

EQUATORIAL GUINEA

EXECUTIVE SUMMARY

Equatorial Guinea is nominally a multiparty constitutional republic. Since a military coup in 1979, President Obiang Nguema Mbasogo dominated all branches of government in collaboration with his clan and his political party, the Democratic Party of Equatorial Guinea (PDGE). In 2009 voters reelected President Obiang with a claimed 95.37 percent of votes cast. The lopsided results and weak independent monitoring of the electoral process raised suspicions of systematic vote fraud. Foreign diplomatic observers noted numerous irregularities and the presence of military personnel at all voting stations. There were instances in which elements of the security forces acted independently of civilian control.

Major human rights abuses reported during the year included a disregard for the rule of law and due process, denial of basic political rights including freedom of speech and press, and widespread official corruption.

Other human rights abuses included: inability of citizens to change their government; arbitrary arrest, detention, and incommunicado detention; poor conditions in prisons and detention facilities; harassment and deportation of foreign residents with limited due process; constraints on judicial independence; official corruption at all levels of government; restrictions on the right to privacy; restrictions on freedoms of assembly, association, and movement; violence and discrimination against women; trafficking in persons; discrimination against ethnic minorities; and restrictions on labor rights.

The government did not take steps to prosecute or punish officials who committed human rights abuses and itself committed such acts with impunity. It did not maintain effective internal or external mechanisms to investigate security force abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

There were no further developments, and none were expected, in the August 2010 summary executions of four former military officers.

There were no further developments, and none were expected, in the December 2009 killing of a Malian immigrant, Bakary Konate, by uniformed men at a checkpoint in Bata after he failed to pay a bribe.

b. Disappearance

Unlike in the previous year, there were no reports that the government or its agents carried out politically motivated abductions or kidnappings.

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

While the law prohibits such practices, security officials abused persons during the year. Police officers and military personnel occasionally used excessive force to gather information about an individual's suspected crimes. Opposition leaders and international nongovernmental organizations (NGOs) continued to criticize the "government for its systematic use of torture," but there were no reliable reports that torture occurred.

No action was taken during the year against security officials at Black Beach Prison who reportedly tortured four former military officers until they confessed to the 2009 attack on the presidential palace.

Foreigners, primarily irregular immigrants from other African countries, were harassed, intimidated, and arbitrarily arrested and detained. Foreign diplomats, primarily those from African countries, also complained that police harassed and abused them and their family members, even after the victims displayed their diplomatic documents.

Prison and Detention Center Conditions

Conditions in police station jails and other detention centers were harsh and sometimes life threatening. The government recently renovated three prisons in Bata, Evinayong, and Malabo, and while conditions improved, they remained inadequate. It was unknown if any prisoners or detainees died in prison or pretrial detention centers. Holding cells were overcrowded and dirty, and prisoners and detainees rarely had access to medical care, exercise, or mattresses. Provisions for

sanitation, ventilation, lighting, and access to potable water were inadequate. Diseases, including malaria and HIV/AIDS, were serious problems. The government provided medical care to some prisoners and detainees, but this access was not routine. The government began providing basic meals in the three main prisons and some holding centers, but it was generally insufficient and of poor quality. Food often had to be provided by families of prisoners or detainees or by fellow prisoners and detainees, and authorities restricted access to potable water. Some prisoners and detainees did not have access to toilets.

Detained undocumented immigrants pending deportation were held in police cells for lengthy periods. Foreign embassies reported that the government did not contact them when nationals were arrested and that at times legal immigrants were arrested with undocumented immigrants. For example, police rounded up several dozen Africans in Malabo in late May, accused them of having falsified papers, detained them at the Central Police Headquarters in Malabo, and released them a few days later after intervention by diplomats.

Although there were no reliable statistics on the total number or breakdown of prisoners in detention, the government-run news media reported that 269 prisoners were in the country's largest prison, Black Beach. Opposition sources claimed that approximately 15 of the 269 were women. No breakdown was available for juveniles or for the remaining two prisons, 12 detention centers, and other holding cells.

