

# EQUATORIAL GUINEA 2019 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 claimed to have received 93.7 percent of the vote in a presidential election that many considered neither free nor fair. In November 2017 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. The government restricted opposition party access to media 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. Authorities later suspended the one unaligned opposition party that won a seat, preventing it from participating in the legislature.

The vice president (the son of President Obiang) has overall control of 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. Both ministers report to the vice president directly. 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.

Significant human rights issues included: torture; arbitrary detention by government agents; harsh and life-threatening prison conditions; political prisoners; arbitrary or unlawful interference with privacy; significant problems with independence of the judiciary; the worst forms of restrictions on free expression, press, and the internet, including violence, threats of violence, or unjustified arrests or prosecutions of journalists, censorship, site blocking, and the

existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive laws on nongovernmental organizations (NGOs); significant restrictions on freedom of movement; restrictions on political participation; trafficking in persons; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons (LGBTI); and violence against women and girls, including rape, with limited government action to investigate or prosecute those responsible.

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**

In contrast with 2018, there were no reports the government or its agents committed arbitrary or unlawful killings. There were reports, however, that at least one prisoner awaiting trial for the 2017 attempted coup died in unexplained circumstances.

### **b. Disappearance**

In November there were multiple reports the government seized at least four Equatoguineans, including two dual Spanish nationals, in Juba, South Sudan and brought them back through extrajudicial transfer in coordination with the South Sudanese government. As of December the government had not commented on whether these persons were in government custody nor how they were brought to the country. All were members of an Equatoguinean opposition movement formed in Spain. Their families claimed they had disappeared, and one spouse reportedly filed a complaint at a police station in Spain on November 21, stating she had no contact with her husband since November 14.

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

The law prohibits such practices, but there were reports that both police and military personnel in Malabo and in Bata used excessive force during traffic stops,

house-to-house searches, and interrogations, sometimes including sexual assault, robbery, and extortion. Police also tortured opposition members, according to opposition leaders.

Police reportedly beat and threatened detainees to extract information or to force confessions. From March to May, during the trial for the failed 2017 coup, dozens of the approximately 130 defendants explained on national television that authorities coerced their confessions after they suffered “inhumane torture” (see Prison and Detention Center Conditions). They described squalid and overcrowded prison conditions, and alleged they were beaten, tied up, subjected to electric shocks, and denied access to bathrooms and medical help.

In October 2018 unidentified individuals seriously beat and stabbed anticorruption and human rights activist Alfredo Okenve. Witnesses claimed his attackers were armed security forces members; the government claimed that criminal elements attacked him. There were no reports of arrests as of December despite the government’s claims that it investigated the attack.

Some military personnel and police reportedly raped, sexually assaulted, or beat women, including at checkpoints. Foreigners recounted being harassed at checkpoints, including having guns pointed at them without provocation. Senior government officials took no steps to address such violence and were themselves sometimes implicated in it. For example, a superior officer and other soldiers reportedly sexually harassed, brutally abused, and beat a female soldier. Authorities subsequently charged her with a crime in military court, reportedly as retribution for shunning the advances of her superior. The court sentenced her to time in prison and gave her a dishonorable discharge.

### **Prison and Detention Center Conditions**

Conditions in the country’s three prisons and 12 police station jails were generally 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 was available on the number of inmates in prisons. There was no information available on the number of juvenile detainees.

Statistics on prisoner deaths were unavailable.

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

Lawyers and other observers who visited prisons and jails reported serious abuses, including beatings, torture, and inadequate medical care.

Prison cells were overcrowded, dirty, and lacked mattresses. Up to 30 detainees shared one toilet that lacked toilet paper and a functioning door. 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 food was generally insufficient and of poor quality. Ventilation and lighting were not always adequate, and 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. In some cases prisoners were reportedly left in solitary confinement for extended periods.

For example, defendants in the March to May coup attempt trial were held incommunicado, without access to their lawyers or relatives for more than one year. Since the conviction of 112 of the defendants on May 31, families of the defendants have not been able to visit them in jail and remained unaware of their whereabouts.

