



Equatorial Guinea

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Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice power is exercised by President Teodoro Obiang Nguema and the small Mongomo subclan of the majority Fang tribe, which has ruled since the country's independence in 1968. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was elected to a 7-year term in February 1996 in elections that were marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controls the judiciary and the legislature; the latter was elected in elections in March 1999 that were criticized widely as seriously flawed by the international community. The judiciary is not independent.

President Obiang exercises control over the police and security forces through the Minister of the Interior, who also serves as President of the National Electoral Board. The Director General of National Security is the President's brother, Armengol Ondo Nguema. The security forces committed numerous, serious human rights abuses.

The majority of the population of approximately 474,000 lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment is very high. Barter is a major aspect of the economy, and the monetary sector is based on exports of petroleum, cocoa, and timber. Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record; however, in December 1999, the Government of Spain resumed aid. The per capita gross domestic product is approximately \$1,800. Earnings from offshore oil exploitation are approximately \$140 million per year. However, the investment and other use of oil revenues lacked transparency despite repeated calls in previous years from international financial institutions and citizens for greater financial openness. Poor fiscal management and a lack of public accounting transparency in national finances have undermined the country's economic potential. Little evidence is apparent that the country's oil wealth is being devoted to the public good.

The Government's human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the ability to change their government in fair elections. The security forces committed a number of abuses, including torture, beating and other physical abuse of prisoners, suspects, and opposition political members. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries. The victims of government kidnapings are detained (usually without charge), reportedly beaten or tortured, and later released. Prison conditions remained harsh and life threatening. There were reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. Prisoners often are subjected to torture to extract confessions. Security forces used arbitrary arrest, detention, and incommunicado detention. The judicial system continued to fail to ensure due process and remained subject to executive pressures. The Government restricted the right to privacy, and security forces conducted searches without warrants. Members of the security forces generally commit abuses with impunity. The Government severely restricted freedom of speech and of the press. It continued to restrict the rights of assembly and association. The Government continued to limit freedom of religion and freedom of movement. There were no effective domestic human rights nongovernmental organizations (NGOs). In 1999 the Government promulgated a law that further restricted NGOs and precluded them from functioning in the area of human rights. Violence and discrimination against women remained a serious problem. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. During the year, the Government restricted labor rights; no labor unions exist. Child labor persists, and forced prison labor is used.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of extrajudicial killings. Unlike in previous years, there were no reports that security forces committed extrajudicial killings.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners.

The Government did not prosecute any members of the security forces considered responsible for extrajudicial killings in previous years.

On January 21, 1998, in the town of Luba on the island of Bioko, noncommissioned officers Felix Ndong Ondo, Mauro Era Nguema, and Alberto Nsue were killed. The Government claimed that they had been killed by armed men leading a revolt by ethnic Bubis organized by the Movement for Self-determination of Bioko (MIAB); MIAB denied involvement. There were unconfirmed reports of similar attacks and killings in the towns of Moka and Bako Grande. No independent observers were able to visit any of these towns or confirm the Government's account. A military court convicted 63 persons, 15 of whom were sentenced to death although the President subsequently commuted their sentences to life in prison (see Section 1.e.).

b. Disappearance

In previous years, there were unconfirmed reports of politically motivated disappearances; however, during the year, there were no reports of disappearances.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.c., 1.d., and 2.d.).

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

The Constitution mandates respect for the liberty and dignity of persons, but does not specifically prohibit torture or cruel or inhuman punishment, and members of the security forces tortured, beat, and otherwise abused suspects and prisoners. The level of these abuses is serious. A number of prisoners still are under sentence from the alleged revolt of 1998 (see Section 1.a.), and the U.N. Special Representative confirmed reports of their abuse and torture in November 1999.

Officials reportedly detained, interrogated, beat, and tortured opposition political activists (see Section 1.d.).

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Section 2.d.).

Local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and extortion. Several thousand citizens of Nigeria, Ghana, and Francophone Africa continue to reside in the country; most are small traders and businesspersons (see Section 5).

During the campaign period prior to the May municipal elections, there were reports that government security forces beat and detained opposition politicians daily (see Section 3).

Milagrosa Obono Ndong, a voting station representative for the Social Democracy Convergence Party (CPDS), was detained by security forces to prevent her presence on election day. While in custody she reportedly was raped by Jose Luis Abaga Nguema, the district judge of Evinayong.