Female prisoners generally were separated from male prisoners, but juveniles were not separated from adults. Juveniles generally were imprisoned for only the most serious crimes; otherwise, they were given "provisional liberty" in some cases and monitored. Pretrial detainees were held together with convicted prisoners. Opposition sources reported that one child under the age of two was held while his mother was imprisoned.

In most cases prisoners had reasonable access to visitors and were permitted religious observances. The government appointed a local judge to serve as ombudsman to hear complaints about sentencing, but in general authorities did not permit prisoners and detainees to submit complaints to judicial authorities or to request investigation.

On March 29-30, Attorney General Carlos Mangué Elunku met with 90 percent of inmates in Black Beach Prison to determine their dates of imprisonment, legal situation, sentencing dates, and state of health.

Neither the judicial system nor police had a fully effective system to register cases or track prisoners. Prisons provided the Ministry of Justice with a monthly printout of prison inmate numbers, including releases, with full names, sentences completed, and release dates. However, the lists were not always reliable.

On January 25, the government signed a headquarters agreement with the International Committee of the Red Cross (ICRC) giving the international organization a permanent presence in the country. In October the regional ICRC representative met with the president, the local Red Cross, and other officials to discuss the logistics and staffing of the new headquarters. By year's end the ICRC had not requested to visit the local prisons.

In March the attorney general appointed a local judge as ombudsman for inmate complaints about sentencing. The government did not consider matters such as alternatives to incarceration for nonviolent offenders.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, security forces arrested or detained persons arbitrarily and without due legal process. Both police and gendarmes frequently ordered arrests and detentions without legal authorization.

Role of the Police and Security Apparatus

The police generally are responsible for security in the cities, while gendarmes are responsible for security outside the cities and for special events; both report to the minister of national security. Military personnel, who report to the minister of defense, also fulfilled police functions in border areas, sensitive sites, and high-traffic areas. In addition there were police elements within the ministries of interior (border and traffic police), finance (customs police), and justice (investigative/prosecuting police). Presidential security officials also exercised police functions in the vicinity of the president and presidential facilities. Foreign contractors continued to work with the government to consolidate and organize security structures within the country.

Corruption and impunity continued to be problems. Security forces extorted money from citizens and immigrants at police checkpoints. There was no internal investigation unit within the police, and mechanisms to investigate allegations of abuse were poorly developed. However, the Ministry of National Security

reported that it was required to appear before the legislature to provide responses about abuses committed by individual police officers and that police officers were dismissed as a result.

The Ministry of National Security and the Ministry of Defense did not maintain effective control over security forces, and security forces sometimes committed abuses with impunity. The government did not maintain effective internal or external mechanisms to investigate security force abuses.

The government continued to invest in the professionalization of its security forces. In January six military officers attended an international humanitarian law training session funded by the ICRC in Congo-Brazzaville. In August the first naval cadets of the new regional naval academy graduated; the academy is the first international naval academy on African soil and seeks to become a regional center of excellence. Cadets from Equatorial Guinea and 10 other African countries were being trained to perform various technical positions, which will professionalize the military and support efforts to combat human trafficking.

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

Arrest Procedures and Treatment While in Detention

Although the constitution requires arrest warrants, except in cases in which a suspect is caught committing a crime, the government frequently arrested persons without a warrant. A detainee has the right to a judicial determination of the legality of the detention within 72 hours of arrest, excluding weekends and holidays, but detentions were often longer, occasionally several months.

Although the law provides for detainees to be informed promptly of the charges against them, authorities did not respect this right in practice. Some foreign detainees complained they were detained and subsequently deported without knowledge of the charges against them. While a bail system and public defenders were supplied by the bar association, which received funding from the government, and were available upon request, the public largely was unaware of either, and

neither system operated effectively. Detainees, particularly political detainees, occasionally were denied access to lawyers.

The law provides for family visits and prohibits incommunicado detention. In practice prisoners and detainees were sometimes allowed family visitors at the discretion of the local police chief.

