

EQUATORIAL GUINEA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Equatorial Guinea is nominally a multiparty constitutional republic. Since a military coup in 1979, President Teodoro Obiang Nguema Mbasogo has dominated all branches of government in collaboration with his clan and political party, the Democratic Party of Equatorial Guinea (PDGE), which he founded in 1991. In April 2016 President Obiang received a claimed 93.7 percent of the vote in an election that was considered neither free nor fair.

On November 12, the country held legislative and municipal elections that lacked independent domestic or international monitoring and verification of the voter census, registration and the tabulation of ballots. The ruling PDGE party and its 14 coalition parties won 92 percent of the vote taking all 75 Senate seats, 99 of 100 seats in the lower chamber, and all except one seat in municipal councils. The voter registration process was not transparent or independently monitored by domestic or international observers. The government restricted media access to the opposition and blocked access to social media and opposition websites during the electoral campaigns. Official observer communication was restricted on the day of the elections by a shutdown of the internet. EU and diplomatic observers noted numerous irregularities at monitored polling stations.

Civilian authorities did not maintain effective control over the security forces.

The most significant human rights issues included: police and military personnel use of excessive force and torture, including deadly force against political opponents; severe conditions in prisons and detention facilities, including abuse of inmates; disregard for rule of law, including arbitrary arrest and incommunicado detention; the use of internal exile against political opponents; restrictions on rights to privacy and internal movement; denial of freedoms of press, assembly, and association; the inability of citizens to choose their government in free and fair periodic elections; widespread official corruption; violence against women, including rape, with limited government action to investigate or prosecute those responsible; harassment and deportation of foreign residents without due process; trafficking in persons; and forced labor.

The government took few steps to prosecute or punish officials who committed abuses, whether in the security forces or elsewhere in the government, and impunity was a serious problem.

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports the government or its agents committed arbitrary or unlawful killings. For example, on June 17, a security official shot and killed Jose Vidal Ndong Micha for allegedly failing to stop at a military checkpoint. The security official claimed he intended to threaten the driver but his gun's safety was not in place and the weapon fired. Following the incident, Secretary of State for National Security Aquilina Evuna warned the public that persons failing to stop at military checkpoints and to obey security officials risked being shot and killed.

b. Disappearance

Unlike in prior years, there were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, but traffic police and military personnel used excessive force during traffic stops, house-to-house searches, and interrogations, sometimes including sexual assault, robbery, and extortion. Police and security forces also tortured opposition members.

For example, in November 2016 two military members stopped and brutally beat Joaquin Elo Ayeto, a member of the Executive Commission of opposition party Convergence for Social Democracy (CPDS). Prior to the beating, Elo posted a picture of one of the two officers on the internet and commented that the officer had refused to pay a road toll. On December 1, Elo filed a complaint against the officers. On December 5, when he checked on the status of his complaint, he was detained by police and held without charge at Black Beach prison for two weeks.

Police beat and threatened detainees to extract information or force confessions.

Police also detained and threatened foreign businessmen and diplomats. For example, in July a traffic police officer stopped a prominent member of the foreign business community to check his registration, removed the man from his car, and

beat him until he collapsed for refusing to pay a bribe. Authorities took no disciplinary action against the officer, who continued to operate checkpoints at year's end. In August a military member stopped a foreign diplomat while she was visiting a tourist site in Malabo and demanded money. The diplomat declined to pay a bribe; the military member did not impede her departure.

Authorities routinely harassed, intimidated, arbitrarily arrested, detained, and deported foreigners--primarily African immigrants--without due process (see section 2.d.).

Military personnel sexually assaulted and beat women, including at checkpoints. Senior government officials took no steps to address such violence and were sometimes implicated in the violence themselves.

Prison and Detention Center Conditions

Conditions in the country's three prisons and 12 police station jails were harsh and life threatening due to abuse, overcrowding, disease, inadequate food, poorly trained staff, and lack of medical care.

Physical Conditions: In 2016 there were approximately 475 adult male inmates and 25 adult female inmates in police station jails; no data were available on the number of inmates in prisons. Six inmates were incarcerated due to mental disabilities. There was no information available on the number of juvenile detainees.

Men, women, and minors had separate sleeping quarters and bathrooms but shared a common area for meals. Pretrial and convicted prisoners were incarcerated separately, although they shared a common area.

Lawyers and others who visited prisons and jails reported serious abuses, including beatings.

Prison cells were overcrowded, dirty, and lacked mattresses. Inmates rarely had access to exercise. Diseases including malaria, typhoid, tuberculosis, hepatitis C, and HIV/AIDS were serious problems. Authorities sporadically provided a limited number of prisoners and detainees with medical care as well as basic meals, but the food was generally insufficient and of poor quality. Ventilation and lighting was not always adequate.

Statistics on prisoner deaths were unavailable; the Ministry of Justice, Worship, and Penitentiary Institutions reported two deaths in 2015, one from malaria and one from HIV/AIDS.

The Ministries of Justice and National Security operate civilian prisons on military installations, with military personnel handling security around the prisons and civilians providing security and other services within the prisons.

Conditions in jails and detention centers were harsh. Authorities beat citizen and foreign inmates on their hands and feet, and did not provide medical care. Police station jails were often overcrowded, particularly when police conducted sweeps of primarily African foreigners to identify and deport irregular migrants. In the Central Police Station, located inside the Ministry of Interior compound, authorities held men, women, and children together. Water from rain and overflowing toilets often soaked into the bedding of detainees. Up to 30 detainees shared one toilet facility that lacked toilet paper and a functioning door. Rodent infestations were common.

