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Gabon

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Gabon is a republic dominated by a strong presidency and the Gabonese Democratic Party (PDG), which has remained in power since 1968. The population was approximately 1.4 million. Legislative elections in December resulted in continued dominance by President El Hadj Omar Bongo Ondimba's PDG, which won more than two-thirds of the seats in a generally free and fair election. All parties participated in the election after the government met several opposition electoral reform demands. In November 2005 PDG leader Bongo, president since 1967, was reelected for a seven year term in an election marred by irregularities. Civilian authorities generally maintained effective control of the security forces.

The country's human rights record remained poor, although there were improvements in several areas. The following human rights problems were reported: limited ability of citizens to change their government; use of excessive force, including torture, on prisoners and detainees; harsh prison conditions; arbitrary arrest and detention; an inefficient judiciary susceptible to government influence; restrictions on the right of privacy; restrictions on freedom of the press, association, and movement; harassment of refugees by security forces; widespread government corruption; violence and societal discrimination against women and noncitizen Africans; trafficking in persons, particularly children; and forced labor and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

Unlike in the previous year, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In August in Libreville a private security force, allegedly with close ties to local government officials, reportedly beat to death a Nigerian market vendor. Subsequent demonstrations by market vendors against the private security force resulted in numerous arrests (see section 1.d.). At year's end no action had been taken against those responsible for the killing.

No arrests were made in the 2005 killing of Gildas Mbina Boulingui or in the 2005 drowning of a taxi driver. No further information was available about the trials of police responsible for killing two men in 2005. Security forces were implicated in all three cases.

Ritualistic killings occurred. The authorities did not criticize the practice. The body of Mathieu Moundounga, bearing signs of a ritual killing, was found on December 15. There were no arrests in the case by year's end.

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, security forces sometimes beat or tortured 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 round up and deport illegal immigrants. As in previous years, refugees complained of harassment and extortion by security forces. Unlike in previous years, there were no reports that practitioners of certain traditional indigenous religions inflicted bodily harm on other persons.

Prison and Detention Center Conditions

Prisons were overcrowded and conditions were harsh. Food, sanitation, and ventilation were poor, and medical care was almost nonexistent. Juveniles were held with adults and pretrial detainees were held with convicted prisoners.

As in 2005, 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.

Role of the Police and Security Apparatus

The national police, under the Ministry of the Interior, and the gendarmerie, under the Ministry of Defense, were responsible for domestic law enforcement and public security; the gendarmerie was also responsible for setting up checkpoints. Elements of the armed forces and the Republican Guard, a heavily armed unit that protects the president, sometimes performed internal security functions; both were subordinate to the defense ministry. The police were inefficient, and corruption was a serious problem. Security forces often used bribes at checkpoints to supplement their salaries. The inspector general's office was responsible for investigating police abuse. In August the commander of the gendarmerie issued a communique promising to take action against officers who practiced extortion. He said that he had recently taken disciplinary action against approximately 100 gendarmes, and that nine were imprisoned, 15 fired, and 13 suspended.

Arrest and 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 provides up to 48 hours for initial detention, during which police must charge a detainee before a judge, but police rarely respected this timetable. Charges often were not filed expeditiously, and persons were detained arbitrarily, sometimes for long periods. Bail could be set at arraignment if further investigation was required. Detainees were allowed prompt access to a lawyer and, if indigent, to one provided by the state.

Police arbitrarily arrested market vendors during the year (see sections 1.e. and 2.d.). In September police raided Libreville's largest market and arrested numerous vendors for a variety of infractions. The vendors had protested against the activities of a newly-established private security firm which levied mandatory fees on all vendors in the market and beat one market vendor to death in August (see section 1.a.). The private security force was reported to have close ties with local government officials.

Members of the security forces frequently detained 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 to 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; this right was generally respected. Detainees also have the right to an expeditious trial, but overburdened dockets resulted in prolonged pretrial detention. Approximately 40 percent of persons in custody were pretrial detainees.

A February census of Libreville's prison population, conducted by the country's justice ministry, revealed that 277 out of 1,100 prisoners in pretrial detention had been held more than two years. Journalists uncovered 16 cases of prisoners held more than five years without trial, including one who had been in prison for 11 years because the magistrate lost his file. Following public disclosure of the situation, the lower court in Libreville reviewed the cases of long-stay detainees and released 40 prisoners. Most of them had been held for as long as their potential terms would have been if they had been tried and convicted.

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 responsible. 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 High Court of Justice is constituted by the government as required to consider matters of security.

Systemic resource and personnel shortages in the judiciary often contributed to prolonged pretrial detention (see section 1.d.).

