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2009 Human Rights Report: Gabon

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

Gabon is a republic dominated by a strong presidency and the Democratic Party of Gabon (PDG), which has held power since 1968. The population is approximately 1.4 million. Former president Omar Bongo Ondimba, who ruled the country for 41 years, died on June 8. His son, PDG leader Ali Bongo Ondimba, was elected to a seven-year term on August 30 and inaugurated on October 16. Irregularities marred the election process. The PDG dominated the political arena and controlled two-thirds of the seats in the National Assembly. Security forces including the military answer to civilian authorities and, with few exceptions, civilian oversight of the security forces was effective.

The country's human rights record remained poor. The following human rights problems were reported: arbitrary killings by security forces and ritualistic killings; use of excessive force, including torture of prisoners and detainees; harsh prison conditions; arbitrary arrest and detention; an inefficient judiciary susceptible to government influence; restrictions on the right to privacy; restrictions on freedom of speech, press, association, and movement; harassment of refugees; widespread government corruption; violence and societal discrimination against women, persons with HIV/AIDS, and noncitizen Africans; and trafficking in persons, particularly children.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were unconfirmed reports the government and its forces committed unlawful killings. Most of these reports came in the weeks following the presidential election. The government claimed three persons died in Port Gentil during postelection riots. The newspaper *l'Union* stated that at least six persons died. Opposition reports claimed much higher numbers killed by government security forces suppressing the unrest.

Ritualistic killings occurred and generally went unpunished. For example, in June a six-year-old girl was found mutilated in the neighborhood of Petit Paris in Libreville. Two mutilated bodies were found on the beach of Libreville: a 10-year-old girl who was found in March whose clitoris and breasts had been removed, and a 37-year-old man who was found mutilated in October. Authorities condemned the killings but arrested no one for the crimes.

The Association to Fight Ritual Crimes (ALCR), a local nongovernmental organization (NGO) dedicated to combating ritual crimes, reported 11 persons positively identified as victims of ritual crimes, including the examples noted above. Another eight cases were likely but unconfirmed. The ALCR estimated at least double that figure of ritual crimes occurred in the country but were not reported or were incorrectly identified.

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b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution and law prohibit such practices, credible reports persisted of security forces beating prisoners and detainees to extract confessions.

Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to identify and deport illegal immigrants. Refugees continued to complain of harassment and extortion by security forces.

There were isolated reports that practitioners of certain indigenous religions inflicted bodily harm and sometimes killed other persons.

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions were harsh. Food, sanitation, and ventilation were poor, but basic medical care was provided. NGOs and private citizens occasionally made contributions to augment prisoners' poor food rations. During the year juveniles were held in their own facilities, and pretrial detainees were held with convicted prisoners.

There were no known visits by human rights monitors to prisons; however, there also were no reports that the government impeded such visits.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions.

In Port Gentil, in the days following the presidential election, there were numerous reports of extrajudicial incarcerations and detentions.

Role of the Police and Security Apparatus

The national police, under the Ministry of Interior, and the gendarmerie, under the Ministry of Defense, were responsible for law enforcement and public security; the gendarmerie was also responsible for operating checkpoints. Elements of the armed forces and the Republican Guard, an elite unit that protects the president, sometimes performed internal security functions. The police were inefficient, and corruption was a serious problem. Security forces often sought bribes at checkpoints to supplement their salaries. The Inspector General's Office was responsible for investigating police abuse; however, impunity was a problem.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants based on sufficient evidence and issued by a duly authorized official; however, security forces frequently disregarded this provision. The law allows authorities to initially detain a suspect up to 48 hours without

charge, but police often failed to respect this time limit. Detainees usually were promptly informed of charges against them; however, authorities often did not file charges expeditiously and they detained persons arbitrarily, sometimes for long periods. There is a functioning bail system, and conditional release was possible after charges had been announced if further investigation was required. Detainees were allowed prompt access to family members and to their lawyer or, if indigent, to one provided by the state.

Members of the security forces continued to detain individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces frequently used such operations to extort money.

