

EQUATORIAL GUINEA

Equatorial Guinea is nominally a multiparty constitutional republic, with a population estimated at between 540,000 and over one million. All branches of government are dominated by President Teodoro Obiang Nguema Mbasogo and his inner circle, mostly of the Fang ethnic group. The international community judged the most recent elections, in 2002 (presidential) and 2004 (parliamentary), to be seriously flawed. While civilian authorities generally maintained effective control of security forces, there were instances in which elements of the security forces acted independently of government authority. The government's human rights record remained poor, and the government continued to commit and condone serious abuses.

The following human rights problems were reported: abridgement of citizens' right to change their government; torture, beating, and other physical abuse of prisoners and detainees by security forces; harsh and life-threatening prison conditions; impunity; arbitrary arrest, detention, and incommunicado detention; harassment and deportation of foreign residents; judicial corruption and lack of due process; restrictions on the right to privacy; severe restrictions on freedom of speech and of the press; restrictions on the right of assembly, association, and movement; government corruption; violence and discrimination against women; trafficking in persons; discrimination against ethnic minorities; restrictions on labor rights and child labor; and forced child labor.

Improvements were noted in some areas. A law criminalizing torture was passed, and reports of abuses decreased compared to previous years. In addition the first groups of mid-level police officers were trained on professional subjects, including human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There was some evidence that the government or its agents may have committed arbitrary or unlawful killings.

On February 4, unknown assailants near Abidjan, Cote d'Ivoire abducted and killed Laesa Atanasio Bita Rope, leader of the Movement for the Self-determination of Bioko Island (MAIB). MAIB members claimed that Ivoirian government security agents collaborated with officials in Equatorial Guinea to kill Bita Rope. Ivoirian authorities denied involvement, and no arrests were made.

An inmate in the Cogo jail, Jose Meviane Ngua, died on August 18, and officials reported the death as a suicide by hanging. Undocumented reports appearing on foreign Web sites stated that his body showed hematomas (bruised swellings), either from the hanging or possibly caused by strangling and blows to the back. A police team reportedly investigated, but results were not made public, and there were no reported actions taken against the gendarmes on duty.

During April and May authorities found at least six mutilated bodies in the Malabo area; the killings were attributed to a group called the *Plateados*. The bodies showed signs of having been victims of ritual practices. On May 25, security forces arrested approximately 20 persons, including some members of the security forces, reportedly among them Jose Ela Ebang, brother of a former ambassador to Spain. In November the prosecution of those arrested began in a military tribunal, but by year's end the government had not announced any verdicts.

The opposition in exile continued to accuse the government of attempted assassinations. Spanish prosecutors of individuals accused of the attempted killing in Madrid in June 2005 of Manuel Moto Tomo, brother of exiled Republican Democratic Forces (FDR) party activist German Pedro Tomo Mangué, stated that the motivation was commercial, not political, but some FDR activists believed that Mangué was the intended target.

A soldier convicted of negligent homicide in the death of a Spanish worker at a checkpoint in 2003 (allegedly by mistake, but perhaps because of family influence) was among those pardoned by President Obiang in June.

b. Disappearance

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

There were no developments in the early 2005 disappearances of Juan Ondo Abaga, Florencio Ela Bibang, Antimo Edu Nchama, and

Felipe Esono Ntutumumu. They reportedly had been forcibly repatriated from Benin and Nigeria and incarcerated in Black Beach prison without charge, severely tortured, and not allowed a lawyer, outside communication, or family notification. There was no government confirmation of their presence, and when the International Committee of the Red Cross (ICRC) and the National Human Rights Commission (CNDH) visited Black Beach prison, these inmates reportedly were moved to other locations so the representatives could not see or talk to them.

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

On November 2, a law criminalizing torture and other cruel, inhuman, or degrading acts went into effect, in compliance with the government's obligations as a party to the UN Convention Against Torture. The law was publicized, and "sensitization" sessions began in November for security forces.

However, during the year torture and cruel treatment continued in the country's jails and prisons. Beatings and threats with loaded weapons were most frequently reported. In addition to the incident in Cogo (see section 1.a.), there were numerous reports that security forces beat opposition party activists, often on the orders of local officials, who apparently had support at higher levels and acted with impunity.

On October 5 in Bata, police arrested Florencio Ondo, Jose Antonio Mguema, Filemon Ondo, and Bacilio Meye, who were associated with the banned Popular Party (PP). Foreign governments and the nongovernmental organization (NGO) Amnesty International (AI) appealed to the government on their behalf. The four were released more than a month later after beatings, deprivation of food and water for several days, and threats to their lives if they would not confess to illegal association and possession of documents "harmful to the state" (e-mails, brochures, and pictures of PP leader Severo Moto). They did not confess and the charges were conditionally dropped. Possessions taken by police were not returned.

Comment [O1]: No, not true. PP Partido del Progreso. They are mixing up Union Popular and Partido del Progreso.

Foreigners, especially West Africans, continued to experience harassment, intimidation, and arbitrary arrest. Due to government corruption and concern over potential mercenaries, securing residence and work permits was difficult, time consuming, and very expensive. Police periodically raided immigrant ghettos and used excessive force, including beatings. They also looted property, set up roadblocks to check documents,

and visited homes to inspect identity cards and residence documents. Some claimed these were extortion attempts.

No persons responsible for widely occurring torture in prior years or during the reporting period were charged with a crime. In September 2005 AI reported that torture was widespread in places of detention. In 2004 senior government officials told foreign diplomats that human rights did not apply to criminals and claimed that torture of known criminals was not a human rights abuse. Current officials state that whoever said this was not representing government policy.

The South African prisoners convicted of a 2004 coup attempt were still forced to wear ankle shackles 24 hours a day, restricting even simple movements such as proper bathing. They reportedly were not allowed to appeal their convictions or to read letters from their families. As part of the president's June birthday pardons, one South African was released to his country's authorities for critical medical treatment after local authorities had refused for months to acknowledge the seriousness of his condition.

