

# **GABON 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG) and headed by President Ali Bongo Ondimba, whose family has held power since 1967. Bongo Ondimba was declared winner of the 2016 presidential election. Observers noted numerous irregularities, including a highly questionable vote count in Bongo Ondimba's home province. The government forcibly dispersed violent demonstrations that followed the election. On October 6 and 27, legislative elections were held in two rounds. The PDG won 98 of 143 National Assembly seats. The African Union observer mission did not comment on whether the elections were free and fair but noted some irregularities. Some opposition parties boycotted the elections; however, fewer did so than in the 2011 legislative elections.

Civilian authorities generally maintained control over the security forces.

Human rights issues included torture; harsh prison conditions; political prisoners; criminal libel; significant restrictions on freedom of movement; restrictions on political participation; corruption; violence against women with inadequate government action for prosecution and accountability; trafficking in persons; and forced labor, including forced child labor.

The government took limited steps to prosecute officials and punish those convicted of abuses. Nevertheless, impunity remained a problem.

Authorities took steps to investigate alleged abuses by Gabonese peacekeeping forces in the Central African Republic and to mitigate future risks.

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

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

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were reports of disappearances. In December 2017 the family of television journalist and opposition activist Jocelyn Obame Nsimoro reported him missing. Throughout the year his family attempted unsuccessfully to locate him through police, judicial, and other official channels and through social media. As of October authorities had yet to open a formal investigation into Nsimoro's disappearance.

In September 2017 the government reported to the UN Committee on Enforced Disappearances that despite opposition allegations of disappearances, no official complaints were filed after the 2016 elections. The committee called on the government to conduct an exhaustive inquiry into postelection violence and to update the law to comply with the International Convention for the Protection of All Persons from Enforced Disappearance. As of October the government had not conducted an official inquiry.

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

The constitution prohibits such practices, but security force personnel sometimes employed cruel and degrading treatment.

For example, in January, Bertrand Zibi Abeghe, a former member of parliament, stated he was subjected to mistreatment and torture while in detention after a mobile phone was found in his cell at the Libreville Central Prison. His lawyer stated that prison officials beat him with police batons, pickaxe handles, and electric cables. After his lawyer filed a complaint concerning mistreatment, the prison director was replaced.

Refugees complained of harassment and extortion by security forces. According to reports from the African immigrant community, police and soldiers occasionally beat noncitizen Africans who lacked valid resident permits or identification. Authorities sometimes detained noncitizen Africans, ordered them to undress to humiliate them, and exacted bribes from them.

The United Nations reported that it received one allegation of sexual exploitation (transactional sex) and abuse against two Gabonese peacekeepers deployed with the UN Multidimensional Integrated Stabilization Mission in the Central African Republic. Investigations by UN and Gabonese authorities were pending at year's end along with investigation of three allegations of sexual exploitation

(exploitative relationships) and abuse (rape, including of minors) against at least 20 Gabonese peacekeepers reported in prior years.

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

Prison conditions were harsh and potentially life threatening due to low-quality food, inadequate sanitation, lack of ventilation, gross overcrowding, and poor medical care. Conditions in jails and detention centers mirrored those in prisons. There were no specific accommodations for persons with disabilities in prisons.

Physical Conditions: Libreville's central prison was severely overcrowded; it was built to hold 500 inmates but held approximately 3,000. Reports also indicated overcrowding in other prisons.

No credible data or estimates were available on the number of deaths in prisons, jails, and pretrial detention or other detention centers attributed to physical conditions or actions of staff members or other authorities.

In some cases authorities held pretrial detainees with convicted prisoners, juveniles with adults, and men with women. Authorities separated juvenile prisoners from adults in Libreville and Franceville prisons. There were separate holding areas within prisons for men and women, but access to each area was not fully secured or restricted. Prisoners had only limited access to food, lighting, sanitation, potable water, and exercise areas. On-site nurses were available to provide basic medical care, but prison clinics often lacked sufficient medication. For serious illnesses or injury, authorities transferred prisoners to public hospitals. Management of the spread of infectious diseases, such as HIV/AIDS and tuberculosis, was inadequate.

