

EQUATORIAL GUINEA 2020 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, which he founded in 1991. In 2016 President Obiang claimed to receive 93.7 percent of the vote in a presidential election that many considered neither free nor fair. In 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 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 vice president (eldest 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. Police report to the minister of national security, while gendarmes report to the Ministry of National Defense. Military personnel, who report to the minister of national 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. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government; forced disappearances by the government; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government; arbitrary detention; harsh and life-threatening prison conditions; political prisoners or detainees; serious problems with independence of the judiciary; arbitrary or unlawful interference with privacy; serious 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 freedom of peaceful assembly and freedom of association, such as overly restrictive laws on nongovernmental organizations; serious restrictions on freedom of movement; the

inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; serious acts of corruption; lack of action and accountability for violence against women, although the government in one high-profile case investigated rapes of minors; trafficking in persons, although the government investigated two cases during the year; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex persons.

The government took some steps to prosecute or punish officials who committed abuses, including certain cases prompted by criticism from the press and public, whether in the security forces or elsewhere in the government, but impunity was a serious problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There was at least one report the government or its agents committed arbitrary or unlawful killings. No specific office investigates the legality of security force killings.

Security forces' abuse led to the death of a person sent to Black Beach Prison through an extrajudicial process. There were no reports of any investigations.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The law prohibits such practices, but 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. Security personnel particularly abused persons suspected of plotting against the government.

During the COVID-19 lockdown, citizen activists documented police officers and the military using excessive force, including beating citizens who did not abide by the government's preventive actions. Authorities later fired, suspended, or arrested some of these officials, and government officials reminded security personnel to treat their fellow citizens with respect. In July security officials attacked a doctor in a hospital for demanding that they wear face masks as a public health measure. The vice minister of health later visited the doctor and apologized for government actions. Media reported that authorities arrested the police officers for their misconduct. In November a video circulated on social media showing police officers beating citizens inside a police station as punishment for not wearing a mask.

Police reportedly beat and threatened detainees to extract information or to force confessions. On March 7, after serving five months in an isolation cell, according to an opposition blog, Felipe Obama Nse was admitted to the General Hospital in Malabo after the head of Black Beach Prison had him tortured. There were no reports of any action taken against the head of the prison. Reportedly incarcerated at the express command of President Obiang, Obama Nse had been a prisoner for five years without trial.

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 few steps to address such violence and were themselves sometimes implicated in it.

Impunity was a significant problem within the security forces, due to corruption, politicization of the forces, poor training, and the ability of senior government officials to order extrajudicial acts. In October and November, the government held human rights training in seminars throughout the country for members of the security forces.

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, limited oversight, and lack of medical care. In view of the COVID-19 pandemic, these conditions were all the more concerning.

Physical Conditions: 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 commonly shared one toilet that lacked toilet paper and a functioning door. Inmates rarely had access to exercise. Diseases such as 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. In some cases prisoners were reportedly left in solitary confinement for extended periods.

Statistics on prisoner deaths were unavailable. There were anecdotal accounts of deaths in prison due to injuries sustained from prison staff abuse.

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. Visitors had to pay guards small bribes to see detainees and to provide them with food. Since March authorities restricted visitation rights for family members and for legal counsel due to the COVID 19 pandemic. 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. In 2017 the government allowed UNICEF to visit youth

rehabilitation centers in Centro Sur and Riaba but during the year did not permit monitoring by media or local human rights groups.

Improvements: In 2019 prison authorities acknowledged some problems and sent supervisors for overseas training on better correctional practices. These officials returned to their facilities during the year. The newly constructed prison of Oveng Aseng on the mainland began operations.

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.

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. Nongovernmental organizations (NGOs) indicated the majority of detainees were not charged and that judges typically failed to issue a writ of habeas corpus within the legal 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 (see also section 1.b). 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. Starting in March, for several months the government halted production of permits due to the COVID-19 pandemic, leaving many foreigners with no way to renew expired documents.

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 July 10, authorities arrested officials of the National Treasury and accused them of stealing government financial instruments (see section 4, Corruption). They remained in custody without a judicial hearing.

In February 2019 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. Authorities required him to pay a fine and released him in February after finding him guilty of a lesser charge.

In July 2019 authorities arrested CPDS member Luis Mba Esono in his village in Engo Esaboman along with four other village members. Accused of abetting a suspect in a 2017 coup plot, they were denied access to legal counsel. CPDS pursued complaints with the legislature, the ombudsman, the UN Commission on Human Rights, and international organizations for the defense of human rights. Authorities dropped the charges and released them in February.

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.

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 legislature, the Constitutional Court, or the president as first magistrate 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 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 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, they were rarely 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. Authorities did not respect the law.

