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DIPLOMACY IN ACTION

Equatorial Guinea*

Bureau of Democracy, Human Rights, and Labor

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Equatorial Guinea nominally is a multiparty constitutional republic; however, in practice President Teodoro Obiang Nguema Mbasogo and the Mongomo sub-clan of the majority Fang ethnic group, which has ruled since the country's independence in 1968, dominated the Government. President Obiang, who has ruled since seizing power in a military coup d'etat in 1979, was re-elected with 97.1 percent of the vote and 98 percent of registered voters participating in a December 2002 election marred by extensive fraud and intimidation. The President's Democratic Party of Equatorial Guinea (PDGE) controlled the judiciary and the legislature; the latter was chosen in elections in April that were criticized widely by the international community as seriously flawed. There was an attempted coup d'etat in March; 19 mercenaries in the capital city of Malabo and 70 mercenaries in Harare, Zimbabwe were arrested in conjunction with the plot. In November, 14 were convicted by a court in Malabo at a hearing open to international observers. The judiciary was not independent.

President Obiang forfeited some of his power through cabinet reforms in June, but he still exercised de facto control over the police and security forces. The new Ministry of National Security controls the police and gendarmes while the new Ministry of National Defense oversees the military. In a cabinet reshuffle in June, the President again named a member of the Bubi ethnic group as Prime Minister; the President also named one of his brothers as Minister of Defense; another brother as Senior Delegate of National Security; and his uncle as Minister of National Security, all positions previously held by the President himself. Ultimately, the cabinet reforms resulted in only a slight dilution of the President's power. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which security forces acted independently of government authority. The security forces committed numerous serious human rights abuses.

The economy grew rapidly during the year due to an increased production of oil and gas. Although the 2002 census estimated the population at approximately 1 million, credible estimates put the number at closer to 500,000. The majority of the population lived by subsistence agriculture, supplemented by hunting and fishing. Unemployment and underemployment were very high. Barter was a major aspect of the economy. The gross domestic product has increased substantially in the last 8 years; the rate of growth was approximately 20 to 24 percent during the year. Estimates of per capita income varied between \$930 and \$5,000 (465,000 and 2.5 million CFA francs); most of the growth in income was due to an increase in crude oil production, which averaged more than 350,000 barrels per day during the year, and rising prices. Poor fiscal management and a lack of transparency in public accounting of national finances have undermined the country's economic potential. Oil companies have paved roads in Malabo, upgraded the island's electricity generating system, and funded a variety of health and environment projects designed to improve citizens' well being. There has been some concern regarding the use of irregular payments made by oil companies into bank accounts controlled personally by the President and the ruling elite. Most of the oil wealth remained in the control of the Government with little being distributed to the majority of the population, which remained poor. There was some evidence, including several infrastructure projects, that the Government started to use the country's oil wealth for the public good.

Most foreign economic assistance was suspended due to the lack of economic reform and the Government's poor human rights record.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. Citizens did not have the ability to change their government peacefully. Security forces committed numerous abuses, including torture, beating, and other physical abuse of prisoners and suspects, which at times resulted in deaths. Prisoners often were tortured to coerce confessions. Prison conditions remained harsh and life threatening. Members of the security forces generally committed abuses with impunity. Security forces used arbitrary arrest, detention, and incommunicado detention. Foreigners with legal standing were arbitrarily harassed, detained, and deported. The judicial system repeatedly failed to ensure due process. The Government restricted the right to privacy and severely restricted freedom of speech and of the press. The Government continued to restrict the rights of assembly and association and limit freedom of movement. Corruption remained a problem. There were no effective domestic human rights nongovernmental organizations (NGOs). Violence and discrimination against women remained serious problems. Discrimination against ethnic minorities, particularly the Bubi ethnic group, and foreigners continued. The Government restricted labor rights. Child labor persisted and forced prison labor was used. The Government passed an antitrafficking law during the year, but trafficking in persons continued, largely unchecked by the Government.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings by the Government or its agents; however, security forces killed several persons through abuse and excessive force. For example, between May 28 and 30, approximately 20 persons attempted to take over a police station in what some observers believe was part of an attempted coup on Corisco Island. According to a government press release, security forces killed 5 persons while attempting to stop the assault; however, according to Amnesty International, soldiers shot and killed some of the attackers as they fled and summarily executed those who surrendered, resulting in between 12 and 16 deaths. No action was taken against the soldiers responsible.

There were no reports of extrajudicial killings, except for killings by security forces in reaction to perceived coup attempts.

The Government did not prosecute any members of the security forces considered responsible for unlawful killings in previous years, nor is it likely to do so.

There was no action taken against border guards responsible for the July 2003 killing of a Spanish aid worker in Bata.

There were no developments in the 2002 killings by security forces of two persons.