Conditions in prisons and jails are harsh and life threatening. In a 1999 study, a governmental body cited the extremely poor conditions of nearly all penal establishments. According to the government investigation, inmates are held without access to necessities including: food; medical care; working toilets or latrines; drinkable water; clean and healthful living space; and minimum equipment (e.g. beds). For example, the government investigation found the prison in Bata to be in an advanced stage of deterioration and unfit for human habitation. The prison had no food, medical care, or sanitation facilities; and beds and blankets were not provided.

In March 41 Bubi prisoners, who were convicted of crimes associated with the January 1998 unrest and formerly held at Malabo prison, were moved to a mainland prison at Evinayong. The prison is approximately 300 miles from their homes and families which made it difficult or impossible for the families to bring them medicines, food, and moral support. An ICRC representative visited them in April, but they have not been seen subsequently by international observers.

There have been reports that prison authorities tortured, beat, and otherwise abused prisoners, and that such abuse, combined with a lack of medical care, resulted in the deaths of prisoners. The CNDHGE reported in 1999 that there was a lack of medical care, but stated that the prisoners were not mistreated; Amnesty International reported during the year that eight prisoners died as a result of torture and lack of medical assistance in 1999. Furthermore, the U.N. Special Representative reported in November 1999 that on October 19, 1999, Dingo Sepa Tobache died at the Malabo prison as the result of injuries caused by beatings and excessive mistreatment by guards during his incarceration.

In November 1999, the U.N. Special Representative reported that when he visited the Malabo prison, he witnessed eight persons being held in cells measuring approximately 4.92 feet by 2.3 feet. A ninth prisoner normally held in the same cells had been hospitalized a few days earlier for a serious illness. The Special Representative was told that these prisoners were among those condemned to death for the events of January 1998, but whose sentences were later commuted to life imprisonment. The U.N. Special Representative confirmed that the nine persons were held in those cells permanently and were not allowed outside; that they received no medical care, although all of them were suffering from illnesses due to the prison conditions and the torture that they had suffered before trial; that their food was inadequate; and that they were allowed no contact with their families. All of the prisoners were in poor physical condition. The U.N. Special Representative also confirmed that the Bata gendarmerie detained and tortured Dr. Antimo Oyono Mba and Dr. Joaquin Mbana Nchama of the UP by beating them on the soles of their feet.

Male and female prisoners were not held in separate facilities, nor were adult and juvenile prisoners. The CNDHGE reported that prisoners and prison authorities subjected female prisoners to sexual assaults.

In its 1999 study, a government investigation noted that prisoners were exploited as virtual slaves by local judges and by administrators of the prisons. Prisoners told the investigators that they were used habitually as labor for others and as workers on construction projects for certain officials, without pay or other compensation. The U.N. Special Representative found that Juan Obiang Late, a man detained at the police headquarters in Bata, (see Section 1.d.) was taken from the jail to do work for an official in 1999. Judges also reportedly used prisoners as domestic workers.

There are no local NGOs other than the government-controlled CNDHGE; as a result, there are no local NGOs that visited prisons or promoted prisoners' rights. Prison conditions ostensibly are monitored by the International Committee of the Red Cross (ICRC), which historically has made recommendations to the Government; however, the head of the regional ICRC office was not granted access to any prisons or detention centers during the first 11 months of 1999. In October 1999, a government body recommended that the Government enter into a dialog with the ICRC; as a result, the ICRC director was granted access in December 1999 to the prisons under the jurisdiction of the Minister of Justice. The ICRC visited some prisoners during the year, for example, in April inmates at Evinayong prison who had recently been moved from the Malabo prison. Another ICRC prison visit is planned for March 2001.

d. Arbitrary Arrest, Detention, or Exile

There are nominal legal procedural safeguards regarding detention, the requirement for search warrants, and other protection of citizens' rights; however, these safeguards are ignored systematically by security forces, which continued to arrest and detain persons arbitrarily.

Police routinely hold prisoners in incommunicado detention. Foreigners from neighboring countries sometimes are targeted for arbitrary mistreatment and random arrest. In previous years, these included visitors and residents from Nigeria, Ghana, Togo, and Benin. Members of the security forces extorted money from them; however, reportedly such incidents were reduced during the year, and most checkpoints on the road from Luba to Malabo and within Malabo were removed.

Security forces often detain individuals "on orders from superiors" without any further formality. For example, authorities, after receiving orders from their superiors detained Teodoro Abeso Nguema and Juan Obiang Late, beginning respectively on November 9 and 11, 1999, at the Bata prison. According to Nguema, both men were detained because they copied an article on the health of President Obiang from the Internet (see Section 2.a.).