The Ministries of Justice and National Security operated civilian prisons on military installations, with military personnel handling security around the prisons and civilians providing security and other services within them. There were reports that military and police personnel ran the most important prisons and prevented civilian authorities from entering them. There was little information on conditions in those prisons.

Administration: Authorities did not regularly investigate credible allegations of mistreatment. Visitors and religious observance were restricted for political prisoners. Officials from the Ministry of Foreign Affairs stated that they visited prisons to report concerns, such as possible victims of trafficking in persons.

Independent Monitoring: There was no independent monitoring of prisons or detention centers. The government allowed UNICEF to visit youth rehabilitation centers in Centro Sur and Riaba in 2017, but during the year did not permit monitoring by media or local human rights groups.

Improvements: During the year prison authorities acknowledged some problems and sent supervisors for overseas training on better correctional practices.

#### **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 the government rarely observed these requirements. Authorities held some detainees incommunicado, denied them access to lawyers, and jailed them without charge, beyond the 72 hours allowed by law.

#### **Arrest Procedures and Treatment of Detainees**

The law requires arrest warrants unless a crime is in progress or in cases that affect national security. Members of the security forces 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 this determination often took longer, sometimes several months. NGOs indicated the majority of detainees were not charged and that judges typically failed to issue a writ of habeas corpus within the legal limit of 36 hours.

Some foreign nationals who did not have legal status complained of detention and deportation without prior notification 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 in the case of political detainees. The law prohibits incommunicado detention, but local police chiefs did not always respect this prohibition.

Arbitrary Arrest: There were numerous reported cases of arbitrary arrests. The government arbitrarily arrested immigrants, opposition members, and others. Many detainees complained that bribes had to be paid to obtain release.

Police detained foreign nationals and took them into custody even when they provided proper documentation. Police raided immigrant communities. Reliable sources reported that 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 abuse.

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.

On February 25, national security personnel, headed by the deputy director of presidential security, arrested Convergence for Social Democracy Party (CPDS) member and human rights activist Joaquin Elo Ayeto in his home for allegedly planning to assassinate President Obiang. Ministry of National Security authorities held Elo Ayeto without charge beyond the 72-hour legal limit, and security forces reportedly beat him while he was in custody at the Central Police Station in Malabo. After his lawyers said he was subjected to torture by members of the security forces, authorities transferred him to the Black Beach Prison and held him incommunicado. According to his lawyers, as of November, he remained in the Black Beach Prison, and frequently subjected to solitary confinement. In November his trial began, with reduced charges.

On July 10, authorities arrested Luis Mba Esono, a member of CPDS, in his village in Engo Esaboman along with four other village members. As of December authorities denied them access to legal counsel and had not charged them with any crimes, although authorities reportedly accused them of having abetted a suspect in the 2017 coup plot. Their family members did not know of their whereabouts within the prison system. CPDS pursued complaints with the legislature, the ombudsman, the United Nations Commission on Human Rights, and international organizations for the defense of human rights.

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.

Authorities denied defendants in the 2017 coup plot (see section 1.c. Prison and Detention Center Conditions) access to counsel until approximately 72 hours before trial. Each lawyer was responsible for representing approximately a dozen defendants.

#### **e. Denial of Fair Public Trial**

The law does not provide for an independent judiciary. Instead, the president is designated the “first magistrate of the nation” and chair of the Judicial Council responsible for appointing judges and magistrates.

Members of the government often influenced judges in sensitive cases. 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 country for enforcement of civil judgments on matters such as employment, land, and personal injury disputes. Credible reports alleged judges decided in favor of plaintiffs in cases against international companies in return for a percentage of damages awarded.

The military justice system, based entirely on the system in effect in Spain when the country gained its independence in 1968, provided defendants with fewer procedural safeguards than the criminal court system. The code of military justice states that a military tribunal should judge any civilian or member of the military who disobeys a military authority or who is accused of committing a crime that is considered a “crime against the state.” A defendant in the military justice system may be tried in absentia, 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, however, generally 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, but 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.