There were unverified reports of death resulting from torture during the year. On March 17, German citizen Gerhard Eugen Nershez, who was arrested in March on accusations of plotting a coup, died while in Black Beach Prison in Malabo. Government officials said he died of cerebral malaria, and a German autopsy indicated that he died of natural causes; however, there were reports that he showed signs of having been tortured and that prison officials denied him prompt medical treatment.

There were no developments in the 2002 deaths by torture of three prisoners at the Black Beach Prison.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law does not specifically prohibit such practices, and although the law mandates respect for the liberty and dignity of persons, members of the security forces tortured, beat, and otherwise abused suspects, prisoners, and opposition politicians. In July, Amnesty International reported that torture was "routine" in the country's places of detention, and in 2002, the U.N. Commission on Human Rights (UNCHR) Special Representative Gustav Gallon described the use of torture as a "normal means of investigation." Senior government officials told foreign diplomats during the year that human rights did not apply to criminals and that torture of known criminals was not a human rights abuse.

There was one report of a prisoner's death due to torture and abuse by prison authorities (see Section 1.a.).

There were reports that officials tortured political opposition activists and other persons during the year. For example, in March, police arrested Weja Chicampo, leader of the Bioko Island Movement, an opposition party. Prison officials reportedly tortured him in prison and denied him access to medical treatment and food brought by his family. At year's end he remained in jail.

Five persons arrested in late May after the alleged attack on Corisco Island appeared on television before they went before a judge; small sections appeared to have been cut out of their ears. There were reports that one of the five individuals arrested, Alfredo Asumu, was suspended from the ceiling and beaten. At least two of the five individuals were reportedly denied medical treatment.

On June 27, security forces shot Marcelino Manuel Nguema Esono, leader of the outlawed Progress Party, prior to his arrest and subsequent detention in Malabo's Black Beach Prison, where he was denied medical attention and placed in solitary confinement. At year's end he remained in jail.

There continued to be unconfirmed reports that torture was used to extract forced confessions, particularly from the group of 19 persons arrested on March 9 for plotting a coup. For example, after a brief visit with her son in Black Beach Prison, a mother of one of the accused coup plotters claimed that her son's legs were broken due to torture during interrogation and that he had been chained to the wall and denied medical treatment. However, when the trial began in August, all the prisoners walked into the courtroom unaided and without obvious signs of pain.

In November, there were unconfirmed reports that government agents arrested and tortured Lieutenant Colonel Maximiliano Owono Nguema, Military Chief of Einayong, in Bata.

No action was taken against members of the security forces responsible for the use of torture in June and July 2003 to extract confessions from Felipe Ondo Obiang, leader of the Republican Democratic Forces, and 30 other prisoners belonging to a group of 144 alleged coup plotters arrested in 2002 (see Section 1.d.). There was no action taken against security forces responsible for beatings and torture reported in 2002.

During the year, local authorities singled out foreigners from neighboring countries for harassment such as verbal intimidation and arbitrary arrest. Police routinely extorted money from citizens of Cameroon, Nigeria, Ghana, Togo, and Benin. Beginning in March, following a coup attempt led by foreigners, the Government increasingly and arbitrarily harassed, arrested, and deported foreigners of African nationalities. Police in Bata and Malabo often used excessive force, including beatings, and looted property during the arrests and deportations; in addition, some deportees said that police had raped them; however, those claims had not been independently verified by year's end. The Government accused the deportees of being accomplices to the mercenaries arrested during a coup attempt in March. Approximately 300 Cameroonian nationals were expelled out of a total of 400 foreign deportees.

In November 2003, security forces harassed and assaulted a Malian citizen after the Malian did not heed an order to stop.

There continued to be reports that security forces harassed oil company employees (see Section 1.d.).

The conditions of jails and prisons in the country remained harsh and life threatening; inmates were not provided with food, medical care, working toilets, drinkable water, clean and healthful living space, or minimum equipment, such as beds. There were credible reports that conditions at Black Beach Prison continued to improve; however, there were also credible reports that prison authorities tortured prisoners (See Section 1.d.). Family members of prisoners reported that they were only allowed visits of several minutes and that guards would not distribute food brought for the inmates. Medical attention was routinely denied to prisoners with gangrene, broken bones, infections, and fatal illnesses.

Prison authorities and male prisoners sexually assaulted female prisoners. There were credible reports that police gang-raped female prisoners in Malabo. Prisoners were used habitually as labor and as workers on construction projects for certain officials, without pay or other compensation. There were unconfirmed reports that judges used prisoners as domestic workers.

Male and female prisoners were not held in separate facilities, nor were juveniles held separately from adult prisoners. Pretrial detainees and political prisoners were not held separately from convicted prisoners.

The International Committee of the Red Cross (ICRC) visited detainees and prisoners at prisons and police stations multiple times during the year. The Red Cross was allowed visits in accordance with its standard modalities--meetings with prisoners without third parties and regular, repeated visits. The ICRC made recommendations to the Government, but did not release them publicly. Prison conditions have marginally improved, but remained harsh and well below international standards.