Administration: Prisoners filed few complaints. Observers believed the low incidence of complaints was due to ignorance of, or lack of faith in, the process, or fear of retribution. There was no prison ombudsperson or comparable independent authority available to respond to prisoner complaints.

Independent Monitoring: The government permitted human rights organizations to conduct independent monitoring of prison conditions, but there were reports of difficulties in obtaining access to prisons. The local nongovernmental organization (NGO) Malachie visited prisons.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for detainees or persons arrested to challenge the legal basis and arbitrary nature of their detention; however, the government did not always respect these provisions. Security forces arbitrarily arrested and briefly detained civil society and labor leaders following peaceful protests and marches.

### **Role of the Police and Security Apparatus**

The national police, under the Ministry of Interior, and the gendarmerie, under the Ministry of Defense, are responsible for law enforcement and public security. Elements of the armed forces and the Republican Guard, an elite unit that protects the president under his direct authority, sometimes performed internal security functions. Civilian authorities maintained effective control over the national police, gendarmerie, republican guard, and all other branches of the security forces, and the government had mechanisms to investigate and punish those found responsible for abuse and corruption. Nevertheless, impunity was a significant problem.

Some police were inefficient and corrupt. Security force members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity documents. The Inspector General's Office was responsible for investigating police and security force abuse and corruption. Information on effectiveness of this office was not available.

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

Although the law requires arrest warrants based on sufficient evidence and issued by a duly authorized official to make arrests, security forces in some cases disregarded these provisions. The law allows authorities to detain a suspect up to 48 hours without charge, after which it requires the suspect be charged before a judge. Police often failed to respect this time limit. Once a person is charged, the law provides for conditional release if further investigation is required. There was a functioning bail system. Detainees did not always have prompt access to family members and a lawyer of their choice. The law requires the government to provide indigent detainees with lawyers, but this was not always possible, often because the government could not find lawyers willing to accept the terms of payment offered for taking such cases. Arrests required warrants issued by a judge or prosecutor based on evidence.

Authorities did not detain suspects incommunicado or hold them under house arrest.

Arbitrary Arrest: Unlike in prior years, there were no reports of arbitrary arrests. In August and September 2017, authorities arrested the spokesperson for the opposition Coalition for the New Republic, Frederic Massavala-Maboumba, and Deputy Secretary General Pascal Oyougou of the Heritage and Modernity Party and charged them with “provocation and instigation of acts likely to provoke demonstrations against the authority of the State.” As of December no trial date had been set for Oyougou or Massavala; both remained in detention.

Pretrial Detention: Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. The law limits pretrial detention to six months for a misdemeanor and one year for a felony charge, with six-month extensions if authorized by the examining magistrate. The law provides for a commission to deal with cases of abusive or excessive detention and provides for compensation to victims, but the government had yet to establish such a commission. Approximately two-thirds of prison inmates were held in pretrial detention that could sometimes last up to three years. There were instances in which the length of pretrial detention exceeded the maximum sentence for the alleged crime. Detainees generally lacked knowledge of their rights and the procedure for submitting complaints, and may not have submitted complaints due to fear of retribution.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The law provides for detainees or persons arrested to challenge the legal basis and arbitrary nature of their detention. The law also provides for compensation if a court rules detention unlawful. Authorities did not always respect these rights.

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

The law provides for an independent judiciary, but the judiciary demonstrated only partial independence and only in some cases. The judiciary was inefficient and remained susceptible to government influence. The president appoints and may dismiss judges through the Ministry of Justice and Human Rights, to which the judiciary is accountable. Corruption was a problem.

To address military cases, each year the Office of the Presidency appoints a military court composed of selected magistrates and military members. A military court provides the same basic legal rights as a civilian court. Outside the formal

judicial system, minor disputes may be referred to a local traditional chief, particularly in rural areas, but the government did not always recognize a traditional chief's decision.

