Equatorial Guinea

Country Reports on Human Rights Practices

Bureau of Democracy, Human Rights, and Labor

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The security forces tortured, beat, and otherwise abused suspects and prisoners. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries (see Section 1.d.). Members of the security forces generally committed abuses with impunity.

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

The Government seriously restricted freedom of movement. Prisoners often are subjected to torture to extract confessions. Prisoners often are subjected to torture to extract confessions. Security forces used arbitrary arrest, detention, and internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries.

The majority of the population of approximately 474,000 lives by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment is very high. butter is a major aspect of the economy, and the monetary sector is based on exports of petroleum, cocoa, and timber. The economy suffers from poor management, corruption, and lack of economic planning. The per capita gross domestic product is approximately $1,800. Earnings from offshore oil exploitation are approximately $40 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 undermined the country's economic potential. Little evidence is apparent that the country's oil wealth is being devoted to the public good.

The per capita gross domestic product is approximately $1,800. Earnings from offshore oil exploitation are approximately $40 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 undermined the country's economic potential. Little evidence is apparent that the country's oil wealth is being devoted to the public good.

Equatorial Guinea has a multiparty constitutional republic; however, in practice power is exercised by President Teodoro Obiang Nguema and the small Mabanga 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 continues 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, Ambrose Ondie. The security forces committed numerous, serious human rights abuses.

There were no reports of extrajudicial killings.

The security forces 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. The Government continued to attempt to control opposition groups outside its borders by kidnaping citizens living in other countries.

Citizens do not have the ability to change their government in fair elections. The Government continued to limit freedom of religion and freedom of movement.

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 continued to repress freedom of religion and freedom of movement.

The Government severely restricted freedom of speech and of the press. Prisoners often are subjected to torture to extract confessions. Security forces used arbitrary arrest, detention, and internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-deportation. The judicial system continued to fail to ensure due process and remained subject to executive pressures. 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 internment-depart
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 kidnapping 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 9).

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).

Milongoa Obono-Nlongo, a voting station representative for the Social Democracy Convergence Party (CDS), was detained by security forces to prevent him from voting. While in custody she reportedly was raped by Jose Luis Abaga Nsangou, the district judge of Ekoina.

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 necessary including food, medical care, working toilets or latrines, drinkable water, clean and healthful living space, and minimum-sufficiency (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 480 prisoners, who were convicted of crimes associated with the January 1999 unrest and formerly held at Malabo prisons, were moved to a new prison at Ekoina. The prisoners are reportedly 380 males from their homes and families which made it difficult for them to bring their medicines, food, and support. An ICRC representative visited them in April, but they have not been visited 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 CHRD reported in 1999 that there was a lack of medical care, but attributed the prisoners' deaths to hunger, neglect, and cruel conditions. However, the CHRD did not report any new cases of death during 1999. The CHRD represented the case of 15 who were tried in 1998.

In November 1999 the U.S. Special Representative reported that when he visited the Malabo prisons, he witnessed eight persons being held in cells measuring approximately 4 x 5 feet by 2 1/2 feet. A tenth prisoner normally held in the same cells had been hospitalized a few days earlier for a serious illness. The Special Representative noted that the cells were overcrowded and that the floors were unkempt. Inmates were not able to sleep on the floors. Inmates reportedly were not provided with proper medical care, food, or water.

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For example, authorities, after receiving orders from their superiors detained Teodoro Abeso Nguema and Juan Obiang Late, beginning respectively on November 9 and 11, 1998, at the Bata prison. According to Nguema, both men were detained because they called an article on the health of President Obiang from the Internet (see Section 2.a.).

Security forces detain and hold prisoners on charges of crimes committed in an attempt to force the prisoners or suspects to surrender. For example, authorities, after receiving orders from their superiors detained Teodoro Abeso Nguema and Juan Obiang Late, beginning respectively on November 9 and 11, 1998, at the Bata prison. According to Nguema, both men were detained because they called an article on the health of President Obiang from the Internet (see Section 2.a.).

During the year, the Government arrested political activists and detained them without charge for periods ranging from several weeks to several months during which time officials reportedly interrogated, beat, and tortured them (see Section 1.d.). For example, in September authorities in Bata arrested Francis Nsima Moko, the Director of Public Works and one of former President Mbofung Nguema, and others and charged them with conspiracy against the State; they were transferred to the prisons in Malabo. There were unconfirmed reports that these detainees were tortured (see Section 1.e.). Xs Nsima and the others remained in custody year and pending trial. Political detainees released more than a few months. It was difficult to determine 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 Placidio Mike Ambou, Secretary General of the opposition OPDS. Mike was held for a week, and upon his provisional release, he was told to respect the authorities in Bata twice a month, however, no formal charges were made against him. At year's end, Mike's case reportedly remained in the hands of a military examining magistrate.