Arbitrary Arrest: Lawyers did not have access to police stations and could not contact detainees while they were held there; police superintendents when interviewed stated they did not see the need for or advisability of such access. Police raids on immigrant communities, local stores, and restaurants increased in the period preceding the African Union Summit in June. Reliable sources reported that many legal as well as irregular immigrants were abused, extorted, or detained during such raids. Police occasionally used excessive force to detain and deport detainees, and almost all foreign embassies in the country criticized the government during the year for its harassment, abuse, extortion, and detention without representation of foreign nationals. Many detainees complained about the bribes required for release from detention.

There were several reports of international businessmen being arbitrarily detained in conjunction with business disputes.

Several members of the largest opposition political party, the Convergence Party for Social Democracy (CPDS), were arrested, briefly detained, and released. They included Juan Manuel Nguema Esono, the national secretary of youth of the CPDS, and another party member, Vicente Nze, on April 25 and Marcial Abaga Barril, campaign manager, on November 2.

The government arbitrarily detained a foreign camera crew briefly during the year (see section 2.a.).

Pretrial Detention: Lengthy pretrial detention remained a problem, and many of those incarcerated were pretrial detainees; the exact number was unavailable. Although prison authorities provided monthly lists of prisoners and detainees to the Ministry of Justice, such lists were not reliable. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

Amnesty: On June 4, the government pardoned 22 prisoners serving long jail terms and convicted of plotting against the regime. Those released included five members of the banned Partido Popular de Guinea Ecuatorial who were convicted

of involvement in the 2004 plot to overthrow the government. Two were former army officers who had turned against the regime. The remaining freed prisoners were former soldiers, convicted in 2004 by a summary military tribunal and sentenced to 10 to 20 years in prison for conspiring with former army colonel Cipriano Nguema Mba to overthrow the government. Also pardoned were Florencio Ela Bibang and Antimo Edu Nchama, who were specifically named by the 2008 UN Working Group on Arbitrary Detentions.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the government did not respect this provision in practice, and the judiciary was not independent, according to UN officials and local and international human rights advocates. Judges 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.

The military justice system, based entirely on the 1945 system in Franco's Spain, did not provide defendants with the same rights as the civil criminal court system. 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. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public, and the defendants do not have a right of appeal to a higher court. According to the UN Working Group on Arbitrary Detention, "judges and defenders in military courts were not lawyers or jurists, but military officials with no legal training."

Tribal elders adjudicated civil claims and minor criminal matters in traditional courts in the countryside. These adjudications were conducted according to tradition and did not afford the same rights and privileges as the formal system. Those dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures

Although by law a defendant enjoys the presumption of innocence until proven guilty, the government suspended due process and the presumption of innocence

for several detainees during the year. Most trials for ordinary crimes were public, but juries were seldom used. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys unless they could afford private counsel. An accused person who cannot afford a lawyer is entitled to ask the government to provide one, but only if the accused is summoned to appear in court, and defendants were not routinely advised of this right. The country's bar association was available to defend indigent defendants, but there remained a shortage of lawyers, and there continued to be no effective system of court-appointed representation. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence. This right was seldom enforced in practice. Defendants do not have the ability to access government-held evidence. By law the accused has the right to appeal, but legal appeals were not common due to lack of adequate legal representation and ignorance of constitutional rights. The law extends these rights to all citizens.

Political Prisoners and Detainees

In June the government pardoned and released the remaining 22 political prisoners.

Civil Judicial Procedures and Remedies

Civil matters can be settled out of court, and in some cases tribal elders adjudicated local disputes. Courts increasingly were engaged in ruling on civil cases brought before them, some of which involved human rights complaints.

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

The constitution and law prohibit such actions, but the government often did not respect these prohibitions in practice. Security forces entered homes without authorization and arrested criminals, foreign nationals, and others--often without required judicial orders (which are not required for certain officials to enter and search homes)--and confiscated their property with impunity.

Government informers reportedly monitored opposition members, NGOs, and journalists. The government blocked employment of known members of opposition parties.