During the 2019 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 meet with their clients, ask questions or cross-examine prosecution witnesses. In September 2019 the American Bar Association (ABA), which had observers at the trial, noted the proceedings' many egregious irregularities. All of the convicted defendants remained in prison, except for those outside the country whom the government considered fugitives. The appeal process ended in November, with the Supreme Court upholding the convictions.

Political Prisoners and Detainees

There were reports of political prisoners or detainees, but no data was available on their number or length of detention. They were often held at Black Beach Prison, where they remained without charge or trial and without access to attorneys or human rights or humanitarian organizations for months at a time. Additional persons implicated in the 2017 coup plot were tried by a military tribunal that concluded in March (see section 1.b.).

Politically Motivated Reprisal Against Individuals Located Outside the Country

Authorities removed by extrajudicial means several alleged coup plotters from South Sudan and imprisoned them in the country.

In November 2019 there were multiple reports the government seized several persons, including at least four Equatoguineans and two dual Spanish nationals, in Juba, South Sudan, and brought them back through extrajudicial transfer in coordination with the South Sudanese government. In March the government televised the confessions of the individuals, who were accused of plotting a coup. Several were members of an Equatoguinean opposition movement formed in Spain. As of December the government had yet to allow consular access to the foreign citizens, citing the COVID-19 pandemic as one reason for the delay, although they allowed one telephone call.

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 court decisions pertaining to human rights, including political rights. Individuals and organizations may appeal adverse court 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.

In February security officials attempted to arrest former president of the Supreme Court Juan Carlos Ondo Angue. Dozens of officials surrounded his house, blocking nearby streets. They refused to present a warrant or an arrest order and were only deterred by the presence of foreign diplomats.

Authorities reportedly monitored opposition members, NGOs, journalists, and foreign diplomats, including through internet and telephone surveillance. Members of civil society and opposition parties 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. Most journalists practiced self-censorship. Those who did not were subject to government surveillance, arrests, and threats.

Freedom of Speech: 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. In some cases authorities publicly reprimanded individuals, removed them from their jobs, or both. For example the then minister of health publicly insulted a nurse who privately criticized the government's initial response to the COVID-19 pandemic.

Freedom of Press and Media, 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, and the new online news portal *AhoraEG* published articles including criticism of the government. Print media outlets were extremely limited. Persons close to the president, including his son, the vice president, owned the few private media outlets that existed. 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.

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.

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. The only marginally independent newspaper practiced self-censorship and did not openly criticize the government or the president.

In January the then minister of information, press, and radio fired Pamela Nze, host of the government TVGE's morning news program *A Fondo*, and transferred the other members of her team from their reporting positions on short notice for not sufficiently supporting the government. In May the vice president's privately owned television station suspended, then fired seven journalists of the talk show *Buenos Dias Guinea* for criticizing the excessive force used by military and police officers to enforce restrictions during the COVID-19 lockdown.

During the legislative and municipal elections in 2017, the government censored all international channels.

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.

Some cultural events required coordination with the Ministry of Information, Press, and Radio, the Ministry of Culture and Tourism, or both. This was more common outside of the largest cities. Occasionally authorization from local authorities was also required. 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. The government imposed many additional restrictions due to the COVID-19 pandemic.

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, including for political parties (see section 3 Political Parties and Political Participation). 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 Democratic Party of Equatorial Guinea (PDGE).

During the 2017 legislative and municipal electoral campaign season, authorities closely monitored and tightly controlled public gatherings. Political parties required government authorization to hold rallies. The PDGE received preferential treatment. For example authorities prohibited other political parties from campaigning in a location at the same time as the PDGE. 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, especially those that worked in areas considered sensitive by the government, including human rights or those with members associated with opposition parties. The lesbian, gay, bisexual, transgender, and intersex (LGBTI) association *Somos Parte del Mundo* (We are Part of the World) was still not registered after submitting their request in 2016. 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 (see section 7.a.). Some parties have been unable to register for years (see section 3, Political Parties and Political Representation).

The law limits the amount of funding civil society organizations can receive from foreign sources to approximately 53,000 CFA francs (\$90) per year. The government also pressured NGOs, especially those focused on human rights, through both overt and covert means (see section 5). For example, in July 2019 the minister of the interior and local corporations published a 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. As of November they remained suspended, despite their efforts to appeal the decision.

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 authorities delayed the renewal of their identity documents, effectively limiting their ability to travel within the country and abroad.

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. The government imposed tight restrictions on interdistrict movement due to the COVID-19 pandemic.

Foreign Travel: The government at times issued temporary travel prohibitions on senior government officials due to alleged national security concerns. The government denied former Supreme Court president Juan Carlos Ondo Angue opportunities to travel both domestically and internationally, purportedly because he had been critical of the regime. In March and April, the government compelled several foreign nationals with dual citizenship or foreign residency permits to renounce their citizenship before they boarded evacuation flights organized due to the COVID-19 pandemic. Opposition party Citizens for Innovation (CI) leader Gabriel Nze Obiang stated in December that after nearly a year, there was no update on his passport renewal requests, although the regular period of time to receive a new document was approximately two to four weeks. The government stopped issuing travel documents for several months due to the COVID 19 pandemic.