Security forces detained relatives of prisoners or criminal suspects in an attempt to force the prisoners or suspects to surrender. For example, in October 1999, the CNDHGE found that Candida Nsue Mba had been held for 2 months at Bata prison as a hostage for her daughter who had escaped; at Nzok Nzomo prison, Monica Mangué was held hostage for her daughter; and the Mikomeseng and Anisok prisons each held a woman hostage against the appearance of their daughters.

During the year, the Government arrested political activists and detained them without charge for periods up to several weeks during which time officials reportedly interrogated, beat, and tortured them (see Section 1.c.). For example, in September authorities in Bata arrested Francisco Nsue Masie, the Director of Public Works and son of former president Macias Nguema, and others and charged them with conspiracy against the State; they were transferred to the prison in Malabo. There were unconfirmed reports that these detainees were tortured (see Section 1.c.). Nsue Masie and the others remained in custody at year's end, pending a trial. Political detentions seldom lasted more than a few months. It was difficult to estimate the number of political detainees, although it was believed to be less than 100 persons. The Government used the psychological effects of arrest, along with the fear of beatings and harassment, to intimidate opposition party officials and members.

In September 1999, authorities arrested and detained Placido Miko Abodo, Secretary General of the opposition CPDS. Miko was held for a week, and upon his provisional release, he was told to report to the authorities in Bata twice a month; however, no formal charges ever were made against him. At year's end, Miko's case reportedly remained in the hands of a military examining magistrate.

Following the 1998 revolt, approximately 500 ethnic Bubis reportedly were arrested and interrogated (see Section 1.e.); however, reliable information on the number and identities of detainees was not available readily. The majority of them were released, although 15 were tried and sentenced to death, but they had their sentences commuted to life imprisonment by President Obiang later in 1998.

There was a report that Mariano Oyono Ndong of the opposition Democrat Republican Front (FDR) was confined to the limits of his town for 3 years beginning in June 1997, without any judicial action (see Section 1.e.). He was released in mid-year.

Authorities often detain both men and women for failure to repay a dowry following the dissolution of a marriage; however, only divorced women or their responsible male relatives are imprisoned for not repaying a dowry. These cases arise from customary law, where the amount of money or goods due is set by traditional courts. A government investigation documented that as many as 20 persons were detained solely for failure to repay dowries, including Victoriana Abuy and Veronica Monanga at Mbini prison and Mariano Nsue Ela and Juan Esono Nguema at Nkue prison; two women at Mikomeseng; five men at Ebibeiny; one man at Nzok Nzomo; three persons at (Anizok); and two men (one 85 to 90 years of age) at Akonibe. Their detention was not limited by the 72 hours established by law even for those suspected of crime.

During the year, government security forces on occasion detained employees of foreign oil companies. Police detained an employee of a foreign oil company for a short period in August for alleged irregularities in processing the import of equipment. The driver for an oil company alleged that police detained and beat him openly.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly are detained, questioned, and tortured before being released (see Sections 1.b., 1.c., and 2.d.).

Security forces responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government are treated as being above the law. For example, Francisco Mba Mendam, a government delegate from Miconeseng, remained free, despite having been sentenced in October 1999 to 30 years in prison for the murder of a former ambassador to France; he received a presidential pardon in November.

The Government does not use forced exile; however, some persons have fled the country for political reasons.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, the judiciary is not independent. Judges serve at the pleasure of the President, and they are appointed, transferred, and dismissed for political reasons. Corruption is widespread.

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and a Supreme Court. The President appoints members of the Supreme Court, who report to him and take their orders from him in practice; the President is the most powerful member of the judicial branch. Tribal elders adjudicate civil claims and minor criminal matters in traditional courts in the countryside.

There are no objective criteria for the selection of judges below the Supreme Court; the law allows the Ministry of Justice to undertake periodic inspections and name judges. A government investigation noted in its 1999 report that some judges are regularly absent from their posts, resulting in delays in judicial proceedings. As a result of absences by judges, prisoners remain detained at police stations awaiting hearings for longer than the 72 hours prescribed by law and the jails available become even more overcrowded and unsanitary. Some persons are detained indefinitely as an alternative to formal arrest, trial, and imprisonment; they are held without any intention of formal judicial action.

In August 1999, the Government created a Special Commission on Corruption to address court corruption. In January the President fired a substantial number of judges, including members of the Supreme Court. The firings reportedly were the result of the courts' diverting \$7 million from their budgets between 1996 and 1999. Following completion of the investigation by the Special Commission on Corruption, the President of the Supreme Court and two other justices, together with the secretary of the court, were implicated in corruption and replaced. Five other justices were not implicated and either were returned to the Supreme Court or promoted to other positions. The President of the Constitutional Court, one justice, and the attorney for that court also were implicated and removed from positions of responsibility.