Individuals may hold property title to land, but the state has full power of eminent domain, which it has exercised in the interests of development. In past years scores of families were forcibly evicted from their homes to make room for roads

and housing developments, especially in Malabo and Bata. The local Red Cross, Catholic Church, human rights lawyers, and opposition members expressed concerns about the displacement of poor communities in the prior year. No reports of displacement were received during the year.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Although the constitution and law provide for freedom of speech and press, the law grants extensive powers to authorities to restrict the activities of the media, and the government continued to limit these rights in practice. The country's media remained weak and under government influence or control. Journalists were subject to surveillance and practiced self-censorship.

Freedom of Speech: While criticism of government policies was allowed, individuals generally could not criticize the president, his family, other high-ranking officials, or the security forces without fear of reprisal. The government reportedly attempted to impede criticism by continuing to monitor the activities of the political opposition, journalists, and others.

Freedom of Press: Print media outlets were extremely limited. In December 2010 the Ministry of Information approved *El Lector*, an independent newspaper that appeared at infrequent intervals throughout the year. Starting a new periodical required a complicated process governed by an ambiguous law and was often inhibited by government bureaucracy. In addition, with the exception of journalists covering the African Union Summit in June, accreditation was cumbersome for both local and foreign journalists, who had to register with the Ministry of Information. International newspapers or news magazines were generally not available in rural areas but were sold in grocery stores and hotels in Malabo and Bata.

Only one international news agency had a regular stringer present in the country, and government agents reportedly followed and observed stringers for foreign media, who generally were not able to operate freely in the country. The government owned the only national radio and television broadcast system, RTVGE. The president's eldest son owned the only private broadcast media.

Satellite broadcasts were widely available, including the French language Africa24 television channel that occasionally carried opposition criticism.

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

Violence and Harassment: On June 18, security officials briefly detained a German television crew covering women's soccer and required the crew to delete previously recorded footage on social conditions.

Censorship or Content Restrictions: The law allows the government considerable authority to restrict press activities through official prepublication censorship. The law also establishes criminal, civil, and administrative penalties for violation of its provisions, in particular when it comes to violations of the 19 "publishing principles" in article 2 of the Law on the Press, Publishing, and Audiovisual Media. International news reported that Juan Pedro Medene, a French language social program host, was terminated from his position on local television for mentioning Libya on a cultural show; however, the events of North Africa were widely discussed on radio, television, and in the newly approved independent newspaper, *El Lector*.

Libel Laws: Libel is a criminal offense, but there were no instances of the government using such laws to suppress criticism during the year.

Actions to Expand Press Freedom

The government approved the establishment of an independent newspaper that was published infrequently throughout the year.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail. Most overt criticism of the government came from the country's community in exile, and the Internet replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked, and some Internet-based criticism of the government and its leaders was openly sourced without negative repercussions to individuals living inside the country.

Academic Freedom and Cultural Events

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

On March 8, the government canceled all International Women's Day celebrations in the mainland city of Bata because of rumors of planned demonstrations by opposition groups.

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly; however, the government restricted this right, largely through limits on freedom of association, which made it difficult for organizations that had not gained legal authorization to operate and hold meetings legally. Although the government formally abolished permit requirements for political party meetings within party buildings, it denied requests by opposition parties to hold meetings outside of their meeting spaces.

On August 1, the government denied a request by the legally recognized Popular Union party to hold meetings in public buildings because "it was not during an election campaign." The government required notification for public events such as meetings or marches. According to foreign donors and members of local civil society groups, in light of coup attempts in recent years, the government continued to view some informal meetings by associations as security threats.

Freedom of Association

The constitution and law provide for freedom of association, but the government significantly restricted this right in practice. All political parties, labor unions, and other associations must register with the government. As of year's end, only one labor organization had been registered (see section 7). The law prohibits the formation of political parties along ethnic lines, and several political parties remained banned. The registration process for NGOs was costly, burdensome, opaque, and sometimes took years to complete. However, there were no government restrictions that targeted specific groups.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

In-country Movement: Police at roadblocks routinely checked passing travelers and occasionally engaged in petty extortion. Frequent roundups of undocumented immigrants also occurred at roadblocks. The government claimed roadblocks impeded illegal immigration, mercenary activities, and attempted coups. The number of roadblocks increased in the period preceding the June African Union Summit.