In October, the U.N. and the Government began a series of seminars to raise awareness of human rights among prison employees.

d. Arbitrary Arrest or Detention

There were nominal legal procedural safeguards regarding the protection of citizens' rights, including provisions concerning detention and the obtainment of search warrants; however, security forces systematically ignored these safeguards and continued to arrest and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality.

Responsibility for policing is divided between the police, who are primarily responsible for security in urban centers, and the gendarmes, who have responsibility for the areas outside the cities and for special events within cities. Both are under the control of the Ministry of Interior. Corruption was endemic within these forces. Citizens who were not police officers were allowed to arrest persons suspected of being illegal residents, increasing the frequency of arbitrary arrests based on xenophobia. Members of the security forces were rarely held accountable for abuses; impunity for police officers and gendarmes was a problem. In 2002, the then-U.N. Special Representative noted that some executive officials closely related to the security apparatus of the Government were treated as being above the law. There were no known reforms of the security forces proposed or enacted during the year.

By law, arrests do not require warrants. Police can detain persons whom they arrest for up to 5 days before a hearing; however, in practice, the length of such detentions was usually much longer. The lack of a published penal code allows for frequent abuses by security forces.

Police routinely detained prisoners and held them incommunicado (see Section 1.c.).

Arbitrary arrest was a serious problem. Local authorities singled out foreigners from neighboring countries for arbitrary arrest, harassment, and deportation, especially following the coup attempt in March (see Section 1.c.). For example, in November 2003, police arbitrarily detained and handcuffed a Nigerian in his residence. The

Nigerian embassy had to provide him with guards, and visitors had to provide basic necessities. The arresting police officer was later criticized by his superiors and issued an apology but was allowed to continue working.

In January, police arrested Simon Maria Nsue Mokuy of the Republican Forces for Reflection and Action on Equatorial Guinea (FRRAGE) for distributing information about an upcoming FRRAGE meeting abroad; he was detained incommunicado without charge or trial for 6 weeks.

During the security forces' roundup of foreigners following the March coup attempt, police arbitrarily detained and questioned two foreign humanitarian volunteers vacationing in Luba before placing them under house arrest at their hotel for 2 days. In addition, police arbitrarily arrested and detained for several days a foreign missionary couple in Malabo.

During the year, security forces continued to arbitrarily harass oil company employees, primarily by delaying them at checkpoints and demanding small bribes.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate (see Section 1.f.).

In November, there were unconfirmed reports that the Government arrested more than 50 military officers on the mainland and tortured one of them, a lieutenant colonel (see Section 1.c.). At year's end, no additional information was available.

Pretrial detention was a problem. The majority of inmates had not been charged, and their cases had not been heard in court. Prisoners often remained in detention at police stations awaiting hearings for longer than the 5 days prescribed by law because of judges who were absent from their posts.

During the year, authorities reportedly detained members of political opposition parties for short periods. Some political detentions lasted more than a few months. It remained difficult to estimate the number of political detainees, although it was believed to be fewer than 100 persons. The Government used arrest, reported beatings and other forms of harassment to intimidate opposition party officials and members.

Republican Democratic Forces (FDR) leader Felipe Ondo Obiang, arrested in March 2002 in connection with an alleged coup plot, was reportedly tortured and remained in Evaniyong Prison at year's end. He was chained to the wall by his left leg, which became swollen, and was held in solitary confinement for several months. It was believed that the 30 other prisoners arrested along with Ondo Obiang, including FDR leader Guillermo Nguema Ela, remained in prison, despite having been granted partial amnesty; however, their status had not been verified by year's end. They remained in difficult and substandard conditions; at least two of them required medical attention due to ill treatment and neglect.

In September, police arrested Air Force Captain Felipe Obama. By year's end, there were no reports that charges had been filed against him or that he had been released. In November, Convergence for Democracy Party (CPDS) party member Pio Miguel Obama was arrested and held at the central Malabo police station. At year's end, no charges had been filed, and according to opposition reports, he had not been released.

e. Denial of Fair Public Trial

The Constitution provides for judicial independence; however, the judiciary was not independent. Judges served at the pleasure of the President, and they were appointed, transferred, and dismissed for political reasons. Judicial corruption was 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. At least two military generals, neither of whom was a lawyer, served on the Supreme Court. The President was the most powerful influence on the judicial branch. The law allows the Ministry of Justice to

undertake periodic inspections and name judges. There were approximately 60 judges in the country, about 20 percent of whom were trained lawyers. Some judges were regularly absent from their posts, resulting in delays in judicial proceedings.

In December, upon the recommendation of the president of the Supreme Court, President Obiang fired a Malabo Court of First Instance judge and two of his clerks for incompetence and inaction in cases on his docket. The Parliament's Complaints Commission was a de facto judicial authority, although it had no formal legal jurisdiction. According to local media, the Parliament's president acted as a court of last resort.