The Constitution and laws passed by the Chamber of Deputies provide for legal representation in trials and the right to appeal. In practice the authorities often do not respect these provisions. Civil cases rarely come to public trial. Cases involving national security are tried by the military tribunal. Cases that are essentially political in nature frequently are referred to military courts, even when the defendants are civilians and the charges are not related to the military. The 1945 Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are civilians. The military courts do not provide for due process or other procedural safeguards, and their proceedings are not made public. For example, the case of Placido Mico, the civilian opposition leader, was heard in secret by a military judge (see Section 1.d.). Two other FDR members, Mariano Oyono Ndong and Carmelo Biko Ngu, were tried in 1999 by a military tribunal; they remained in custody in June, and there was no indication that they had been released at year's end.

The Government holds a number of political prisoners. In May 1998, the Government conducted a public trial before a military tribunal of 116 persons allegedly involved in the January 1998 revolt on Bioko island. The defendants were charged with terrorism, undermining state security, and illegal possession of weapons. Many defendants claimed that the Government obtained confessions from them by torture (see Section 1.c.). At their trials in 1998, some defendants were found to be suffering from broken jaws, inflamed testicles, and other conditions indicative of torture; however, the president of the military tribunal refused to allow defense lawyers to raise the question of torture. The conduct of the trials drew universal criticism. The tribunal found 63 persons guilty on at least 1 charge and acquitted 53 of all charges. It sentenced 15 convicted defendants to death, and sentenced the other 48 to terms ranging from 6 to 26 years in prison. The 15 condemned to death were the only defendants absent from the court when the sentences were announced. President Obiang in 1998 commuted their sentences to life imprisonment.

Two members of the ruling Mongomo clan and of the banned FDR party, former Education Minister Felipe Ondo and former Planning Minister Guillermo Nguema, remained in prison. In 1998 they were convicted of libel against the Government and sentenced to 30 months' imprisonment in 1998, after Equatoguinean security forces repatriated them involuntarily from Gabon with the consent of the Government of Gabon (see Section 2.d.).

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

The law requires judicial warrants for searches; however, the Government does not enforce the law in practice. Security forces regularly search homes and arrest occupants, and they generally do so with impunity.

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

For lawyers, government employees, and some others, PDGE party membership is necessary for employment and promotion. Even in the private sector, many citizens claim that party membership is required in order to be hired.

According to credible sources, in previous years, citizens living in rural areas were hesitant to associate with or even be seen with foreigners, due to the fear of repercussions from the authorities; however, there were no reports of such behavior during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

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

The Government allows mild criticism of infrastructure, public institutions, and public sector mismanagement and permitted some increased criticism of minor administrative decisions; however, it permits no criticism of the President or the security forces. All journalists must be registered with the Ministry of Information. According to press sources, there are approximately 12 independent reporters registered with the Ministry of Information. Between 30 and 40 reporters employed by the official party or government publications also are registered. In previous years, visiting foreign reporters were required to be accompanied by guides from the Ministry of Information; however, during the year, a journalist traveled unescorted.

In April 1999, shortly before a national symposium on press liberty was scheduled, the Minister of the Interior ordered the removal of the democratically elected president of the Press Association (ASOPGE), Manuel Nze Nzogo, even though the ASOPGE was a legally recognized association. The reason given was that Nzogo supposedly was not qualified properly for the position; he remained removed from his position during the year and ASOPGE was inactive.

There are five general-interest newspapers that were published regularly: La Gaceta, a Malabo-based publication with informal connections to the Government, which was published monthly; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; La Opinion, an opposition newspaper that was published every 2 to 3 weeks; El Tiempo, an opposition newspaper that published its first edition on December 30; and Ebano, a publication of the Ministry of Information, Tourism, and Culture, which appeared about twice a month. There was also a magazine (AYO) that was published by students at the university and a monthly cultural review, El Patio, published by the Guinean-Hispanic Cultural Center. The PDGE published La Voz del Pueblo, and the opposition CPDS published La Verdad, which appeared one or two times per year.

The 1992 press law reportedly is based on Spain's 1967 Franco-era press law and authorizes government censorship of all publications. In previous years, the Ministry of Information sometimes required publishers to submit copy for approval prior to publication; however, the practice reportedly has ended. All local publications exercise self-censorship and were subject to prior restraint. Few foreign publications were available for sale, and security forces confiscated literature from Spain that was critical of the Government.