In May 2005 police attacked 15 members of the opposition party Convergence for Social Democracy (CPDS) at the Malabo airport, causing substantial injury to several, and forcibly disrobed some girls in public. At least 10 persons were detained, including one who suffered serious injuries and was given no medical treatment; they were released a week later.

In September 2005 authorities reportedly tortured approximately 70 persons charged with offenses related to an alleged coup attempt in October 2004, before and during their secret military trial. The group consisted of former military officers and relatives of the alleged leader of the attempted coup, Lieutenant Colonel Cipriano Nguema Mba. All but two reportedly stated they had been tortured and some bore visible marks of abuse. AI reported that authorities extracted statements using torture during incommunicado detention and used them as evidence (see section 1.d.). The alleged coup plotters remained incarcerated at year's end.

No action was taken against those responsible for the following 2004 cases: the torture of five persons arrested on Corisco Island; the shooting of PP leader Marcelino Manuel Nguema Esono; the torture of Weja Chicampo; and the torture of Lieutenant Colonel Maximiliano Owono Nguema. Marcelino Esono was released

in the June amnesty. Maximiliano Nguema (aka Maximo Ovono Nguema) remained incarcerated at year's end.

Prison and Detention Center Conditions

The conditions of many jails and prisons in the country remained harsh and life threatening; inmates frequently were not provided with sufficient food, potable water, or sufficient clean living space. During the year, however, inmates at Black Beach prison occupied new facilities that reportedly met acceptable international standards. A new prison in Bata was under construction. Training for guards remained deficient.

There were credible reports that jail and prison authorities tortured prisoners (see section 1.c.).

Medical attention was often denied or unavailable to prisoners with gangrene, broken bones, infections, and potentially fatal but curable illnesses. Some prisoners received medical treatment, but this was irregular and undependable. Prisoners needing medication almost never received it, unless family members had connections, or there was international attention regarding a case. Rehabilitation was nonexistent. In December diplomats inquired about the health of prisoner Donato Ondo Ondo, who was reported by citizens in exile and AI to be very ill; the government provided no response.

In April 2005 AI charged that Black Beach prison officials had stopped providing at least 70 prisoners with meals and blocked all contact with their families, lawyers, and consular officials, and that the prisoners were in danger of death from starvation and torture. AI also reported that all prisoners were kept in their cells 24 hours a day. Prisoners frequently were not allowed to communicate with lawyers or relatives. However, foreign diplomats who visited the facility in the second half of 2005 found improvements regarding contact with outsiders, permission for prisoners to be outside most of the day, reduced reports of torture, and provision of minimal food. Nevertheless, families were still the main source of food for inmates.

Male and female prisoners were not held in separate facilities (!). Unlike in previous years, there were no reports of prison authorities and male prisoners sexually assaulting female prisoners, nor were there credible reports that police gang-raped female prisoners in Malabo.

Juveniles were not held separately from adult prisoners (!). According to available information, juveniles generally were not sent to prisons during the year, an acknowledgment that they could not be adequately protected. Rather, they were held in local jails, watched, and sent home with warnings.

Unlike in previous years, no reports were received that prisoners habitually were used as workers on construction projects for some officials, without pay or other compensation, nor that judges used prisoners as domestic workers.

Prisons were under military management, although the Ministry of Justice, Religion, and Penal Institutions was legally responsible for them. Military personnel who worked in prisons had no special training.

The government permitted limited independent monitoring of prison conditions. There were three prisons and approximately 12 jails and holding cells in smaller localities. The ICRC was permitted to make periodic visits to all jails and prisons, and it met privately with prisoners. ICRC visits during the year were conducted according to standard ICRC procedures. However, it was reported in messages from former prisoners and relatives of prisoners that several political prisoners did not show up on prison rosters, that they had been detained without hearings, and that the ICRC representatives were prevented from seeing them (see section 1.b.). These prisoners included Florencio Ela Bibang, Antimo Edu Nchama, Felipe Esono Ntutumu, and Juan Ondo Abaha, among others. The government also refused diplomatic mission requests to resume prison visits.

The UN Development Program (UNDP) and the National Commission on Human Rights (CNDH) reported after short visits during the year that they found significant improvements in jails and prisons, particularly at the infamous Black Beach prison that occupied a new building. The NCHR, however, is government-controlled, not independent, and does not investigate or report human rights violations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government did not enforce these prohibitions. There were nominal procedural safeguards for the protection of citizens' rights, including provisions concerning detention and the requirement for search warrant; however, security forces systematically ignored these safeguards and continued to arrest

and detain persons arbitrarily and with impunity. Security forces often detained individuals "on orders from superiors" without any further formality. Many times charges were filed only after intervention by the international community, and political activists frequently continued to be held in preventive detention, which meant their cases were indefinitely under investigation. Government figures and some of their business partners involved in arranging illicit detentions enjoyed total impunity for such actions.

Role of the Police and Security Apparatus

The police were responsible for security in the cities, and the gendarmes responsible outside the cities and for special events. Both reported to the civilian minister of national security. Division of authority between the two-year-old Ministry of National Security and the Ministry of National Defense was still being clarified. Previously, both internal and external security were military responsibilities.

Impunity for police officers and gendarmes was a serious problem. There were no known mechanisms to investigate allegations of abuse. The police were misused by other ministries and local officials to harass and threaten persons and to confiscate property.

Corruption was endemic within the security forces. Officers who extorted money from citizens were not punished.

Unlike in previous years, there were no reports that citizens who were not police officers were allowed to arrest persons suspected of being illegal residents, increasing the frequency of arbitrary arrests.

The government recognized the need for professional improvement of the police and began funding corrective training. A contracted private foreign group trained the first cohort of mid-level police officers on professional subjects including human rights of citizens, particularly of those arrested.