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

The Constitution and laws provide for legal representation in trials and the right to appeal; however, in practice the authorities often did not respect these provisions. There were about 100 practicing lawyers, approximately one-quarter of whom practiced full-time and had no other profession. The Ministry of Education grants certificates to practice law, and the minimum requirement of having a law degree from any university worldwide can often be circumvented. Civil cases rarely came to public trial.

Cases involving national security were tried by a military tribunal. Cases that essentially were political in nature frequently were referred to military courts, even when the defendants were civilians and the charges were not related to the military. The Code of Military Justice permits persons who disobey a military authority to be tried in a military tribunal whether or not they are military personnel. Military courts did not provide due process or other procedural safeguards, and proceedings were not made public.

In February, nearly 120 civil and military officers were convicted in a 1-day secret trial of "crimes against state security" that allegedly concerned theft of public funds. Most of the defendants received sentences of 6 to 10 years in prison. No additional information was available at year's end.

On August 23, the 19 mercenaries arrested in March went on trial before 3 civilian criminal court judges. On August 31, the prosecution asked for the indefinite suspension of the trial following the acquittal in Zimbabwe of 66 persons who had also been accused of involvement in the same plot to overthrow the President. On November 24, the trial resumed when the Prosecutor General presented cases against 9 additional men, all members of the Progress Party, living in exile in Spain. On November 26, three South Africans were acquitted while the other defendants, including two citizens, received prison sentences of between 1 and 62 years. Both Amnesty International and the International Bar Association stated that the trial did not meet international fair-trial standards, particularly with regard to the absence of interpreters for foreign defendants.

The Government continued to hold political prisoners, and it was estimated that there were fewer than 100 by year's end. These prisoners were all members of opposition parties or persons the Government accused of involvement in coup attempts. During the year, only the ICRC was permitted to visit them.

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

The law prohibits such actions; however, the Government did not respect these prohibitions in practice. There continued to be reports that security forces regularly searched homes and arrested occupants without warrants, generally with impunity.

There continued to be reports of government surveillance of members of the opposition parties and of foreign diplomats. During the year, journalists and citizens continued to report that they strongly suspected monitoring of their telephone calls and e-mails by the Government.

In March, police in Malabo rounded up a significant number of foreign nationals, mostly West Africans, and looted their property. The foreigners were displaced or repatriated following an attempted coup in March led by foreigners (see Section 1.c).

Membership in the ruling party, the PDGE, generally was a large advantage for hiring and promotion, both in the public and private sectors. Membership in a rival political organization was reportedly grounds for dismissal from any position, public or private. Opposition politicians who were not participating in the Government often claimed to have been dismissed from their jobs after joining alternate political groups but had no legal redress.

Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate. For example, relatives of the Progress Party Activist Macelino Nguema Esono, including his wife Pilar Angue Adimi, daughter Elvira Okomo, and relative Nicolas Obiang, were arrested and tortured. Their homes were looted and dismantled.

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. During the year, the Government monitored journalists; the media remained firmly under government control, and journalists practiced self-censorship.

The Government did not tolerate criticism of public institutions and public sector mismanagement and permitted no criticism of the President or the security forces. Opposition figures were warned that they should contain their criticisms to the floor of the Parliament, where they were severely outnumbered and easily overruled. Expatriates dependent on the Government did not voice complaints about the frequent abuses against them, ranging from the police demanding bribes for imaginary offenses to extortion of money by city, provincial, and federal officials for "licenses" for which there was no statutory basis. Complaints about official conduct in the country continued to be accompanied by requests not to be identified to avoid reprisals.

An independent or privately owned press was nearly non-existent in the country. There were three general-interest periodicals operating under at least nominal government control that published irregularly: La Gaceta, a Malabo-based monthly magazine printed in Spain and published by an employee of the Ministry of Information, Tourism, and Culture; El Correo Guineo Ecuatoriano, a bimonthly newspaper published by the Gaceta group; and Ebano, a publication of the Ministry of Information, which appeared approximately twice a month. Foreign publications were available for sale at foreign-owned grocery stores; there were no bookstores or newsstands in the country.

Radio was the most important and influential medium of mass communication. During the year, the Government continued to effectively dominate domestic radio broadcasting. It owned and operated the station Radio Malabo, officially known as National Radio of Equatorial Guinea. The President's son, Teodoro Nguema Obiang Mangue, owned the only private local radio station, Radio Asonga, based in Bata. The Government has not approved other applications for private radio stations that have been pending for several years.

The only domestic television station was government-controlled, and broadcast only a few hours a day. Television Asonga, owned by President Obiang and run by his son in coordination with Radio Asonga, broadcast by cable only in Bata. Foreign cable television was available and provided news in French, Spanish, and English, as well as entertainment programming. Satellite reception increasingly was available.

International electronic media was available and included Radio France International, which broadcast in Malabo, and Radio Exterior, the international short-wave service from Spain. Radio Exterior often broadcast news about the country and interviews with opposition politicians and was virtually the only means for the opposition to disseminate its views and positions widely. Its editorials, like those of most of the Spanish media, frequently were highly critical of the Government. The Government regularly accused Radio Exterior, sometimes with justification, of misrepresenting the situation in the country.