Radio is the most important medium of mass communication. The Government continued effectively to dominate domestic radio broadcasting. It owns and operates Radio Malabo; however, it received some competition from Radio France International on the FM band, which has transmitted from Malabo since 1995. In 1998 the Government permitted the establishment of the country's first private domestic radio station, the FM station Radio Asonga. However, that station reportedly is owned by the Minister of Forestry, Environment, and Fisheries, Teodoro Obiang Nguema, the son of the President. The Government has not approved the one or two other applications to operate private radio stations that have been pending for several years.

The domestic television station is government controlled and broadcasts only a few hours a day. Television Asonga, owned by President Obiang, broadcast by cable only in Bata. Foreign cable television is available, and offers the Cable News Network, French news, movies, sports events, and cartoons, but relatively few citizens can afford it. Satellite reception is increasingly available.

The Government generally withholds access to domestic broadcasting from opposition parties and rarely refers to the opposition in anything but negative terms when broadcasting the news.

Radio Exterior, the international short-wave service from Spain, often broadcasts news about the country and interviews with opposition politicians. It is virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, often are highly critical of the Government. The Government regularly accused Radio Exterior--sometimes with justification--of misrepresenting the situation in the country, and in 1998 it asked the Spanish Government to halt broadcasts that "may provoke problems."

Internet service is available, although access is expensive, and computer ownership is not widespread. In late 1999, two men were arrested for possessing an article taken off of the Internet that referred to the health of the President (see Section 1.d.).

The Government recognized respect for academic freedom and encouraged educators and students to work "peacefully and in harmony with the moral guidelines of the society;" however, it imposed a few limits on academic freedom. During the year, students at the National University wrote a letter to the rector complaining about their food and housing. The students were brought before the President in March, publicly berated for their lack of gratitude for free accommodations, and then immediately evicted from the student housing.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of assembly; however, the Government restricts this right in practice. Government authorization must be obtained for meetings of more than 10 persons in private homes for discussions that the Government considers political. Although the Government formally has abolished permit requirements for party meetings within party buildings, in practice opposition parties must inform the authorities in order to hold gatherings of any kind, regardless of location. Security forces generally observe gatherings in public places, even small gatherings. The Government required notification for public events and routinely denied permission for such events.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ehibeyin, inform the locally appointed official delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.c.).

The Constitution provides for the right of association; however, the Government restricted this right in practice. The law prohibits the formation of political parties along ethnic lines. A 1999 law on NGOs does not permit such groups to defend or promote human rights; any group attempting to do so is considered to be illegal (see Section 4); however, no groups were prosecuted during the year for attempting to promote human rights.

Police routinely harass and detain members of opposition parties (see Section 1.d.). Reportedly the Government bribed members of the opposition. Opposition party members complained of disruption of meetings and of roadblocks at which they are forced to pay soldiers in order to proceed.

The Progress Party (PP) of Severo Motto appealed a 1997 decision by the Government in which the PP was declared illegal. The Court of Appeals upheld the suspension of their right to operate, and, during the year, the Supreme Court confirmed the decision of the Court of Appeals. The PP was banned because Motto was accused of organizing an attempted coup d'etat in 1996. The FDR has sought recognition since 1995 unsuccessfully; FDR directors are in jail in Malabo and Bata (see Section 1.d.). The Independent Democratic and Social Party (PIDS) also sought recognition unsuccessfully. The Movement for the Self-determination of Bioko (MIAB), an ethnic political party, is illegal (see Section 3). Reportedly MIAB was banned in reaction to its alleged role in the January 1998 unrest; subsequently, legislation made ethnic political parties illegal.

On several occasions the Government reportedly attempted to force opposition members or officials to join the PDGE party (see Section 3).

c. Freedom of Religion

The Constitution provides for freedom of religion; however, in practice the Government limits this right in some respects.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. The Government requires permission for any religious activities outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious groups must be approved by and registered with the Ministry of Justice and Religion in order to function legally; however, there were no reports that the Government refused to register any group. The approval process usually takes several years, but such delay apparently is due primarily to general bureaucratic slowness and not the result of a clear policy designed to impede the operation of any religious group.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ehibeyin, inform the local delegate each time that it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present, and consequently it did not meet during the year (see Section 2.b.).

Religious study is required in schools and is usually, but not exclusively, Catholic.