Trial Procedures

The constitution provides the right to a public trial and to legal counsel, and the government generally respected these rights. 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 are presumed innocent and have the right to be present, to confront witnesses against them, to present witnesses or evidence on their behalf, and to appeal; the government generally respected these rights.

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

Political Prisoners and Detainees

On March 21, security forces arrested 15 opposition members during a sweep on the compound of the Union of Gabonese Patriots (UPG) leader Pierre Mamboundou. All were believed to have been released by May after charges were dropped by the authorities.

Opposition members arrested in December 2005 were released between January and March. They had participated in a demonstration to protest the reelection of President Bongo.

Herve Patrick Opiangah, arrested in 2004 when he led a protest demanding that the government recognize his political party, was released in March on humanitarian grounds after reports that his health was impaired.

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 may request search warrants from judges, which they obtained easily, sometimes after the fact. Unlike in the previous year, the government did not use search warrants to gain access to the homes of opposition figures and their families.

Security forces conducted warrantless searches for illegal immigrants and criminals, using street stops and identity checks. Unlike in previous years, there were no reports that security forces entered homes and arrested and detained refugees.

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

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. Few citizens criticized the government for fear of losing their jobs, and only a few opposition legislators in the National Assembly openly criticized the government. In September 2005 the president announced that the government would revoke the passport of anyone who criticized the government in press conferences abroad; no such revocations occurred through year's end.

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 president. 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; most were apolitical. International radio stations broadcast locally.

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

On June 22, the National Communication Council (NCC) re-authorized publication of L'Autre Journal, which had been banned since 2003 for reporting that was deemed a threat to public order.

On September 29, the NCC suspended publication for three months of the independent weekly Echos du Nord for "unethical" reporting in a column critical of government infighting. The editor of the paper launched a hunger strike on October 3 to protest the council's action. The council cut the suspension to one month, and the editor ended his hunger strike, with no permanent ill effects.

On August 8, the government spokesman and government-affiliated media harshly criticized foreign reporters for reporting on the health of the country's First Lady, which they considered inappropriate. Local journalists practiced self-censorship.

The law stipulates that penalties for libel and other offenses 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 \$1,000 to \$10,000 (500,000 to five million CFA francs). 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 government did not use the libel laws during the year.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Surveys indicated that about 5 percent of the population were using 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

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right in practice. The law requires that groups obtain permits for public gatherings in advance. Unlike in the previous year, there were no reports of forced dispersions.

No action was taken against security forces that forcibly dispersed demonstrations in 2004 and 2005.

Unlike in the previous year, the government did not ban marches by political groups.

Freedom of Association

The constitution and law provide for freedom of association, and unlike in the previous year, the government generally respected this right in practice.

c. Freedom of Religion

The constitution provides for religious freedom, and the government generally respected this right in practice.

The Ministry of the Interior maintained an official registry of religious groups but did not register small indigenous religious groups. The government did not require religious groups to register but recommended that they do so to assemble with full constitutional protection.

The government refused to register approximately 10 religious groups. Nevertheless, in practice the government allows members of these groups to assemble, practice their religion, and to proselytize.

In recent years, some Protestant denominations have alleged that the government television station accorded free broadcast time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favored Roman Catholics and Muslims in hiring and promotions.

Societal Abuses and Discrimination

There was no notable Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

Although the constitution and law provide for these rights, the government frequently restricted them in practice. There were no legally mandated restrictions on internal movement, but police and gendarmes continued to stop travelers frequently to check identity, residence, registration documents, or to demand bribes (see section 1.d.). 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 \$200 (100,000 CFA francs) 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.

There were reports that, without explanation, authorities denied passport applications for travel abroad. There also were reports of unreasonable delays in obtaining passports, despite a government commitment to process passport applications within three days. The government intermittently enforced a regulation requiring married women to obtain their husbands' permission to travel abroad.

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 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government generally provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status or asylum and cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. However, refugees complained about widespread harassment, extortion, and detentions by security forces.

In September the government announced that it had obtained equipment that would permit it to provide identity cards for all refugees in the country. By replacing UNHCR-issued identity cards, the government sought to reduce mistreatment of refugees, placing them on the same footing as all other immigrants.

Unlike in the previous year, the government did not try to forcibly repatriate refugees.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic elections. In April and May, parties from the coalition supporting the government and from the opposition began a dialogue on electoral reform. Although the two sides initially were unable to reach agreement, President Bongo mediated their differences and ultimately the government agreed to meet key opposition demands, including the creation of a permanent electoral commission, the end of separate military voting, and the provision of official copies of polling place results to opposition parties. These concessions persuaded opposition parties to participate in the December legislative elections, which observers considered generally free and fair, although they suffered from administrative weaknesses. Overall, it was an improvement over the flawed 2005 presidential election. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice remained limited.

