



U.S. DEPARTMENT OF STATE

DIPLOMACY IN ACTION

Equatorial Guinea

Bureau of Democracy, Human Rights, and Labor

2007

March 11, 2008

Equatorial Guinea, with a population estimated to be between 500,000 and one million, is nominally a multiparty constitutional republic. All branches of government were dominated by President Teodoro Obiang Nguema Mbasogo and his clan from the majority Fang ethnic group. The international community judged the most recent elections, in 2002 (presidential) and 2004 (parliamentary), to be seriously flawed. Government authorities generally maintained effective control of security forces.

The following human rights problems were reported: abridgement of citizens' right to change their government; instances of physical abuse of prisoners and detainees by security forces; poor conditions in prisons and detention facilities; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents with limited due process; judicial corruption and lack of due process; restrictions on the right to privacy; restrictions on freedom of speech and of the press; restrictions on the right of assembly, association, and movement; government corruption; violence and discrimination against women; suspected trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, one detainee died while in police custody during the year.

On October 6, Salvador Ndong Nguema died as a result of injuries inflicted during torture in a jail in Evinayong several days earlier, according to members of the opposition party Convergence for Social Democracy (CPDS), who testified during sessions conducted by the Parliamentary Commission on Complaints (see section 1.c.).

There were no developments in the February 2006 abduction and killing by unknown assailants of Laesa Atanasio Bitá Rope in Côte d'Ivoire. Rope was leader of the Movement for the Self-Determination of Bioko Island.

b. Disappearance

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

There were no developments in the early 2005 disappearances of Juan Ondo Abaga, Florencio Ela Bibang, Antimo Edu Nchama, and Felipe Esono Ntutum. They reportedly had been forcibly repatriated from Benin and Nigeria, incarcerated without charge in Black Beach prison and severely tortured, and not allowed a lawyer, outside communication, or family notification. There was no government confirmation of their presence, even during the visit of a UN investigatory team during the year.

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

The law prohibits such practices; however, there were reports that security officials abused and tortured persons during the year. Late in the year four members of the security forces, including Juan Engonga (see below), were arrested and charged with abuse of prisoners.

Abuse and mistreatment of prisoners during or immediately after arrest remained persistent problems in some police precincts. Beatings were most frequently reported.

In late September national television broadcast sessions of the Parliamentary Commission on Complaints, during which CPDS members criticized the government for failing to prevent torture by police officials and allowing impunity of police officials involved in specific torture cases. The CPDS reported numerous cases in which they alleged that security forces tortured persons during the year.

On April 1, security officials allegedly arrested Joaquin Okue Mba, a CPDS member, and accused him of complicity with his cousin in the theft of \$5,000 (10 million CFA) from the company Dalian China. Police Commissioner Juan Engonga, chief of Bomudi precinct in the mainland city of Bata, reportedly then tortured Okue Mba, who was later paid \$2,500 (5 million CFA) to drop charges against the police. Photos reportedly existed that supported Okue Mba's allegations.

During their detention from August 16 to 21, Emilio Mban Moyong and Alberto Mbira Etung were allegedly tortured at the Bomudi police station by Commissioner Juan Engonga. Moyong and Etung reportedly had argued with Lieutenant Colonel Hugo Nguema, who the report claims was a son of President Obiang.

On October 14, security forces arrested Jaime Ndong Edu, a CPDS member, who was subsequently detained and tortured by Deputy Police Commission Donato Abogo Menden.

Following complaints regarding the Bomudi precinct, the government arrested four police officers including the precinct captain. At year's end the criminal cases were ongoing.

Foreigners, especially illegal immigrants from other African countries, continued to experience harassment, intimidation, and arbitrary arrest. Police occasionally raided immigrant ghettos and the resulting detentions frequently gave rise to conflicting claims of excessive force, including beatings.

Prison and Detention Center Conditions

After major construction and renovation projects, conditions in the country's three main prisons improved significantly. Reports of insufficient food, water, and sanitary conditions decreased sharply. The country's program of prison construction and renovation, which included thorough changes at the once-notorious Black Beach prison in Malabo, was accompanied by improved food, clothing, medical care, and recreation. Use of shackles was restricted to extraordinary punishment for offenses while in detention.

Other than the cases cited above, there were no reports that jail or prison authorities tortured prisoners. The improvement can be attributed at least in part to the fact that the law against torture had been in effect for a full year, and to increased access to the prisons by UN and other international observers.