In February 1998, security forces arrested a priest, Father Eduardo Losoha Belope, a member of the Bubi ethnic group and president of the Malabo chapter of the Catholic nongovernmental organization Caritas, in connection with the January 1998 revolt. Father Belope remained in detention at year's end, and was one of the Bubi prisoners transferred in March from Bioko island to Evinayong on the mainland (see Section 1.c.).

In July 1998, the Archbishop of Malabo, Laureano Ekua Obama, stated publicly that the Government now required Catholic priests to obtain government permission before celebrating mass and commented that the Government did this because the church repeatedly criticized human rights violations, social injustice, and corruption in the country. The Archbishop also stated that government harassment made it very difficult to be a Catholic priest in the country. Nonetheless, a 1992 law includes a stated official preference towards the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and well-known influence in the social and cultural life of the populace. For example, a Roman Catholic mass is normally part of any major ceremonial function such as the October 12 national day.

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

The law provides for freedom of movement and travel throughout the country; however, the Government limits these rights in practice. Local police routinely demand bribes from occupants of cars, taxis, and other vehicles traveling outside the capital. The police routinely stopped citizens, particularly members of the opposition, at roadblocks, subject them to searches, and extort money from them; however, during the year, the Government eliminated a number of checkpoints between Malabo and Luba and in the vicinity of Bata. Members of the Bubi ethnic group on the island of Bioko were unable to move about freely, according to credible sources. Roadblocks throughout the island prevented Bubis from traveling easily between villages.

During his 1999 visit, the U.N. Special Representative confirmed that the existence of roadblocks substantially limited the freedom of movement, both on Bioko and on the mainland. The Government justified these roadblocks as customs controls to compensate for its inability to control the country's borders effectively. In November 1999, the Special Representative was stopped after taking a photograph of cars waiting at one such barrier, but he was released shortly thereafter. The Special Representative also concluded that these roadblocks effectively restricted the freedom of movement of members of the opposition and prevented them from either leaving or returning to their hometowns.

All citizens are required to obtain permission to travel abroad from the local Police Commissioner, and members of opposition parties regularly were denied this permission. Those who do travel abroad sometimes were interrogated or detained upon their return. However, several prominent members of opposition parties were able to travel abroad without hindrance during the year.

Government officials attempt to control the movements of citizens by refusing exit visas or denying or confiscating passports. During the campaign prior to the municipal elections in May, opposition politicians complained that the Government prohibited them from traveling from town to town to campaign.

The Government is a signatory of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. During recent years, an average of one or two persons a year, from Mauritania, Nigeria, or the Congo, requested refugee or asylee status in the country. The Government provides first asylum and generally grants asylum requests. Although security forces reportedly have harassed asylum seekers in past years, there were no reports of such harassment during the year. The police reportedly continued to harass several thousand citizens of Nigeria, Ghana, and Francophone Africa most of whom are small traders and businesspersons (see Section 5) as well as harassing asylum seekers on an individual basis.

There were no reports of the forced return of any persons to a country where they feared persecution.

The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.e.). Such individuals reportedly were detained, questioned, and tortured before being released (see Sections 1.c. and 1.d.).

In September 1997, 12 Equatoguinean refugees and their families in Cameroon were detained by Cameroonian security forces—ostensibly for their own protection—at a military base in Yaounde. The majority of the heads of family are former military officers and consider themselves in opposition to the Government. All have been granted refugee status by the U.N. High Commissioner for Refugees. In October 1999, the Cameroonian press reported that two of the refugees had escaped from the base and met with others to plot a coup attempt against the Government of Equatorial Guinea. They were arrested in Douala and returned to Yaounde. In mid-October 1999, senior government officials reportedly requested their extradition to Equatorial Guinea, which the Cameroonian Government did not grant. In July three of the former officers disappeared from the base in Cameroon after undergoing final processing for resettlement, and at year's end, they had not been found. The other nine refugees have been resettled with their families in another country.

The Government continued to demand that the Spanish Government repatriate Severo Moto, leader of the now-banned Progress Party (see Section 2.b.), who led an attempt to overthrow the government by armed force in 1996 and to whom the Government of Spain had granted asylum in 1997.

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

The Constitution provides citizens with the right to change their government peacefully; however, in practice there have been no free, fair, and transparent elections since independence in 1968. The President exercised complete power as head of state, commander of the armed forces, and leader of the government party, the PDGE. Leadership positions within the Government in general were restricted to the President's Mongomo clan of the Fang ethnic group and its closest supporters. The elected Chamber of Deputies was dominated completely by the Government. The Minister of the Interior also acted as President of the National Electoral Board.