Authorities generally respected court orders.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial and to legal counsel, and the judiciary generally respected these rights. Trial dates were often delayed.

Defendants have the right to a presumption of innocence. They have the right to be informed promptly and in detail of charges when booked at a police station, and authorities provided free interpretation as necessary, when staff members with the required language skills were available. A panel of three judges tries defendants, who enjoy the right to communicate with an attorney of choice and to adequate time and facilities to prepare their defense. Defendants have the right to free interpretation as necessary from the moment charged through all appeals and have a right to be present at trial. Indigent defendants in both civil and criminal cases have the right to have an attorney provided at state expense, but the government often failed to provide attorneys because private attorneys refused to accept the terms of payment the government offered for such cases. Defendants have the right to confront witnesses against them, present witnesses or evidence on their own behalf, and appeal. Defendants may not be compelled to testify or confess guilt.

### **Political Prisoners and Detainees**

In August the president stated there were no political prisoners in the country. One civil society group, however, claimed there were seven individuals in prison it considered political prisoners. Of an estimated 60 protesters detained in August and September 2017, opposition leaders Frederic Massavala-Maboumba and Pascal Oyougou remained in pretrial detention.

In 2016 a former PDG deputy who joined the opposition was arrested without a warrant and charged with disturbing public order, failure to help a person in danger, instigation of violence, and illegal firearms possession. He had yet to be tried and remained in detention at year's end.

### **Civil Judicial Procedures and Remedies**

Persons seeking damages for, or cessation of, human rights violations may seek relief in the civil court system, although this seldom occurred.

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

Although the constitution and law prohibit such actions, the government did not always respect these prohibitions. As part of criminal investigations, police requested and easily obtained search warrants from judges, sometimes after the fact. Security forces conducted warrantless searches for irregular immigrants and criminal suspects. Authorities also monitored private telephone conversations, personal mail, and the movement of citizens.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. Nevertheless, the High Authority of Communication (HAC) suspended several media outlets, including the newspaper *Echos du Nord*. *Echos du Nord* was suspended twice during the year, once for failing to be represented at a hearing regarding publication of a “tendentious article” critical of the president and a second time for publishing an article regarding the purchase of a luxury car by the vice president that he disputed.

Press and Media Freedom: Independent media were active, but authorities occasionally used libel and slander laws to restrict media criticism of the government. The country’s sole major daily newspaper, *L’Union*, was progovernment. Approximately 131 privately owned weekly or monthly newspapers represented independent views and those of political parties, but only 30 newspapers were published regularly. All newspapers, including government-affiliated ones, criticized the government and political leaders of both opposition and progovernment parties. The country had both progovernment and opposition-affiliated broadcast media, although the main opposition-affiliated television station did not have the technical means to broadcast countrywide. According to NGO Reporters without Borders, domestic law on freedom of expression and media freedom did not meet international standards.

Violence and Harassment: Unlike in 2017 there were no cases of journalists being

harassed or intimidated, although some journalists were reportedly warned not to investigate the cause of death of children suspected of being the victims of ritual killings.

Censorship or Content Restrictions: Most newspaper owners had either a progovernment or a pro-opposition political bias. Print journalists practiced occasional self-censorship to placate owners. Pro-opposition content on television was limited.

Libel/Slander Laws: Libel and slander may be treated as either criminal or civil offenses. Editors and authors of articles ruled libelous in a court of law may be jailed for two to six months and fined 500,000 to five million CFA francs (\$850 to \$8,500). Penalties for conviction of libel, disrupting public order, and other offenses also include a one- to three-month publishing suspension for a first offense and a three- to six-month suspension for repeat offenses.

There was evidence that in several cases libel laws were applied to discourage or punish critical coverage of the government. For example, HAC issued two one-month suspensions in July and October to *Echos du Nord*.

## **Internet Freedom**

There were no restrictions on internet and social media access during the year.