Medical attention and other services for prisoners in local precinct holding areas remained limited in some cases.

Conditions in detention centers for illegal immigrants were also substandard. Poor food, overcrowding, and inadequate sanitary facilities were the most prominent problems.

Male and female prisoners were not held in separate facilities, while juveniles were prohibited by law from being held with adult prisoners. Juvenile offenders generally were not sent to prisons; rather, they were usually detained for short periods in local precinct facilities, and then sent home with warnings.

The government permitted independent monitoring of conditions in the three prisons and approximately 12 jails and holding cells in smaller localities. The International Committee of the Red Cross (ICRC) was permitted to make periodic visits to all jails and prisons and met privately with prisoners. ICRC visits during the year were conducted according to standard ICRC procedures. A separate UN investigatory group was also given extensive

access during the year, as were representatives of national and international media. Foreign visitors, including foreign press, were allowed to visit prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government did not enforce these prohibitions adequately. There were nominal procedural safeguards for the protection of citizens' rights, including provisions concerning detention and the requirement for search warrants; however, security forces frequently ignored these safeguards and arrested or detained persons arbitrarily and without due legal process. Security forces occasionally detained individuals "on orders from superiors" without any further formality. Unlike in previous years, there were no new reports government officials and their business partners arranged for the detention of competitors to gain commercial advantage, or that they enjoyed impunity for such actions.

Role of the Police and Security Apparatus

The police were responsible for security in the cities, and the gendarmes were responsible outside the cities and for special events. Both reported to the civilian minister of national security.

Police were underfunded, poorly trained, and corrupt. Security forces continued the practice of extorting money and small bribes from citizens, and impunity remained a problem. Mechanisms to investigate allegations of abuse were poorly developed.

The government recognized the need for professional improvement of the police and continued a training program. A contracted private foreign group trained the first cohort of over 400 mid-level police officers on professional subjects including human rights of citizens, prevention of trafficking in persons, and proper treatment-including training on minimum use of force-of those arrested.

Arrest and Detention

Arrest warrants are not required, and many persons were taken into custody on the verbal orders of officials. A detainee has the right to a judicial determination of the legality of the detention within 72 hours after arrest, excluding weekends and holidays. In practice the length of such detentions was occasionally longer. Although in principle a bail system and public defenders were available upon request, this was not generally known by the public, and these systems did not operate effectively in practice. Defense lawyers sometimes did not receive a full list of indictments against their clients. Some detainees were not promptly informed of charges against them. Limited visitation by family members was permitted at all jails and prisons.

Reliable files were not kept on those imprisoned.

The cases of 39 persons detained prior to 2005 for "crimes against the state" were resolved through the judicial process. However, 58 persons reported to be held on political grounds remained incarcerated. President Obiang publicly stated that these prisoners were being held because they were convicted of crimes.

Arbitrary arrest and detention were serious problems. Local authorities singled out West African illegal immigrants for document checks, arbitrary detention, and deportation.

Unlike in the previous year, there were no reports that the government arbitrarily arrested opposition party officials and members, although opposition party members reported in some cases that they were beaten while in detention.

During the year members of the foreign press and others visited four South African prisoners convicted of a 2004 coup attempt. The conditions of their imprisonment had improved from the previous year; they were not forced to wear ankle shackles.

An estimated 80 percent of those incarcerated were pretrial detainees. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

e. Denial of Fair Public Trial

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

In 2006 the government codified laws for the first time and taught them as part of an ongoing judicial reform effort.

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

Trial Procedures

Many trials for ordinary crimes are public, but juries are not used. The law remains largely based on the Spanish system existing at independence from Franco-era Spain. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys. An accused who cannot afford a lawyer is entitled to ask the government to provide one, but defendants were not routinely advised of this right. The country's bar association was available to defend indigent clients. Defendants may confront and question witnesses and may present their own witnesses and evidence, although in practice this was seldom done. There was limited access to evidence. By law the accused has the presumption of innocence and the right to appeal; however, legal appeals were not common. By law the above-listed rights are universal. Experience at defense was limited, and defense lawyers did not necessarily represent the wishes of defendants.

The code of military justice states that persons who disobey a military authority, or are alleged to have committed an offense considered to be a "crime against the state," should be judged by a military tribunal, with limited due process and procedural safeguards, regardless of whether the defendant is civilian or military. Some military cases were essentially political in nature. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public.