Unlike in the previous year, the Ministry of Information no longer required national journalists to register with it; however, all journalists were required to register with the government-controlled local press association. There

were 54 journalists registered in the association. Foreign journalists were generally allowed to travel and report independently. The law requires foreign media to obtain ministerial accreditation before or upon entering the country; however, during the year, some foreign journalists were permitted to enter the country with visas.

Journalists were subject to harassment during the year. For example, on March 9, the President's press secretary denied a correspondent for Agence France-Presse, access to a presidential press conference in Malabo and refused to give an explanation; only journalists from the state radio and television stations were allowed access.

On May 12, a government minister threatened to imprison an Australian television news crew, who were investigating the allocation of state oil revenue, unless they left the country that night. At the airport a few hours later, the director of national security, the President's brother, supervised a search of the crew's baggage and confiscated computer memory cards.

In October, Peter Maass, a foreign writer researching a book on the oil industry, was deported for "talking to people of concern to the Government and actions not coherent with his stated purpose." The Government seized his computer memory chip, although the chip was later returned. By year's end, the President had issued an apology concerning Maass' deportation.

The law authorizes government censorship of all publications. During the year, the Ministry of Information sometimes required publishers to submit a copy for approval prior to publication. In addition, all local publications exercised self-censorship and were subject to prior restraint.

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

The Association of the Press of Equatorial Guinea (ASOPGE), prevented in previous years from organizing exhibitions and conferences organized at least one conference and several other events. There was no additional information on former ASOPGE president Pedro Nolasco Ndong, who left the country in 2002 after the President reportedly ordered his arrest.

The Government did not appear to restrict Internet access. However, the one Internet service provider was affiliated with the Government telephone monopoly, and there were unconfirmed reports that the Government monitored citizens using the Internet.

During the year, the Government did not overtly restrict academic freedom; however, professors practiced self-censorship in relation to political matters. The Government opened its first public library during the year.

b. Freedom of Peaceful Assembly and Association

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

Prior to the April legislative elections, the Government harassed the opposition party CPDS and eventually denied it permission to host a convention.

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. The law prohibits coalitions between political parties; however, six opposition groups continued to be part of a coalition, which allied itself with the

ruling party during the year (see Section 3). Opposition party members complained of disruption of meetings. In addition, the political opposition was often monitored during meetings.

By year's end, the Government had yet to recognize the Bioko Island Movement.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice.

The law includes a stated official preference for the Catholic Church and the Reform Church of Equatorial Guinea due to their traditional roots and historic influence in the social and cultural life. For example, a Roman Catholic Mass normally was part of any major ceremonial function, such as the October 12 national day.

During the year, police arrested and detained a foreign missionary couple in Malabo (see Section 1.d.).

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions before its religious activities are allowed. There were no reports during the year that the Government had refused to register any group. The approval process usually takes several years, due primarily to general bureaucratic slowness and not as the result of any apparent policy designed to impede the operation of any religious group.

The Government continued to restrict the freedom of expression of the clergy, particularly regarding any open criticism of the Government. During the year, church representatives reported that they practiced self-censorship on these issues. The Government required permission for any religious activity outside the church building, but in practice this requirement did not appear to hinder organized religious groups.

Religious study was required in schools and was usually, but not exclusively, Catholic. Protestants sometimes faced discrimination in schooling. For example, a Protestant church official cited difficulties when enrolling his children at school. At the school, each child was required to lead a daily Catholic-based devotional. When the child's father requested that a teacher of the child's own faith be made available, the school official claimed there was a lack of funds and stated that he could provide the teacher only if the child's church was willing to pay the teacher's salary.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

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

The law provides for these rights; however, the Government limited them in practice. The police routinely stopped citizens at roadblocks, subjected them to searches, harassed travelers, and extorted money from them. Police and soldiers continued to single out foreigners for harassment, mainly because they were perceived to have more means than most citizens (see Sections 1.c. and 1.d.). The Government justified the roadblocks as internal controls to compensate for its inability to control the country's borders effectively. These checkpoints effectively restricted the freedom of movement of members of the opposition.

All citizens were required to obtain permission to travel abroad from the local Police Commissioner, and some members of opposition parties were denied this permission. Those who did travel abroad sometimes were interrogated upon their return.

The Constitution does not permit forced exile; however, the Government used forced internal exile. The Government did not use forced external exile; however, some persons have fled the country for political reasons. The leaders of the National Resistance of Equatorial Guinea Group reported that their attempts to return to the country were unsuccessful, and there were no reports of returnees during the year.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, but the Government has not established a system for

providing protection to refugees. In practice, the Government provided protection against refoulement, the forced return of persons to a country where they feared persecution, and granted refugee status or asylum. In recent years, an average of one or two persons requested refugee status in the country. The Government cooperated with the U.N. High Commissioner for Refugees (UNHCR).