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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.

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 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 a 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 independent opposition parties CPDS and CI. The majority of parties joined the PDGE coalition as part of the "aligned opposition."

For example the PDGE conducted a national campaign with extensive media coverage in preparation for the 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 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 legislative and presidential 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 law establishing procedures to register political parties remained banned, for allegedly “supporting terrorism.” The government formally abolished permit requirements for political party meetings within party buildings but required prior permission for public events, such as meetings in other venues or marches, and frequently denied the permit requests.

Despite laws that authorities stated were designed to facilitate the registration of political parties, the government prevented the registration of opposition parties. The CI remained suspended as of November, despite the July 2018 general political amnesty and the October 2018 presidential pardon of its members’ convictions on sedition and other charges. Authorities did not allow elected CI officials to take their positions in local and national offices because the government deregistered the party earlier in 2018. Their attempts to reregister or create a new party met with bureaucratic delays that seemed intended to prevent registration.

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 Members of Minority Groups: 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. In the reshuffled August cabinet, three of the 25 cabinet ministers were women, and two of the 24 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 most of the top ranks. The second vice prime minister, a Bubi, was a notable exception. Estimated to constitute 80 percent of the population, the Fang group 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, including the PDGE.

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, 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.

According to Freedom House, the budget process was “opaque.” The government continued to improve fiscal transparency, including auditing state-owned

enterprises and public debt using international accounting firms and publishing data on public-sector debt in the budget.

Corruption: There are no specific laws concerning conflict of interest or nepotism. Numerous foreign investigations continued into high-level official corruption. The president enacted an anticorruption decree in July.

In July authorities arrested 13 officials of the treasury for allegedly stealing more than \$500,000. As of November all awaited trial. In September authorities removed the minister and top leadership at the Ministry of Agriculture, Livestock, Forestry, and Environment for corruption because they did not stop illegal logging on the mainland.

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. The government did not effectively enforce the law. There are no formal procedures to control submission of asset disclosures and no penalties for noncompliance. In July the government ordered officials to declare their assets, effectively notifying the public that many public officials did not comply with the law.

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 topics such as health, women's empowerment, and elder care. CEIDGE was one of the few NGOs that made public statements regarding government corruption and human rights abuses. Authorities suspended its activities multiple times since 2016 and in March 2019 arrested or detained some CEIDGE leaders. After authorities revoked its charter in July 2019, CEIDGE resigned from the commission leading the government's effort to join the Extractive Industries Transparency Initiative. CEIDGE remained unable to conduct operations.

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, although they cooperated in some areas, such as trafficking in persons and gender-based violence. 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 risksed intimidation, harassment, unlawful detention, and other reprisals.

The United Nations or Other International Bodies: The government did not generally cooperate with United Nations or other international human rights organizations. The government did not fully cooperate with visits by representatives of human rights organizations, although it cooperated with the 2019 ABA visit to observe the coup plot trial (see section 1.e., Trial Procedures). Amnesty International, Freedom House, EG Justice, the ABA's Center for Human Rights, and Human Rights Watch focused on human rights from abroad. 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, which 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. These human rights bodies were not fully operational, independent, or effective, although UNICEF continued to provide capacity building. An ombudsman and a coordinator for the government's efforts to combat trafficking in persons were also not fully operational or effective.

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

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

Women

Rape and Domestic Violence: Rape is illegal and punishable by 12 to 20 years' imprisonment and fines. The law does not address spousal rape or the gender of rape victims. 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 generally 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.

In July, two families in the remote island of Annobon accused soldiers stationed there of raping two underage girls. When the accusations became public, the minister of fisheries stated that the girls were not victims and questioned the lack of supervision by their parents. On July 30, the vice president sent a commission to the island to investigate the allegations. At year's end authorities had made no arrests.

The Ministry of Social Affairs and Gender Equality mediated some domestic disputes but had no enforcement powers. Police, the Ministry of Interior, and civil society organizations organized several workshops on family violence.

The government-controlled media regularly broadcast public service announcements regarding domestic violence and trafficking in persons, including through commercials.

Other Harmful Traditional Practices: In rural areas there were instances of levirate marriage, the practice by which a woman is required to marry her deceased husband's brother, often against her will. Under such practice, women were not allowed to inherit their late husbands' possessions. In some cases large dowries make it is impossible for women to leave their marriages later because the law imposes reimbursement of the dowry.

Sexual Harassment: Although the law prohibits sexual harassment, it continued to be 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 on the part of government authorities.

Discrimination: While the constitution provides for equality between men and women, the law 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.

