



GLOBAL HUMAN RIGHTS DEFENCE – MAY 2021

COUNTRY REPORT – REPUBLIC OF EQUATORIAL GUINEA

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Introduction



(Geology World, 2021)

Equatorial Guinea is a country situated on the west coast of Central Africa and it borders Cameroon and Gabon. The country consists of an insular region (Bioko islands), where the capital Malabo is situated, and a mainland region (Río Muni), where the largest Equatoguinean city Bata is located. Equatorial Guinea has 1.356 million inhabitants according to the 2019 census, and the major religion is Christianity.

Its population is composed of different ethnic groups, such as the Fangs (major group), the Bubis (second largest group), the Mdownes, the Annobonese, the Pygmies, the Fernandino and the Creoles/Bisios. Although the ethnic groups speak their own languages, the official languages are Spanish and French due to the colonial past (Britannica, 2021). Equatorial Guinea achieved its independence on 12 October, 1968 and it is a multi-party republic with a strong executive branch. The current president is Theodoro Obiang Nguema Mbasogo, who has led Equatorial Guinea for 40 years.

Background

Equatorial Guinea's history is marked by the conquest of Portuguese and Spanish colonizers until its independence in 1968. The Portuguese colonization lasted from 1472 to 1778, when Portugal arrived at Guinea's gulf and reaped the benefits of the land such as abundant local agricultural and maritime resources (Vilar, 1970). In 1778, due to the Tordesillas¹ treaty ,

¹ A treaty between Spain and Portugal in which land and countries were divided among conquerors

Portugal assigned Spain rights to the land with the intention of giving Spain a path into Africa to conduct its slave trade, while in return, Spain assigned Brazil to Portugal (History World, 2021). Spain had control of Equatorial Guinea from 1778 until 1968, and made deals from time to time with the United Kingdom, France and other European countries that were expanding their conquests in Africa. The so-called Spanish Guinea had an economy based on the cultivation of cocoa and coffee through forced labour.

In 1968, Equatorial Guinea achieved its independence from Spain. Francisco Macías Nguema was elected president and remained in power until 1979, when his nephew, Teodoro Obiang Nguema Mbasogo, deposed him in a military coup, which resulted in a two-year civil war that ended when Maciás was captured and executed. Ever since, Obiang has remained in power in Equatorial Guinea, having reached 40 years of power. The Obiang administration is characterized by a strong authoritarian regime and oppression of the opposition and minorities/human rights groups (History World, 2021). Aside from this, his family holds the majority of Equatorial Guinea's wealth (Freedom House, 2021). Equatorial Guinea has one of the highest rates of income per capita on the African continent due to the abundance of oil, yet the country is widely known for its human rights violations, corruption and authoritarianism (Freedom House, 2021).

Ethnic Groups and Minorities

Equatorial Guinea was originally inhabited by the indigenous communities of the Pygmies and Nwode. Around the 12th and 13th century, the Bantu society immigrated as well. Nowadays, the biggest ethnic group is the Fang, who constitute approximately 80% to 90% of Equatorial Guinea's population. They live mostly in the province of Río Muni. Bubi is the second largest group of descendants from Bantu migration and they are based on Bioko Island (where the capital, Malabo, is located).



(Etnias del Mundo, 2021)

The Bubis have been claiming their rights, since they were the first inhabitants of the island; in the 1990s, the group created the self-determination movement called MAIB (Movimiento de Autodeterminación de la Isla de Bioko). The Bubis have suffered several rights violations and discriminations by the Fang-controlled government (Britannica, 2021) and have very limited political representation. Since the 1990s, several conflicts have occurred that have further contributed to the marginalization of the group.

Political Situation



The current president Teodoro Obiang Nguema took power in a military coup that deposed his uncle and has led a highly repressive authoritarian regime since 1979 (Freedom House, 2021). Obiang is now the longest serving President in the world after having achieved his 40 years in power (Minority Rights, 2021).