Arrest and Detention

Many persons were taken into custody on the verbal orders of officials. Arrest warrants are not required. Within 72 hours, excluding weekends and holidays, a detainee has the right to a judicial determination of the legality of the detention; however, in practice the length of such detentions was usually

much longer, even years. Although a bail system and public defenders were available upon request, this was not known by the general public, and these systems did not operate in practice. The percentage of those incarcerated who were pretrial detainees was estimated to be at least 80 percent. When cases of arbitrarily lengthy pretrial detention were brought to the attention of high-level authorities, some action generally was taken. Trial delays were also caused by inefficient judicial procedures, corruption, lack of monitoring, and staffing constraints.

Defense lawyers did not receive a full list of indictments against their clients. Detainees were not promptly informed of charges against them. Legal access depended on the nature of the crime and bribes. Some limited visitation by family members was permitted at all jails and prisons.

Unlike in previous years, police did not routinely hold detainees incommunicado, although this sometimes occurred, especially with political prisoners (see section 1.c.). Reliable files were not kept on those imprisoned.

In 2005 the government provided responses on the status of 39 persons previously detained for "crimes against the state." Several had been detained for months or years without being brought to trial. Seventeen were brought before a judge in December 2005 for brief hearings and remanded to prison for unspecified "crimes against the state," rebellion, or terrorism, and ordered to be held in "preventive detention" until trial. In at least three other cases, a previous judgment of completion of sentence was overruled by the government's *fiscal* (attorney general) for unexplained reasons. For 20 persons, the government said that it had no information, although many sources have reported their continuing detention.

The government used arrest, beatings, and various forms of harassment to intimidate opposition party officials and members.

Arbitrary arrest was a serious problem. Local authorities singled out foreigners for arbitrary arrest, harassment, and deportation (see section 1.c.). Security forces detained relatives of prisoners and criminal suspects in an attempt to force the prisoners or suspects to cooperate (see section 1.f.).

AI and other observers reported that the secret September 2005 trial of approximately 70 military officers, former military officers, and relatives of the alleged leader of the October

2004 attempted coup did not conform to international legal standards for fair trials. A military court sentenced 22 men and a woman to lengthy prison terms. At least six persons were tried without being present, in contravention of national law. In all cases defense lawyers did not have access to government-held evidence and only had their clients' statements. The court denied defense attorneys' requests to cross-examine accusers. Those convicted had no right of appeal. The court ignored allegations and evidence of torture in the course of the trial and did not conduct an investigation (see section 1.c.).

Nine persons, including those tried without being present, were sentenced to 30 years in prison on charges of undermining the security of the state and attempting to overthrow the government. The court convicted 11 others, including Florencia Nchama Mba, of the same offenses as accessories and sentenced them to 21 years' imprisonment. The court convicted Francisco Mba Mendama (who was also convicted of undermining the security of the state and received a 30-year prison sentence) and two others of treason; they received 25-year sentences. One person received a 12-year prison sentence. Statements obtained under torture during incommunicado detention were used as evidence.

Amnesty

On his birthday in June, President Obiang issued a conditional pardon to youth, women, and approximately 40 others. Many--at least 12, possibly as many as 32--had been detained, but not prosecuted, for "crimes against the state"; they were generally prisoners of conscience. Weja Chicampo, a former leader of the MAIB, was one of the high-profile cases. Chicampo was released but was immediately forced to fly to Madrid in exile, without being allowed to notify his family.

Immediately prior to the president's official visit to Spain in November, the four former members of the banned PP party detained in October were conditionally released in Bata (see section 1.c.).

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the government did not respect this provision in practice. All branches of government are dominated by the executive. Judges served at the pleasure of the president, and they were appointed, transferred, and dismissed for political as well as competency reasons. Judicial corruption was widespread.

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

The court system is composed of lower provincial courts, two appeals courts, a military tribunal, and the Supreme Court. The president appoints members of the Supreme Court, who reportedly took instructions from him. One general, not a lawyer, served on the Supreme Court to advise on military-related cases. The Supreme Council of the Judicial Power appoints and controls judges. President Obiang is president of that entity, and the president of the Supreme Court is its vice president. In late 2004 the president of the Supreme Court began a mandatory training system and program to replace incompetent judges. Of approximately 60 judges, only an estimated 12 were lawyers.

Trial Procedures

Many trials for ordinary crimes are public, but juries are not used. Law is based on the colonial Spanish system. Defendants have the right to be present at their trials but rarely were able to consult promptly with attorneys. If an accused cannot afford his own lawyer, he is entitled to ask for one from the government; unfortunately, defendants are not routinely advised of this right. Defendants can confront and question witnesses, and they can present their own witnesses and evidence, although in practice this was rarely done. There is limited access to evidence. By law the accused has the presumption of innocence and the right to appeal; however, legal appeals are rarely allowed in practice. By law the above-listed rights are extended to all groups. Experience at defense is limited, and it was reported that defense lawyers do not necessarily represent the wishes of the person being defended.

The code of military justice states that people who disobey a military authority, or allegedly commit an offense considered to be a "crime against the state," should be judged by a military tribunal, with no due process or procedural guarantees, regardless of whether the accused is civilian or military. Some military cases were essentially political in nature. A defendant may be tried without being present, and the defense does not have a guaranteed right to cross-examine an accuser. Such proceedings are not public.

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

Political Prisoners and Detainees

Approximately 60 identified "prisoners of conscience," or political prisoners, remained detained at year's end, many without having been tried; others had been convicted of "crimes against the state" without adequate representation or right to appeal (see section 1.c.). These prisoners were all members of opposition parties or persons the government accused of involvement in coup attempts. During 2005 the ICRC and some foreign diplomats were permitted to visit them, but individual visits during the year were restricted to the ICRC.