Following the 1999 vote, approximately 500 ethnic Betis 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 late in 1999.

There was a report that Mariama Osse Nlongo of the opposition Democratic Republic Front (FDR) was found dead in the limits of his own town for 3 years beginning in June of 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 pay a debt following the dissolution of a marriage; however, only divorced women or their Responsible male relatives are imprisoned for not paying a dowry. These cases arise from customary law, where the amount of money or goods due is not set by traditional custom. A government investigation documented that as many as 20 persons were reportedly detained solely for failure to repay dowries, including Victoria Abayi and Victoria Mabug's mother-in-law, who were reported to have been beaten and arrested for not repaying a dowry. In a 1999 study, a government investigation noted that prisoners were exploited as virtual slaves by local judges and by agents of the prisons. The CNDHGE reported that prisoners and prison authorities subjected female prisoners to sexual assaults.

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During the past 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 imports of equipment. The driver for an oil company alleged that police detained and beat him severely.

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

Security forces are responsible for arbitrary arrest and detention and other abuses were not held accountable for their actions. The U.N. Special Representative noted that some executives 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 Micomeseng, remained free, despite having been sentenced in October 1998 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 fear that the country for political reasons.

a. 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.

The Constitution and laws passed by the Chamber of Deputies provide for 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 1995 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 procedures safeguarded, and their proceedings are not open to the public.

For example, the case of Pacolo Meku, the civil opposition leader, was heard in secret by a military judge (see Section 1.d.). Two other FDR members, Mariano Oyon Nkete and Cumala Biko Ngua, were tried in 1998 by a military tribunal; they remained in custody, and there was no indication 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 118 persons allegedly involved in the January 1998 revolt on Bongo 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 through 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. Defendants claimed that the Government obtained confessions from them by torture (see Section 1.c.). The defendants were sentenced to prison terms. The tribunal’s sentence was based on statements about the 1998 revolt which had been made without the defendants present. The tribunal convicted 15 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 Mpongwe clan and 1 of the banned FDR party, former Education Minister Felix Ondo and former Planning Minister Gallifredo Njiga, remained in prison. In 1998 they were convicted of libel against the Government and sentenced to 30 months’ imprisonment in 1998, after Equatorial Guinea security forces repatriated them involuntarily from Gabon with the consent of the Government of Gabon (see Section 2.d.).

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

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

There reportedly are 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 reprisals 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. Journalism practice self-censorship.

The Government allowed mild criticisms of infrastructure, public institutions, and public sector mismanagement and permitted some increased criticism of minor administrative decisions; however, it remains to criticize 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 16 and 40 reporters employed by the official radio or television stations 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 1998, shortly before a national symposium on press freedom was scheduled, the Minister of the Interior ordered the Gaceta, a Malabo monthly newspaper published by the Guinean Hispanic Cultural Center. The PDGE published La Voz del Pueblo, and the opposition CDS published La Verdad, which appeared once or two times per year.
Religious study is required in schools and is usually, but not exclusively, Catholic.

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 considered it a way to provide 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 generally withholds access to domestic broadcasting from opposition parties and firmly refers the opposition in anything but negative terms when broadcasting the news.

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

In February 1998, security forces arrested two students at the University of Bata for possession of an object similar to a gun that was seen being passed between them. 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.

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

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.

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 6); however, no groups were proscribed during the year. The Constitution provides for freedom of association; however, the Government restricted this right in practice.

The Constitution provides for the right of association; however, the Government restricted 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 at party buildings, in practice opposition parties must obtain the authorization 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 each event.

The Government required that the Catholic NGO Autonomous Rural Development (DAR), in the diocese of Ebibeyin, 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.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 6); however, no groups were proscribed during the year. The Constitution provides for freedom of religion; however, in practice the Government limits the 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 each year apparently is given "priority" to general bureaucratic dilatoriness and not the result of a hot policy designed to impede the operation of any religious group.

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

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 are 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 Internationale on the FM band, which has transmitted from Malabo since 1965. In 1998 the Government permitted the establishment of the country's first private domestic radio station, the FM station Radio Avenida. However, that station reportedly is owned by the Alliance of Victory, Development, 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 Avenida, owned by President Obiang, broadcasts by cable only in Bata. Foreign cable television is available, and affords the Cable News Network, French news, movies, sports events, and cartoons, but relatively few citizens can afford it. Satellite reception is increasingly available.