(Istoé, 2021)

The government frequently restrains opposition politicians, and has been accused of torturing and illegally arresting members of civil society as well as censoring journalists and human rights actions. President Nguema is constantly involved in cases regarding corruption and his extravagant lifestyle, and he has experienced, on several occasions, his assets being seized in Europe and in the United States of America, on suspicion of money laundering and other white collar crimes (Agência Lusa, 2019). In February, the Paris Appeal Court presented a sentence (3 years) against his son and Vice-President, Teodoro Obiang Nguema Mangué, and a €30 million fine (Amnesty International, 2019).

Equatorial Guinea's legal system is a combination of customary law based on Francoist Spanish civil law and military justice. In the Equatoguinean Constitution, the separation of powers is widely recognized as the core of a democratic state; nevertheless, “within the

constitutional text itself it is clear that a true separation of powers cannot exist given the extensive powers of the Executive over the other branches of Government" (International Bar Association, 2003); that is, Obiang has the right to intervene in judicial processes, be it formally or informally. Currently, parliamentary discussions are being held regarding the reform of the Penal Code and abolition of Death Penalty (Guinea Equatorial Press, 2021). Additionally, in 2006, the parliament approved a law forbidding torture, but the police continue to torture people to extract confessions (Amnesty International, 2021). Many cases of arbitrary arrests and torture of activists, children and LGBT+ groups have been noticed by Amnesty International.

Excessive Use of Force

Obiang's administration is widely known for its use of force such as torture, failure to guarantee the right to a fair trial, lack of freedom of speech and association, and poor prison conditions (International Bar Association, 2003). The president is accused of systematically using military force for torturing activists and the opposition to obtain information, as well as arbitrary arrests. In April 2021, the government was accused of enforcing the lockdown by using police violence to repress sellers in the street (International Amnesty, 2021). Several videos circulated on the internet, denouncing the violence committed by the defence and security forces (International Amnesty, 2021).

Freedom of Speech

As part of the oppression committed by the State of Equatorial Guinea, several journalists and activists have been imprisoned and tortured with no right to a fair trial. The Equatoguinean Constitution guarantees the right of expression and opinion, but in practice these rights are ignored (International Bar Association, 2003). The government has banned the Equatorial Guinea Press association, and it has established control over local press and newspapers; as a result, it has become increasingly difficult to find a variety of sources of information, especially by the opposition. In the COVID-19 context, the Ministry of Health was accused of blocking the publication of the number of infections (Amnesty International, 2021). According to a 2020 Amnesty International report, Nuria Obono Ndong Andeme, a nurse, had sent a message to a friend which went viral. She had complained about the lack of

oxygen in Malabo's Sampaka Hospital. The day after, Nuria was put in pre-trial detention in Black Beach Prison, but fortunately was released on 21 April without charges.

LGBT+ Community

In Equatorial Guinea, homosexuality is not illegal, but the relevant legislation is often deficient and easily misinterpreted. There is no reliable evidence of whether the country has explicit legislation prohibiting same-sex relations between adults in private. In addition, there is no specific date for the decriminalization either (ILGA, 2020). However, the Equatoguinean Penal Code, as mentioned before, dates back to Francoist Spain and maintains the “Ley de vagos y maleantes: El estado, la familia, y otras instituciones” (Law of vagrants and delinquents: The state, the family and other institutions). The Francoist law consists of a legal instrument to classify individuals or social groups as dangerous and antisocial. This norm allows the judicial bodies to remove “dangerous” groups from society and to apply a social reform treatment to group members (Somos Parte Del Mundo, 2020). As such, it can be deduced that the use of the Equatoguinean Penal Code could potentially classify people who identify as LGBT+ as dangerous and antisocial, and therefore, could discriminate against them on this basis.



