rights Watch, Teodorin Obiang, the president's son, spent more on luxury goods during 2004-2007 than the government's 2005 budget for education; purchases included a \$35 million mansion, a \$37 million jet, and luxury cars worth at least \$2.6 million. President Obiang claimed information on oil revenues was a "state secret" and resisted calls for transparency and accountability. According to international NGO Global Witness, the government has not disclosed the location of more than two billion dollars in public funds.

In December 2008 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 there was "no doubt that these assets could not have been acquired solely with the salaries and benefits of these heads of state."

Also in December 2008, a Spanish human rights group filed a formal complaint with anticorruption public prosecutors in Spain, claiming members of President Obiang's family and high-ranking political officials close to the president had illegally embezzled 12.7 billion CFA francs (\$27.73 million) from a state petrol company to buy homes in Spain and had laundered these public funds between 2000 and 2003 in foreign banks. According to media reports, Spain's anticorruption prosecutor had begun investigating allegations against these individuals at year's end.

Officials by law must declare their assets, although no declarations were published publicly. There was no requirement for officials to divest themselves of business interests in potential conflict with official responsibilities, and no law prohibiting conflict of interest. Most ministers continued to moonlight and conduct businesses they conflated with their government responsibilities. For example, the minister of justice had his own private law firm, and the minister of transport and communications was director of the board and owned shares in the parastatal airline and the national telephone company.

The presidency and Prime Minister's Office were the lead agencies for anticorruption efforts. A number of ministers were reportedly replaced following the May 2008 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, and there continued to be lack of transparency in the extractive industries.

In October 2008 the government began disbursing funds for social projects under the social development fund (SDF), a mechanism developed jointly with a foreign donor designed to enhance the transparency of social spending in line with international development norms. Irregularities in handling the funds occurred during the year. For example, funds for selected projects were deposited in the purported bank accounts of various ministries; however, critics charged the accounts actually belonged to the ministers who headed those ministries, thus placing the funds under their direct personal control. One minister reportedly ignored the bids of companies responding to an open solicitation and selected a company he owned, although his company had not submitted a bid; the minister claimed his company was eligible to accept SDF money from the account he controlled.

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.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The law restricts NGO activity, and the few existing domestic human rights NGOs focused on development issues involving social and economic rights, such as health and elder care. Although the law includes human rights among the areas in which NGOs may operate, no NGO reported publicly on the abuse of civil or political rights by the government or on official corruption. In 2008 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 working in or reporting on the country generally remained "not friendly," according to a foreign diplomat charged with evaluating the status of civil society in the country. 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. There were few international human rights NGOs resident in the country, and they generally focused on 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. According to government officials, meetings were held during the year with representatives of the ICRC to discuss reopening an ICRC office in the country. The ICRC had suspended prison visits in March 2008 after the government refused to grant access to some prisoners (see section 1.c.).

During the year the government categorically rejected the 2008 report on detention facilities by UN Special Rapporteur on Torture Manfred Novak. Novak reported torture appeared to reflect a state-endorsed method of obtaining evidence and confessions, and a culture of total impunity allowed torture to continue unabated (see section 1.c.). Novak noted not one conviction for torture could be found in court records and 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." Nowak recommended the government undertake "profound reform" of its laws, penal system, and judicial and law enforcement institutions. He also recommended the government establish effective monitoring and accountability mechanisms to combat torture and foreign diplomats in Malabo conduct regular monitoring visits to detention facilities. UN officials also recommended the international community, including transnational corporations, ensure 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 parliamentary committee for complaints and petitions provided a forum for the public to register concerns and was increasingly active during the year. The committee accepted complaints and petitions whenever the parliament was in session.

#### Section 6 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. The police and judiciary were reluctant to prosecute domestic violence cases. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence.

Prostitution is illegal, and the government continued to enforce the law against businesses and pimps; however, prostitution occurred, particularly in the two major cities of Malabo and Bata. Acting on orders of the ministries of interior and national security, police raided places of prostitution during the year.

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

The government did not interfere with the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. Women were equally diagnosed and treated for sexually transmitted infections, including HIV.

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. According to the UN Committee on the Elimination of Discrimination against Women, the prevalence of negative stereotypes and the "deep-rooted adverse cultural norms, customs, and traditions, including forced and early marriage, and levirate marriage (the practice by which a man may be required to marry his brother's widow) discriminated against women. Lack of legislation regulating customary marriages and other aspects of family law also discriminated against women, particularly with respect to polygyny, inheritance, and child custody.