The government was 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 parastatals.

Elections and Political Participation

In December elections were held to fill the 120 seats of the National Assembly. President Bongo's party, the PDG, won 81 seats. Other parties allied with the PDG won 16 seats. Opposition parties won 17 seats, led by the UPG with eight seats; UPG leader Pierre Mamboundou was among those elected. Four seats were won by independent candidates and one by a party that identified with neither government nor opposition. The results for one seat were declared null by the Constitutional Court, and that race was to be rerun.

In November 2005 President Bongo Ondimba was re elected for another seven year term in an election marred by irregularities, including incomplete and inaccurate electoral lists, abuse of government resources, and unequal access to the media. Opposition candidates also charged that the ruling party engaged in vote buying, multiple voting, and ballot stuffing. According to the National Electoral Commission, Bongo received approximately 79 percent of the vote, and Pierre Mamboundou of the UPG party received approximately 14 percent.

Opposition parties included the UPG, the Gabonese Progressive Party, and the newly-recognized Gabonese Union for Democracy and Development.

There were 16 women in the 120-member National Assembly and 12 women in the 48-member cabinet.

Members of all major ethnic groups continued to occupy prominent government positions; however, members of the president's Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions in the military and security forces. The general chief of staff, the minister of defense, and the chief of the republican guard were from the same region or ethnic group as the president.

Indigenous Pygmies rarely participated in the political process, and the government made only limited efforts to include them (see section 5).

Government Corruption and Transparency

Official corruption was widespread, and there was extensive media coverage of police abuses, particularly at checkpoints; however, the anticorruption commission issued no reports and took no action against corrupt officials during the year. The commander of the gendarmerie stated that he would punish officers under his command who engaged in corruption, and that he had sanctioned more than 100 officers already (see section 1.d.).

In May senior officials of the Fund for the Expansion and Development of Small and Medium Enterprise were arrested for fraud. They were released on bail and awaited trial at year's end.

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

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A few local human rights Non-governmental organizations (NGOs) and human rights activists operated in the country without government restriction, investigating and publishing their findings. Government officials took no actions on their recommendations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on national origin, race, gender, or opinion, the government did not enforce

these provisions uniformly. There was considerable discrimination against women, especially in domestic affairs. Security forces also discriminated against noncitizens. The government provided a lower level of health care and educational services to children of other African nationalities than it provided to citizens.

Women

The law prohibits domestic violence; however, it was believed to be common, especially in rural areas. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities.

Rape is against the law and carries a penalty of between five and 10 years' imprisonment; however, rape cases were seldom prosecuted. Only limited medical and legal assistance for rape victims was available.

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

Although the law prohibits prostitution, it was a problem. Enforcement was rare, as the police considered prostitution to be a low priority.

There is no law that prohibits sexual harassment, and it was a problem. The government and NGOs reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The law provides that women have rights to equal access in education, business, and investment, but 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.

By law, couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygynous relationship; polygynous marriages were more common. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, a husband is obligated to give all wives the same level of financial support, although he may marry additional wives without permission from his existing wives. Wives who leave polygynous husbands receive half of their existing support as a one time payment.

In inheritance cases, the husband's family must issue a written authorization before his widow can inherit property.

Common law marriage, which was accepted socially and practiced widely, afforded women no property rights.

A regulation requires that a woman obtain her husband's permission to travel abroad; this requirement was not enforced consistently.

Children

The government publicly expressed its commitment to youth, provided 4,000 academic scholarships during the year, and used oil revenues to build schools, pay teacher salaries, and promote education, including in rural areas. Education is compulsory until age 16 and was generally available through sixth grade. Approximately 78 percent of primary school-age children, and less than half of secondary school age children, attended school. Secondary school attendance rates for immigrant children were lower, although public schools accepted immigrant children and the government encouraged them to attend. The government provided a family allowance to the parents of schoolchildren; however, students were required to pay for books, uniforms, and other school supplies, which precluded numerous children from attending school. A UN agency estimated that 64 percent of women and 78 percent of men were literate. Boys and girls had equal attendance rates in primary school, but more boys than girls were enrolled in secondary school.

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

FGM was believed to occur among the resident population of noncitizen Africans (see section 5, Women).

Trafficking in children was a problem (see section 5, Trafficking).

Child labor remained a serious problem (see section 6.d.).

Concerns about the problems faced by the large community of children of noncitizen Africans persisted. Almost all enjoyed far less access to education and health care than did citizen children; some were victims of child trafficking and abuses.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons, particularly women and children, were trafficked to the country. The antitrafficking law provides for prison sentences for traffickers of five to 15 years' imprisonment and fines from \$20,000 to \$40,000 (10 million to 20 million CFA francs). During the year police conducted periodic raids at which suspected traffickers were identified

and turned over to prosecutors. Government agencies, in cooperation with the UN Children's Fund (UNICEF), provided care for victims, in some cases through NGOs. No information was available on the disposition of these cases at year's end, and there were reports that frustration over lack of prosecutorial action led police to conduct these raids less frequently as the year progressed.