The police reportedly continued to harass asylum seekers, often for bribes, on an individual basis.

The Government also provided temporary protection to certain individuals who may not qualify as refugees under the 1951 U.N. Convention or its 1967 Protocol.

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 citizens could not freely choose and change the laws and officials that govern them. There have been no free, fair, and transparent elections since independence in 1968. The President exercised strong powers as head of state, commander of the armed forces, and founder and head of the government party, the PDGE. Impeachment of the head of state is forbidden in the Constitution. Leadership positions within the Government in general were restricted to the President's Mongomo sub-clan of the Fang ethnic group and its closest supporters. The Government completely dominated the elected Chamber of Deputies, and the Minister of the Interior also acted as President of the National Electoral Board.

President Obiang won the December 2002 presidential election with 97.1 percent of the vote and 98 percent of registered voters participating. Opposition leaders charged that census results showing a twofold population increase were flawed and that numbers were inflated to perpetuate election fraud. Prior to the elections, there were reports that arrests and harassment of opposition party members increased. Four of the leading opposition candidates published a statement that rejected the vote and called for new elections. There were widespread reports of irregularities on election day, including intimidation at the polls. The European Union expressed concern regarding the democratic process and severely criticized the way the presidential election was carried out.

Prior to legislative elections in April, the Government harassed opposition party members and subjected them to arbitrary arrest. PDGE members went door-to-door, seeking out and threatening opposition supporters. On election day, there were widespread reports of irregularities, including intimidation at the polls. Voters were discouraged from voting in secret, ballots were opened, and ruling party representatives reportedly cast votes in their own right as well as on behalf of children and the deceased. There also were reports that security forces intimidated voters by their presence in polling booths. There was a lack of observers in rural areas. Although international observers claimed that the opposition CPDS party received about 12 percent of the vote, the ruling party only offered the CPDS 2 seats in the 100-seat Parliament.

The electoral law prohibits coalitions between political parties; however, at year's end, all legal political parties except the CPDS were aligned with and were part of the Government.

There were 12 political parties that the Government called "opposition parties"; 11 have allied themselves with the ruling PDGE. The Government pointed to these opposition parties as examples of the country's multiparty democracy. The Government reportedly applied pressure to persuade opposition members or officials from most, but not all, opposition parties to join the PDGE party; opposition members joining the PDGE during the year suggested that such practices persisted. Reportedly the Government bribed members of the opposition.

During the year, the Government intermittently moved its executive seat from Malabo to Bata in an effort to provide more of a presence on the mainland. Ministers and key party officials moved, but the bureaucratic infrastructure remained in Malabo.

Government officials were required to declare their personal assets before a National Commission for Ethics; however, official corruption in all branches of the government remained a significant problem.

President Obiang has been widely accused of spending the country's oil wealth on his own family and friends. On July 15, an extensive investigation by the legislature of a foreign country revealed the misappropriation of at least \$35 million of oil revenues from foreign oil companies by President Obiang, his family, and other senior government officials through foreign bank accounts since the country started exporting oil in the mid- 1990s. The report found that in many cases the money went straight into accounts controlled personally by the President and his close associates. In response to the July 15 report, the Government released a report refuting the allegations of oil revenue misappropriation.

The law does not provide for access to government information, and in practice, it remained difficult for citizens to obtain access to government information due to a lack of organized record-keeping and archiving.

There were 20 women in the 100-member legislature and 5 women in the 50-member cabinet. The Prime Minister was a member of the minority Bubi ethnic group.

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

There were no effective domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights were not among these areas.

The government-controlled National Commission for Human Rights (CNDH) operated without adequate funding and staff. The Presidency appointed the members of the CNDH, and the CNDH refrained from criticizing the Government during the year. During the second half of the year, the CNDH, in cooperation with U.N. agencies, co-sponsored some human rights workshops concerning women, children, and detainees.

No international human rights NGOs were resident in the country; however, there were signs of improvement in the relations between some international organizations and the Government during the year. For example, the Government allowed the UNICEF and the U.N. Development Program to become increasingly active in the areas of trafficking in persons, child protection, and economic development.

Catholic Relief Services (CRS), operating out of Cameroon, confined its programming to health-related issues, citing safety concerns for staff and partners. There continued to be allegations from CRS, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo have had their movements, calls, e-mails, and faxes monitored.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Domestic and other societal violence against women, particularly wife beating, was common. The public beating of wives was forbidden by government decree; however, violence in the home generally was tolerated. The Government did not prosecute perpetrators of domestic violence, except for one ongoing case concerning a government official who allegedly shot and killed his wife during the year.

Prostitution is illegal; however, the massive influx of unaccompanied foreign men in the petroleum sector contributed to an increasing prevalence of prostitution. During periodic crackdowns, police arrested prostitutes but allowed their clients--generally expatriates--to go free.