Exile: While the law prohibits forced internal or external exile, members of banned opposition parties stated that the government would prevent them from leaving the county if they attempted to do so. Several members of banned political parties remained in self-imposed exile.

Internally Displaced Persons (IDPs)

Unlike in the previous year, there were no reports that the government forcibly evicted families from their homes to make room for roads and luxury housing developments.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees.

Nonrefoulement: In practice the government provided some protection against the expulsion or return of persons to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. Reliable statistics were not available on the number of such refugees.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees. Reliable statistics were not available.

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, although this right was extremely limited, partly as a result of the dominance of the ruling PDGE party.

Elections and Political Participation

Recent Elections: In 2009 President Obiang was reelected, winning a claimed 95.37 percent of votes cast; opposition candidate Placido Mico of the CPDS won 3.55 percent of the vote. The lopsided results and weak independent monitoring of the electoral process raised the suspicion of systematic voting fraud. The government's insistence on coordinating the movement of election observers, prohibition on criticism of the elections, and control of media access to cover the elections limited the participation of international election observers at the 1,289 polling stations. Procedural irregularities at some polling stations included multiple voting, failure to respect secrecy of the vote, and the absence of a posted list of registered candidates. At some stations family voting was allowed,

unregistered voters were allowed to vote, and ballot boxes were unsealed. Soldiers were deployed to all polling stations.

In October 2009 President Obiang announced the election would be on November 29, with campaigning to begin officially on November 5. According to Human Rights Watch, the tight election timetable and the government's refusal to make the voter rolls public severely limited the opposition's ability to campaign and win support. The voter registration process was seriously flawed. The registration committee was composed primarily of PDGE members and routinely decided issues in favor of the PDGE. When registering a PDGE member, the committee registered all members of the family as PDGE voters, including children. Persons who were dead or underage were included as PDGE registrants.

No independent and impartial body existed to oversee the electoral process or consider election-related complaints. The National Electoral Commission, which was separate from the voter registration committee and charged with ensuring the fairness of the elections and handling formal post-election complaints, was controlled by the ruling party and headed by the interior minister, a prominent member of the party. While its membership included a representative of each political party that fielded candidates, it also included representatives from the government and lacked civil society representation. In addition, a majority of its members were ruling party officials. The opposition CPDS party claimed that one of its electoral officials was forced with a pistol held to his head to approve a vote count.

Opposition party members and candidates operated at a significant disadvantage when attempting to gain voter support. On the whole, opposition parties and their candidates were poorly organized, inadequately financed, and unsupported by the public. Several peaceful political parties banned in recent years were not allowed to participate in the elections. The government denied the opposition equal access to the media. Opposition members and leaders also claimed the government monitored their activities.

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

Political Parties: The ruling PDGE party ruled through a complex arrangement built around family, clan, and ethnic loyalties. Indirect pressure for public employees to join the PDGE continued. Opposition party members continued to

report they had been discriminated against in hiring, job retention, scholarships, and obtaining business licenses. Opposition members contended government pressure precluded them from obtaining jobs with foreign companies. Opposition party members claimed businesses found to have hired employees with direct links to families, individuals, parties, or groups out of favor with the government often were forced to dismiss those employees or face reprisals.

On January 27, the government appointed four deputy prime ministers from opposition parties. At least two serving ministers were also from the opposition.

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

The president exercised strong powers as head of state, commander of the armed forces, head of the judiciary, and founder and head of the ruling party. In general, leadership positions within government were restricted to the president’s party or the coalition of “loyal opposition” parties. On November 13, the government held a popular vote on a constitutional referendum to limit the president to two seven-year terms and create a vice president, a second chamber of the legislature, an anticorruption body, and a “Defender of the People” to serve as a human rights ombudsman. The referendum passed with 97.7 percent support. The margin of the positive vote and the lack of any credible oversight of the voting process raised doubts about the legitimacy of the referendum. International NGOs and local opposition parties claimed that the process was marred by reports of voting fraud, harassment of opposition supporters, and intimidation of voters. There were scattered confrontations between regime authorities and opposition activists in the continental city of Bata.