During the trial of the alleged 2017 coup plotters, authorities tried many defendants in absentia, did not consistently provide interpreters for individuals from other African countries, and severely limited defense lawyers' ability to ask questions or cross-examine prosecution witnesses (see sections 1.c and 1.d.). In September the American Bar Association, which had observers at the trial, criticized the proceedings' many egregious irregularities.

### **Political Prisoners and Detainees**

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

### **Politically Motivated Reprisal Against Individuals Located Outside the Country**

There were credible reports the government attempted to misuse international law enforcement tools, specifically international arrest warrants, against Andres Esono Ondo, leader of the CPDS opposition party. On April 11, Chadian authorities detained him while he attended a congress of Chad's main opposition party in Mondo, Chad. The government of Equatorial Guinea alleged in a public statement on April 12 that Esono Ondo was in Chad to plan a coup against President Obiang, including purchase of weapons and recruitment of mercenaries. After two weeks in detention, allegedly at the request of Equatoguinean authorities, Chadian authorities released him for lack of evidence. The government of Equatorial Guinea later denied it had anything to do with his arrest.



## **Civil Judicial Procedures and Remedies**

Courts ruled on civil cases submitted to them, some of which involved human rights complaints.

The government sometimes failed, for political reasons, to comply with domestic court decisions pertaining to human rights, including political rights. Individuals and organizations may appeal adverse domestic decisions to the ombudsman or the legislature.

### **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 reportedly entered homes without required warrants and arrested alleged criminals, foreign nationals, and others; they confiscated property and demanded bribes with impunity. Many break-ins were attributed to military and police personnel.

Authorities reportedly monitored opposition members, NGOs, journalists, and foreign diplomats, including through internet and telephone surveillance. Members of civil society have reported both covert and overt surveillance by security services.

## **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, the government has extensive legal powers to restrict media activities. The government restricted journalistic activity through prepublication censorship. Media remained weak and under government influence or control. Persons close to the president, including his son, the vice president, owned the few private media outlets that existed. Most journalists practiced self-censorship. Those who did not were subject to government surveillance, arrests, and threats.

Freedom of Expression: Individuals generally chose not to criticize the president, his family, other high-ranking officials, and 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, Including Online Media: Independent media were active and expressed a variety of views, but not without restriction. The country had one marginally independent newspaper that published sporadically. Print media outlets were extremely limited. Starting a 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 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. 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. During the legislative and municipal elections in 2017, the government censored all international channels.

The government denied or left pending requests by political parties to establish private radio stations. Satellite broadcasts were widely available, including the French-language Africa24 television channel, which the government partially owned.

International news agencies did not have correspondents or regular stringers in the country. As most foreigners need visas to visit the country, the time-consuming nature of the process effectively dissuaded some journalists from travelling, although international media covered major events. In other cases, the government may have prevented reporters from obtaining visas.

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.

On August 27, police in Bata arrested presenter Milanio Ncogo and reporter Ruben Dario Bacale, employees of Asonga TV, and held them without charge until September 8, when both were released from jail and fired from their jobs. The arrests were retaliation for an interview Bacale conducted with Nazario Oyono Kung, a judge suspended by the president of the Supreme Court.

Censorship or Content Restrictions: The law gives the government considerable authority to restrict media content 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. Local journalists held an event openly discussing press freedom restrictions, including fear of retaliation, self-censorship, and detention by authorities, and their personal experiences pursuing news stories.

The only publishing facility available to newspapers was located at the Ministry of Information, Press, and Radio, where officials censored printed materials. At least one newspaper publisher stated it was cheaper and easier to print newspapers abroad than locally, citing censorship as one reason.

Libel/Slander Laws: The government used laws against libel and slander, both of which are criminalized, to restrict public discussion.

### **Internet Freedom**

The government restricted and disrupted access to the internet and censored online content. During the 2017 legislative and municipal elections, the government blocked all access to the internet for approximately 10 days.

Access to Facebook and opposition blogs *Diario Rombe* and *Radio Macuto* continued to be generally restricted.

Users attempting to access political opposition sites were redirected to the government's official press website or received a message that the websites did not exist. WhatsApp and the internet were the primary ways that the opposition expressed and disseminated their views.