Pretrial detention, limited to six months for a misdemeanor and one year for a felony charge, may be extended for six months by the examining magistrate. Pretrial detainees have the right of free access to their attorneys, and this right was generally respected. Detainees have the right to an expeditious trial, but overburdened dockets resulted in prolonged pretrial detention.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was inefficient and remained susceptible to government influence. The president appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is accountable. Corruption was a problem.

The judicial system includes regular courts, a military tribunal, and a civilian High Court of Justice. The regular court system includes trial courts, appellate courts, and the Supreme Court. The Constitutional Court is a separate body charged with examining constitutional questions, including the certification of elections. The Constitutional Court upheld and reaffirmed that the process for succession following president Omar Bongo's death was constitutional. In addition the court determined the succession of the interim president and the extension of the 45-day period to select a new president were constitutional, and it considered and ruled on formal complaints regarding the conduct of the election.

The High Court of Justice is a nonpermanent special body composed of professional magistrates. It is constituted by the government as required to consider matters of security.

The military court is appointed each year by the Office of the Presidency and is composed of selected magistrates and military personnel. The court provides the same basic legal rights as a civilian court.

Minor disputes may be taken to a local chief, particularly in rural areas, but the government did not always recognize their decisions.

Trial Procedures

The constitution provides the right to a public trial and to legal counsel, and the government generally respected these rights. Defendants are presumed innocent. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial, if the government presents sufficient evidence. Defendants have the right to be present, have access to a lawyer--if indigent, to one provided by the state--confront witnesses against them, present witnesses or evidence on their own behalf, have access to government-held evidence against them through their lawyer, and to appeal. The government generally respected these rights. These rights extend to all citizens.

A criminal tribunal is composed of one judge, two deputy judges, and two jurors.

Political Prisoners and Detainees

Politically motivated arrests were usually rare; however, following the presidential election, numerous credible reports of politically motivated detentions and arrests became public.

International NGOs have not requested formal visits or reviews of political prisoners in the last three years, but they are in principle allowed access.

Civil Judicial Procedures and Remedies

There was an independent civil judiciary, but it was susceptible to government influence and corruption. Corruption was also a problem in the enforcement of domestic court orders. Administrative remedies were not generally available.

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

The constitution and law prohibit such actions; however, the government did not respect these prohibitions in practice. As part of criminal investigations, police requested and easily obtained search warrants from judges, sometimes after the fact.

Security forces conducted warrantless searches for illegal immigrants and criminals, using street stops and identity checks.

Authorities reportedly routinely monitored private telephone conversations, personal mail, and the movement of citizens.

On September 2, the Telecommunications Regulation Agency suspended telephone texting after well-known figures (and journalists) reported receiving telephone text messages containing death threats. Texting was again suspended with no explanation on October 13 in advance of the inauguration of Ali Bongo Ondimba on October 15. Authorities restored telephone texting on November 10.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government generally did not respect these rights in practice. Many citizens hesitated to criticize the government for fear of losing their jobs. Local journalists generally practiced self-censorship due to harassment by the government. In one case in August, a political cartoonist was detained and questioned for two days because he drew a series of cartoons lampooning the PDG. The few opposition legislators in the National Assembly openly criticized the government, but virtually no citizen, journalist, or politician directly criticized former president Omar Bongo. After the death of president Bongo, however, the media engaged in a more open debate concerning the country's future and the presidential election.

On September 1, five masked gunmen destroyed the transmitter of satellite television station Go Africa with automatic gunfire. At the time Go Africa was cobroadcasting for a station owned by independent presidential candidate André Mba Obame. Mba Obame's television station, TVPlus, had its broadcast cut off by authorities on election day on the grounds it misused archival images in a program about former president Omar Bongo Ondimba.

In September opposition supporters assaulted Patrick Bibang, a reporter at Radio Africa No.1, as he was trying to make his way through a large opposition demonstration.

On September 25, Albert Yangari, chief editor of *l'Union*, was detained and held for questioning for several hours in connection with postelection reporting on violence in Port Gentil.