Prominent members of the "illegal" opposition Republican Democratic Forces (FDR), the PP, and the NPU remained detained at Black Beach prison for their political activities. FDR leader Felipe Ondo Obiang, arrested in March 2002 in connection with an alleged coup plot, was reportedly tortured and remained in Evinayong Prison at year's end. He was chained to the wall by his leg and held in solitary confinement for several months. Six of the 30 other prisoners arrested with Ondo Obiang were reportedly released with others in the June amnesty. FDR leader Guillermo Nguema Ela remained in prison, despite having been granted partial amnesty. The government restricted access to political detainees to the ICRC, spouses, and occasionally lawyers.

In 2004 police arrested Air Force Captain Felipe Obama. There were no reports that charges had been filed against him or that he had been released.

According to the CPDS, in connection with the November 2004 arrest of 50 military officers, in January 2005 the government arrested 100 additional persons. It appeared that these were the same individuals tried in a secret military court in September 2005. All received long sentences and had no access to a defense attorney.

Civil Judicial Procedures and Remedies

Matters can be settled out of court, but there is no known official arbitration or mediation. Civil cases rarely came to trial, reportedly because of lack of faith that judgment would be fair and transparent.

Property Restitution

The law provides for restitution or compensation for the taking of private property, but in practice people forced from their homes or land seldom received adequate compensation, if any. The civil code Law of State Patrimony, Law of the Soil, states that all land ultimately belongs to the state, thus, the government could take possession when it determined it was "in the state's interest." Individuals may hold property title to pieces of land, but the state in the last instance is owner.

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During the year the government leveled many residential areas, ostensibly in the interest of urban renewal; however, government officials reportedly had personal financial interests in the redevelopment. According to AI, officials often stated the seized land was for public utility development, but the land was not used for that purpose; instead, the land was usurped by the president, his family, and other members of the government to build luxury homes, supermarkets, or other businesses for themselves.

New social housing projects were underway, but they did not benefit the poor. High government officials and their relatives reportedly bought new social housing that was completed in "Bata 2" (a suburb of Bata).

According to AI, typically the government allowed no consultation with the communities affected, provided little or no prior notice, and allowed no right to contest the evictions. Hundreds of homes and businesses were destroyed; many were solid structures in well-established neighborhoods, and residents had no other place to go and no money to relocate. For example, more than 600 persons were made homeless in Malabo's Atepa district on July 22 when the government destroyed their homes without warning. The next day homes were similarly demolished in Malabo's Camaremy district. In both cases soldiers shoved, slapped, and intimidated residents who protested.

The government sometimes offered partial payment to those who proved title and expenses of purchase or construction. In many cases written title was nonexistent, although land had been in the hands of a family for generations.

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

The constitution and law prohibit such actions, but the government did not respect these prohibitions in practice. Security forces violated homes and arrested suspected

dissidents, criminals, foreign nationals, and others, often without judicial orders, and confiscated their property with impunity. When prisoners were released, their property was not returned. Family members were intimidated, sometimes detained, or evicted. After their release, arrested persons had no recourse for recovery of property and were often blacklisted for employment, reportedly under orders from members of the president's family.

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Informers reportedly monitored opposition members, NGOs, journalists, and foreign diplomats. Most residents and journalists believed that the government monitored telephone calls and Internet use (see section 2.a.).

Security forces detained relatives of prisoners and criminal suspects to force the prisoners or suspects to cooperate (see section 1.c.).

The government pressured its employees to join the ruling Democratic Party of Equatorial Guinea (PDGE). Reportedly they were forced to allow automatic deductions from their paychecks with proceeds going to the party whether or not they were members. Opposition party members were discriminated against in hiring, job retention, scholarships, and obtaining business licenses. A business found to have hired someone on a political blacklist had to dismiss the person or face the threat of closure (see section 3).

Authorities harassed, arrested, deported, and robbed foreign nationals, particularly west Africans (see section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press; however, the government severely restricted these rights. During the year the government monitored journalists; the media remained firmly under government control; and journalists practiced self censorship.

Criticism of the president, his family, or the security forces was considered "attacks against the nation." Recently some officials began to discuss societal problems in the media-- public corruption, trafficked children, rioting by students, excessive drinking, absent teachers, government revenues, and demands for transparency in public administration; however, only

government-approved messages on these themes were broadcast. Citizens believed that if they called in to the rare talk-show and criticized the government, security forces would find them and demand bribes or detain them for "crimes against the state."

Even so, citizens reported that, compared to past decades, there was more freedom to talk openly about the society's problems.

The law authorizes government censorship of all publications.

Seven periodicals with varying degrees of government involvement were published irregularly (*Ebano*, *Bantu Africa*, *El Correo*, *La Opinion*, *Realite*, *Horizontes*, *Ecos de Mongomo*), and also one monthly, *La Gaceta*. All practiced self-censorship. International newspapers or news magazines could not be sold or distributed without government permission. Political party publications could not be distributed to the general public. News kiosks did not exist, and the only bookstores were affiliated with religious congregations. Starting a new publication was governed by a very complicated and ambiguous law.

Local journalists often suspected each other of being government informants. The press association (ASOPGE) and a diplomatic mission planned to bring an international journalist to conduct a workshop in July; however, government officials denied permission because the government had not been directly involved in the planning. The program was finally permitted, and the government sent a representative.

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

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

On radio and television there was no analysis of issues and no expression of differing views. Previously available live coverage of parliament was censored before broadcast during the spring session, and the fall session only had rare, selective recorded coverage. The president's eldest son owned the only private broadcast media.

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

Satellite broadcasts increasingly were available. Foreign channels that reported news were broadcast and were not censored.

Although satellite or cable programming was too expensive for the average citizen to subscribe, cable television expanded greatly. Television Asonga, operated by the president's son, was broadcast only in Bata. Foreign cable television was available and provided news in French, Spanish, and English. Spanish TVE, an official Spanish government broadcaster, had a large audience in the country. After it broadcast a clandestinely filmed documentary, *El Mundo a Cada Rato*, showing a baby dying in its mother's arms in a Malabo public hospital, the prime minister reportedly visited the hospital, criticized unprofessional attitudes, and forced some changes in hospital procedure.