Because the ruling party overwhelmingly dominated the commissions established to review electoral practices and recommend reforms, few changes were made.

Participation of Women and Minorities: The government did not overtly limit participation of minorities in politics; however, the predominant Fang ethnic group, estimated to constitute more than 85 percent of the population, continued to exercise strong political and economic power. Women constituted more than 10 percent of the 100-member parliament, including its vice president. There were two women in the 22 member cabinet, and four of the 24 vice ministers were women.

Section 4. Official Corruption and Government Transparency

While laws provide severe criminal penalties for official corruption, the government did not implement these laws effectively, and officials frequently engaged in corrupt practices with impunity, making corruption a severe problem. The presidency and prime minister's office were the lead agencies for anticorruption efforts. At the same time, the president and members of his inner circle continued to amass personal fortunes from the revenues associated with oil exports.

In February the president removed several high-level government officials from their offices due to corruption.

On September 28, French judges in Paris seized 11 luxury vehicles owned by the president's son and Minister of Agriculture and Forestry Teodoro Nguema Obiang Mangue due to a continuing investigation into suspected concealment and laundering of embezzled public funds abroad. The investigation began in 2010 as a result of a complaint filed by Transparency International France in 2008.

In October a foreign government filed two civil forfeiture complaints against Teodoro Nguema Obiang Mangue to recover \$70.8 million in real and personal property alleged to be proceeds of foreign corruption offenses.

Officials by law must declare their assets, although no declarations were made public. There was no requirement for officials to divest themselves of business interests in potential conflict with official responsibilities and no law prohibiting conflict of interest. Most ministers continued to moonlight and conduct businesses they conflated with their government responsibilities.

In May the government announced its intention to renew its candidacy in the Extractive Industries Transparency Initiative (EITI), a multinational civil society initiative to encourage transparency and accountability in extractive industries. The country had been delisted as a candidate country in April 2010 because of lack of consensus among EITI board members on whether there were extenuating circumstances that would allow the country an extension to complete all EITI requirements.

The law does not provide for public access to government information, and citizens and noncitizens, including foreign media, generally were unable to access

government information. A lack of organized record keeping, archiving, and public libraries also limited access to government information.

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

The law restricts NGO activity, and the few existing domestic human rights NGOs focused on development issues involving social and economic rights, such as health and elder care. Although the law includes human rights among the areas in which NGOs may operate, no NGO reported publicly on the abuse of civil or political rights by the government or on official corruption. Thus, there were no local groups dedicated to human rights; rather, there were groups that ostensibly worked on human rights as part of their overall brief. The government was suspicious of human rights activity, claiming that much of it was prompted by antiregime exile groups and critical foreign NGOs.

UN and Other International Bodies: The government cooperated to varying degrees with international organizations such as the ICRC and UN. In January the government signed a headquarters agreement with the ICRC and began preparations to open a headquarters (see section 1.c.).

Government Human Rights Bodies: The parliamentary committee for complaints and petitions provided a forum for the public to register concerns and was active during the year. The committee accepted complaints and petitions whenever the parliament was in session. This committee is to be upgraded into an independent “Defender of the People” office, which was approved as part of the November 13 constitutional reform package. The sole opposition member in parliament vociferously and publicly denounced abuses.

The primary official in charge of human rights, the third vice prime minister for human rights, functioned more to defend the government from accusations than to investigate human rights complaints or keep statistics on such issues

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, or religion, language, or social status, but the government did not enforce these provisions effectively. Nonetheless, numerous public outreach efforts were undertaken to improve public awareness of the issues associated with violence and discrimination

against women and children, discrimination against ethnic minorities, and discrimination against those with HIV/AIDS.

Women

Rape and Domestic Violence: Rape is illegal, and penalties date to the Spanish colonial-era penal code in existence as of 1968. Spousal rape is not specified in the law. Penalties for rape include 12 to 20 years in prison. An additional fine may be levied, but the law does not specify the amount. The government did not enforce the law effectively. Reporting rape was considered shameful to the families involved. Several cases were prosecuted in court during the year, but the exact number was not known.