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

Political Prisoners and Detainees

Some 58 identified "prisoners of conscience," or political prisoners, remained detained at year's end, at least four of whom had not been tried; others had been convicted of "crimes against the state" without adequate representation. The right to appeal was seldom exercised and even more rarely successful. These prisoners were all members of opposition parties or persons the government accused of involvement in coup attempts. Access to these prisoners increased significantly during the year.

In August Diego Ekuia Obiang, a political detainee arrested in 2003, died shortly after being released from prison in August. He became ill in prison, and was released to his family when his illness became critical.

Civil Judicial Procedures and Remedies

Matters can be settled out of court, but other than in the cases of tribal elder adjudication noted above, there is no known official arbitration or mediation. Civil cases rarely came to trial, reportedly because of lack of faith that judgment would be fair and transparent, and because the general population had a limited understanding of the process.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions in practice. Security forces violated homes and arrested suspected dissidents, criminals, foreign nationals, and others, often without judicial orders, and confiscated their property with impunity.

Informers reportedly monitored opposition members, nongovernmental organizations (NGOs), journalists, and foreign diplomats. Most residents and journalists believed that the government monitored telephone calls and Internet use.

The government pressured public employees to join the ruling Democratic Party of Equatorial Guinea (PDGE). Reportedly they were required to allow automatic deductions from their paychecks with proceeds going to the party whether or not they were members. Opposition party members were

discriminated against in hiring, job retention, scholarships, and obtaining business licenses. A business found to have hired someone on a political blacklist had to dismiss the person or face the threat of closure.

The law provides for restitution or compensation for the taking of private property, but in practice persons forced from their homes or land seldom received equitable compensation, if any. The civil code states that all land ultimately belongs to the state; thus the government could take possession when it determined it was "in the state's interest." Individuals may hold property title to pieces of land, but the state has full power of eminent domain. The government offered payment to those who proved title and expenses of purchase or construction. In some cases written title was nonexistent, although land had been in the hands of a family for generations.

Cases of slum areas being leveled decreased significantly during the year, and the government undertook a multi-million dollar campaign to build low-cost housing. In the few 2007 cases of slum demolition, officials held community meetings to discuss proposed actions and means of restitution. The residents most often affected are squatters, and the shanty-towns were replaced in at least two cases by "social" low-cost housing available to the displaced. With regard to restitution, those who could prove title generally received fair payment. For others who had built on land they did not own, the government paid restitution equal to the amount of documented investment.

However, in the more numerous cases of displacement in 2006, many unresolved issues remained despite ongoing government programs to address them. According to Amnesty International, prior to 2007 the government typically allowed no consultation with the communities affected, provided little or no prior notice, and allowed no right to contest the evictions. Hundreds of homes and businesses were destroyed in 2006; many were solid structures in well-established neighborhoods, and residents had no other place to go and no money to relocate. For example, more than 600 persons were made homeless in Malabo's Atepa district in July 2006, when the government leveled a slum area without warning. The next day homes were similarly demolished in Malabo's Camaremy district. In both cases soldiers allegedly mistreated residents who protested.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the government limited these rights in practice. During the year some journalists covered topics previously considered to be off limits, but the country's tiny media remained under government influence and most journalists practiced self-censorship.

The law authorizes government censorship of all publications. Eight periodicals with varying degrees of government involvement were published irregularly. International newspapers or news magazines could not be sold or distributed without government permission. Political party publications could not be distributed to the general public. News kiosks did not exist, and the only bookstores were affiliated with religious organizations. Starting a new publication required a complicated process governed by an ambiguous law and was often inhibited by bureaucracy.

International media did not try to operate in the country; only one international news agency had a regular stringer present. Unlike in previous years, there were no known cases of foreign journalists deported or directly harassed during the year.

The president's eldest son owned the only private broadcast media. Satellite broadcasts increasingly were available. Foreign channels were not censored.

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

The government generally gave opposition parties little access to domestic media, but during the year the opposition was allowed to participate in legislative debates, talk shows, and meetings with the president. In late September national television broadcast legislative sessions in which CPDS members criticized the government for its use of torture.