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

During the year the government provided courses, seminars, conferences, and media programs to sensitize the population and government agencies to the needs and rights of women. For example, on February 15, the Ministry of Social Affairs and Promotion of Women conducted a seminar for members of the judiciary on cultural practices that violate the rights of women, including physical abuse, forced marriage, levirate marriage, and the use of dowry. On May 15, the ministry conducted a similar conference for members of parliament, and in November the ministry held a women's rights seminar for the 68 members of the executive branch.

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 discriminatory against women.

#### Children

Citizenship is derived from one's parents. Registration of births is the responsibility of the parents, and failure to do so can result in the denial of public services.

Education was free and compulsory until 13 years of age. 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 continued to partner with a foreign oil company to undertake a multimillion dollar school renovation program and continued to work 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.

The law does not address child prostitution or child pornography. There was little evidence children engaged in prostitution for survival without third party involvement. The minimum age for sexual consent is 18.

#### 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. The country has been primarily a destination for children trafficked for the purposes of forced labor and possibly for the purpose of sexual exploitation. Children were believed to be trafficked from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon for domestic servitude, market labor, ambulant vending, and other forms of forced labor, such as carrying water and washing laundry. Most victims were believed to be trafficked to Malabo and Bata, where a burgeoning oil industry created demand for labor and commercial exploitation. Women may also have been trafficked to the country from Cameroon, Benin, other neighboring countries, and China for labor or sexual exploitation. In the last year there was a report women of Equatoguinean extraction were also trafficked to Iceland for commercial 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 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 (\$109,000).

When pressed by embassies of identified trafficking victims, the government cooperated with other governments, international organizations, and NGOs to aid victims and assist in their repatriation. However, foreign diplomatic missions confirmed many of their citizens were shipped out of the country before the embassies became aware of a problem.

The Ministry of Justice is 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 Social Affairs and Promotion of Women is responsible for addressing issues related to protection of trafficking victims.

The government provided limited protection or assistance to victims or witnesses. During a February 2-6 visit to the country, a consultant from the International Organization of Migration noted there were no shelters to house victims of trafficking or other vulnerable populations for a temporary period. The government generally asked the embassies of victims' countries of origin, if present, to assume care of victims until they could be repatriated. However, the government had no procedure in place to even notify embassies if one of their nationals had been identified as a trafficking victim. There were few NGOs in the country to assist victims.

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 trafficking, assist victims, and punish offenders.

During the year the government continued to provide antitrafficking training to security forces; more than 800 security officials have received such training since 2007.

State Department's annual *Trafficking in Persons Report* can be found at <http://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 it 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 government and Catholic Church worked together to provide care for the mentally handicapped in the Virgin Madre Maria Africa facility.

The ministries of education and health have 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. Foreigners were often victimized. Illegal residents from Nigeria, Ghana, Cameroon, Mali, Togo, Gabon, and other African countries represented a significant portion of the labor force 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.

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

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

#### Other Societal Violence and Discrimination

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

## Section 7 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 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).

Unlike in the previous year, there were no reports security forces killed strikers. No action was taken against police responsible for the 2008 killing of two Chinese strikers.

### 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 law provides for representatives of government, employers, and workers to meet biannually to review and set minimum wages; however, worker representation was limited. 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 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; however, children were trafficked for forced labor and sexual exploitation (see section 6).

### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 14 from working and provides that persons found guilty of illegally forcing a minor to work may be punished with a fine from approximately 50,000 to 250,000 CFA francs (\$109 to \$545); however, child labor occurred. The law prohibits children from working as street vendors or car washers; however, children performed such activities. Children also worked in local markets and were involved in domestic servitude.

Law enforcement officials were often stationed in market places, where they enforced laws prohibiting minors from working there. Vendors who violated these laws were forced to close down their stalls, were heavily fined, or deported; however, no vendors were prosecuted during the year. The government provided no social services to children found to be working in markets.

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 such issues during the year, safety codes, for example, were not generally enforced. Most petroleum companies, on the other hand, exceeded minimum international safety standards.

On April 25, the government issued Public Decree 60/2009, which establishes a monthly minimum wage of 95,400 CFA (approximately \$205) for all workers in the country, including farmers; 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 provided 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; these requirements were generally observed 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. During the year the government hired an additional 100 labor inspectors to oversee the 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.