On September 29, authorities arrested and detained political cartoonist Pahe for three days for allegedly disparaging the country's military in a cartoon.

On September 3, employees of Radio-Television Nazareth were attacked outside the entrance of the national electoral commission in Libreville by opposition supporters reacting to the announcement of Ali Bongo Ondimba's election victory.

The only daily newspaper was the government-affiliated *l'Union*. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties, but most appeared irregularly due to financial constraints or, in some cases, government suspension of their publication licenses. All newspapers, including *l'Union*, criticized the government and political leaders of all parties, but not the office of the president. Following the death of Omar Bongo Ondimba, privately owned newspapers appeared more regularly.

Foreign newspapers and magazines were widely available.

The government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials, although editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end. International radio stations broadcast locally.

The government owned and operated two television stations. Four privately owned television stations transmitted 24 hours a day. Satellite television reception was available.

Libel can be either a criminal offense or a civil matter. The law authorizes the government to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the state to criminalize civil libel suits.

The law stipulates penalties for libel and other offenses to include a one- to three-month publishing suspension for a first offense and a three- to six-month suspension for repeat offenses. Editors and authors of libelous articles can be jailed for two to six months and fined 500,000 to five million CFA francs (\$1,100 to \$11,000).

Internet Freedom

There were no government restrictions on access to the Internet or reports the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 6.2 percent of the population used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice prior to president Omar Bongo's death. In the period following his death, the presence of security forces became common in numerous well-trafficked areas of Libreville. The government dissuaded large opposition groups from assembling by not approving official requests to demonstrate and by maintaining a large security presence throughout urban areas.

On August 7, an estimated 1,000 demonstrators led by opposition leaders clashed with police at a rally calling for then-defense minister Ali Bongo Ondimba to resign. The opposition leaders argued Bongo Ondimba should step down from the government because he could use his position to advance his own presidential campaign. The presidential candidates attending the demonstration did so despite not having official approval to demonstrate.

Opposition candidates were allowed to hold rallies during the two-week official election period without interference.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right.

In practice the government allowed members of religious groups to assemble, practice their religion, and proselytize.

In recent years some Protestant Christian denominations have alleged government television stations accorded free broadcast time to the Catholic Church but not to minority religious groups. Some critics alleged the armed forces favored Roman Catholics and Muslims in hiring and promotion.

Societal Abuses and Discrimination

There was no significant Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Although the constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, the government frequently restricted these rights in practice.

The government granted refugee status or asylum and cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

There were no legally mandated restrictions on internal movement, but the military, police, and gendarmes continued to stop travelers frequently to check identity, residence, and registration documents, or to demand bribes. Members of the security forces harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces extorted bribes with threats of confiscation of residency documents or imprisonment. Residency permits cost 150,000 CFA francs (\$340) per year, and first-time applicants were required to provide the cost of a one-way air ticket to their country of origin. In principle, but usually not in practice, the government refunded the cost of the air ticket when the individual departed the country permanently.

During September, after the riots in Port-Gentil, all opposition candidates were forbidden by the minister of interior to leave the country. The leader of the Rally for Gabon party, Paul Mba Abessole, was directly prevented from traveling to Cote d'Ivoire on September 8. Other opposition leaders cancelled plans to leave the country following the government's prohibiting Mba Abessole from traveling. However, four days after the announced ban on travel by opposition candidates, former presidential candidate Bruno Ben Moubamba left the country without obstruction.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. During the post-Omar Bongo Ondimba period, security forces commonly set up roadblocks and checkpoints where vehicles were searched. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. However, refugees complained about widespread harassment, extortion, and detention by security forces.

To reduce mistreatment of refugees, the government started replacing UNHCR-issued identity cards with government-issued ones. Steady progress continued on card issuance. Approximately 50 percent of refugees in the country who qualified had been issued new cards by the end of the year; an estimated 3,000 remained to be issued. This program, in conjunction with a UNHCR-led information campaign, helped reduce discrimination against refugees.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens partially exercised this right in practice through periodic and generally fair elections.