The Constitution provides for freedom of religion; however, in practice the Government limits this right in some respects. On several occasions the Government reportedly attempted to force opposition members of parliament to join the PDGE party (see Section 3).
During the 1999 visit, the U.S. Special Representative confirmed that the existence of roadblocks substantially limited the freedom of movement, both on roads and on the mainland. The Government justified these roadblocks as a necessary control to prevent its organizations from being present during meetings. 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 did travel abroad sometimes were interrogated or detained upon their return. However, several prominent opposition members of parliament were able to travel abroad without incident during the year.

During the municipal elections on May 28, the PDGE won all 30 municipalities with more than 95 percent of the vote. Several opposition politicians called for the results to be annulled and new elections held.

The opposition has continuously been denied the ability to travel; and opposition leaders were detained intermittently, sometimes with mistreatment, torture, or other abuses. International observers considered the legislative election process to be seriously flawed.

The Government's refusal to issue exit visas to some opposition figures violates the pact's principle of freedom of travel. The Government also continued to attempt to control opposition groups outside its borders by kidnapping citizens living in other countries (see Section 1.e.).

In 1997 the Government enacted a new electoral law that mandates the local Police Commissioner, and members of opposition parties regularly were denied this permission. Those who did travel abroad sometimes were interrogated or detained upon their return. However, several prominent opposition members of parliament were able to travel abroad without incident during the year.

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

The elections were characterized by numerous irregularities and by restrictions on the ability of the opposition to campaign. The three opposition parties initially called for a boycott of the polls to protest pre-election irregularities; however, all ultimately registered candidates.

The legislative elections that should have been held in the fall of 1998 were postponed unt...
The hiring process in 1999, the companies employed methods ranging from public advertising of jobs and objective tests to

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

The Constitution condones 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 third as much schooling as men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridewealth at the time of marriage. The launda automatically retains 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 incapacitated (see Section 1.e.). Many prisoners do not have separate areas for men and women and are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.a.).

In the Fang, Nforo, and Bubi cultures, primogeniture is practiced, and because women become members of their husbands 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 the 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.

No reports of abuse by guards or other inmates.

Women

Although the Constitution provides for the right of association, 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 third as much schooling as men.

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 third as much schooling as men.

There is no discrimination against women with regard to inheritance and family laws, but there is discrimination in traditional practice. For an estimated 90 percent of women, including virtually all ethnic groups except the Bubi, tradition dictates that if a marriage is dissolved, the wife (or her father or brother) must return the dowry given her family by the bridewealth at the time of marriage. The launda automatically retains 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 incapacitated (see Section 1.e.). Many prisoners do not have separate areas for men and women and are subjected to sexual abuse from both the authorities and other prisoners while in detention (see Section 1.a.).

In the Fang, Nforo, and Bubi cultures, primogeniture is practiced, and because women become members of their husbands 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.

There were no reported cases 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 were no reports of abuse by guards or other inmates.

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.

The Fang ethnic group, which is the largest ethnic group in the country, is divided into two social classes, the Bubi and the Fang. The Bubi, who are primarily farmers, are responsible for the production of most of the country's agricultural products. The Fang, who are primarily fishermen, provide most of the country's income. The two ethnic groups generally have been at odds with each other because of their different economic roles.

There were no reported cases 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.

Several thousand citizens of Nigeria, Ghana, and Francophone Africa continued to reside in the country. Most are small traders and businesspeople. 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

1. The Right of Association

Although the Constitution provides for the right of organization, no labor unions exist; however, there are a few cooperatives with limited power. The 1992 Law of Associations and Syndicates allows only unions in the same activity, numbering no fewer than 9, and grouped in the same geographic area, to form unions; this effectively blocked union formation. Since 1992 the CTOES has tried unsuccessfully to legalize its affiliated Unions Syndical de Trabajadores (UST), the independent union, Syndicato Independiente de Servicios (SIS), initially applied for registration twice in 1995 with subsequent applications in 1996, but the Government denied SIS applications. Although SIS's registration meets the requirements of the 1992 Trade Union Law, the authorities decline it. The 1992 law allows that separate laws 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 PDEG, the President's party, is a prerequisite for hiring and promotion, both in the public and private sectors (see Section 1.i.). Membership in a local 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 alternating political groups.

During the year, the country's major private employer, the oil industry, which is dominated by foreign firms, continued to make steps to reduce government control of hiring and the industry. Having created their exclusive reliance on the government employment agency APEGESA in 1994, the companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by non-Equatorianomist residents, in their attempts 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. Employees must pay the minimum wages set by the Government, and most companies pay more than the government-established minimums.

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 the 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 16. Underage youth performs both child labor 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 occurs (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 noted 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.