### **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. In December 2018 press reported the minister of education fired a teacher from the opposition CPDS, allegedly because he was promoting his political ideology in his classes. Opposition blogs alleged the teacher was fired because he criticized a rule requiring female students to cut their hair to a certain length.

Some cultural events required coordination with the Ministry of Information, Press, and Radio, the Department of Culture and Tourism, or both. This was more common outside of the largest cities. 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, although the constitution and law provide for these freedoms.

#### **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 the 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 the PDGE.

On May 20, Minister of Interior Faustino Ndong Esono Ayang asked the country's only LGBTI association to cancel its events in honor of the International Day Against Homophobia, Transphobia, and Biphobia. The minister eventually withdrew his request, but reportedly the governor of Bioko Island North Province did not allow a parade to continue as planned during a Pride Month activity on June 28.

During the 2017 legislative and municipal electoral campaign season, public gatherings were closely monitored and tightly controlled. Political parties required government authorization to hold rallies. Authorities prohibited other political parties from campaigning in a location at the same time as the PDGE. The PDGE

received preferential treatment. On election day security forces prevented voters from forming large groups (see section 3).

### **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.

Politically motivated crackdowns on civil society organizations remained a problem, including the temporary detention of civil society activists without charge. The government was slow to authorize NGOs, with the only LGBTI organization reportedly waiting for authorization after more than three years. The legally established period for government approval is two months.

The law prohibits the formation of political parties along ethnic lines. Only one labor organization was believed to be registered by the end of 2018 (see section 7.a.).

Despite laws that authorities stated were designed to facilitate the registration of political parties, the government prevented the registration of opposition parties. Although elected officials from the Citizens for Innovation (CI) opposition party were released from prison in October 2018 after a presidential pardon, they were not allowed to return to their positions in local and national offices because the government deregistered the party earlier in the year. Their attempts to reregister or create a new party met with bureaucratic delays that seemed intended to prevent registration.

A 1999 law on NGOs limits to approximately 53,000 CFA francs (\$90) per year the amount of funding civil society organizations can receive from foreign sources. The government has also pressured NGOs, especially those focused on human rights, through both overt and covert means (see sections 1.d. and 5). For example, on July 5 the minister of the interior and local corporations published an April decree revoking the charter of the Center for Development Studies and Initiatives in Equatorial Guinea (CEIDGE) because authorities accused it of undertaking political activities (see Section 5). CEIDGE was one of the few independent NGOs that denounced human rights abuses in the country.

### **c. Freedom of Religion**

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

#### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government often restricted these rights. Multiple members of the opposition reported that the authorities delayed the renewal of their identity documents, effectively limiting their ability to travel within the country and abroad. Gabriel Nze Obiang of CI stated in December that after one and a half months there was no update on his documents renewal, and that his application was not listed in the system, although the regular period of time to receive a new document was approximately two weeks.

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

Foreign Travel: The government has been known to issue temporary travel prohibitions on senior government officials due to alleged national security concerns.

On March 15, authorities detained human rights defender Alfredo Okenve Ndo at the airport in Malabo, handcuffed him, put him on a military flight to his home in Bata, placed him under house arrest, confiscated his passport and cellular telephone, and temporarily banned him from travel outside the country. Authorities had banned him the same day from receiving the “Franco-German prize for human rights,” which had been announced in 2018.

The law prohibits forced internal or external exile, but since 2016, opposition party political leader Gabriel Nze Obiang of CI had his movements restricted to the capital. Authorities did not permit him to travel internationally.

#### **e. Internally Displaced Persons**

Not applicable.

#### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The government did not generally cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. UNHCR did not maintain an office in country.

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.

### **g. Stateless Persons**

Not applicable.

## **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 November 2017 legislative and municipal elections, the PDGE and 14 coalition parties claimed 92 percent of the vote in the country's closed-list party system. The PDGE and its coalition partners took all 75 Senate seats and 99 of 100 seats in the Chamber of Deputies. CI was the only opposition party to win a seat in the legislature, although the single opposition legislator was imprisoned for several months during 2018 and was never allowed to take his seat. At the local level, the PDGE coalition won all but one of the municipal council seats and all but one mayoral race.

There were irregularities and no transparency in the electoral process. The voter census and registration process took place 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 for more than one week before 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.