Elections and Political Participation

On August 30, the presidential election was held. This was the first election in 41 years in which former president Omar Bongo Ondimba was not a candidate. The election ballots listed 19 candidates. The election was marred by irregularities. The announced election results, which indicated Ali Bongo Ondimba had won the election with 41 percent of the vote, were contested in the Constitutional Court by numerous opposition candidates. Announced results indicated the two leading opposition candidates each received approximately 25 percent of the vote. There were numerous irregularities regarding voting lists, voter registration, late opening polls, improperly secured ballot boxes, and armed security personnel present in or near voting sites. On October 12, the Constitutional Court rejected a few hundred votes and validated Ali Bongo Ondimba's victory.

In April 2008 local elections were held under the previous administration to fill 1,190 municipal and departmental seats throughout the country. The ruling PDG won overwhelmingly, taking 96 percent of the seats. The independent electoral commission reported that only 25 to 30 percent of voters participated in the election, and independent observers estimated that the actual abstention rate was likely even higher. Polls did not open or close on time at several polling places, and elections in a handful of constituencies had to be rescheduled because of logistical and other problems. Approximately 70 candidates brought electoral challenges before the Constitutional Court following the elections, and the court reviewed and ruled on all of the contested seats by year's end.

The government is dominated by a strong presidency. When the legislature is not in session, the president can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented to it by the president. The president appoints ministers of government and heads of parastatal companies.

A single party, the PDG, has remained in power since its creation by former president Omar Bongo Ondimba in 1968.

Women participated freely in the political process. Women held governmental positions from the ministerial level down and in all branches of government. Voting and political activism by women was common, and female voter numbers were increasing. There were six women in President Ali Bongo Ondimba's cabinet.

Members of all major ethnic groups continued to occupy prominent government positions; however, members of the president's Bateke ethnic group and other southerners held a disproportionately large number of key positions in the security forces.

Indigenous Pygmies rarely participated in the political process.

Section 4 Official Corruption and Government Transparency

Official corruption was widespread, and there was extensive media coverage of police abuses, particularly at checkpoints.

The most recent World Bank Worldwide Governance Indicators reflected that corruption was a severe problem.

The law makes official corruption an offense punishable under the law with fines and possible incarceration. The Commission Against Illegal Enrichment is the primary body responsible for combating official corruption.

On March 2, the country ratified the African Union convention on corruption deterrence. Throughout much of the year, the corruption laws were rarely used. However, the president made anticorruption efforts a major emphasis in the first months following his investiture.

New government initiatives reinforce laws regarding required reporting by officials holding public office, obliging them to declare their wealth within three months following appointment. The Commission Against Illegal Enrichment may ask them to resign if they do not do so. During the year the government instituted a National Day Against Corruption (December 9) and launched a media campaign to raise public awareness of the issue. At year's end the commission was carrying out 35 investigations, including 12 cases started during the year, involving government officials.

The anticorruption commission required civil servants to disclose their financial assets before assuming office; however, this requirement was not always followed in practice.

The law does not provide for public access to government information, and the government generally did not allow such access in practice.

In October President Ali Bongo Ondimba recalled and ordered the arrest of Philibert Andzembe, the governor of the Central Bank of Central African States, on corruption charges. The government arrested two other officials on the same corruption charges, although the charges against one were dropped. The other accused individuals were under house arrest at year's end. President Ali Bongo Ondimba's chief of staff resigned amid corruption charges associated with the scandal.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Some local human rights NGOs and activists operated without government restriction, investigating and publishing their findings. Government officials took no known actions on their recommendations.

There were no reports of the government restricting the work of international human rights and humanitarian NGOs, and the government worked closely and effectively with representatives of the UN, including the UN Children's Fund (UNICEF) and the UNHCR.

Local human rights NGOs included ALCR (combating ritual crime), Cri de Femmes (women's rights), EBANDO (pygmy rights), AVOGAB (women's and orphan's rights), Groupe Conscience (promoting sex workers' rights), Reseau de Defense des Droits Humains du Gabon (an association of human rights NGOs), and others. The government did not hinder the work of these domestic NGOs or restrict their right to voice their opinions.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently.