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 citizen parent, whether born in the country or abroad, but not automatically from birth on the country's territory. If both parents are foreigners, a person born in the country can claim nationality at age 18. The Ministry of Health and Social Welfare requires parents to register all births and adjudicates them on a nondiscriminatory basis. Failure to register a child may result in denial of public services.

Education: Education is tuition free and compulsory until age 13, although all students are required to pay for registration, textbooks, and other materials. Most children attended school through the primary grades (sixth grade). Boys and girls 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. School enrollment was nearly identical in the elementary grades (50.1 percent for boys vs. 49.9 percent for girls). By high school (50.7 percent for boys vs. 49.3 percent for girls) the percentage of girls declined. Efforts to prevent the spread of COVID-19 resulted in smaller class sizes and additional school sessions. Critics noted this would leave many children outside the classroom due to a lack of space and staff.

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.

Child, Early, and Forced Marriage: The minimum age for marriage is 14. UNICEF reported, using 2011 data, that 9 percent of women were married before age 15 and 30 percent before age 18. 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.

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 identify nor prosecute offenders. The law specifically addresses the sale, offering, or procurement of children for prostitution, and child pornography generally, and antitrafficking provisions include sexual exploitation, prostitution of minors, 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 fewer 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. Access to other state services such as health services, information, communications, transportation, and the judicial system are not explicitly provided by law. 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. The government made

some efforts to assist persons with disabilities, such as supporting an organization for the blind.

Children with disabilities attended primary, secondary, and higher education, although generally no accommodations were made for their disabilities. A small number of private schools for children with disabilities operated with a combination of public and private funding.

Authorities did not investigate incidents of violence or other abuses against persons with disabilities.

Members of National/Racial/Ethnic Minority Groups

Societal discrimination, harassment by security forces, and political marginalization of minorities were problems (see section 1.d, Arbitrary Arrest, and section 3, Participation of Women and Members of Minority Groups).

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. There were also workers from the Americas, Asia, and Europe. The government continued efforts to require all immigrants have relevant documents, partly to address concerns regarding trafficking in persons. Attention to school attendance generally focused more on citizen children than on their foreign peers.

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, Criminalization, 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 and laws do not formally recognize or protect the existence of LGBTI persons or groups; no laws prohibit discrimination. The government's position is that such sexual orientations and gender identities are inconsistent with cultural beliefs. LGBTI individuals were reportedly subjected to additional discrimination and violence by security forces. Authorities did not investigate these abuses.

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 that family members raped LGBTI women in an effort to impregnate them and supposedly convert them 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 or AIDS, and many individuals kept their illness hidden. The Ministry of Health and Social Welfare estimated that less than half of persons with HIV 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, however, effectively blocking most union formation. The government did not generally allow unions to organize.

The government did not effectively 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.

The law broadly acknowledges 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. Penalties were not applied but were commensurate with those for other laws involving denial of civil rights, such as discrimination.

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 and telephone numbers to report cases of forced labor and promoting its efforts online, the government did not effectively enforce the law or take sufficient action on ending slavery, and forced labor occurred. Penalties were commensurate with those for other analogous serious crimes and are included in the law against trafficking in persons.

Men and women from Cameroon, Ghana, Benin, and other neighboring countries, as well as from the Dominican Republic, Cuba, and Venezuela, were recruited for work, and there were reports that 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 age 18. With the authorization of the Ministry of Labor and Social Security and their parents or guardians, however, 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 commensurate with those for other analogous serious crimes, such as kidnapping. 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. Government officials called attention to children working in markets and as street vendors and increased oversight of this sector of the economy. The law prohibits children from working as vendors in the street in an attempt to reduce child labor.

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 not commensurate to laws related to civil rights. 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 female-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. The government enforced neither requirement. The fine for wage discrimination is 15 times the monthly minimum wage and is doubled for repeat infractions. The fine for paying less than the minimum wage is 10 times the monthly minimum wage and is doubled for repeat infractions. Penalties were not commensurate with those for similar crimes.

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 prematernity 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. The Ministry of Labor and Social Security is responsible for setting and enforcing minimum wage, workweek rules, and OSH standards. The government did not effectively enforce OSH laws, and penalties for violating these laws were not commensurate with those for crimes such as negligence. The ministry does not publish the results of its OSH inspections.

The ministry conducted numerous workplace inspections to verify adherence to labor laws regarding pay, benefits, and working conditions. The small number of labor inspectors was insufficient to enforce the law effectively. When inspectors found violations, the government required some employers to correct the problem, pay fines, or pay reparations to the employees. The labor inspectorate faced a partial moratorium on inspections due to COVID-19. The law permits workers to remove themselves from situations that endanger health or safety without jeopardy to their employment.

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 telephone line during the year for workers to report workplace irregularities and violations, including safety concerns and forced labor.