Significant segments of the political opposition either remained banned or had yet to be recognized by the Government by year's end, including the FDR, the Progress Party (PP), the Independent Democratic and Social Party (PIDS), and the Movement for the Self-Determination of Bioko (MIAB)(see Section 2.b.).

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

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

In 1998 the Government enacted a new electoral law that mandates the replacement of open voting by secret ballots in future elections but prohibits coalitions between political parties. Nevertheless in December five opposition groups including the CPDS, Front for Democratic Opposition (PSD), PP, Progressive Democratic Alliance (ADP), and the Popular Union (UP) joined to form the Front of Democratic Opposition (FOD). At year's end, the Government had not responded to this action.

The legislative elections that should have been held in the fall of 1998 were postponed until March 1999. The new electoral census was completed in December 1998, but not all of the opposition parties agreed to sign it due to irregularities including the inclusion of the underaged, the dead, and nonresidents, while excluding opposition party members. The three opposition parties initially called for a boycott of the polls to protest pre-election irregularities; however, all but one of the parties, the CPDS, ultimately participated in the voting. One CPDS candidate was elected; however, he had refused to take his seat at year's end.

International observers considered the legislative election process to be seriously flawed. The elections were characterized by numerous irregularities and by restrictions on the ability of the opposition to campaign. Roadblocks impeded the opposition's ability to travel; and opposition leaders were detained intermittently, sometimes with mistreatment, torture, or stiff fines. The UP and CPDS opposition parties won 5 of the 80 seats, refused to take their seats in the new legislature, and called for the results to be annulled and new elections held.

During the municipal elections on May 28, the PDGE won all 30 municipalities with more than 95 percent of the vote. The elections used the same flawed electoral census that was used in the 1999 legislative elections. According to one opposition party leader, police beat and detained opposition politicians daily during the campaign (see Section 1.c.).

Although there are no legal restrictions on the participation of women in politics, women remain seriously underrepresented in government and politics. There are 4 women in the 41-member Cabinet, and 5 in the 80-member legislature.

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

There are no effective domestic human rights nongovernmental organizations (NGOs). In April 1999, the Government promulgated a law governing NGOs that restricted NGOs and identifies specific areas in which they may operate; human rights is not one of these areas.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ehibeyin, inform the local delegate each time it had a board meeting. The DAR complied with the requirement and received permission to meet, but the local delegate insisted on being present during the meetings. The DAR refused to hold meetings with the delegate present and consequently did not meet during the year.

No international human rights NGO has a permanent presence in the country, and the Government neither acknowledged nor gave credibility to reports issued by Amnesty International, Human Rights Watch, and other international human rights organizations.

The U.N. Special Rapporteur for Human Rights visited in March and December 1998, and ostensibly he received the Government's cooperation; however, the Government succeeded in having the Rapporteur replaced early in 1999. A new Special Representative visited the country in November 1999 and released his report in March with recommendations for fundamental reforms, especially in the areas of political rights, the administration of justice, and the treatment of prisoners and detainees.

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

The Constitution condemns all forms of discrimination; however, both governmental and societal discrimination against women and ethnic minorities continued.

Women

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

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

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridegroom at the time of marriage. The husband automatically receives custody of all children born after the marriage, while the mother maintains custody of all children born prior to the marriage. In many instances, the woman has no funds or property after the divorce with which to repay the dowry, and, as a result, is incarcerated (see Section 1.d.). Many prisons do not have separate areas for men and women and women are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.e.).

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

Children

No provisions for the welfare of children are legislated. The Government devotes little attention to children's rights or their welfare and has no set policy in this area. Education is compulsory until the age of 14, but the law is not enforced. In practice following primary education, males are expected either to complete an additional 7 years of secondary school or to finish a program of vocational study. Pregnancy and the requirement to assist in agricultural work make this level of education less likely for females. The 1999 report by the U.N. Special Representative noted that only 12 percent of girls reach the secondary level of education compared with over 24 percent of boys who reach the same level. Only 9 percent of girls finish fifth grade. In 1999 only 1.8 percent of the national budget was committed to education. Children suffer poor health and a high mortality rate. Child labor is common.

There was no societal pattern of abuse directed against children. When children or adolescents are arrested, they are imprisoned with adults (see Section 1.c.). There were no reports of abuse by guards or other inmates.