Women

Rape is against the law and carries a penalty of between five and 10 years' imprisonment; however, rape cases were seldom prosecuted. Rape was widespread. Only limited medical and legal assistance for rape victims was available. There are no provisions in the law regarding spousal rape.

The law prohibits domestic violence; however, it was believed to be common, especially in rural areas. Penalties for domestic violence range from two months to 15 years in prison. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities. The government operated a counseling group to provide support for victims of abuse.

Although it is illegal, female genital mutilation (FGM) was believed to occur among the noncitizen Africans in the country; however, there were no specific reports of such practices during the year.

The law prohibits prostitution, and it was not a widespread problem. Penalties for soliciting a prostitute include from six months to two years' imprisonment and a fine of up to 1,068,221 CFA (\$2,200). Penalties for prostitution include jail for three months to one year and fines of up to 240,000 CFA (\$530).

There is no law that prohibits sexual harassment, and it was not a widespread problem. The government and NGOs reported cases of female domestic workers (often victims of child trafficking) who had been sexually molested by employers.

The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children.

During the year authorities repealed a parliamentary decree prohibiting the use of contraceptives. However, access to contraceptives was a problem, and many women had difficulty acquiring reliable contraceptives. Health clinics and local health NGOs operated freely in disseminating information on the use of contraceptives and family planning.

The government guaranteed free childbirth services, but health statistics from local NGOs, such as the Mouvement Gabonais Pour le Bien Etre Familial, showed a high infant mortality rate of approximately 99 in 1,000 births. Maternal mortality was also high, with 500 deaths in every 100,000 deliveries.

Men and women received equal access to diagnosis and treatment for sexually transmitted infections. Local health NGOs and clinics reported 10 of 100 patients on average tested positive for HIV/AIDS.

The government offers limited access to social insurance to vulnerable or impoverished citizens through the National Fund for Health Insurance.

The law provides for equal rights and access for women in education, business, investment, employment, credit, and pay for similar work; however, women continued to face considerable societal and legal discrimination, especially in rural areas. While poor women frequently suffered discrimination, women among the educated urban population were treated more equally. Women owned businesses and property, participated in politics, and worked throughout the government and in the private sector.

Regulation requires that a woman obtain her husband's permission to travel abroad, although this regulation was very rarely enforced. Written authorization by both parents is required for minor children to travel outside the country.

Children

Citizenship is conferred 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, but individuals frequently complained of late or nonexistent registration. However, the great majority of births were registered appropriately.

In general the government showed a commitment to children's rights and welfare. It publicly expressed its commitment to youth; provided 13,000 academic scholarships during the year; and used oil revenues to build schools, pay teacher salaries, and promote education, including in rural areas. However, there were numerous reports of shortages of classrooms and teachers in public schools. Education is compulsory until age 16 and was generally available through sixth grade.

There was some evidence of physical abuse of children. There were occasional reports family members sexually abused girls who had passed puberty. When reports of abuse surfaced, accused abusers were arrested and tried.

Although it is illegal, FGM was believed to occur among the resident population of noncitizen Africans. Ritual crimes targeting children occurred and usually involved the amputation of limbs, genitals, or both. It is believed ritual crimes are tied to traditional religious practices. The Ministry of Justice was carrying out a study on ritual crimes, but in most cases ritual crimes were treated as criminal killings.

The age of consent and for marriage is 15 years of age for girls and 18 for boys. Child marriage is rare. The statutory rape law states that 15 years is the minimum legal age for a minor (of either sex) and an adult to have sex.

Children in the large community of noncitizen Africans continued to face serious problems, including child trafficking and other abuses.

According to the penal code, lewd pictures and photographs "against the morals of society" are outlawed. This law is used against pornography of all kinds. Punishment for the possession of pornography includes possible jail time from six months to one year, fines up to 222,000 CFA (\$460), or both.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons, particularly women and children, were trafficked to the country. Internal trafficking from rural to urban areas occurred but remained difficult to quantify.