Jails did not provide food to detainees, but authorities generally allowed families and friends to deliver meals twice daily, although police did not always pass on the food to detainees. Visitors had to pay guards small bribes to see detainees and to provide them with food.

Administration: Authorities did not investigate credible allegations of mistreatment. Visitors and religious observance were restricted for political prisoners.

Independent Monitoring: No independent monitoring of prisons or detention centers was conducted. International Committee of the Red Cross monitoring ceased in 2015 with the closure of its Malabo office. The government allowed UNICEF to visit youth rehabilitation centers in Centro Sur and Riaba. The government did not permit monitoring by media or local human rights groups.

Improvements: On May 11, Minister of Justice, Worship, and Penitentiary Institutions Evangelina Filomena Oyo Ebule opened the Riaba Juvenile Rehabilitation Center for minors. Unlike in prior years, minors were not incarcerated under harsh conditions with adults. The center provided vocational training.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but police arbitrarily arrested and detained persons. Authorities held detainees incommunicado, denied them access to lawyers, and jailed them for long periods without charge.

Role of the Police and Security Apparatus

The vice president asserts overall control over the security forces. Police generally are responsible for maintaining law and order in the cities, while gendarmes are responsible for security outside cities and for special events. Both entities report to the minister of national security. Military personnel, who report to the minister of defense, also fulfill police functions in border areas, sensitive sites, and high-traffic areas. Additional police elements are in the Ministries of Interior (border and traffic police), Finance (customs police), and Justice (investigative/prosecuting police). Presidential security officials also exercise police functions at or near presidential facilities.

Civilian authorities did not maintain effective control over the security forces. Police, gendarmes, and military personnel were poorly trained, ineffective, and corrupt, and impunity was a problem. Security force members, who often were inebriated, extorted money from citizens and foreigners at police checkpoints and during routine traffic stops. The government did not maintain effective internal or external mechanisms to investigate and punish security force abuses.

No government body examines security force killings to evaluate whether they occurred in the line of duty or were otherwise justifiable. Nevertheless, in some high-profile cases, the prosecutors and the judiciary performed show trials to exonerate the accused.

Arrest Procedures and Treatment of Detainees

The constitution requires arrest warrants unless a crime is in progress or national security is implicated. Security force members frequently arrested persons in violation of the warrant requirement. A detainee has the right to a judicial determination of the legality of detention within 72 hours of arrest, excluding weekends and holidays, but determination of the legality of detention often took longer, sometimes several months. Nongovernmental Organizations (NGOs)

indicated the majority of detainees were not charged and that judges typically failed to issue a writ of habeas corpus within the legal time limit of 36 hours.

Some foreigners complained of detention and deportation without being informed of the charges against them. Courts rarely approved bail. The bar association supplied public defenders to those who could not afford private counsel but only at the time they were charged. Authorities occasionally denied access to lawyers, particularly to political detainees. The law prohibits incommunicado detention, but local police chiefs did not always respect this prohibition.

Arbitrary Arrest: The government arbitrarily arrested immigrants, opposition members, businesspersons, and others. Many detainees complained that bribes had to be paid to obtain release.

Police detained foreigners and took them into custody even when they provided proper documentation. Police raided immigrant communities. Reliable sources reported police abused, extorted, or detained legal and irregular immigrants during raids. Diplomatic representatives in the country criticized the government for the harassment, abuse, extortion, and detention of foreign nationals and for not renewing residence and work permits in a timely manner, making foreign nationals vulnerable to such abuse.

There were numerous reported cases of arbitrary arrest similar to the following example. On April 16, police detained Enrique Asumu and Alfredo Okenve of the NGO Center for Development Studies and Initiatives for the Development of Equatorial Guinea (CEID) at the Malabo airport and prevented them from boarding a flight to Bata city. Police interrogated them for more than five hours. The following day, the minister of national security ordered their arrest and detention at Malabo's Central Police Station. On April 25 and May 3, authorities released Asumu and Okenve without charge but fined them two million CFA francs (\$3,350) each, ostensibly for resuming CEID operations, which the government had suspended, without approval.

Pretrial Detention: Lengthy pretrial detention remained a problem and was often politically motivated. Inefficient judicial procedures, corruption, lack of monitoring, and inadequate staffing contributed to the problem.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: By law detainees have the right to challenge their detention and obtain release, although there is no provision for compensation if a detainee is found to have been

unlawfully detained. Nevertheless, authorities did not respect this right, and detainees could not challenge the validity of the charges against them in practice.

e. Denial of Fair Public Trial

The constitution does not provide for an independent judiciary, in that the president is designated the “First Magistrate of the Nation” and chair of the Judicial Council responsible for appointing judges and magistrates. In 2015 the president dissolved the entire judiciary by presidential decree, leaving the country with no judiciary for two weeks.

Judges in sensitive cases are often influenced by members of the government before issuing a ruling. Judges sometimes decided cases on political grounds; others sought bribes. Authorities did not always respect court orders, and many persons turned to the parliament, the Constitutional Court, or the president as first magistrate of the nation for enforcement of civil judgments on matters such as employment, land, and personal injury disputes.