The Equatoguinean collective “Somos Parte Del Mundo” published a report addressing several attacks against the LGBT+ community, which are not only committed by military forces, but also by civilians (families, religious actors etc.). According to the collective, physical and psychological torture against LGBT+ community occurs in Equatoguinean society, as well as the prohibition and impediment of LGBT+ events (e.g. manifestations).

(Somos Parte Del Mundo, 2021)

There are no campaigns against this violence suffered by the community, nor is there proper recognition of such groups, as the government alleges that there are no homosexuals in the country (Somos Parte Del Mundo, 2020). A draft of a preliminary law to regulate prostitution and homosexual rights (Anteproyecto de ley reguladora de la prostitución y el

derecho de los Homosexuales) is in progress in the parliament. There is a common fear that this law may reduce homosexual rights even more, thereby legitimizing their harassment (Diario Rombe, 2019).

Equatorial Guinea's Human Rights Obligations

As mentioned in previous sections, Equatorial Guinea is a signatory of several international and regional human rights treaties and conventions; as a result, Equatorial Guinea has an obligation to uphold human rights standards advocated by these bodies. However, the Guinea state has been unable to uphold these standards (International Bar Association, 2003). There aren't any human rights reports produced by the government; therefore, such information can be only obtained through on-profit organizations, collectives and International Human Rights Entities, such as Amnesty International and the United Nations.

Treaties ratified by Equatorial Guinea:

United Nations Human Rights Treaties:

- Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; Date of Ratification: 8 October 2002
- Optional Protocol of the Convention against Torture
- International Covenant on Civil and Political Rights; Date of Ratification: 25 September 1987
- Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty
- Convention for the Protection of All Persons from Enforced Disappearance
- Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance
- Convention on the Elimination of All Forms of Discrimination against Women; Date of Ratification: 23 October 1984

- International Convention on the Elimination of All Forms of Racial Discrimination: Date of Ratification: 8 October 2002
- International Covenant on Economic, Social and Cultural Rights; Date of Ratification: 25 September 1987
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention on the Rights of the Child; Date of Ratification: 15 June 1992
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; Date of Ratification: 7 February 2003
- Convention on the Rights of Persons with Disabilities

African Region:

- African Charter on Human Rights and People's Rights and its Protocol on the establishment of an African Court on Human and Peoples' Rights

Others:

- Cotonou Agreement by the Caribbean and Pacific: Article 9 provides that "Respect for human rights and fundamental freedoms, including respect for fundamental social rights, democracy based on the rule of law and transparent and accountable governance are an integral part of sustainable development" (International Bar Association 2003).

Conclusion

Equatorial Guinea has been accused of several rights violations against its own population, as well as other illegal and authoritarian actions. The international community is constantly reporting its atrocities and providing several recommendations to the government. The

president's family is accused of many corruption cases and the president has complete control of national information dissemination and the press. Nevertheless, Guinea is slowly taking action regarding its commitment to change this situation, such as a reform in the Penal Code and the abolition of death penalty, and inspections at police departments and judicial brigades to curb arbitrary detentions and illegal arrests. The continued efforts of Equatorial Guinea, however, are not enough to deal with the serious accusations of human rights violations in the country. It is extremely important that international human rights bodies continue reporting such crimes, supporting local initiatives, and alerting people about the situation in Equatorial Guinea.