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 and the International Labor Organization (ILO).

Children (especially girls), primarily from Benin and Togo, worked as domestic servants or in the informal commercial sector. Nigerian children, also victims of trafficking, worked 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. No statistics were available on the number of trafficking victims in the country, but estimates ranged from 3,000 to 25,000.

There continued to be unconfirmed reports that some government officials employed trafficked foreign children as domestic workers, and that individual police and immigration officers were involved in facilitating child trafficking.

UNICEF and the government sponsored a toll-free assistance hot line for child trafficking victims that provided 24 hour response assistance and arranged free transport to a victims' shelter. The hot line reported that the number of calls declined from 50 per week the previous year to about 20; about 20 percent of them were found on investigation to involve trafficking. A government-funded reception center offered protection 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.

In May Libreville hosted a conference sponsored by UNICEF, the ILO, and the Economic Community of Central African States to coordinate efforts to prevent trafficking. The country also participated in a July summit in Nigeria to discuss the issue with neighboring countries. Together with other countries from west and central Africa, the government signed an agreement on the fight against trafficking in persons and adopted a common action plan.

Persons with Disabilities

There are no laws that prohibit discrimination against persons with disabilities or provide 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

The Baka (Pygmies) are the earliest known inhabitants of the country. Small numbers of Pygmies continued to live as they have for hundreds of years in large tracts of rain forest in the northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early postindependence period, together with other residents of remote communities. 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, paying much less than minimum wage. Despite their equal status under the law, Pygmies generally felt they had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

Section 6 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 trade and labor unions; workers exercised this right in practice. The small private sector workforce was unionized. Unions must register with the government to be recognized officially, and registration was granted routinely.

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. There were no reports of any such cases during the year.

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 in practice. The law provides for collective bargaining by industry, not by firm, and collectively bargained agreements set wages for whole industries. Labor and management met to negotiate differences, with observers from the Ministry of Labor. Agreements negotiated by unions also applied to nonunion workers.

The law provides workers the right to strike; however, they may do so only with eight days advance notification and also 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 who abide by the notification and arbitration provisions. In practice, the government sometimes weighed in on labor disputes. For example, in November the president told oil companies to make concessions to striking workers. Although the president had no formal authority in the matter, the companies reluctantly complied.

Workers from the national post office went on strike October 31 demanding an additional 40 months' salary as severance payment in connection with reorganization of the post office. The strike was still under way at year's end, although minimum staffing was restored on December 8 and the post office reopened. Teachers at several public schools went on strike November 16. Although education officials called the strike illegal, the strikers suffered no punishment after returning to work the following week.

Charges were dropped in the 2005 case against taxi union leader Jean-Robert Menie.

There are no export processing zones, although there were plans to establish one.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that such practices occurred, including by children (see sections 5 and 6.d.).

Some Pygmies reportedly were employed under conditions tantamount to slavery and without effective recourse to the judicial system (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Although children below the age of 16 may not work without the express consent of the ministries of labor, education, and public health, child labor was a serious problem. The law stipulates fines and prison sentences 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 worked in the formal wage sector; however, child labor occurred in rural areas, where the law was seldom enforced.

An unknown number of children primarily foreign worked in marketplaces or performed domestic duties; many of these children were reportedly the victims of child trafficking (see section 5). Such children generally did not attend school, received only limited medical attention, and often were exploited by employers or foster families. Laws forbidding child labor theoretically extended protection to these children, but abuses often were not reported. A 2001 ILO study estimated that 20,000 children between 10 and 14 years old were economically active, but the actual number was probably considerably higher since most children worked in the informal sector.

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 not investigated routinely. The government viewed child labor and child trafficking as closely linked; the only available survey of children in the labor force found that 97 percent were noncitizens. As a matter of policy, therefore, prevention of child labor was to begin with prevention of trafficking.

e. Acceptable Conditions of Work

In September the President announced an increase in the monthly minimum wage from \$85 to \$155 (44,000 to 80,000 CFA francs); government workers received an additional monthly allowance of \$40 (20,000 CFA francs) 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 labor code governs working conditions and benefits for all sectors and theoretically 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, in part because the government was following a policy of wage austerity recommended by international financial institutions.

The labor code stipulates a 40 hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. Companies in the formal sector generally paid competitive wages and granted the fringe benefits required by law, including maternity leave and six weeks 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 were mistreated physically, especially in the case of illegal immigrants. 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.