The military justice system, based entirely on the system in effect in Spain when Equatorial Guinea gained its independence in 1968, provided defendants with fewer procedural safeguards than in the criminal court system. The code of military justice states that persons who disobey a military authority or who are accused of committing an offense considered a “crime against the state” should be judged by a military tribunal, regardless of whether the defendant is civilian or military. A defendant may be tried without being present, and the defense does not have the right to cross-examine an accuser. Such proceedings were not public, and defendants had no right of appeal to a higher court.

In rural areas tribal elders adjudicated civil claims and minor criminal matters in traditional courts. Traditional courts conducted cases according to customary law that does not afford the same rights and privileges as the formal system. Persons dissatisfied with traditional judgments could appeal to the civil court system.

Trial Procedures

The law provides for the right to a fair public trial, but the judiciary generally did not enforce this right. The law provides for the presumption of innocence, and defendants have the right to be informed promptly and in detail of charges against them with free interpretation as necessary from the moment charged through all appeals, and to have adequate time and facilities to prepare a defense. The courts

did not respect these rights. Defendants have the right to a public trial without undue delay, and most trials for ordinary crimes were public. Defendants have the right to be present at their trials but unless they could afford private counsel rarely were able to consult promptly with attorneys. A defendant unable to afford a lawyer is entitled to request a government-appointed lawyer but only after first appearing in court, which generally did not occur within the mandated 72 hours. The law provides for defendants to confront and question witnesses and present their own witnesses and evidence. Courts seldom enforced this right. Defendants have the right not to be compelled to testify or confess guilt and the right to appeal. The law extends these rights equally to all citizens, but authorities did not respect the law.

Political Prisoners and Detainees

There were reports of political prisoners or detainees, but no data were available on their number. They were generally held at Black Beach prison where they remained without charge or trial and without access to attorneys for several months.

On September 16, authorities arrested political activist and cartoonist Ramon Nse Esono Ebale. According to Human Rights Watch, interrogators questioned him regarding his political cartoons, which often caricatured the president and other government officials, and told him since he was not associated with an official party he could not engage in political activity. On December 7, authorities charged Ebale with a counterfeiting and money laundering. He remained incarcerated at year's end.

Civil Judicial Procedures and Remedies

Courts ruled on civil cases submitted to them, some of which involved human rights complaints. Plaintiffs could not appeal decisions to regional human rights bodies. Civil matters were often settled out of court, and in some cases tribal elders adjudicated local disputes.

The government sometimes failed, for political reasons, to comply with domestic court decisions pertaining to human rights, including political rights.

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

The constitution and law prohibit such actions, but the government often did not respect these prohibitions. Search warrants are required unless a crime is in progress or for reasons of national security. Nevertheless, security force members entered homes without required warrants and arrested alleged criminals, foreign nationals, and others; they confiscated property and demanded bribes with impunity. Break-ins were widely attributed to military and police personnel.

Authorities reportedly monitored opposition members, NGOs, journalists, and foreign diplomats, including through internet and telephone surveillance. The government blocked employment of known members of opposition parties.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

Although the constitution and law provide for freedom of speech and press, by law authorities have extensive powers to restrict media activities, and the government exercised these powers. The government restricted journalistic activity through prepublication censorship. Media remained weak and under government influence or control. Persons close to the president owned the few private media outlets that existed. Most journalists practiced self-censorship. Those who did not were subject to government surveillance and threats.

Freedom of Expression: Individuals generally chose not to criticize the president, his family, other high-ranking officials, or security forces due to fear of reprisal. The government attempted to impede criticism by continuing to monitor the activities of opposition members, journalists, and others.

Press and Media Freedom: The country had one marginally independent newspaper that published sporadically. Print media outlets were extremely limited. Starting a periodical or newspaper was a complicated process governed by an ambiguous law and impeded by government bureaucracy. Accreditation was cumbersome for both local and foreign journalists. International newspapers and news magazines occasionally were available in grocery stores and hotels in major cities.

The government owned the only national radio and television broadcast system, Radio-Television of Equatorial Guinea. The president's eldest son, Vice President Teodoro Nguema Obiang Mangue, owned the only private broadcast media,

Television Asonga and Asonga Radio. Journalists who worked for these entities could not report freely.

Requests by political parties to establish private radio stations were denied or remained perpetually pending. Satellite broadcasts were widely available, including the French-language Africa24 television channel that the government partially owned.

International news agencies did not have correspondents or regular stringers present in the country. Visiting journalists for foreign media outlets and some independent local journalists could not operate freely, and government agents reportedly followed and observed both groups. For example, during the 2016 presidential election authorities restricted journalists from visiting polling stations. Nevertheless, Africa24 accompanied Africa Union observers and al-Jazeera journalist reported on polling stations.

Violence and Harassment: Security forces detained, intimidated, and harassed journalists. The government took no steps to preserve the safety and independence of media or to prosecute individuals who harassed journalists.

In June 2016 authorities arrested Enrique Nsolo, a well-known local human rights activist, for photographing and recording the arrest of a fraudulent document seller in front of a foreign embassy. Nsolo was held incommunicado without charge in deplorable conditions before his release several days later.

On July 27, authorities recalled and burned the June/July edition of the independent *Ebano* periodical. Authorities objected to an article in the edition by local journalist Obiang Mbana that stated security forces did not respect journalists and asked the government to educate security forces. Obiang Mbana stated, “The national press is a prison, there is a lot of censorship, and that is very harmful to the profession.” Police repeatedly detained Obiang Mbana during the year. Reporters Without Borders denounced the government’s intimidation of journalists.