Internet Freedom

There were no government restrictions on access to the Internet or verifiable reports that the government monitored e-mail or Internet chat rooms. Residents, however, believed that the government monitored Internet use, including e-mail, which was channeled through the parastatal telephone

company or a wireless connector. Most overt criticism of the government came from the country's community in exile, and the Internet had replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked. Internet use grew significantly, but cost was beyond the means of some citizens. Nonetheless, the dozens of Internet cafes in the cities of Bata and Malabo were constantly filled with customers.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly; however, the government restricted this right. Government authorization must be obtained for private home meetings of more than 10 persons. Although the government formally abolished permit requirements for political party meetings within party buildings, in practice opposition parties were expected to inform authorities if they wished to hold gatherings of any kind, regardless of location. The government required notification for public events such as meetings or marches. Unlike in the previous year, there were no incidents of detention or beatings of opposition party activists.

Freedom of Association

The constitution and law provide for freedom of association, but the government restricted this right in practice. The law establishes what types of NGOs can register, and human rights associations were added to the list in 2005; since then human rights NGOs have been registered to address issues of the aged and disabled, HIV/AIDS, conservation, and environment. The law prohibits the formation of political parties along ethnic lines and prohibits coalitions between political parties; however, six opposition groups continued to be part of what was effectively a coalition with the ruling party. Unlike in past years, opposition party members were able to advance agendas in public meetings with little successful interference from the ruling party.

c. Freedom of Religion

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

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

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions to operate. New groups were regularly added; for example, a Baha'i temple was established during the year. Approval could take several years, due primarily to bureaucratic slowness rather than policy; however, the lack of clearly defined registration procedures remained an issue. Traditional African religions were practiced, even by many who belonged to other religious groups.

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

Societal Abuses and Discrimination

Non-Catholics occasionally faced discrimination in school enrollment or for expression of personal beliefs within religion classes.

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

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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

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

Police at roadblocks routinely subjected citizens to searches, harassment, and petty extortion. The government justified roadblocks as controls to prevent illegal immigration, mercenary activities, or attempted coups. However, the checkpoints effectively restricted freedom of movement for all travelers.

Unlike in previous years, there were no credible reports of military harassment or intimidation of members of the Bubi ethnic group on Bioko Island.

The law prohibits forced internal or external exile, and the government generally respected this in practice. Unlike in the previous year, there were no reports of forced exile during the year.

Citizens traveling or living in other countries occasionally reported on movements and activities of travelers or other expatriates from the country, and may be compensated for these reports.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, the government has not established a system for providing protection to refugees. In practice the government provided some protection against "refoulement," the return of persons to a country where there is reason to believe they feared persecution. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

There were no recent cases of the government cooperating with the UN High Commissioner for Refugees (UNHCR) or other humanitarian organizations in assisting refugees and asylum seekers. There was no local UNHCR office.

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

The constitution and law provide citizens the right to change their government peacefully; however, there have been no free, fair, and transparent elections since independence.

Elections and Political Participation

The country gained independence from Spain in 1968, and in 1979, after years of disastrous and cruel rule, the military, led by then-Lieutenant Colonel Teodoro Obiang Nguema Mbasago, overthrew its first president. In 1989, as the sole candidate, Obiang was elected to a seven-year term and has been reelected and remained in power since. In 1986 he founded the PDGE, for years the only legal party, which established an overwhelming dominance before other parties were permitted. The party rules through a complex arrangement built around family, clan, and ethnic loyalties. There is no presidential term limit.

The international community criticized the most recent parliamentary elections in 2004 as seriously flawed. Opposition candidates were subjected to harassment, arbitrary detention, restrictions on movement, and denial of equal access to the media. All state events were publicized in connection with the ruling PDGE party. Because of quasi-mandatory collection of dues and other contributions, the ruling party had greatly disproportionate funding available, including for gifts to potential voters.

The president exercised strong powers as head of state, commander of the armed forces, and founder and head of the ruling party. In general leadership positions within government were restricted to the president's party or the coalition of "loyal opposition" parties. Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, no changes were made. The minister of the interior acted as president of the national electoral board. There was no independent electoral commission.

The process to register a political party was not transparent. Some political parties that had been popular prior to the 1992 law that established procedures for political parties to become legal, remained banned, generally under the pretext that they were "supporting terrorism" or had been linked to attempts to overthrow the government.

There were 13 registered political parties, 12 of which the government called "opposition parties"; however, six of these aligned themselves with the PDGE, and others (e.g. CPDS) were called "radical" by the government, meaning confrontational and willing to vote against the president's position. The government claimed that these putative opposition parties were examples of "multiparty democracy"; however, the government inhibited real debates between parties or public criticism of government policies and practices, except within the parliament.