According to the International Telecommunication Union, 50.3 percent of the population used the internet in 2017.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The government limited freedom of peaceful assembly.

#### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of assembly; however, the government did not consistently respect this right. In August 2017 parliament enacted a law that placed restrictions on freedom of assembly. On August 28,

authorities prohibited union leaders from holding a march to protest austerity measures. Authorities detained several individuals who attempted to march but released them after a few hours without charge. There were reports the government failed to approve permits for public meetings. Some civil society activists stated they did not submit requests to hold public meetings because they expected the government would deny them.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. The government prevented opposition leader Jean Ping from traveling abroad during the year. In 2017 the government suspended these rights for several weeks for members of the political opposition.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. According to UNHCR, there were no known internally displaced persons or stateless persons in the country.

Abuse of Migrants, Refugees, and Stateless Persons: Despite efforts by the government and UNHCR to reduce discrimination, refugees complained of harassment and extortion by security force members. Some security force members harassed asylum seekers or refugees working as merchants, service-sector employees, and manual laborers and, in order to extort bribes, refused to recognize valid documents held by refugees and asylum seekers.

In-country Movement: Although there were no legal restrictions on freedom of internal movement, military and police members and gendarmes stopped travelers at checkpoints to check identity, residence, or registration documents and on some occasions to solicit bribes. Refugees required a travel document endorsed by UNHCR and government authorities to circulate freely within the country.

Foreign Travel: The law requires a married woman to have her husband's permission to obtain a passport and to travel abroad. The law prohibits individuals

under criminal investigation from leaving the country. Most holders of a residence permit and refugees need a no-fee exit visa to leave from and return to the country. Exit visas were not issued promptly, which impeded persons' ability to depart.

On January 12, authorities banned opposition leader Jean Ping from traveling abroad. As of December the travel ban remained in effect.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Access to Basic Services: The law provides refugees equal access to public services, although there were reports that in some cases school and hospital employees improperly required refugees to pay additional fees. The National Health Insurance and Social Welfare Fund did not serve refugees.

Durable Solutions: The nationality code allows refugees to apply for naturalization; however, the process is long and expensive, costing 1.2 million CFA francs (\$2,040). At age 18 children born in the country of refugee parents may apply for citizenship.

### **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 periodic elections held by secret ballot and based on universal and equal suffrage; however, international monitors of the 2016 presidential election observed anomalies. The governing party has dominated all levels of government for five decades. Citizens participated in presidential, legislative, and municipal elections. Members of the opposition questioned the fairness of the electoral process and complained of unequal media access. They also urged the government to reinstate presidential term limits, replace the first-past-the-post system with a two-round voting system, reform the Constitutional Court, and create a more effective biometric voting program--measures opposition members believed would increase the fairness of the electoral system.

In April and May 2017, these demands were a major focus of the National Dialogue. The dialogue included political parties and civil society organizations; however, presidential contender Jean Ping and some other opposition leaders boycotted the dialogue. In May 2017 dialogue participants recommended a two-

round voting system, an increase in the number of national assembly deputies, and elimination of the National Electoral Commission, but they did not recommend presidential term limits. In January the president executed amendments to the constitution containing these changes.

### **Elections and Political Participation**

Recent Elections: In April the Constitutional Court dissolved the National Assembly. The Senate assumed National Assembly responsibilities, and a new caretaker government was installed. On October 6 and 27, legislative elections were held. Both rounds of legislative elections were calm, with a voter turnout of 43 percent in the first round. The PDG won 98 of 143 National Assembly seats. Opposition leaders alleged irregularities such as ballot stuffing, vote buying, polling stations opening without the presence of opposition representatives, and unfair treatment of the opposition by the Gabonese Elections Center. Domestic and international organizations were not authorized to observe the elections. A limited African Union observer mission did not comment on whether the elections were free and fair but noted some irregularities.