Censorship or Content Restrictions: The law gives the government considerable authority to restrict publication through official prepublication censorship. The law also establishes criminal, civil, and administrative penalties for violation of its provisions, particularly of the 19 publishing principles in Article 2 of the Law on the Press, Publishing, and Audiovisual Media. The only marginally independent

newspaper practiced self-censorship and did not openly criticize the government or the president.

The only publishing facility available to newspapers was located at the Ministry of Information, Press, and Radio, where officials censored printed materials.

Between June 19 and July 5, the government prohibited cable provider companies from including international news reports of the “ill-gotten gains trial” of Vice President Teodoro Nguema Obiang Mangue.

Libel/Slander Laws: The government used laws against libel and slander, both of which are criminalized, to restrict public discussion. In May a court sentenced Citizens for Innovation of Equatorial Guinea (CI) opposition party leader Gabriel Nse Obiang Obono to six months’ imprisonment and a fine of 50 million CFA francs (\$83,752) for defamation for voicing criticism of the PDGE party. The court also ordered his indefinite suspension from political activity.

Internet Freedom

The government restricted and disrupted access to the internet and censored online content. During the November elections, authorities completely shut down the internet.

Since March 2015 the government has intermittently blocked WhatsApp, Facebook, and exile opposition blogs *Diario Rombe* and *Radio Macuto*. In December cell phone access to WhatsApp resumed while access to Facebook, *Diario Rombe*, and *Radio Macuto* continued to be restricted.

Users attempting to access political opposition sites were redirected to the government’s official press website or received a message the websites did not exist. WhatsApp and the internet were the primary ways opposition views were expressed and disseminated. According to the International Telecommunication Union, 23.8 percent of inhabitants used the internet in 2016.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events. Faculty, students, and members of opposition political parties complained of government interference in the hiring of teachers, the employment of unqualified teachers, and official pressure on teachers to give passing grades to failing students with political

connections. Teachers with political connections but no experience or accreditation were employed and reportedly seldom appeared at the classes they were assigned to teach. Most professors practiced self-censorship.

Cultural events required coordination with the Ministry of Information, Press, and Radio, the Department of Culture and Tourism, or both. The resulting bureaucratic delay was a disincentive for prospective organizers, who often did not know the criteria used for judging proposals or their chances for approval.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for the right of peaceful assembly, but regulatory provisions effectively undermined this right, and the government routinely restricted freedom of assembly. The government formally abolished permit requirements for political party meetings within party buildings but requires prior permission for public events, such as meetings in other venues or marches, and frequently denied these permit requests. The government frequently dispersed peaceful, preapproved public gatherings if a participant asked a question that could be construed as criticism of the government or PDGE. For example, on June 23, the government ordered the cessation of a press conference at the conclusion of an opposition CPDS party meeting at the 4 Ases Restaurant in Malabo; it had earlier forbidden invited foreign diplomats from attending. In April 2016 security forces used live ammunition and tear gas to disperse an unauthorized, nonviolent political rally of approximately 200 demonstrators at the headquarters of the opposition CI party. They shot six individuals who were hospitalized along with other injured demonstrators. Security forces laid siege to the CI headquarters for five days, trapping those inside and limiting their access to food, water, and electricity.

By contrast, authorities pressured citizens to attend progovernment demonstrations and rallies. On June 20, the government ordered its employees to demonstrate in front of the French Embassy in opposition to the “ill-gotten gains” trial in France of Vice President Teodoro Obiang Mangué.

Freedom of Association

The constitution and law provide for freedom of association, but the government severely restricted this right. All political parties, labor unions, and other associations must register with the government, but the registration process was costly, burdensome, opaque, and slow. During the year the government continued to reduce funding for civil society organizations and distributed remaining funds among a few mostly progovernment organizations close to the president's inner circle. Grant funding decisions were arbitrary and nontransparent.

Politically motivated crackdowns on civil society organizations remained a problem. For example, in March 2016 the Ministry of Interior suspended CEID for violating a public order. CEID had conducted a peaceful youth forum where a participant allegedly spoke negatively of the government. In April CEID tried to rejoin the government effort to resume the country's participation in the Extractive Industries Transparency Initiative activities. Its president and vice president were arrested and detained for two weeks (see section 1.e.).

The law prohibits the formation of political parties along ethnic lines. Only one labor organization was believed to be registered at year's end; the registry was inaccessible due to a change in leadership at the Ministry of Labor and Social Security.

Despite laws that authorities stated were designed to facilitate the registration of political parties, the government prevented the registration of opposition parties. In 2016 the government refused to register Gabriel Nse Obiang's Independent Candidacy Party until it changed its name to the Innovation of Equatorial Guinea Party, and excluded him from the ballot because he had not met the five-year residency requirement mandated by law--in contrast it allowed the Spanish citizen National Democratic Party (PND) candidate who resided in Spain to run. The government also prevented the registration of the PND, the National Congress of Equatorial Guinea (CNGE), and the National Union for Democracy and Social Policies (UNDPSGE) but allowed their leaders--PND leader Benedicto Obiang Mangué, CNGE leader Agustin Masoko, and UNDPSGE leader Tomas Mba Muanabang--to run as independent presidential candidates. By July 27, the government legalized all of the parties and permitted a total of 18, including the PDGE, to run in the November legislative elections.

During the legislative and municipal electoral campaign season, public gatherings were closely monitored and tightly controlled. Political parties required government authorization to hold rallies. Authorities prohibited political parties from campaigning in the same location at the same time. The PDGE received

preferential treatment. On November 12, election day, voters were prevented from forming into large groups.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

Although the law provides for freedom of internal movement and repatriation, the government often restricted these rights.