The law specifically prohibits child trafficking. The law criminalizes all forms of forced labor with penalties from one to six months and fines of 30,000 to 60,000 CFA (\$65 to \$130). Traffickers can face conspiracy charges, with penalties from six months to two years. No accurate statistics were available on the number of trafficking victims in the country, although most trafficking victims were from French-speaking West Africa (Cote d'Ivoire, Togo, Benin, and Senegal) and Nigeria.

The police and an interministerial committee composed of representatives from the labor, justice, foreign affairs, and family ministries were responsible for combating trafficking. The government also cooperated with UNICEF, the International Labor Organization, and diplomatic missions in the country to address trafficking.

The country was a destination for child trafficking, with victims trafficked primarily from Benin, Nigeria, Togo, Guinea, and Mali. Smaller numbers were trafficked from Sierra Leone, Burkina Faso, and Cameroon, although children were increasingly trafficked from other countries as well. Most arrived by boat and were trafficked to Libreville or Port Gentil. Boys were trafficked primarily for street hawking and forced labor in handicraft workshops, while girls were primarily trafficked for domestic servitude, forced market vending, restaurant labor, and commercial sexual exploitation. Nigerian children, in particular, were trafficked to the country to work in the informal commercial sector as mechanics. Trafficked children generally worked long hours, were subjected to physical abuse, received inadequate food, and received no wages or schooling.

The law provides for prison sentences for traffickers of five to 15 years' imprisonment and fines from 10 million to 20 million CFA (\$22,000 to \$44,000). However, the government's antitrafficking law enforcement efforts were mixed. The government made significant efforts to comply with minimum standards for the elimination of trafficking, including continuing its efforts to intercept and assist victims; however, the government did not show progress in convicting offenders. There were several arrests for trafficking offenses and, in some cases, prolonged detention of suspects. However, prosecution was infrequent, and the government did not report any trafficking convictions during the year. In November President Bongo Ondimba named a new head to the antitrafficking in persons court. Authorities required some suspected traffickers to pay the cost of repatriating trafficked victims to their countries of origin; however, the consequent absence of victims made successful prosecution of traffickers more difficult. The government assisted in cross-border trafficking prosecutions. The country is a member of the Economic Community of Central Africa's multilateral Cooperation Agreement to Combat Trafficking of Persons in West and Central Africa.

Government agencies, in cooperation with UNICEF, provided care for trafficking victims, in some cases through NGOs. The rights of labor trafficking victims were generally respected. Welcome centers were established for adult victims of trafficking; victims were no longer housed in jails.

UNICEF and the government sponsored a toll-free 24-hour assistance hotline for child trafficking victims, which arranged free transport to a victims' shelter. A government-funded reception center offered protection and assistance for trafficking victims, including food, education, medical care, and repatriation assistance. A second center, run by Carmelite nuns, provided similar services for older girls and young women.

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

There are no laws prohibiting discrimination against persons with disabilities or providing for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. There was some societal discrimination against persons with disabilities, and employment opportunities and treatment facilities were limited.

Indigenous People

Pygmies are the earliest known inhabitants of the country. Small numbers of Pygmies continue to live in large tracts of rainforest in the northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early postindependence period. The law grants them the same civil rights as other citizens, but Pygmies remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Their Bantu neighbors often exploited their labor by paying them much less than the minimum wage. Despite their equal status under the law, Pygmies generally believed they had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There is no law criminalizing homosexual or transgender activity. Discrimination and violence occasioned by homosexual and transgender conduct was not a problem.

Other Societal Violence or Discrimination

There was considerable discrimination against persons with HIV/AIDS. Local NGOs worked closely with the Minister of Health to combat both the associated stigma and the spread of the disease.

Section 7 Worker Rights

a. The Right of Association

The law places no restrictions on the right of association and recognizes the right of citizens to form and join trade and labor unions; workers exercised these rights in practice. The small private-sector industrial workforce was generally unionized. Unions must register with the government to be recognized officially, and registration was granted routinely.

According to the Ministry of Labor, there were more than 136 unions. The ministry estimated there were 40,000 union members in total--10,000 in the public sector and 30,000 in the private sector.