Although the Constitution provides for equal rights, women largely were confined by custom to traditional roles, particularly in agriculture. Polygyny, which was widespread, contributed to women's secondary status, as did limited educational opportunity.

There was no discrimination against women in formal inheritance and family law; however, in the Fang, Ndowe, and Bisio cultures, primogeniture was practiced. Because women become members of their husband's family upon marriage, they usually were not accorded inheritance rights. When the husband dies, a widow either remains with his family in a dependent, marginalized position, or she returns the dowry and leaves with nothing.

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 to her family by the bridegroom at the time of marriage. Tradition also dictates that if a girl's family accepts a dowry from a man, she must then marry him, regardless of her wishes. If the marriage does not take place, the family is required by tradition to return the dowry, and failure to pay the debt can result in the imprisonment of the bride or a family member. The law protects women from imprisonment for not repaying the dowry following divorce; however, in practice, many divorced women faced intense family pressure to repay the dowry. If a marriage dissolves, the husband also automatically receives custody of all children born after the marriage, while the wife maintains custody of all her children born prior to the marriage.

According to the law, women have the right to buy and sell property and goods; however, in practice, the male-dominated society permitted 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

The Government devoted little attention to children's rights or their welfare and had few set policies in this area. In September the Parliament passed a trafficking in persons law, focused almost exclusively on trafficked children; however, no other provisions for the welfare of children were legislated.

Education was compulsory through primary school, but the law was not aggressively enforced. In practice, boys were expected either to complete an additional 7 years of secondary school or to finish a program of vocational study following primary education. For girls, pregnancy and the requirement to assist in agricultural or other work made attainment of this level of education less likely. Many rural families were unable to afford school fees and book expenses for children over 10 years of age. A UNICEF report noted that net primary school attendance from 1992 to 2002 was 60 percent for boys and 61 percent for girls; however, secondary school enrollment was much lower, particularly for girls. From 1997 to 2000, the gross secondary school enrollment ratio was 43 percent for boys and 19 percent for girls. Women generally have only one-fifth of the educational level of men. During the year, new schools were opened; however, they were reported to lack basic materials such as books and desks. The Government cooperated with a foreign government to provide textbooks to all schools. Teachers could be political appointees and often received no training. Children suffered poor health and a high mortality rate. The 2005 national budget, passed by the Parliament in September, allocated increased expenditures to education.

Child prostitution existed but was rare. Trafficking of children continued to be a problem (see Section 5, Trafficking).

According to a 2001 child labor study by UNICEF, the most recent information available, child labor existed primarily in the form of children working as farmhands and market vendors in family businesses (see Section 6.d.). In addition, during the year, there were unconfirmed reports that foreign children were used as market vendors by nonrelatives and had no access to schooling.

Trafficking in Persons

In September, Parliament passed a law criminalizing trafficking in persons; however, there continued to be reports that the country increasingly was a destination and transit point for trafficked persons.

Children, mostly from Benin and Nigeria, primarily were trafficked into the agricultural and commercial sectors in Malabo and Bata. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. The

country was both a destination and a transit point for trafficked girls and boys, mostly from Cameroon, Benin, and Nigeria. Women were trafficked for prostitution, especially to Malabo, where they worked for clients in the country's oil sector.

There was evidence that lower-level law enforcement officials such as border guards and immigration officers facilitated trafficking in persons in exchange for bribes.

By year's end, the Government had not established a system to conduct systematic monitoring or reporting of trafficking; however, toward the end of the year, the Government made efforts to address trafficking. In July, with guidance from a foreign government and UNICEF, the Government organized an inter-ministerial committee to explore ways of addressing the problem of trafficking in persons. In October, a second inter-ministerial meeting was held to begin designing an action plan to address the problem, and at a conference on trafficking during the year, the Government asked regional governors and local government authorities to monitor trafficking and report any cases to the Ministry of Justice. A trafficking in persons technical working group was established in November. In addition, during the year, the Government conducted a radio campaign to raise awareness of the new law against trafficking, and UNICEF co-hosted three human rights conferences involving government officials in which trafficking was a central issue.

Persons with Disabilities

There was no constitutional or legal provision to protect persons with disabilities from discrimination in employment, education, or the provision of other state services, and while there was no formal evidence of discrimination against persons with disabilities, anecdotal evidence suggested that basic care may have been withheld from children with disfiguring diseases such as polio. The law does not mandate access for persons with disabilities to buildings, and there was societal discrimination against persons with disabilities. During the year, a local charity added a classroom to its orphanage to train the mentally disabled.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was not legal, and the Government did not overtly limit the participation of minorities in politics; however, the near monopolization of political and economic power by the President's Mongomo sub-clan of the Fang ethnic group persisted. In practice, some members of ethnic minorities, particularly the Bubi ethnic group, faced discrimination because they were not members of the Fang ethnic group, or belonged to a Fang sub-clan other than the President's. Differences among sub-clans of the Fang ethnic group, especially resentment of the political dominance of the Mongomo sub-clan, were also sources of political tensions. Tensions also arose because most property was controlled by the dominant group, which afforded it greater access to economic prosperity and prevented competition from minorities from developing.