In-country Movement: Police at roadblocks routinely checked travelers and engaged in petty extortion. Frequent roundups of foreigners also occurred at roadblocks that the government claimed were necessary to counter irregular immigration, delinquent activities, and coup attempts.

Foreign Travel: Unlike in prior years, there were no instances of foreign travel being restricted.

Exile: The law prohibits forced internal or external exile. Opposition party political leaders Guillermo Nguema Ela and Luis Nzo Ondo remained in internal exile at year's end on the mainland, unable to join their families in Malabo.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair elections held by secret ballot and based on universal and equal suffrage, but the government severely limited this right.

Elections and Political Participation

Recent elections: In the November 12 legislative and municipal elections, the PDGE and 14 coalition parties won 92 percent of the vote in the country's closed-list party system. The PDGE and its 12 coalition parties took all 75 Senate seats and 99 out of 100 seats in the Chamber of Deputies. At the local level, the PDGE coalition won all except one of the municipal council seats and all except one mayoral race.

There were irregularities and nontransparency in the electoral process. The voter census and registration process was conducted without independent domestic or international monitoring. The government restricted media access to the opposition and blocked access to social media and opposition websites during the electoral campaigns. Official observer communication was restricted on the day of the elections by a shutdown of the internet. The government created an atmosphere of intimidation by deploying military personnel at polling stations. EU and diplomatic observers noted numerous irregularities at monitored polling stations.

In April 2016 President Obiang claimed 93.7 percent of the vote in presidential elections that were marred by reports of capricious application of election laws, nontransparent political funding, polling station irregularities, voter fraud, intimidation, and violence. Military personnel and PDGE representatives were present at all polling stations, while opposition representatives were present only at some stations. There were instances in which procedures to protect ballot secrecy were not enforced. Photographs of the president remained on public buildings used as polling stations.

In violation of the constitution, which requires that presidential elections be held no more than 45 days before or 60 days after the end of the prior presidential term, the election was held 136 days before the end of the president's term.

In the months leading up to the presidential election, security forces violently dispersed opposition rallies and arrested demonstrators and opposition leaders (see section 2.b.). Some opposition political parties chose to boycott the elections in protest.

In February 2016 police detained Wenceslao Mansogo, deputy head of the CPDS party, and repeatedly detained presidential candidate Avelino Mocache, leader of the Union of Law Center.

Opposition events were shut down, and only two opposition billboards were allowed. The government and the PDGE had an absolute monopoly of national media, leaving opposition political parties with no means to disseminate their message. The PDGE received hourly radio and television coverage before and during the campaign period while opposition parties received none. The PDGE was also able to cover the city in campaign posters and gave away smart phones, promotional cloth, and even cars at campaign events.

The National Electoral Commission (NEC) was not fully independent of PDGE influence. By law the NEC is composed of six judges appointed by the head of the Supreme Court, six government representatives and a secretary appointed by the president; and one representative from each registered political party. Only three of the NEC's members were from the opposition.

Political Parties and Political Participation: The PDGE ruled through a complex network of family, clan, and ethnic relationships. Public sector employees were pressured to join the PDGE and even to agree to have their salaries garnished to fund PDGE activities. The party's near monopoly on power, funding, and access to national media hampered the opposition parties--the CPDS, Popular Union of Equatorial Guinea, Popular Action for Equatorial Guinea, and the CI.

For example, the PDGE conducted a national campaign with extensive media coverage in preparation for the November legislative and municipal elections. Opposition parties, however, had little to no access to media during this period, contravening the National Pact of 1993, the regulating framework for political parties that stipulates access to media and political financing and that provides for opposition political parties to have free weekly national radio and television spots.

Political parties could receive both private and public funding but were not required to disclose the amount of private funding. In advance of the 2016 presidential elections, only the PDGE received public funding, and the amount was not publicly disclosed.

The government subjected opposition members to arbitrary arrest and harassment.

Opposition members reported discrimination in hiring, job retention, and obtaining scholarships and business licenses. They also claimed the government pressured foreign companies not to hire opposition members. Businesses that employed citizens with ties to families, individuals, parties, or groups out of favor with the

government reportedly were selectively forced to dismiss those employees or face reprisals.

Registered opposition parties faced restrictions on freedom of speech, association, and assembly. For example, supporters who attended opposition political party campaign rallies were singled out for police interrogation and harassment. Some political parties that existed before the 1992 law establishing procedures to register political parties remained banned, allegedly for “supporting terrorism.”

Civil servants were removed for political reasons and without due process. In 2016 both the executive and judicial branches were restructured, with party affiliation a key factor in obtaining government employment. The PDGE conducted a nationwide campaign, and government employees were required to support it to keep their positions.

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. The government generally restricted leadership positions in government to select PDGE members or members of a coalition of loyal parties that campaigned and voted with the PDGE.

Amended in 2011, the presidential age limit of 75 was removed from the constitution, but the number of terms a president may serve was limited to two seven-year terms. The constitution also established three separate branches of government and created a new post of vice president appointed by the president. As a result President Obiang, who has ruled since 1979, may serve one more seven-year term. In 2016 the president appointed his son, Teodoro Obiang Mangue, as vice president.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Male-controlled cultural influences, however, limited women’s political participation, especially in rural areas. Prior to the November elections, women occupied nine of 75 Senate seats (including that of the Senate president) and 14 of 100 seats in the Chamber of Deputies. Three of the 25 cabinet members were women, one of the 13 delegate ministers was a woman, three of eight vice-ministers were women, and six of 37 secretaries of state were women. There were no female justices in the Supreme Court.