Political Parties and Political Participation: The PDG has dominated the government since creation of the party by former president Omar Bongo in 1968. PDG membership conferred advantages in obtaining government positions. Opposition members complained of unfair drawing of voter districts, alleging the president's home province received disproportionately more parliamentary seats than other provinces. They also stated that the PDG had greater access to government resources for campaign purposes than did other parties.

There were restrictions on the formation of political parties. For example, in 2017 the Ministry of Interior refused to register the Heritage and Modernity wing of the PDG as an opposition political party. In July 2017 it overcame this obstacle by merging with an existing political party, the Front for National Unity and Utilitarian Development, which adopted the name and bylaws of Heritage and Modernity.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Nevertheless, some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men. As of April women held only 13 of 41 ministerial positions, 18 of 120 National Assembly seats, and 19 of 102 Senate seats. The president of the Senate was a woman.

Members of all major ethnic groups occupied prominent government civilian and security force positions. Members of indigenous populations, however, rarely participated in the political process.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively, and some officials engaged in corrupt practices with impunity. Some police were inefficient and corrupt. Police, gendarmes, and military members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity documents. In February taxi drivers held a strike to protest higher fuel prices and police harassment, including exacting bribes. The 2016 World Bank *Worldwide Governance Indicators* suggested corruption remained a serious problem.

In 2015 the government officially launched a three-year *Fight Against Corruption and Money Laundering Strategy* in partnership with the UN Development Program, National Commission against Illicit Enrichment (CNLCEI), National Agency for Financial Investigation, and private-sector and civil society partners. The strategy aims to encourage and reward ethical standards in public life, consolidate the rule of law, improve governance, increase transparency in the management of public finances, diminish inequality, and achieve a fair and transparent distribution of the benefits of growth.

Corruption: In 2017 the government started an anticorruption campaign. A number of officials, including several directors of agencies and two former ministers, were arrested on corruption charges. In January 2017 former minister of economy and presidential advisor Magloire Ngambia, along with Minister of Petrol and Hydrocarbons Etienne Dieudonne Ngoubou, were arrested and charged with corruption. On October 5, Ngoubou was released on bail, but Ngambia remained in detention.

In January, following adoption of changes to the constitution, the government created the Special Criminal Court for the prosecution of persons charged with misappropriation of public funds in excess of 250,000 CFA francs (\$425). As of October five individuals had been tried, four of whom were convicted. For example, on April 26, former public agent Blaise Wada was convicted of embezzlement and illicit enrichment and sentenced to 20 years' imprisonment and

a fine of two billion CFA francs (\$3.4 million).

Financial Disclosure: The law requires executive-level civil servants and civil servants who manage budgets to disclose their financial assets to the CNLCEI within three months of assuming office. Most officials complied, but some attempted to withhold information. The government did not make these declarations available to the public. There are administrative sanctions for noncompliance, but they were not enforced.

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

A number of domestic human rights groups operated, albeit with government restrictions, investigating and publishing their findings on human rights cases. Several human rights NGOs reported governmental intimidation and a general lack of responsiveness to their views.

Government Human Rights Bodies: The Ministry of Justice and Human Rights coordinates government efforts to improve respect for human rights, organize human rights training for government officials, and address major human rights problems. The National Human Rights Commission, composed of representatives from civil society, media, religious groups, and the judiciary had a degree of independence. Commission members provided basic human rights training to police and gendarmes and inspected detention conditions at Libreville police stations.

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

#### **Women**

Rape and Domestic Violence: The law criminalizes rape, and convicted rapists face penalties of five to 10 years' imprisonment. Nevertheless, authorities seldom prosecuted rape cases. The law does not address spousal rape. There were no reliable statistics on the prevalence of rape, but a women's advocacy NGO estimated it to be a frequent occurrence. Discussing rape remained taboo, and women often opted not to report it due to shame or fear of reprisal.

Although the law prohibits domestic violence, NGOs reported it was common. Penalties for conviction range from two months' to 15 years' imprisonment. Women virtually never filed complaints, due to shame or fear of reprisal, although

the government operated a counseling group to provide support for abuse victims. The government provided in-kind support to an NGO center to assist victims of domestic violence, and through the center's work police intervened in response to incidents of domestic violence.