People with Disabilities

There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment, education, or the provision of other government services; however, there is no notable discrimination against the disabled in practice. No law mandates access for the disabled to buildings or government services.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities is not legal, and the Government does not overtly limit their participation in politics; however, the monopolization of political power by the President's Mongomo clan of the Fang ethnic group persists. In practice some members of ethnic minorities face discrimination because they are not members of the Fang ethnic group, or belong to a Fang subclan other than the President's. Ethnic minorities do not face discrimination in inheritance, marriage, or family laws.

Differences between the majority Fang ethnic group and the Bubi ethnic minority are a source of political tension and historically often have erupted into violence. Bubis allegedly led the January 1998, separatist revolt on Bioko, after which the Fang-dominated Government and the security forces intensified their longstanding institutionalized repression of the Bubis and allowed Fang vigilante groups to abuse Bubi citizens with impunity. Before independence the Bubis were a majority of the population on the island of Bioko (then Fernando Po), which was both administratively distinct from and more economically developed than the larger and more populous mainland (then Rio Muni), where the Fang were a majority. The two Spanish colonies were united 9 years before independence, after which many Fang migrated to Bioko, where Malabo, the capital, is located. The Fang dominated the united independent state; during the first decade after independence, misrule by Obiang's uncle, Macias Nguema, reduced the country's population by about one-third and devastated the economy.

Differences among clans of the Fang ethnic group, in particular resentment of the political dominance of the Mongomo clan, also were sources of significant political tensions and in past years, occasional violence; however, there were no reports of such violence during the year.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most are small traders and businesspersons. The police reportedly continued to harass them (see Section 1.c.) as well as harassing asylum seekers on an individual basis.

Section 6 Worker Rights

a. The Right of Association

Although the Constitution provides for the right to organize unions, no labor unions exist; however, there are a few cooperatives with limited power. The 1992 Law of Associations and Syndicates allows only workers in the same activity, numbering no fewer than 50, and grouped in the same geographic area, to form unions; this has effectively blocked union formation. Since 1992 the CPDS has tried unsuccessfully to legalize its affiliated Union Sindical de Trabajadores (UST). An independent union, Sindicato Independiente de Servicios (SIS), initially applied for registration twice in 1995 with subsequent application in 1996, but the Government denied SIS's applications. Although SIS's registration met the requirements of the 1992 Trade Union Law, the authorities denied it. The 1992 law provides that a separate law be enacted to govern unions for civil servants; however, this law has not been enacted. The law prohibits strikes. The Labor Code contains provisions to uphold worker rights, but the Government generally does not enforce them.

It generally is acknowledged that membership in the PDGE, the President's party, is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.f.). Membership in a rival political organization is considered grounds for dismissal from any position, public or private. Opposition politicians who are not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups.

During the year, the country's major private employer, the oil industry, which is dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. Having ceased their exclusive reliance on the government employment agency APEGESA in 1999, the companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by non-Equatoineans only, in their attempt to eliminate the former political bias in the hiring process.

In the past, APEGESA allegedly kept nearly two-thirds of employees' wages, although reportedly its ability to do so has been reduced. Recent legislation mandates that oil workers receive at least 60 percent of their wages. Oil sector workers receive a much higher scale than elsewhere in the national economy, often 10 times the minimum wage. In the past, when several employees signed a petition complaining of ill treatment, they were fired; however, this abuse no longer exists.

b. The Right to Organize and Bargain Collectively

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or bonded labor and slavery; however, detainees and convicted felons perform extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.). The law prohibits forced or bonded labor by children, and there were no reports that it occurred.

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

The legal minimum age for the employment of children is 14 years, but the Ministry of Labor does not enforce this law, and child labor is common particularly on family farms and businesses. The Government also does not enforce the law that stipulates mandatory education up to the age of 18. Underage youth perform both family farm work and street vending. While the Ministry of Labor is responsible for the enforcement of labor legislation, the Government does not have a comprehensive policy on child labor.

The Chamber of Deputies approved ILO Convention 182 on the worst forms of child labor in December; however, the Government had not completed ratification of the convention by year's end. The Government has not established or identified any specific organization to implement the convention.

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

e. Acceptable Conditions of Work

The minimum monthly wage was approximately \$41 (27,000 CFA francs). The minimum wage is not sufficient to provide a decent standard of living for a worker and family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which are observed in practice in the formal economy.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government does not enforce this in practice. The Government has nine labor inspectors, which was insufficient to oversee local industry.

Employees who protested unhealthy or dangerous working conditions risked losing their jobs

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

A July 1998 UNICEF study stated that the country is a source for traffickers that feeds the domestic labor market in urban centers of countries such as Cote d'Ivoire and Gabon