Domestic violence was a widespread problem. Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. Depending on severity and circumstances, the penalty for assault can range from one to 20 years' imprisonment. Police and the judiciary were reluctant to prosecute domestic violence cases. In conjunction with international organizations, the government conducted public awareness campaigns on women's rights and domestic violence. In accordance with a 2009 law, family courts were created to deal with cases of violence against women; however, domestic violence cases continued to be handled by district courts. On occasion, police organized workshops on family violence, and public marches against violence against women were authorized.

Female Genital Mutilation (FGM): FGM is not criminalized, but it was not traditionally practiced in the country. No data existed to determine the possible practice, if any, of FGM among immigrant groups.

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

Reproductive Rights: The government did not interfere with the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the UN Population Fund (UNFPA), less than 10 percent of the population used contraceptives. Statistics on maternal health, prenatal care, essential obstetric care, and postpartum care were dated and unreliable. In July the government launched a series of demographic and health surveys to provide accurate statistics including maternal mortality

ratios. In September the Regional Director for Africa at the World Health Organization stated that Equatorial Guinea was one of seven countries on track to achieve its Millennium Development Goal to reduce maternal mortality. Government officials and international observers attributed this decline to government and private-sector efforts to reduce malaria and improved care in hospitals. Some prenatal and obstetric care was free in government clinics, but availability and quality was highly variable, and access was limited mostly to the two main cities. Women and men were equally diagnosed and treated for sexually transmitted infections.

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

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

The government continued to provide courses, seminars, conferences, and media programs to sensitize the population and government agencies to the needs and rights of women. The Ministry of Social Affairs and the Promotion of Women held several events during the year to publicize these rights and held public rallies for women's rights and against domestic violence.

Children

Birth Registration: Citizenship is derived from one's parents. Registration of births is the responsibility of the parents, and failure to register a child can result in the denial of public services.

Education: Education is free and compulsory until age 13. The overwhelming majority of children attended school at least through primary grades. Boys generally completed an additional seven years of secondary school or attended a program of vocational study after primary education. For many girls in rural settings, however, early pregnancy or the need to assist at home limited educational opportunities, and women generally attained lower educational levels than men. During the year the government continued to partner with a foreign oil company to undertake a multimillion dollar school renovation program and work with a foreign country to reform outdated curriculum materials.

Child Abuse: Abuse of minors is illegal; however, the government did not enforce the law effectively, and child abuse occurred. Physical punishment was the culturally accepted method of discipline. During the year a small number of cases in which child abuse was alleged came before the courts.

Child Marriage: While teenage pregnancies were common, the Ministry of Social Affairs and the Promotion of Women operated several programs to deter child marriage. There is no minimum age for marriage.

Sexual Exploitation of Children: The law does not address child prostitution or child pornography. There was little evidence children engaged in prostitution for survival, and the country is not a destination for child sex tourism. The minimum age for sexual consent is 18.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

Educational services for persons with mental or physical disabilities were limited. The local Red Cross, with financial support from the government, managed the country's school for deaf children. The government, through the Ministry of Social Affairs, and the Catholic Church worked together to provide care for persons with mental disabilities in the Virgin Madre Maria Africa facility. The country's first lady gave several highly publicized donations to help persons living with disabilities.

Although not written into the law, the Ministry of Education and the Ministry of Health worked to protect the rights of persons with disabilities. Public service announcements regarding rights of persons with disabilities continued to be broadcast.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal; however, societal discrimination, harassment by security forces, and political marginalization of minorities were problems. Foreigners were often victimized. Undocumented residents from Nigeria, Ghana, Cameroon, Mali, Togo, Gabon, and other African countries represented a significant portion of the labor force and continued to grow, despite police attempts to enforce immigration laws. Foreigners routinely were stopped at checkpoints and asked to provide documentation.

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

There are no laws criminalizing sexual orientation; however, societal stigmatization and traditional discrimination against gay men and lesbians was strong, and the government made little effort to combat it.