There were 20 women in the 100-member parliament, and six women, including two ministers (labor, and women's issues) in the cabinet.

The government did not overtly limit participation of minorities in politics; however, the near monopolization of political and economic power by the Fang ethnic group, particularly its Mongomo subclan, continued. Of 59 persons appointed to cabinet and sub-cabinet positions, 49 were Fang, seven were Bubi, two were Bisio, and one was Ndowe.

Government Corruption and Transparency

According to the World Bank's Worldwide Governance Indicators, government corruption was a severe problem.

Officials by law must declare their assets, but there were no reports that they ever complied. There was no requirement for an official to divest himself of business interests that were in areas that his agency oversaw. When that was ostensibly done, under international pressure, the divestment generally was only a facade; another family member or associate nominally took over, or a business group was formed that falsely appeared to have no connection to the official.

In September 2006 the prime minister established a hot line, ostensibly for oil companies to use if they had evidence of corruption or were asked to participate in something they viewed as corrupt. It was reportedly used a number of times; the number of formal investigations that may have resulted was not known.

During the year the government made some progress toward meeting the transparency objectives required to join the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries. The government issued a decree ratifying the participation of civil society in the EITI process, and conducted several meetings with NGOs and oil industry representatives. The government established an EITI national coordinator. At year's end, the government continued to pursue its candidacy for full EITI membership.

The law did not provide for public access to government information, and citizens and non-citizens, including foreign media, were generally unable to access government information. A lack of organized recordkeeping, archiving, and public libraries also limited access. However, government officials were more forthcoming with information in the course of the year; for example, using televised public events to convey data on tax and revenue receipts, as well as expenditures.

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

There were few domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights was added in 2005 to those types of NGOs that may organize.

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

The Center for Human Rights and Democracy, although organized as a quasi-independent body, had no independent source of funding or authority other than that given by the government. It received minimal support and at the end of 2005 lost its office space and was relocated inside the Ministry of Justice building. Its role had been primarily advocacy and public sensitization, not investigation or reporting of violations, and its performance remained weak.

Neither the CNDH nor the Center for Human Rights and Democracy were considered effective. Their mandates were not clear, except that the center previously prepared the annual report to the UN High Commissioner for Human Rights presented in Geneva and conducted workshops on human rights and trafficking.

No international human rights NGOs were resident in the country. Unlike in previous years, there were no reports from visiting international NGO representatives that their movements or communications were monitored.

Section 5 Discrimination, Societal Abuses, and Trafficking in persons

The constitution and law prohibit discrimination based on race, gender, religion, disability, language, or social status; however, the government did not enforce these provisions effectively. Violence and discrimination against women, trafficking in persons, discrimination against ethnic minorities, and discrimination against HIV/AIDS victims were problems.

During the year the government staged public campaigns to combat child labor and discrimination and violence against women and persons with HIV/AIDS. Discrimination was based more on ethnicity and party affiliation than other factors.

Women

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

Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence. Spousal abuse is illegal; however, violence within the home remained a problem. The police and judiciary were reluctant to prosecute domestic violence cases. During the year, however, there was an acceleration of public outreach efforts to increase awareness of the issue; the president's wife played a leadership role in those efforts. In addition, the government scheduled construction to begin in 2008 on victims shelters in Malabo and Bata.

Prostitution is illegal. During the second half of the year, the government initiated a major crackdown against prostitution, as part of an effort to improve its performance regarding trafficking in persons. Several prostitutes were detained, and a number of bars and locales in which prostitution was being conducted were fined and closed. Curfews were imposed to thwart such activities, and children were not permitted on the streets in the evening hours unless supervised by a parent.

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

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

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

In rural areas, women largely were confined by custom to traditional roles, particularly in agriculture. Women sometimes experienced discrimination in access to employment, credit, pay for substantially similar work, and business ownership or management. Despite this, the number of successful women entrepreneurs continued to increase during the year.

Children

The government's commitment to children's rights and welfare improved. The government initiated a national vaccination campaign during the year and conducted numerous public outreach campaigns to raise awareness of the importance of education, health, and the rights of children. The first lady established a foundation for women and children and actively participated in these campaigns.