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

Citizens arbitrarily arrested foreigners during the year, reportedly as a result of xenophobia (see Section 1.d.).

Other Societal Abuses and Discrimination

Societal discrimination against homosexuals existed during the year; no additional information was available.

Persons with HIV/AIDS continued to be victims of societal discrimination and often kept their illnesses hidden. However, during the latter part of the year, the Government and the World Health Organization cosponsored public awareness and sensitization campaigns on HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to organize unions; however, the Small Farmers Syndicate was the country's only legally recognized labor union. According to the International Confederation of Free Trade Unions, authorities have consistently refused to register the Equatorial Guinea Trade Union, which has been forced to carry out its activities in secret. There were a few cooperatives with limited power. The law stipulates that a union must have at least 50 members who are from a specific workplace and located in the same geographic area to register; this effectively blocked union formation. Authorities refused to legalize the public sector union, the Independent Syndicated Services, despite having met the requirements of the law.

During the year, the country's major private employer, the oil industry, which was dominated by foreign firms, continued to take steps to reduce government control of hiring in the industry. To eliminate political bias in the hiring process, companies employed methods ranging from public advertising of jobs and objective testing to screening of applicants by non-citizens only. According to regional representatives of the International Labor Organization (ILO), these efforts largely have been ineffective, and the Government continued to influence employment in all sectors.

There were instances when the Government retaliated against political opponents by compelling their employers to dismiss them.

There was no law prohibiting anti-union discrimination, and during the year there were reports that when workers tried to form unions, the police visited their homes and intimidated them.

The law does not recognize the right of labor unions to affiliate with international bodies, and there were no reports of such affiliation during the year.

b. The Right to Organize and Bargain Collectively

The law provides workers the right to organize and bargain collectively; however, the Government placed practical obstacles before groups wishing to organize. The Government and employers set wages, with little or no participation by workers. There was no evidence of collective bargaining by any group; however, the Labor Ministry sometimes mediated labor disputes. For example, there was a 1-day strike at the Consolidated Contractors International Company (CCIC) regarding minimum wages; the Labor Ministry intervened and resolved the problem. It also met with oil companies to reconcile a language dispute over minimum wages and facilitated an agreement. There are no export processing zones.

The law provides for the right to strike; however, workers were effectively prohibited from striking, although on rare occasions workers engaged in temporary protests or "go slows" (work slowdowns and planned absences). The Labor Code contains provisions to uphold worker rights, but the Government generally did not enforce them, in part because of inadequate staffing in the Ministry of Labor. Apart from the Labor Ministry, workers had few other places to seek redress. Members of Parliament reportedly tried to mediate employer worker disputes over wages or dismissals; however, they had no legal authority to do so.

c. Prohibition of Forced or Compulsory Labor

The law forbids forced or compulsory labor--including forced labor by children--and slavery; however, detainees and convicted felons performed extensive labor outside prison, including for prison officials, without compensation (see Section 1.c.).

d. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum age for employment was 14 years, but the Ministry of Labor did not enforce this law, and child labor was common particularly on family farms and businesses. Underage youth performed both family

farm work and street vending. While the Ministry of Labor was responsible for the enforcement of labor legislation, the Government did not have a comprehensive policy on child labor.

e. Acceptable Conditions of Work

Employers must pay the minimum wages set by the Government, and most companies paid more than the government-established minimum wage. There was a two-tier structure that created a separate wage system for private sector workers inside and outside of the oil sector. Companies subcontracted to the oil industry were considered part of the oil sector. The minimum monthly wage for all private sector workers was approximately \$180 a month (90,000 CFA francs). Within each group (oil and non-oil), a multi-tiered system of classification was created, and workers were graded according to education-level, skills, and experience. Wages increased according to these factors and the responsibilities of the position. High-level professional employees of international companies received salaries near to or the same as expatriate workers. Any additional task or duty added to a worker's responsibility required the worker to receive a minimum increase of 25 percent of base pay, and workers received such increases in practice. Changes to the labor code in 2003 also raised the public sector minimum wage to match the private sector; however, application of the minimum wage was inconsistent in the public sector. The minimum non-oil sector wage was generally insufficient to provide a decent standard of living in the capital city for a worker and dependant family.

The law prescribes a standard 35-hour workweek and a 48-hour rest period, which generally were observed in practice in the formal economy. Exceptions were made for particular jobs, such as those concerning off-shore oil industry work.

The Labor Code provides for comprehensive protection for workers from occupational hazards; however, the Government did not enforce this in practice. The Government had an insufficient number of labor inspectors to oversee local industry. The Government continued training more inspectors during the year.

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

*The American Embassy in Malabo was reopened in October 2003 and was staffed during the year by one officer; this officer was assisted by other Embassy officials who were resident in Cameroon, which limited the ability to gather information.