Internet Freedom

There were no government restrictions on access to the Internet or verifiable reports that the government monitored e-mails or Internet chat rooms. Residents, however, believed that the government monitored Internet use, including e-mails, which were channeled through the parastatal telephone company or a wireless connector (see section 1.f.). E-mail users therefore generally practiced self-censorship. Most overt criticism of the government came from the country's community in exile, and the Internet had replaced broadcast media as the primary way opposition views were expressed and disseminated. Exiled citizens' sites were not blocked. Internet use grew, but cost was prohibitive for most citizens. Some remote areas including smaller islands were still lacking in telephone service, further limiting Internet use.

Academic Freedom and Cultural Events

There were no official restrictions on academic freedom or cultural events; however, in past years some qualified professionals were moved out of teaching positions because of their political affiliation or critical statements reported to government officials by persons in their classes. Therefore, most professors practiced self-censorship in order to avoid problems. Very infrequent cultural events took place, and all

required approval from the Ministry of Information, Culture, and Tourism.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for the right of assembly; however, the government restricted this right. Government authorization must be obtained for private home meetings of more than 10 persons. Although the government formally abolished permit requirements for political party meetings within party buildings, in practice opposition parties were expected to inform authorities if they wished to hold gatherings of any kind, regardless of location. Security agents generally monitored gatherings in public places. The government required notification for public events such as meetings or marches.

On October 12, security forces arrested three district leaders of the Convergence Party for Social Democracy (CPDS), a legal party, who were preparing to hold a meeting in their headquarters in Acurenam. They were released a few hours later, but prohibited from celebrating National Day inside CPDS offices.

Other incidents of detention and beatings occurred during the year, when party activists tried to meet or travel to other districts, although government officials were notified ahead of time. Examples included arrests of a dozen CPDS activists in Rebola on April 8 when they tried to convene an approved party meeting. Executive Committee members Carlos Ona Boriesa and Carmelo Iridi were given 50 blows during their detention. The two were transferred to the Baney military camp when the other CPDS members were released several hours later. The two were released later that evening and taken back to Rebola. Reportedly a higher authority intervened. On April 9, police disrupted a CPDS meeting in Ebebiyin, after government delegate Florentino Edu Enama revoked permission for the meeting and expelled party officials from the city.

When such incidents were brought to the attention of the president by foreign diplomats or CPDS activists, he professed to know nothing about them and claimed he would order such incidents of repression to cease. Opposition figures state, however, that such incidents would not occur without the president endorsing them.

The CPDS was allowed to hold its annual civic education program for party youth during the year without major harassment, and the Popular Action of Equatorial Guinea (APGE) party held its convention without problems.

In June the Olof Palme Foundation tried to hold a conference on peace and democracy in partnership with the opposition CPDS party. The government refused permission and denied visas, reportedly because it was not involved in planning and in charge of content. Months later a foreign government invited the government to be a partner in a rescheduled seminar. The original agenda included participation of the opposition, in addition to high-level government officials, as panelists. The government reportedly insisted that no CPDS members could make presentations. The organizers succumbed to government pressure, and the conference finally took place in December.

Freedom of Association

The constitution and law provide for freedom of association, but the government restricted this in practice. The law establishes what types of NGOs can register, and human rights associations were added in January 2005 to the list; however, no human rights associations tried to organize and register. The law prohibits the formation of political parties along ethnic lines and prohibits coalitions between political parties; however, six opposition groups continued to be part of a coalition, which during the year allied itself with the ruling party. Opposition party members complained that their meetings were disrupted or monitored.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right; however, religious leaders avoided criticizing the government in their sermons, and government officials sometimes monitored services.

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

A religious organization must be formally registered with the Ministry of Justice, Religion, and Penal Institutions to

operate. There were no reports during the year that the government refused to register any group. Approval may take several years, due primarily to bureaucratic slowness rather than policy; however, the lack of clearly written registration procedures could be used against a church when a political figure did not like its pastor or a member.

Traditional African religions were practiced in private, even by many who belonged to other religious groups.

The government continued to restrict the clergy, particularly regarding criticism of the government. During the year church representatives reported that they practiced self-censorship. The government required permission for any religious activity outside a church building, but this requirement did not appear to hinder organized religious groups.

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

Societal Abuses and Discrimination

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

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

For a more detailed discussion, see the *2006 International Religious Freedom Report*.

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

The constitution and law provide for these rights; however, the government limited them in practice. Police at roadblocks routinely subjected citizens to searches, harassment, and extortion; however, this occurred less frequently than previously. The government attempted to justify roadblocks as controls to prevent illegal immigration, possible mercenary activities, or potential coups d'etat. However, the checkpoints effectively restricted freedom of movement by opposition members. Police and soldiers continued to harass foreigners, mainly because they were perceived to be wealthier than most citizens (see section 1.c.).

The military harassed and intimidated members of the Bubi ethnic group on Bioko Island. Security officials reportedly beat and shot Bubis for not surrendering their farm produce, sufficient money, and even land. The military were generally seen as an occupation army that prevented free movement of people in their traditional land.

The law prohibits forced internal or external exile; however, the government did not respect this in practice. For example, on June 5, the government forced Weja Chicampo into external exile (see section 1.d.). In September the government reportedly sentenced former general Agustin Ndong Ona to internal exile. Some persons have fled the country for political reasons.

Government officials and members of parliament were supposed to receive permission from their superiors before traveling abroad. This effectively acted as a control on ruling and allied party members.

Government security agents working in other countries reported on movements and activities of travelers from the country.

Protection of Refugees

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

There were no recent cases of the government cooperating with the UNHCR or other humanitarian organizations in assisting refugees and asylum seekers. There is no local UNHCR office.

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

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

The constitution and law provide citizens the right to change their government peacefully; however, in practice citizens could not freely change the laws and officials governing them.