The government did not overtly limit minority participation in politics, but members of the Fang ethnic group occupied the top ranks. The group, estimated to constitute 80 percent of the population, exercised dominant political and economic power.

Section 4. Corruption and Lack of Transparency in Government

While the law provides severe criminal penalties for official corruption, the government did not effectively implement the law, and officials engaged in corrupt practices with impunity. Following his reelection in April 2016, the president publicly urged ministers to reduce government corruption, and the prime minister established oversight of government programs and proper payment for services and payroll. Nevertheless, the president and members of his inner circle continued to amass personal fortunes from the revenues associated with monopolies on all domestic commercial ventures, as well as timber and oil exports. Corruption at all levels of government was a severe problem.

Numerous foreign investigations continued into high-level official corruption. According to Freedom House, the budget process was “opaque.” The *International Budget Partnership’s Open Budget Survey for 2017* gave the country a score of eight points out of 100; in 2012 the score was zero.

Corruption: On April 12, prompted by litigation in France on charges that the vice president concealed and laundered embezzled funds in that country, the government initiated an investigation into the matter. On June 7, the chief prosecutor of the Provincial Court of Bioko Norte announced a criminal trial on charges of corruption against executives of companies owned by the vice president when he was minister of agriculture and forestry. On June 19, the president of the Supreme Court acquitted the representatives and absolved them of all charges.

Financial Disclosure: The constitution and law require public officials to declare their assets to the National Commission on Public Ethics, although no declarations were made public. There are no formal procedures to control submission of asset disclosures and no penalties for noncompliance. To date no public officials have been required to comply with asset disclosure laws. The law prohibits government officials from engaging in business, but most ministers conducted businesses they conflated with their government responsibilities.

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

The law restricts NGO activity. The country's few domestic NGOs focused on issues such as health, women's empowerment, and elder care. Although the law includes human rights among the areas in which NGOs may operate, no local NGO reported publicly on the abuse of civil, political, or other human rights by the government or on official corruption.

Amnesty International, Freedom House, and Human Rights Watch focused on human rights. No international NGOs maintained offices in the country. The International Committee of the Red Cross once operated in the country, but in 2015 it closed its office and moved staff and equipment to neighboring Cameroon.

The government was suspicious of human rights activities, claiming human rights concerns were largely prompted by antigovernment exile groups and hostile foreign NGOs. Government officials used media outlets to discredit civil society actors, categorizing them as supporters of the opposition and critics of the government. The few local activists who sought to address human rights risked intimidation, harassment, and other reprisals.

For example, the government's March suspension of CEID activities, including participation in the government's effort to rejoin the Extractive Industries Transparency Initiative committee continued at year's end.

The United Nations or Other International Bodies: Members of international human rights NGOs and the African Development Bank continued to report difficulties obtaining visas to visit the country.

Government Human Rights Bodies: Citizens have the right to file a petition with the Commission on Human Rights that is part of the House of Deputies' Committee for Complaints and Petitions. A government-funded Center for Human Rights and Democracy held human rights awareness campaigns. A National Commission on Children's Rights was created in coordination with UNICEF. These human rights bodies were not fully operational, independent, adequately resourced, or effective. The interministerial commission on trafficking in persons remained inactive.

Government officials responsible for human rights issues functioned more to defend the government from accusations than to investigate human rights complaints or compile statistics.

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

Women

Rape and Domestic Violence: Rape is illegal and punishable by 12 to 20 years' imprisonment and additional fines if convicted. The law does not address spousal rape. The government did not enforce the law effectively, in part due to reluctance of victims and their families to report rape. Even when victims reported rape, police and judicial officials were reluctant to act, particularly if alleged perpetrators were politically connected.

Domestic violence is illegal. The penalty for conviction of assault ranges from one to 20 years' imprisonment. Victims were reluctant to report cases, and the government did not enforce the law effectively. Authorities treated domestic violence as a private matter to be resolved in the home. Police and the judiciary were reluctant to prosecute domestic violence cases. No statistics were publicly available on prosecutions, convictions, or punishments during the year.

The Ministry of Social Affairs and Gender Equality mediated some domestic disputes but had no enforcement powers. Police organized several workshops on family violence during the year. The government-controlled media regularly broadcast public service announcements regarding domestic violence.

Other Harmful Traditional Practices: Although not widespread, levirate marriage, the practice by which a man is required to marry his brother's widow, occurred.

Sexual Harassment: No law prohibits sexual harassment and it was a problem. The government made no effort to address the problem.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: While the constitution provides for equality between men and women, the country follows the Spanish civil code that applied when the country gained independence in 1968. The code discriminates against women in matters of nationality, real and personal property, and inheritance. According to the UN Committee on the Elimination of Discrimination against Women, the prevalence of

negative stereotypes and adverse cultural norms and customs resulted in discrimination against women..

Custom confined women in rural areas largely to traditional roles. Women in urban areas experienced less overt discrimination but did not enjoy pay or access to employment and credit on an equal basis with men (see section 7.d.).

The government provided 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 Gender Equality held events around International Women's Day to raise public awareness of these rights. The ministry also provided technical assistance and financial support to rural women.