Sexual Harassment: No law prohibits sexual harassment, and it remained a widespread problem. NGOs reported sexual harassment of women in the military was pervasive.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: Although the law does not generally distinguish between the legal status and rights of women and men, it requires a married woman to obtain her husband's permission to receive a passport and to travel abroad. The law provides for equal treatment regarding property, nationality, and inheritance. No specific law requires equal pay for equal work. Women owned businesses and property, participated in politics, and worked in government and the private sector. Nevertheless, women faced considerable societal discrimination, including in obtaining loans and credit and, for married women, opening bank accounts without their husbands' permission and administering jointly owned assets, especially in rural areas.

## **Children**

Birth Registration: Citizenship is derived through one's parents and not by birth in the country. At least one parent must be a citizen to transmit citizenship. Registration of all births is mandatory, and children without birth certificates may not attend school or participate in most government-sponsored programs. Many mothers could not obtain birth certificates for their children due to isolation in remote areas of the country or lack of awareness of the requirements of the law. For additional information, see Appendix C.

Education: Although education is compulsory until age 16 and tuition-free through completion of high school, it often was unavailable after sixth grade in rural areas. There was no significant difference in the rates of enrollment between boys and girls; however, due to high rates of early pregnancy, girls were less likely to complete school than were boys.

Child Abuse: Child abuse is illegal, with penalties for conviction of up to life in prison, one million CFA francs (\$1,700), or both. Child abuse occurred, but the law was not regularly enforced.

Early and Forced Marriage: The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities generally enforced the law. Perpetrators convicted of procuring a child for prostitution or a child pornography-related offense may be sentenced to between two and five years' imprisonment. Conviction of child trafficking is punishable by five to 10 years' imprisonment and fines of up to 10 million to 20 million CFA francs (\$17,000 to \$34,000). Conviction of possession of child pornography is punishable by imprisonment of six months to one year and a fine of up to 222,000 CFA francs (\$378). These penalties were sufficient to deter violations.

International Child Abductions: The country is 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.html>.

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with “physical, mental, congenital, and accidental” disabilities and requires access to buildings and services, including voter access to election polling centers. Most public buildings, however, did not provide adequate access, hindering access to state services and the judicial system. The law subsumes sensory disabilities under congenital and

“accidental” disabilities but does not recognize the concept of intellectual disability. The law provides for the rights of persons with disabilities to education, health care, and transportation. Enforcement was limited--there were no government programs to provide access to buildings, information, and communications for persons with disabilities. Children with disabilities generally attended school at all levels, including mainstream schools. There was accommodation for persons with disabilities in air travel but not for ground transportation.

Persons with disabilities faced barriers in obtaining employment, such as gaining access to human resources offices to apply for jobs, because buildings were not accessible. The inaccessibility of buses and taxis complicated seeking jobs or getting to places of employment for those without their own means of transportation.

### **Indigenous People**

The Babongo, Baghama, Baka, Bakoya, and Barimba ethnic groups are the earliest known inhabitants of the country. The law grants members of indigenous ethnic groups the same civil rights as other citizens, but they experienced societal discrimination. They remained largely outside of formal authority--keeping their own traditions, independent communities, and local decision-making structures--and did not have ready access to public services. Discrimination in employment also occurred. Indigenous persons had little recourse if mistreated by persons from the majority Bantu population. No specific government programs or policies assisted them.

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

The law does not criminalize sexual orientation or limit freedom of speech or peaceful assembly for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There are no specific antidiscrimination or hate crime laws, or other criminal justice mechanisms designed to aid in the prosecution of bias-motivated crimes. There were no reports LGBTI persons were targeted for abuse, but underreporting of such incidents was likely, in view of societal stigma. Societal discrimination in employment and housing was a problem, particularly for openly LGBTI persons.