Other Societal Violence or Discrimination

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

campaigns to increase awareness of health risks, availability of testing, and the importance of practicing safe sex.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to establish unions, affiliate with unions of their choice, bargain collectively, and engage in strikes. The law also allows unions to conduct activities without interference. The Union Organization of Small Farmers continued to be the only legal operational labor union. Authorities continued to refuse to register the Equatorial Guinea Trade Union or recognize other existing unions. The law stipulates a union must have at least 50 members from a specific workplace to register; this rule effectively blocked union formation.

In practice the government placed practical obstacles before groups wishing to organize and did not protect the right of unions to conduct their activities without interference. Most often those seeking to organize were co-opted into existing party structures by means of pressure and incentives. Workers rarely engaged in strikes, in part because they feared losing their jobs and possible harm to themselves or their families. On several occasions during the year, both local and foreign workers engaged in temporary protests or “go slows” (work slowdowns and planned absences), which were resolved peacefully by Labor Ministry officials through negotiations and fines on employers.

There were few reports of organized, collective bargaining by any group; however, the Ministry of Labor mediated labor disputes. Dismissed workers, for example, could appeal to the ministry, first through their regional delegate, but there was little trust in the fairness of the system. Citizens have the right to appeal Labor Ministry decisions to a special standing committee of the parliament established to hear citizen complaints regarding decisions by any government agency.

There is no law prohibiting antiunion discrimination, and there were no reports it occurred.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. According to UN and other sources, there was no evidence of forced labor by adults.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 14 from working and provides that persons found guilty of illegally forcing a minor to work may be punished with a fine of approximately 50,000 to 250,000 CFA francs (\$98 to \$490). Children younger than age 16 are prohibited from participating in work that may endanger their health, security, or morals. A limited number of children were recruited and transported from nearby countries, primarily Nigeria, Benin, Cameroon, and Gabon, and forced to work as domestic servants, market laborers, and ambulant vendors. Children involved in street work sold food, water, and clothes; transported water; and washed cars. Young women ages 15 to 18 reportedly were involved also in transactional sex, particularly girls studying in urban centers such as Malabo and Bata. There was no reliable data available on the extent of child labor, although observers believed it was not a major problem.

Law enforcement officials were stationed in market places, where they enforced laws prohibiting minors from working. Vendors who violated these laws could be forced to close down their stalls, heavily fined, or deported. No vendors were prosecuted during the year. During a recent campaign, the government asked guardians of foreign children to provide parental proof. All children had documentation, although the government suspected that some of the papers were forgeries. The government did not provide social services to children found working in markets. In general there was greater attention to local children, focusing on concern that they be in school; foreign children, mostly street vendors, were treated like foreign adults.

The Ministry of Labor is responsible for enforcing child labor laws, but inspectors focused mainly on the construction industry, not street vending.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

In September the government increased the monthly minimum wage from 95,400 CFA francs (\$188) to 129,035 CFA francs (\$255) for all workers in the country. Many formal-sector companies paid more than this, but workers in the informal

sector and domestic workers were not covered under the minimum wage law. The law exempts domestic workers, except those working for business executives, and those working within the family or the informal sector from the minimum wage law. By law hydrocarbon industry workers received salaries many times higher than those in other sectors, worsening disparities within society and fueling inflation for some goods and services. The Ministry of Labor is responsible for enforcing minimum wage rules.

The Department of Labor employed approximately 100 labor inspectors who performed labor inspections and cited companies for violations. Enforcement of labor laws and ratified international labor agreements, however, were not effective, resulting in poor working conditions. Safety codes, for example, were not generally enforced. Most petroleum companies, on the other hand, exceeded minimum international safety standards.

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

The law provides for protection of workers from occupational hazards, but the government did not effectively enforce this provision. The law does not provide workers with the right to remove themselves from situations that endangered health or safety without jeopardizing their continued employment. The law does not provide for any exception for foreign or migrant workers. The Department of Labor does not publish the results of its inspections. There were a growing number of foreign workers in the construction industry who may be exposed to hazardous conditions. Violations may include long working hours and insufficient safety gear.