In 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. Electoral officials, led by the head of the electoral commission (the minister of interior, who was also a member of the ruling party), denied some opposition candidates the opportunity to register and applied requirements irregularly.

Contrary to 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.

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 almost none. The PDGE was also able to cover the city in campaign posters and gave away smart phones, promotional clothing, and even cars at campaign events.

The National Electoral Commission (NEC) was not independent of the PDGE or government influence. By law the NEC consists 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. The president appointed the minister of interior, a PDGE leader, to be head of the NEC.

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 to agree to garnishment of their salaries to fund PDGE activities. The party's near monopoly on power, funding, and access to national media hampered the independent 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 2017 legislative and municipal elections. Opposition parties, however, had little to no access to media during this period, contravening the National Pact of 1993. The pact is 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 before and after the elections.

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, for allegedly "supporting terrorism." The CI remained suspended as of December, despite the July 2018 general political amnesty and the October 2018 presidential pardon of its members' convictions on sedition and other charges. Some parties have been unable to register for years.

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.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Patriarchal-controlled cultural influences, however, limited women's political participation, especially in rural areas.

The president, vice president, prime minister, deputy prime minister, all three vice prime ministers, and the president of the chamber of deputies were men; the president of the senate was a woman. After the 2017 elections, women occupied 21 of 72 Senate seats and 11 of 100 seats in the Chamber of Deputies. Two of the 25 cabinet members were women, and two of the 28 deputy and vice ministers were women. There was one woman among the eight justices of 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. The law prohibits parties that are not national, potentially limiting opportunities for minority or regionally focused parties, although minorities were represented in most major parties.

#### **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. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year, as 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 government implemented a number of IMF recommendations to improve fiscal transparency during the year, including auditing state-owned enterprises and public debt using international accounting firms, and publishing data on public sector debt in the budget.

There are no specific laws about conflict of interest or nepotism.

Corruption: In September 2018 Brazilian authorities seized two suitcases with \$1.4 million in cash and another suitcase containing approximately 20 watches valued at \$15 million when Vice President Teodoro Obiang Nguema Mbasogo landed in Sao Paulo on an unofficial visit. The press reported in October 2018 that Brazilian officials launched an investigation because they believed the undeclared cash and luxury watches, along with apartments and cars owned by the vice president in Brazil, may have been part of an effort to launder money embezzled from Equatorial Guinea’s government. During the year, the Brazilian authorities reportedly returned the money and the watches to the vice president.

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 and the government did not effectively enforce the law. There are no formal procedures to control submission of asset disclosures and no penalties for noncompliance.

## **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 mainly focused on issues such as health, women’s empowerment, and elder care. CEIDGE was one of the few NGOs that made public statements about government corruption and human rights abuses. Authorities suspended its activities multiple times since 2016 and in March arrested or detained some of CEIDGE’s leaders. After authorities revoked its charter in July, CEIDGE resigned from the commission leading the government’s effort to join the Extractive Industries Transparency Initiative.

In October 2018 four individuals detained and beat civil society leader and human rights activist Alfredo Okenve Ndo of the CEIDGE. Initial reports suggested security force members may have carried out the attack, mistaking him for his

brother Celestino Okenve Ndo, who was a member of an unregistered opposition party. Authorities arrested no one in the case.

The government was generally suspicious of human rights activities, claiming human rights concerns were largely prompted by antigovernment exile groups and hostile foreign NGOs. Government officials rarely were cooperative and responsive to their views. Government officials used media outlets to try 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, unlawful detention, and other reprisals.

The United Nations or Other International Bodies: The United Nations maintains an office and has several programs in the country. The government funds the majority of local UN operations. Amnesty International, Freedom House, EG Justice, the American Bar Association's Center for Human Rights, and Human Rights Watch focused on human rights. No international NGOs, however, maintained offices in the country. Members of international human rights NGOs 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 Chamber 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 1997, in coordination with UNICEF. These human rights bodies were not fully operational, independent, adequately resourced, or effective, although UNICEF continued to provide capacity building. An ombudsman and a newly appointed coordinator for the government's efforts to combat trafficking in persons were also not fully operational, properly resourced or effective.