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

Local NGOs reported discrimination against persons with HIV/AIDS. Persons with HIV/AIDS encountered difficulties obtaining loans and finding employment in at least some sectors. NGOs worked closely with the Ministry of Health to combat both the associated stigma and the spread of the disease.

### **Other Societal Violence or Discrimination**

Ritual killings in which persons were killed and their limbs, genitals, or other organs removed occurred and often went unpunished. During the year authorities made no arrests of persons accused of ritual killing. The local NGO Association to Fight Ritual Crimes reported 24 victims of ritual killings and five disappearances from January to October. The actual number of victims was probably higher because many ritual killings were not reported or were incorrectly characterized.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the right of workers to form and join independent unions and bargain collectively. The law provides for the right to strike, with restrictions. Antiunion discrimination is illegal, and the law provides for reinstatement for workers dismissed for union activities. Unions must register with the government to obtain official recognition, and the government routinely grants registration. Agreements negotiated by unions also applied to nonunion workers.

Strikes may be called only after eight days' advance notification and only after mandatory arbitration fails. Public-sector employees' right to strike could be restricted where the government determines that it poses a threat to public safety. The law does not define the essential-services sectors in which strikes are prohibited; however, armed services are prohibited from unionizing and striking. The law prohibits government action against strikers who abide by the notification and arbitration provisions and excludes no groups from this protection. There are no special laws or exemptions from regular labor laws in the country's two export-processing zones.

The government generally enforced applicable laws. Resources to protect the right to form unions, bargain collectively, and strike were adequate. Penalties for violations of these rights are compensatory, determined on a case-by-case basis,

and generally sufficient to deter violations. Administrative and judicial procedures were sometimes delayed.

Freedom of association and the right to collective bargaining were not always respected. Some unions were politically active, and the government accused them of siding with opposition parties. In March 2017 a six-month teachers' strike by the Confederation of National Teachers' Unions was ended by court order. The Ministry of Interior prohibited the teachers' union from conducting activities, claiming the union had disturbed public order. Members filed suit with the Constitutional Court to annul the Interior Ministry's decision. The Constitutional Court affirmed the union's legal status but did not lift the Interior Ministry's prohibition on activities.

Employers created and controlled some unions. Although antiunion discrimination is illegal, some trade unionists in both the public and private sectors complained of occasional discrimination, including the blacklisting of union members, unfair dismissals, and threats to workers who unionized. Trade union representatives complained they experienced hurdles accessing educational establishments during their efforts to represent and defend their members' interests. Key labor union leaders noted the majority of labor violations stemmed from unwarranted dismissals, occasionally of workers on strike, leaving them without social security and insurance benefits.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children. The law criminalizes child-bonded labor only. The government did not effectively enforce the law with respect to adult victims. The government enforced the law more actively to combat forced labor by children. Penalties were not sufficiently stringent and did not deter violations or reflect the serious nature of the offense, except for penalties for child trafficking.

Resources, inspections, and remediation were inadequate. The lack of sufficient vehicles, budget, and personnel impeded the ability of labor inspectors to investigate allegations of forced labor. Additionally, labor inspectors found it difficult to access family-owned commercial farms and private households due to inadequate roads. The government strengthened the capacity of labor inspectors during the year, and UNICEF provided training for labor inspectors in coordination with the Labor Ministry.

Boys were subject to forced labor as street hawkers or mechanics, as well as in work in handicraft shops. Boys and men were subject to forced labor in agriculture, animal husbandry, fishing, and mining. Girls and women were exploited in domestic servitude, market vending, restaurants, and commercial sexual exploitation. Conditions included very low pay and long forced hours. Migrants were especially vulnerable to forced labor (see section 7.c.).

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits employment of children younger than 16 without the expressed consent of the Ministry of Labor, Employment, and Professional Training, Ministry of Education, and Ministry of Public Health. The law provides for fines from 300,000 to 600,000 CFA francs (\$510 to \$1,020) and prison sentences if convicted of up to six months' imprisonment for violations of the minimum age law. These penalties were sufficient to contribute to deterring violations.