Elections and Political Participation

There have been no free, fair, and transparent elections since independence.

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

Membership in the ruling party generally was a great advantage for hiring and promotion, both in the public and private sectors. Membership in another political organization was reportedly grounds for dismissal from any position, public or private. Opposition politicians often claimed to have been dismissed from their jobs after joining other political groups, with no possibility of legal redress.

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

PDGE members went door-to-door before the election, threatening and harassing opposition supporters and subjecting them to arbitrary arrest. On voting day there were widespread reports of intimidation and other irregularities. Voters were discouraged from voting in secret, ballots were opened illegally, and ruling party representatives reportedly cast votes of children and deceased persons as well as their own. Security forces intimidated voters in polling booths. There were few nonpartisan observers in rural areas, and discrepancies were reported between local vote counts and what later were released as official tallies. For example, although international observers

estimated that the opposition CPDS party received 12 percent of the vote, the final tabulation did not show this, and the ruling party offered the CPDS only two seats in the 100-seat parliament. Some seats were given to opposition parties that had pledged cooperation with the PDGE.

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

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

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

Government officials routinely referred to any politicians from opposition parties deemed illegal as "terrorists." The government generally withheld access to domestic broadcasting from opposition parties and referred to the opposition negatively when broadcasting. Reportedly the government bribed members of the opposition to join the PDGE; if they refused, they found themselves out of work and their family members denied opportunities for employment.

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

A new government was named in August, led by a new prime minister who was not a member of the minority Bubi ethnic group,

which had been the tradition for decades. Additional appointed cabinet and subcabinet positions, bringing the total to 59, were established. A total of 49 appointees were from the majority Fang ethnic group, and at least 40 were from just two of the seven provinces. Almost 30 were from the president's home province.

Government Corruption and Transparency

Official corruption in all branches of the government remained a serious problem, but in August the president appointed a new prime minister who declared that elimination of corruption was his primary objective, and the subject received more public attention.

The country's newfound oil wealth had become a magnet for many seeking financial opportunities, including those willing to use corrupt means to obtain a share of the revenues. Wealthy individuals were able to buy the licenses needed to operate and had the influence to squeeze out competitors.

Military and other security personnel and civil servants earned low wages and in the past were told to "make their own raise," which implied government approval to demand bribes.

Some officials have been removed from office for corruption, but many persons believed they were scapegoats for higher-level and former officials. Officials by law must declare their assets, but there were no reports that they ever complied. There was no requirement for an official to divest himself of business interests that were in areas that his agency oversaw. When that was ostensibly done, under international pressure, the divestment generally was only a facade; another family member or associate nominally took over, or a business group was formed that appeared, falsely, to have no connection to the official.

In September the prime minister established a hot line, ostensibly for oil companies to use if they had evidence of corruption or were asked to participate in something they viewed as corrupt. It was reportedly used at least twice; however, there were no known investigations of those allegedly seeking to employ illegal practices.

The government removed some officials from office for misuse of public trust (corruption), but none were prosecuted and some were moved to other government positions.

In 2004 an investigation by the legislature of a foreign country determined that at least \$35 million (17.5 billion CFA francs) of revenues from foreign oil companies had been misappropriated by the president, his family, and other senior government officials over the previous few years. The investigators concluded that, in many cases, the money went directly into foreign bank accounts controlled by the president and close associates.

The government released a report in an effort to refute the allegations. The government claimed that the foreign accounts were intended to meet "needs in the country," despite the private nature of the accounts, and were established to earn interest "for future generations," which funds deposited in the Central African Bank did not. The government purported to detail where hundreds of millions of dollars (billions of CFA francs) had been spent on capital construction projects underway in the country, and it claimed that funds from these oil revenue accounts were withdrawn by the president to pay for the projects. When those foreign accounts were closed in late 2004, most of the funds were transferred to the Central African Bank.

In 2005 the government expressed interest in joining the Extractive Industries Transparency Initiative, a multinational civil society initiative to encourage transparency and accountability in extractive industries. However, it made little progress on meeting requirements to join because it passed no implementing regulations.

The law did not provide for public access to government information, and citizens and noncitizens, including foreign media, were generally unable to access government information. A lack of organized recordkeeping, archiving, and public libraries also limited access.

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

There were no domestic human rights NGOs. The law restricts NGOs and identifies specific areas in which they may operate; human rights were added in January 2005 to those types of NGOs that may organize; however, having long been banned, none existed.

The primary organization with some responsibility for human rights, the National Commission for Human Rights (CNDH), was controlled by the government and suffered serious funding,

staff, and institutional limitations. It did not investigate human rights complaints or keep statistics on them. The president appointed the members of the CNDH.

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

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

The government elevated the human rights portfolio to the first vice prime minister with the reorganization of government in August, but by year's end no impact was seen from this move.

During the year the government collaborated with the ICRC and other organizations to train local and regional security personnel, government officials, students, and others in human rights subjects. At various times during the year, UNICEF, UNDP, the ICRC, the European Development Fund, and contracted private organizations carried out activities in the areas of human rights protection and training.

No international human rights NGOs were resident in the country. There have been allegations from Catholic Relief Services, Reporters Without Borders, and the Center for Rural Development that NGO representatives visiting Malabo had their movements, telephone calls, e-mails, and faxes monitored.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

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

Women

Violence against women, including spousal abuse, is illegal, but the government did not enforce the law effectively. The traditional perception that women were sold to men by their families, and therefore were property to be controlled by whatever means necessary short of death, was widespread. The public beating of wives is illegal; however, violence in the home generally was tolerated. The police and judiciary were reluctant to prosecute domestic violence cases; some police and judicial officials stated that gender violence should be resolved at home, not prosecuted by the government. The government did not have a hot line, shelter, or other services for domestic violence victims. The number of prosecutions during the year was not known; however, the government generally did not prosecute perpetrators of domestic violence, and such violence, particularly wife beating, was common.