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, if convicted, punishable by 12 to 20 years' imprisonment and fines. 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 or members of the police or military.

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 and has increasingly discussed trafficking in persons, including through commercials.

Other Harmful Traditional Practices: In rural areas there were instances of levirate marriage, the practice by which a man is required to marry his brother's widow, often against her will. Under such practice, women were not allowed to inherit their late husbands' possessions.

Sexual Harassment: Although the law prohibits sexual harassment, it was a problem. The government made no effort to address the problem, and no statistics were publicly available.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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. The prevalence of negative stereotypes and adverse cultural norms and customs is believed to contribute to 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, but not automatically from birth on the country's territory. If both parents are foreigners, at 18 years a person born in the country can claim nationality. 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 (sixth grade). Boys generally completed secondary or vocational schooling. The Ministry of Education required teenage girls to take a pregnancy test, and those who tested positive were not allowed to attend school. Domestic work also limited girls' access to secondary education, especially in rural areas. No public statistics on school enrollment, attendance, or completion were available.

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

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 commercial sexual exploitation is illegal, but underage girls and boys were

exploited in commercial sex, particularly in the two largest cities, Malabo and Bata. Conviction for the commercial sexual exploitation of children is punishable by 10 to 15 years' imprisonment, if coercion is proved, but authorities generally did not prosecute offenders. The law does not address child pornography generally, although antitrafficking provisions includes sexual exploitation and pornography as examples of cases of trafficking related crimes.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish community was small, likely less than 100 persons. There were no known reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law does not prohibit discrimination against persons with physical, sensory, intellectual, or mental disabilities. New buildings must reportedly be accessible to persons with disabilities, but enforcement was unclear. 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 generally no accommodations were made for their disabilities.

### **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 politics and the economy. Foreigners were often victimized. Documented and irregular immigrants from Nigeria, Ghana, Cameroon, Mali, Benin, Togo, Gabon, Ethiopia, and other African countries represented a significant portion of the labor force. In mid-year the government renewed efforts to ensure all immigrants had relevant documents, partly to address concerns about trafficking in persons.

In public speeches President Obiang frequently referred to foreigners as a security and terrorist threat and warned of a renewal of colonialism.

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

No laws criminalize same-sex sexual conduct, but societal stigmatization of and discrimination against the LGBTI community was a problem. The government made no effort to combat this stigma and discrimination. The government does not formally recognize the existence of LGBTI persons or groups. Its position is that such sexual orientations and gender identities are inconsistent with their cultural beliefs. There is no formal, legal protection for LGBTI persons or groups. LGBTI individuals were reportedly subjected to additional discrimination and violence by security forces.

In July security forces targeted and detained members of the LGBTI community. Plainclothes security force members canvassed neighborhoods where known LGBTI group homes existed, reportedly knocking on doors and inquiring about sexual practices, and accusing suspected LGBTI persons of petty crimes to justify their questioning and detention. Reportedly, once detainees stated that they were heterosexual, police released them.

LGBTI individuals often faced stigma from their families as well as from the government and employers. Families sometimes rejected children and forced them to leave home, often resulting in them quitting school as well. Some LGBTI individuals were removed from government jobs and academia because of their sexual orientation. School officials reportedly denied transgender children access to some educational facilities. There were persistent reports of rape of LGBTI women in an effort to impregnate them for supposed conversion to heterosexuality.

### **HIV and AIDS Social Stigma**



Despite frequent public statements and radio campaigns advocating nondiscrimination, including one by President Obiang, there remained stigma around persons with HIV/AIDS, and many individuals kept their illness hidden. The ministry of health and social welfare estimated that less than half of HIV sufferers sought treatment, and that some persons likely avoided the no-cost treatment because of associated social stigma.

## **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, however, did not generally allow unions to organize.

The government did not enforce laws providing freedom of association or the right to collective bargaining. All unions must register with the government, but the registration process was costly, burdensome, opaque, and slow. 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. Most often those seeking to organize were co-opted into existing party structures by means of pressure and incentives. Penalties were not applied and were insufficient to deter violations.