Children

Birth Registration: Citizenship is derived from (at least) one Equatoguinean parent whether born in the country or abroad. The Ministry of Health requires parents to register all births, and failure to register a child may result in denial of public services. For additional information, see Appendix C.

Education: Education is tuition-free and compulsory until age 13, although all students are required to pay for textbooks and other materials. Most children attended school through the primary grades. Boys generally completed secondary or vocational schooling. The Ministry of Education required teenage girls to take a pregnancy test and that those who tested positive were not allowed to attend school. Domestic work and childbearing also limited girls' access to secondary education, especially in rural areas.

Child Abuse: Abuse of minors is illegal, but the government did not enforce the law effectively. Physical punishment was a culturally accepted method of discipline.

Early and Forced Marriage: There is no minimum age for marriage. Forced marriage occurred, especially in rural areas, although no statistics were available. The Ministry of Social Affairs and Gender Equality operated programs to deter child marriage but did not address forced marriage. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum age of sexual consent is 18. Child prostitution is illegal, but underage girls engaged in prostitution, particularly in

urban areas of Malabo and Bata. Conviction of the commercial sexual exploitation of children is punishable by fines and imprisonment, but authorities generally did not prosecute offenders. The law does not address child pornography.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law does not prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, nor does it mandate access to buildings or transportation for persons with disabilities (see section 7.d.). Persons with disabilities may vote and otherwise participate in civic affairs, but lack of physical access to buildings posed a barrier to full participation. Inaccessible public buildings and schools were an obstacle for persons with disabilities, including some newly constructed government buildings that lacked such access.

Children with disabilities attended primary, secondary, and higher education, although no accommodations were made for their disabilities.

There were no legal restrictions on the right of persons to vote or participate in civic affairs based on their disability, but lack of access posed a barrier to full participation.

National/Racial/Ethnic Minorities

Societal discrimination, harassment by security forces, and political marginalization of minorities were problems (see section 7.d.).

The predominant ethnic group, the Fang, dominated political and economic power. Foreigners were often victimized. Documented and irregular immigrants from Nigeria, Ghana, Cameroon, Mali, Benin, Togo, Gabon, and other African countries represented a significant portion of the labor force. Officials routinely stopped foreigners at checkpoints, asked them to provide documentation, and often abused and extorted them. The government delayed its renewal of residence and work permits, leaving immigrants vulnerable to such abuse.

In public speeches President Obiang frequently referred to foreigners as a security and terrorist threat and warned of a renewal of colonialism. Reports of drunken security forces harassing and extorting foreigners at gunpoint increased, including an incident directed at foreign medical professionals and their families, whom they accused of being colonialists.

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

There are no laws criminalizing same-sex sexual conduct, but societal stigmatization of and discrimination against the lesbian, gay, bisexual, transgender, and intersex community (LGBTI) community were problems, and the government made no effort to combat them. The government does not formally recognize the existence of LGBTI persons or groups. Its position is that such sexual orientation or gender identity was abnormal.

HIV and AIDS Social Stigma

Despite frequent public statements and radio campaigns advocating nondiscrimination, persons with HIV/AIDS were stigmatized, and many individuals kept their illness hidden. In the *2012 Demographic and Health Survey*, the most recent available, 38 percent of women and 42 percent of men surveyed reported holding discriminatory attitudes toward persons with HIV.

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, and collectively bargain. The law also allows unions to conduct

activities without interference. The law requires a union to have at least 50 members from a workplace to register, effectively blocking most union formation.

The government did not respect freedom of association and the right to collective bargaining. The Union Organization of Small Farmers was the only legal operational labor union. Authorities refused to recognize other unions, including the Workers Union of Equatorial Guinea, Independent Service Union, Teachers' Trade Union Association, and the Rural Workers Organization.

The law broadly acknowledged the right to engage in strikes, but there is no implementing legislation defining legitimate grounds for striking. No law requires the reinstatement of workers fired for union activity, although such dismissal may fall under wrongful termination. The government did not generally allow unions to organize. The government has never authorized a strike.

Employees of the Moroccan company Somagec held a work stoppage strike in 2015 concerning several months of unpaid wages. Security forces went to the location of the strike but no violence was reported. The strike resulted in workers being paid. Employees of the French Cultural Center also held a successful strike, resulting in salary increases.

Although labor law prohibits antiunion discrimination, the government placed practical obstacles before groups seeking to organize, such as not allowing groups to register legally. The government 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. Labor NGOs faced restrictions and were unable to operate.

Dismissed workers could appeal to the Ministry of Labor and Social Security through their regional delegate, but there was little trust in the fairness of the system. Citizens and foreigners with valid work permits have the right to appeal Ministry of Labor and Social Security decisions to a special standing committee of the House of Deputies established to hear citizen complaints regarding decisions by any government agency.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, but the government did not effectively enforce the law. The Ministry of Labor and Social Security conducted numerous workplace inspections to verify adherence to labor laws regarding pay,

benefits, and working conditions. When inspectors found violations, the government required some employers to correct the problem, pay fines, or pay reparations to the employees. Neither the penalties nor the government's efforts were adequate.

Forced labor occurred. Men and women from Cameroon, Benin, and other neighboring countries, as well as from the Dominican Republic and Cuba, were recruited for work, and some were subsequently subjected to forced labor. Often they were not compensated as agreed upon, and their passports were confiscated. In one publicized case, a high-level member of the president's cabinet severely beat an employee of one of his private businesses when she demanded payment. He then returned her passport and forced her to leave the country. Another employer attracted foreign workers by falsely promising to provide them with employment contracts necessary for obtaining work permits. When workers resigned to take other, more secure jobs, the employer contacted police to have the workers deported, which would have occurred if the new employers had not intervened to prevent deportation.