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

Prostitution is illegal but was generally tolerated. Women's poverty and demand from the increasing number of resident foreign workers fostered it. The government's response was to close some local bars (which reopened a few days later). Police occasionally detained prostitutes, abusing and sometimes subjecting them to extortion; patrons were not arrested.

Trafficking in persons for prostitution was possibly increasing (see section 5, Trafficking in Persons).

Sexual harassment was not illegal, and its extent was unknown.

The law provides for equal rights for women and men, including rights under family law, property law, and in the judicial system; however, rights of women were limited in practice. Because women become members of their husbands' families upon marriage, they usually were not accorded inheritance rights. Tradition also dictated that if a girl's family accepted a dowry from a man, she must then marry him, regardless of her wishes;

if a marriage dissolved, the husband also automatically received custody of all children born during the marriage.

A foreign development fund, as part of its program to support civil society, dedicated one of its forums to the rights of women. The dominant topics were polygyny and traditional attitudes that make women vulnerable. Polygyny, which was widespread (although it had no legal basis), contributed to women's secondary status, as did limited educational opportunities.

The Ministry of Women's Affairs was responsible for women's issues.

Women largely were confined by custom to traditional roles, particularly in agriculture. Women experienced economic discrimination in access to employment, credit, pay for substantially similar work, and business ownership or management. Despite this, there were a few successful women entrepreneurs.

Children

The government devoted little attention to children's rights or their welfare and had few policies in this area, although during the year it sponsored several seminars, media programs, and announcements on the Convention on the Rights of the Child. In 2004 the parliament passed a trafficking-in-persons law, focused almost exclusively on trafficked children (see section 5, Trafficking); however, other than prohibitions against child labor, no other provisions for the welfare of children were included.

By law education is compulsory, free, and universal through primary school, but the law was not enforced. Fees and requirements such as uniforms made it difficult for many families to afford to enroll their children. Boys were generally expected by their families either to complete an additional seven years of secondary school or to finish a program of vocational study after primary education. For many girls, pregnancy or the need to assist at home made acquiring even a primary education impossible. Women generally attained only one-fifth the educational level of men. According to UNICEF, from 1992 to 2002 net primary school attendance was 60 percent for boys and 61 percent for girls, and from 1997 to 2000, the secondary school enrollment ratio was 43 percent for boys and 19 percent for girls.

Teachers were sometimes political appointees with no training.

The government continued to cooperate with a foreign government to provide textbooks to schools.

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

The government-funded Social Action Program, working with a foreign official coordinator, also began to establish operating procedures, did an initial assessment, and designated counterparts in government ministries to coordinate priority projects to address shortcomings in education, health care, child protection, water, and sanitation.

Children suffered poor health and had a high mortality rate. The government provided very little health care, but boys and girls had equal access to what was offered. Treatment for malaria, the largest killer of children, was supposedly free for pregnant women and children to age five.

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

Children were often pawns in demonstrations of support for the president and his policies. On December 1, some students rioted in Malabo after hours of walking to participate in an HIV/AIDS march, in reaction to a road accident that killed at least one student and severely injured others. Government officials partially blamed the rioting on teachers, parents, and principals having become "too lax in disciplining" children. They implied support for corporal punishment to reinstitute respect.

Child prostitution may exist, but there were no statistics available (see section 6.d.).

Child labor by law is punishable by a fine from \$100 to \$500 (50,000 to 250,000 CFA francs); however, child labor occurred,

generally in agriculture, selling of small items on the street or in markets, or domestic work. Its extent was unknown (see section 6.d.).

Trafficking is punishable by up to 15 years in prison and a fine of approximately \$100,000 (50 million CFA francs); however, trafficking of children to the country was a growing problem (see section 5, Trafficking in Persons).

Unlike in previous years, there were no reports of street children living in the country.

The government, through the National Action Plan to Fight Against Trafficking in Persons and Child Labor, funded a program to educate the public against these practices, assist victims, and punish offenders. However, most training of investigators and child service workers had not begun by year's end, since sensitization and education on the subject was still continuing. The government entered into an agreement with Gabon and Cameroon to analyze cross-border trafficking, and in July it signed a Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa.

Trafficking in Persons

The law prohibits trafficking in persons; however, persons were trafficked through and to the country. The penalties for trafficking in persons for sexual exploitation or other exploitation are imprisonment for 10 to 15 years and a fine of not less than approximately \$100,000 (50 million CFA francs).

The government did not actively investigate trafficking cases. The Ministry of Justice is responsible for combating trafficking in persons, and the minister of justice is president of the interinstitutional commission on illegal trafficking of migrants and trafficking of persons.

Reliable figures on the number of trafficking victims were not available, but anecdotal evidence indicated the numbers were small. The country was a transit point and destination for trafficked persons. Although less prevalent than transit trafficking, trafficking into the country was reportedly a problem. Children, mostly from Benin and Nigeria, primarily were trafficked into the commercial sectors in Malabo and Bata. Nigerian boys worked in market stalls in Bata, often without pay or personal freedom. The country was both a destination and a

transit point for trafficked girls and boys, mostly from Cameroon, Benin, and Nigeria. Women were reportedly trafficked for sexual exploitation, especially to Malabo. Some Nigerian girls were reportedly trafficked onward to Spain for prostitution.

The government, in collaboration with UNICEF and foreign governments, implemented the first phase of a national action plan to prevent trafficking, punish offenders, and protect victims. The plan involved 11 ministries, religious communities, and nongovernmental and international organizations. During the year the government conducted four seminars, with wide participation. Public service announcements on the problem of trafficking were widely disseminated.

There was one unconfirmed report of a government official involved in the trafficking of a Nigerian infant, reportedly for an illegal adoption. This was privately resolved between the two countries, and it was unknown if any action was taken against those involved. Lower-level law enforcement officials, such as border guards and immigration officers, were suspected of facilitating trafficking in exchange for bribes.