The Ministry of Labor, Employment, and Professional Training is responsible for receiving, investigating, and addressing child labor complaints through inspectors. The Interministerial Committee for the Fight against Child Trafficking files and responds to complaints. Although the committee has a network of approximately 2,000 persons to provide social services and support to victims of child labor at the local level, these individuals do not play an enforcement role due to budget constraints. Complaints are referred to police, who carry out investigations and refer cases to the courts for prosecution.

The government enforced the law in the formal sector. During the year authorities removed at least 50 children from forced labor, and arrested and prosecuted at least 16 individuals suspected of employing them.

Children sometimes were subject to forced and exploitive labor. The government organized the repatriation of approximately 63 foreign children exploited in trafficking in 2017 and during the year, and it organized training sessions for authorities to handle potential victims of child trafficking.

Child labor remained a problem. Noncitizen children were more likely than were children of citizens to work in informal and illegal sectors of the economy, where laws against child labor were seldom enforced. An unknown number of children,

primarily noncitizens, worked in marketplaces or performed domestic labor. Many of these children were the victims of child trafficking (see section 7.b.). Citizen children, particularly street children, also worked in the informal sector.

Child laborers generally did not attend school, received only limited medical attention, and often experienced exploitation by employers or foster families. In an effort to curb the problem, police often fined the parents of children who were not in school. Laws forbidding child labor covered these children, but abuses often were not reported.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

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

The labor code prohibits discrimination with respect to employment and work conditions based on race, color, sex, religion, political opinion, disability, national origin or citizenship, or social background. It does not address discrimination based on sexual orientation, gender identity, age, or language. The government did not effectively enforce the law. No specific law requires equal pay for equal work, and women's pay lagged behind that of men. Discrimination in employment occurred with respect to indigenous persons, disabled persons, persons with HIV/AIDS, and LGBTI persons. There were reports of labor exploitation of indigenous persons by their Bantu neighbors, who paid them much less than the minimum wage. Undocumented foreign workers frequently experienced wage discrimination and poor work conditions.

#### **e. Acceptable Conditions of Work**

The national monthly minimum wage was 150,000 CFA francs (\$255), greater than the World Bank's international poverty line of \$1.90 per day. The law provides for a minimum income of 80,000 CFA francs per month (\$136). Government workers received an additional monthly allowance of 20,000 CFA francs (\$34) per child and transportation, housing, and family benefits. Authorities did not enforce wage laws adequately, although workers could file suit if they received less than the minimum wage. Labor inspections were infrequent. There was no minimum wage in the informal sector, which accounted for the vast majority of workers.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48

consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work as determined by collective agreements or government regulations. By law the daily limit for compulsory overtime may be extended from 30 minutes to two hours to perform specified preparatory or complementary work, such as starting machines in a factory or supervising a workplace. It also may be extended for urgent work to prevent or repair damage from accidents. The daily limit does not apply to establishments in which work is continuous or to establishments providing retail, transport, dock work, hotel and catering services, housekeeping, security services, medical establishments, domestic work, and journalism.

The Ministry of Health establishes occupational safety and health standards. The Ministry of Labor is responsible for enforcing minimum wage, overtime, and safety and health standards in the formal sector. The number of labor inspectors was not sufficient to enforce compliance. Employers generally respected minimum wage standards. Formal-sector employees could submit complaints regarding overtime or health and safety standards, and the ministry's labor inspectors investigated such complaints. The government penalized violations with a range of fines that contributed to deterring violations. In the formal sector, workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

The government did not enforce labor code provisions in the informal economy or in sectors where the majority of the labor force was foreign, such as in the mining and timber sectors. Employers obliged foreign workers to work under substandard conditions, dismissed them without notice or recourse, and often physically mistreated them. Employers frequently paid noncitizens less than they paid citizens for the same work and required them to work longer hours, often hiring them on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.