Companies in the construction sector, among others, held the passports of their foreign workers, a possible indication of forced labor.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children under age 18, except that minors between ages 16 and 18 may perform light work that does not interfere with their school attendance with the authorization of the Ministry of Labor and Social Security. Minors are permitted to work only during the day, and their workday is limited to six hours, for which they are paid the equivalent of an eight-hour daytime work rate. The penalty for employing children under age 16 is a fine equal to 15 months of the minimum wage per minor, which is doubled for repeat infractions. Penalties are higher for minors under age 18 who perform night work or work in hazardous environments. The Ministry of Labor and Social Security is responsible for enforcing child labor laws, but inspectors focused mainly on the construction industry and not on child labor.

The law was not effectively enforced, and penalties were not sufficient to deter violations. Children were transported from nearby countries--primarily Nigeria,

Benin, Cameroon, Togo, and Gabon--and forced to work as domestic workers, market laborers, ambulant vendors, launderers, and beggars. The government occasionally provided social services on an ad hoc basis to children found working in markets. Attention to school attendance generally focused more on citizen children than on their foreign peers.

In 2016, for the first time, security forces identified three unaccompanied children from the Central African Republic (CAR) as likely victims of trafficking. The children had been living in the country for two years. Authorities considered them trafficking victims brought to Malabo for forced labor. In August 2016 security officers turned over the children to the CAR embassy for repatriation. The government did not identify or prosecute the persons suspected of trafficking the children.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination based on race, color, sex, political opinion, national origin, social status, or union affiliation. Labor laws do not prohibit discrimination based on age, disability, sexual orientation, language, or HIV-positive status. The government did not effectively enforce these laws and regulations. Discrimination in employment and occupation occurred with respect to ethnicity, sex, sexual orientation, disability, and HIV-positive status. Discrimination also occurred based on political affiliation. Discrimination against foreign migrant workers occurred.

The government does not have an agency responsible for the protection for those unable to work due to permanent or temporary illness or other health condition. The Ministry of Labor and Social Security did not effectively enforce the legal mandate to employ a specific percentage of persons with disabilities in companies with 50 employees or more.

The country continued to have a large gender gap in terms of access to education and employment opportunities. Rooted stereotypes and ethnic traditions impeded women's rights. Men had more employment opportunities than did women. Women mostly worked in the informal sector and did not have access to benefits or social security.

Women were paid less than men for the same work, and the terms of their contracts often were not honored. Women rarely complained due to fear of

reprisals. The government did not effectively enforce labor law, making women vulnerable in terms of benefits and salaries.

The secretary of state of the Ministry of Social Affairs and Gender Equality participated in a parade in Malabo marking International Women's Day and held discussions with women from various ministries on women's issues and the role of women in society. National radio and television covered the events.

The Ministry of Social Affairs and Gender Equality continued a program to promote self-employment among rural women. The first lady, on an ad hoc basis, donated funds to promote women-owned businesses.

e. Acceptable Conditions of Work

The monthly minimum wage for the private sector was last set in 2011, and varied by occupation from 129,035 CFA francs (\$216) to 1,290,345 CFA francs (\$2,161) monthly, higher than the World Bank poverty income level of \$1.90. Pay rates in the hydrocarbon industry were set many times higher than comparable positions in other sectors. The law requires that citizens be paid at the same rate as foreigners and that domestic workers be paid not less than 60 percent of the national minimum wage.

The standard work week is eight hours a day and 48 hours a week for daytime work, six hours a day and 36 hours a week for night work, and seven hours a day and 42 hours a week for mixed day and night work, with night work and mixed work paid the same as for an eight-hour day shift. Offshore workdays are a minimum of 12 hours, of which eight hours are considered regular work and four hours are counted as overtime. The workday includes one hour for meals and breaks. The law also requires paid leave for government holidays, annual leave, and bonuses of 15 days' pay, twice yearly. Overtime is not mandatory except as provided by law or special agreement and is prohibited for pregnant workers. The law allows overtime for night work. Premium pay is required for overtime and holidays. Women had six weeks pre- and post-maternity leave that could be extended for medical reasons. The law provides for two paid daily breaks of one hour each to breast feed.

Occupational safety and health (OSH) standards provide for protection of workers from occupational hazards, but the government did not always effectively enforce these provisions. The law permits workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

The Ministry of Labor and Social Security is responsible for setting and enforcing minimum wage, workweek rules, and OSH standards. The ministry conducted numerous workplace inspections to verify adherence to labor laws regarding pay, benefits, and working conditions. When inspectors found violations, the government required some employers to correct the problem, pay fines, or pay reparations to the employees. Penalties were not sufficient to deter violations and the small number of labor inspectors was insufficient to enforce the law effectively. The ministry does not publish the results of its OSH inspections.

Legal protections exist for employees who are injured or killed on the job and for those who were exposed to dangerous chemicals, but these protections were generally extended only to those in the formal sector. Protections in petroleum companies exceeded minimum international safety standards. The government did not monitor the informal sector that included a majority of workers.

Foreigners, including migrants from other parts of Africa, Asia, and the Americas, were sometimes subjected to poor working conditions, and the passports of some workers were confiscated. Some workers were exposed to hazardous chemicals, supplied with insufficient safety gear, and subjected to excessively long hours.