The law provides workers the right to strike; however, they may do so only after giving eight days' advance notification and only after arbitration fails. Public sector employees' right to strike is limited if a strike could jeopardize public safety. The law prohibits government action against individual strikers that abide by the notification and arbitration provisions.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without government interference, and the government protected this right. The law provides for collective bargaining by industry, not by firm. Collectively bargained agreements set wages for entire industries. Labor and management met to negotiate differences, with observers from the Ministry of Labor. Agreements negotiated by unions also applied to nonunion workers.

Discrimination on the basis of union membership is illegal. Employers who are found guilty by civil courts of having engaged in such discrimination may be required to compensate employees. Trade unions in both the public and private sectors often faced discrimination. Their demands or requests for negotiations were sometimes ignored or denied. Workers did not face termination due to trade union activity.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that such practices occurred. Forced child labor occurred but was not a systemic problem. Boys were forced to work in local handicraft workshops; girls were primarily trafficked for forced domestic servitude, market vending, restaurant labor, and commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

Although children below the age of 16 may not legally work without the express consent of the Ministries of Labor, Education, and Public Health, in practice child labor was a serious problem. According to the law, fines between 290,000 CFA to 480,000 CFA (\$640 to \$1,060) and prison sentences are appropriate punishments for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 years old worked in the formal wage sector; however, child labor occurred in rural areas, where the law was seldom enforced. Child prostitution occurred in the country.

An unknown number of children, primarily noncitizens, worked in marketplaces or performed domestic work; many of these children were reportedly victims of child trafficking. Such children generally did not attend school, received only

limited medical attention, and were often exploited by employers or foster families. Laws forbidding child labor covered these children, but abuses often were not reported.

The constitution and labor code protect children against exploitation. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints. However, violations were not systematically addressed because the inspection force was inadequate, and complaints were routinely not investigated. The government viewed child labor and child trafficking as closely linked. Many victims of trafficking were children brought to the country and forced to work. Domestic servitude was a sector with an unusually high number of child laborers trafficked into the country. The government took no notable action to combat child labor.

e. Acceptable Conditions of Work

The national monthly minimum wage is 80,000 CFA (\$172); government workers received an additional monthly allowance of 20,000 CFA (\$43) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage standards and, in general, it did so effectively.

The labor code governs working conditions and benefits for all formal sectors and provides a broad range of protection to workers; however, the government sometimes did not respect these protections. According to the law, representatives of labor, management, and the government are required to meet annually to examine economic and labor conditions and to recommend a minimum wage rate to the president, who then issues an annual decree. This procedure has not been followed since 1994, partly because the government has been following a policy of wage austerity recommended by international financial institutions. There are various minimum wage rates depending on occupation or industry, but they have not been changed since 1994. There is no minimum wage applied to the informal sector.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work.

According to the labor code and related decrees, the daily limit can be extended to perform specified preparatory or complementary work, including work necessary to start machines in a factory; supervisors whose presence at the workplace is indispensable may also have hours extended. The additional time ranges from 30 minutes to two hours, depending on the type of work.

The daily limit does not apply to establishments in which work is performed on a continuous basis and those providing services that cannot be subject to a daily limit, including retail, transport, dock work, hotels and catering, housekeeping, guard services, other security, medical establishments, domestic work, and the press.

The daily limit can be extended for urgent work to prevent or respond to accidents. The additional hours are without limit on the first day and two hours on following days. The general limit for overtime is 20 hours per week.

Overtime compensation varies, since it is determined by collective agreements or government regulations.

Companies in the formal sector generally paid competitive wages and granted the fringe benefits required by law, including maternity leave and six weeks of annual paid vacation.

The Ministry of Health established occupational health and safety standards but did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The government reportedly did not enforce labor code provisions in sectors where the majority of the labor force was foreign. Foreign workers, both documented and undocumented, were obliged to work under substandard conditions; were dismissed without notice or recourse; or, especially in the case of illegal immigrants, were mistreated physically. Employers frequently paid noncitizens less 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.