The law broadly acknowledged the right to engage in strikes, but no implementing legislation defines 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 has never authorized a strike.

The government did not protect the right of unions to conduct their activities without interference.

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. The Ministry of Labor and Social Security conducted numerous workplace inspections to verify adherence to laws on forced labor. Despite creating an online tool to report cases of forced labor and promoting its efforts online, the government did not effectively enforce the law, did not take sufficient action on ending slavery, and forced labor occurred. Neither penalties nor the government's inspection efforts were sufficient to deter violations.

Men and women from Cameroon, Benin, and other neighboring countries, as well as from the Dominican Republic, Cuba, and Venezuela, were recruited for work, and some were subsequently subjected to forced labor. Often, they were not compensated as agreed and their passports were confiscated. Companies in the construction sector, among others, sometimes held the passports of their foreign workers, a possible indication of forced labor. Some companies claimed they held passports to keep them from being stolen.

Employees in the public and private sector were often paid months late. Some workers, especially those from overseas, quit their jobs because of nonpayment, having effectively worked for months without compensation.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits some of the worst forms of child labor. The law prohibits employment of children younger than 18, except that with the authorization of the Ministry of Labor and Social Security and their parents or guardians, minors between ages 16 and 18 may perform light work that does not interfere with their schooling.

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 younger than 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 younger than 18 who perform night work or work in hazardous environments. The government has yet to publish any list of the hazardous types of work prohibited for children.

The Ministry of Labor and Social Security is responsible for enforcing child labor laws, but labor inspectors focused mainly on the construction industry and not on child labor. The laws were not effectively enforced, and penalties were not sufficient to deter violations. The government does not have data on the worst forms of child labor.

Children were reportedly transported from nearby countries--primarily Nigeria, Benin, Cameroon, Togo, and Gabon--and forced to work as domestics, market laborers, ambulant vendors, launderers, and beggars. Increasingly there were reports of local children brought from rural areas to work as domestic servants in Malabo and Bata. The government occasionally provided social services on an ad hoc basis to children found working in markets. In January government officials called attention to children working in markets and as street vendors and increased oversight. In February the government issued a decree prohibiting children from working as vendors in the street in an attempt to reduce child labor.

Attention to school attendance generally focused more on citizen children than on their foreign peers.

#### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination based on race, skin color, sex, religion, political opinion, national origin, social status, or union affiliation. Labor laws do not prohibit discrimination based on age, disability, sexual orientation, language, HIV/AIDS status, or refugee or stateless status. The government did not effectively enforce these laws and regulations. Penalties were insufficient to deter violations. Discrimination in employment and occupation occurred with respect to political affiliation, ethnicity, sex, sexual orientation, disability, and HIV/AIDS status. Discrimination against foreign migrant workers occurred. High-ranking members of independent opposition parties were unable to find work and were barred from government employment.

The government does not have an agency responsible for the protection of persons unable to work due to permanent or temporary illness or other health conditions. 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, nor did the government take steps to accommodate them in the workplace.

The country continued to have large gender gaps in education, equal pay, and employment opportunities. Deep-rooted stereotypes and ethnic traditions impeded women's employment opportunities. Women mostly worked in the informal sector where they did not have access to benefits or social security. The lack of enforcement left women vulnerable to discrimination, but they rarely complained due to fear of reprisals. The government did not maintain accurate or updated statistics on unemployment generally, nor by segment of society.

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 law requires employers to pay citizens at the same rate as foreigners and to pay domestic workers not less than 60 percent of the national minimum wage. In reality, neither is enforced.

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. 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 postmaternity 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 they were not consistently observed. 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.

The government did not effectively enforce the law. 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 the hydrocarbons sector exceeded minimum international safety standards.

The government did not monitor the informal sector, which employed a majority of workers. No credible data or statistics were available.

Foreigners, including migrants from other parts of Africa, Asia, and the Americas, were sometimes subjected to poor working conditions. Some workers were exposed to hazardous chemicals, supplied with insufficient safety gear, and subjected to excessively long hours. The ministry established a website in 2018 and a phone line during the year for workers to report workplace irregularities and violations, including safety concerns and forced labor.