References

- Amnesty International. (2019). Equatorial Guinea: 40 years of repression and rule of fear highlights human rights crisis. Retrieved: 10 May 2021. Available at: <https://www.amnesty.org/en/latest/news/2019/08/equatorial-guinea-years-of-repression-and-rule-of-fear/>
- Armada, Alfonso. (1998). Al menos cuatro muertos en un confuso incidente armado en Guinea Ecuatorial. Accessed: https://elpais.com/diario/1998/01/22/internacional/885423617_850215.html
- BBC News. (2021). Equatorial Guinea Country Profile. Retrieved: 10 May 2021. Accessed: <https://www.bbc.com/news/world-africa-13317174>
- Britannica. (2021). Equatorial Guinea. Retrieved: 10 May 2021. Accessed: <https://www.britannica.com/place/Equatorial-Guinea/People>
- Britannica. (2021). Equatorial Guinea. Retrieved: 10 May 2021. Accessed: <https://www.britannica.com/place/Equatorial-Guinea/Independence>
- Diario Rombe. (2019). Guinea Ecuatorial Prepara un Anteproyecto de Ley para penalizar la homosexualidad. Accessed: <http://diariorombe.es/guinea-ecuatorial-prepara-unanteproyecto-de-ley-para-penalizar-la-homosexualidad/>

- Etnias del Mundo. (n.d.). Conoces a los Bubi? Descubre Todo Sobre Ellos Aquí. Retrieved: 10 May 2021. Available at: https://etniasdelmundo.com/c-otras-etnias/bubi/#Los_Bubi
- Freedom House. (2020). Equatorial Guinea. Retrieved: 10 May 2021. Accessed: <https://freedomhouse.org/country/equatorial-guinea/freedom-world/2020>
- Guinea Ecuatorial. (2021). Government reveals study of Penal Code including abolition of death penalty. Retrieved: 10 May 2021. Accessed: <https://www.guineaecuatorialpress.com/noticia.php?id=17140>
- Guinea Ecuatorial Press. (2021). Villages and Culture. Accessed: <https://www.guineaecuatorialpress.com/noticia.php?id=134&lang=en>
- History World. (2021). History of Equatorial Guinea. Retrieved: 10 May 2021. Accessed: <http://www.historyworld.net/wrldhis/PlainTextHistories.asp?historyid=ad38>
- International Amnesty. (2020). The State of the World's Human Rights. Retrieved: 10 May 2021. Accessed: <https://www.amnesty.org/download/Documents/POL1032022021ENGLISH.PDF>
- International BAR Association. (2003). Equatorial Guinea at the Crossroads. Retrieved: 10 May 2021. Accessed: file:///C:/Users/HOME/Downloads/Equatorial_Guinea_Report_English.pdf
- Made for Minds.(2019). 40 anos de Obiang no poder: ONG denunciam repressão a opositores. Retrieved: 10 May 2021. Available at: <https://www.dw.com/pt-002/40-anos-de-obiang-no-poder-ong-denunciam-repress%C3%A3o-a-opositores/a-49870882>.
- Minority Rights. (2021). Equatorial Guinea. Retrieved: 10 May 2021. Accessed: <https://minorityrights.org/country/equatorial-guinea/>
- Mundo ao Minuto. (2020). Guiné Equatorial sem execuções em 2019 mas com longa lista de violações. Accessed: <https://www.noticiasominuto.com/mundo/1430822/guine-equatorial-semexecucoes-em-2019-mas-com-longa-lista-de-violacoes>

Somos Parte Del Mundo. (2020). Homofobia De Estado. Retrieved: 10 May 2021. Accessed: https://uploads-ssl.webflow.com/5c5b3d21055de3235de4f742/5fd3f510db239117c9a1d289_Homofobia%20de%20Estado%20en%20Guinea%20Ecuatorial%20.pdf

United Nations Human Rights Treaty Bodies. (2021). UN Treaty Body Database. Retrieved: 10 May 2021. Accessed: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=56&Lang=EN

Vila, Juan Bta. (1970). España en Guinea Ecuatorial (1778-1892). Anales de la Universidad de Murcia. Filosofía y Letras (28): 265-306. Retrieved 10 May 2021:

<https://digitum.um.es/digitum/bitstream/10201/22006/1/03%20Espana%20en%20Guinea%20Ecuatorial.pdf>

Wikipedia. (2021). Equatorial Guinea. Retrieved: 10 May 2021. Accessed: https://en.wikipedia.org/wiki/Equatorial_Guinea