Traffickers generally crossed the border with false documents and children they falsely claimed were their own. These children reportedly worked without pay and were not allowed to attend school. Organized criminal networks in Benin and possibly Nigeria were thought to be involved in trafficking persons to and through the country. Fishing boats also were probably employed to transport children to avoid formal entry procedures.

During the year the government was not asked by other governments to cooperate in the investigation and prosecution of trafficking cases. Authorities did not encourage victims to file complaints against traffickers. During the year there were no reports of prosecutions under the 2004 law.

The government did not provide protection or assistance to victims or witnesses. Embassies of victims' countries of origin, if present, were expected to take care of victims until they were returned to their home countries. There were no NGOs in the country to assist victims. The only victims identified were repatriated.

Persons with Disabilities

The law does not provide protection for persons with disabilities from discrimination in employment, education, or the provision of other state services. Educational services for the mentally or physically handicapped were minimal. They were usually provided, if at all, by churches or NGOs.

There was no institutional care or treatment for the mentally ill, a small but growing problem.

The law does not mandate access to buildings for persons with disabilities, and there was societal discrimination against such persons.

The ministries of education and health had primary responsibility for protecting the rights of persons with disabilities. Some public service announcements regarding rights of the disabled were broadcast.

National/Racial/Ethnic Minorities

Discrimination against ethnic or racial minorities was illegal, and the government did not overtly limit participation of minorities in politics; however, the near monopolization of political and economic power by the Fang ethnic group, particularly its Mongomo subclan, continued (see section 3).

Of 59 persons appointed to cabinet and subcabinet positions, 49 were Fang, seven were Bubi, two were Bisio, and one was Ndowe.

Tensions existed in part because the dominant group controlled most property, which afforded it greater economic prosperity and prevented economic competition from minorities. Minorities felt discriminated against in regard to expropriation of property, reimbursement for their seized homes or land, ability to obtain loans, compete for scholarships, and obtain and keep jobs.

The number of residents from Nigeria, Ghana, Cameroon, Mali, Togo, and other African countries grew, despite increasing roundups by police of persons without valid visas and permits. Foreigners were subject to harassment and extortion by security forces.

Differences among subclans of the Fang, especially resentment of the political dominance of the Mongomo subclan, were also sources of political tension. In practice some members of ethnic minorities, particularly of the Bubi ethnic group, faced

discrimination, especially when they were not members of the dominant party.

Other Societal Abuses and Discrimination

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

Persons with HIV/AIDS continued to be victims of societal discrimination and often kept their illnesses hidden. Radio campaigns and public statements advocating nondiscrimination toward persons with HIV/AIDS were frequent. The government promulgated a decree that provides for free HIV/AIDS testing and treatment.

Section 6 Worker Rights

a. The Right of Association

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

According to regional representatives of the International Labor Organization, the government continued to influence employment in all sectors. Requirements to utilize employment and security agencies controlled largely by the president's relatives continued.

There was no law prohibiting antiunion discrimination. However, unlike in 2005, there were no reports that workers tried to form unions, or that police visited their homes and threatened them if they persisted.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, but the government did not protect this right in practice. Workers were effectively prohibited from striking. On rare occasions workers engaged in temporary protests or "go slows" (work slowdowns and planned absences). In one case workers protested poor conditions and pay at a construction site at the port of Malabo, threatening the foreign contractor. The prime minister intervened and promised action on worker complaints if they would return to their jobs.

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

Workers believed that actions such as strikes would result in loss of their jobs and possibly harm to themselves or their families.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor and slavery, including by children, but there were reports that such practices occurred (see sections 5 and 6.d.). Unlike in previous years, there were no reports that detainees and convicted felons were forced to perform labor outside prison, nor for government officials, without compensation (see section 1.c.).

In 2004 the government enforced for the first time existing laws on forced labor and convicted a Beninese woman of holding a Beninese girl of 14 as an indentured servant. The woman was ordered to pay back wages, fined, and sentenced to serve a prison term.

The law prohibits forced or compulsory labor by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for

Employment

There are no comprehensive laws or policies to protect children from exploitation in the workplace, and the government did not effectively implement the few that existed. The 2004 law against trafficking provides that persons found guilty of illegally forcing a minor to work should be punished with a fine from approximately \$100 to \$500 (50,000 to 250,000 CFA francs). Radio news reported that some parents of working children were forced to pay this fine as examples.

The legal minimum age for employment is 14 years, but the government did not enforce this law, and child labor was common. In most cases children also went to school, girls through primary school and boys through middle school. In June 2005 the government issued a decree forbidding the employment of children in street vending, car-washing, or in bars and restaurants, but this law was rarely enforced. According to a 2001 UNICEF child labor study, the most recent information available, child labor existed primarily in the form of children working as farmhands and market vendors in family businesses. During the year there were unconfirmed reports that foreign children were used as market vendors by nonrelatives and had no access to schooling.

The Ministry of Labor was responsible for enforcing child labor laws; however, it did not do so effectively.

e. Acceptable Conditions of Work

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

By law employers must pay the minimum wage set by the government. Minimum wages were set for all sectors of the formal economy; however, the minimum wage did not provide a decent standard of living for a worker and family in Malabo or Bata. In the rest of the country, the minimum wage would provide a minimally adequate income. Many formal sector companies paid more than this, but most workers (farmers, etc.) were not covered under the minimum wage law. By law, hydrocarbon industry workers received salaries many times higher than those in other sectors, which fueled inflation and disadvantaged those who did not have those jobs. The Ministry of Labor is responsible for enforcing the minimum wage, but because of high unemployment,

workers with any job rarely complained to authorities about wage rule violations.

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

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

Although payment of a high percentage of salary into the social security and health system is mandatory, workers rarely received health care, workers' compensation, or retirement benefits from the system after contributing. Employment agencies that were supposed to pass on payments for social security benefits for workers were notorious for closing without meeting their obligations.