By law education is compulsory, free, and universal through primary school, and the overwhelming majority of children attended school at least through primary grades. Boys were generally expected by their families either to complete an additional seven years of secondary school or to finish a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men.

In September 2006, in cooperation with an extractive industry company, the government began setting up programs for teacher training; it identified a foreign NGO to implement the programs, relocated experts to Malabo and Bata, and imported educational materials. Under the program each party was committed to contribute \$20 million (10 billion CFA francs) to the program over a five-year period; projects were to be implemented beginning January 2008.

Boys and girls had equal access to state medical care that was offered.

Abuse of minors is illegal; however, the government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. No prosecutions for child abuse were reported.

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

Trafficking in Persons

The law prohibits trafficking in persons; however, some trafficking through and to the country was suspected. There were no reliable figures on the number of trafficking victims, but anecdotal evidence indicated the numbers were small. The country was a possible transit point and destination for trafficked persons, including children.

Children, mostly from Benin and Nigeria, were trafficked in the past into the commercial sectors in Malabo and Bata. However, officials have taken measures to remove economic incentives for such trafficking by prohibiting minors from working in markets or other sectors. There was little remaining evidence of trafficking of minors for labor or sexual purposes.

In the past the country was both a destination and a transit point for trafficked girls and boys, mostly from Cameroon, Benin, and Nigeria. Women were reportedly trafficked for sexual exploitation, especially to Malabo. Some Nigerian girls were reportedly trafficked onward to Spain for prostitution.

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

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

The Ministry of Justice was responsible for combating trafficking in persons, and the minister of justice was president of the inter-institutional commission on illegal trafficking of migrants and trafficking of persons.

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

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

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

Persons with Disabilities

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

Educational services for the mentally or physically handicapped were minimal. They were usually provided, if at all, by churches or NGOs. However, the country's school for deaf children, managed by the local Red Cross, was judged by the ICRC to be the best in the region. The country also provided care for the mentally handicapped in the two-year-old Virgin Madre Maria Africa facility. However, there was societal discrimination against such persons.

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

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, security force harassment, and political marginalization of minorities was a problem. The number of illegal residents from Nigeria, Ghana, Cameroon, Mali, Togo, and other African countries grew, despite police attempts to enforce immigration rules. Foreign workers from West Africa and elsewhere were attracted to the country by its growing economy, stimulated by its oil industry.

Differences among subclans of the Fang, especially resentment of the political dominance of the Mongomo subclan, were sources of political jockeying and potential friction. In practice some members of ethnic minorities, particularly of the Bubi ethnic group, faced discrimination, especially when they were not members of the dominant political party.

Other Societal Abuses and Discrimination

Societal stigmatization and discrimination against homosexuals was strong, and the government made no effort to combat it.

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

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to establish unions and affiliate with unions of their choice, without previous authorization or excessive requirements; however, the government placed practical obstacles before groups wishing to organize. Most often, those seeking to organize were co-opted into existing party structures by means of pressure and incentives. The Union Organization of Small Farmers continued to be the only legal operational labor union. According to the International Trade Union Confederation, the authorities continued to refuse to register the Equatorial Guinea Trade Union. The law stipulates that a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation. Authorities refused to legalize the Independent Syndicated Services, a public sector union, despite its having met the requirements of the law.

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

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, but the government did not protect this right in practice. Workers were effectively prohibited from striking. On rare occasions workers engaged in temporary protests or "go slows" (work slowdowns and planned absences).

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

Workers rarely exercised their right to strike in part because they feared losing their jobs and possible harm to themselves or their families.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Prohibition of Child Labor and Minimum Age for Employment

While no comprehensive child labor law has been passed, in practice a series of decrees and resolutions forms the basis for effective government action. The 2004 law against trafficking provides that persons found guilty of illegally forcing a minor to work may be punished with a fine from approximately \$100 to \$500 (50,000 to 250,000 CFA francs); however, child labor sometimes occurred, generally the selling of small items on the street or in markets. Radio news reported that some parents of working children were forced to pay this fine as examples.

The legal minimum age for employment is 14 years. In most cases children also went to school, girls through primary school and boys through middle school. The employment of children is prohibited in street vending, car-washing, or in bars and restaurants.

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

e. Acceptable Conditions of Work

Enforcement of labor laws and ratified international labor agreements was not effective, resulting in poor working conditions. Construction safety codes, for example, were not enforced. Most petroleum companies, on the other hand, exceeded international safety minimum standards.

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

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

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