



2008 Human Rights Report: Gabon

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Gabon is a republic dominated by a strong presidency and the Gabonese Democratic Party (PDG), which has held power since 1968. The population is approximately 1.4 million. Legislative elections in 2006 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 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. The following human rights problems were reported: limited ability of citizens to change their government; use of excessive force, including torture toward 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; 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

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

Ritualistic killings occurred. In February the mutilated body of a 30-year-old male was found in Tchibanga. In March the mutilated body of a high school-aged female was found on a Libreville beach not far from her school. The markings on both bodies suggested the murders were committed for ritualistic purposes. Authorities condemned the killings, but no one was arrested for the crimes.

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.

In April police beat a local nongovernmental organization (NGO) leader and a cameraman from a local television

station during a protest march against cost of living increases.

In May several agriculture ministry civil servants on strike for better working conditions were beaten by police in front of their offices. The police claimed they had information, later proved false, that the striking employees were holding the minister hostage. Authorities reportedly took no action against the police involved in either case.

There were reports of police officers beating, robbing, and raping prostitutes.

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. 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, and medical care was almost nonexistent. NGOs and private citizens occasionally made contributions to augment prisoners' food rations. Juveniles were held with adults, 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.

On December 31, authorities arrested at least five individuals without immediately disclosing the reason for their arrest. Among the arrested were Marc Ona, coordinator of the NGO "Publish What You Pay" coalition (see section 2.d.); Georges Mpaga, president of the Gabonese Civil Society Network for Good Governance; and Gregory Ngbwa Mintsu, a civil plaintiff in a case filed in France denouncing the alleged embezzlement of public funds by President Bongo. Sources close to the detainees claim that they were initially denied access to their attorneys and families. They remained in detention at year's end.

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 domestic law enforcement and public security; the gendarmerie was also responsible for manning 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 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 allows up to 72 hours for initial detention, during

which police must charge a detainee before a judge, but police often failed to respect this timetable. Charges often were not filed expeditiously, and persons were detained arbitrarily, sometimes for long periods. Conditional release was possible after charges had been announced if further investigation was required. Detainees were allowed prompt access to family members and a lawyer and, if indigent, to one provided by the state. Detainees were usually promptly informed of charges against them.

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 also have the right to an expeditious trial, but overburdened dockets resulted in prolonged pretrial detention. In 2006 approximately 40 percent of persons in custody were pretrial detainees, and authorities had not taken steps to correct this issue.

A 2006 census of Libreville's prison population, conducted by the country's justice ministry, revealed that 277 of 1,100 prisoners in pretrial detention had been held more than two years. Also in 2006 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.

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, have access to a lawyer (if indigent, to one provided by the state), to confront witnesses against them, to present witnesses or evidence on their behalf, and to appeal; the government generally respected these rights.

A criminal tribunal is composed of one judge, two deputy judges, and two jurors. Defendants have access to government-held evidence against them through their lawyer. These rights extend to all citizens.

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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.

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.

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. However, the few opposition legislators in the National Assembly openly criticized the government. Local journalists generally practiced self-censorship. Virtually no citizen, journalist, or politician directly criticized President Bongo.

In January the minister of interior temporarily suspended four NGO coalitions comprising 20 local NGOs for allegedly engaging in political activities, a violation of their legal mandate. The sanction was ordered after the NGOs released a public statement condemning the lack of good governance in the country. President Bongo reportedly reinstated the NGOs following domestic and international pressure.

In November police assaulted a reporter of Gabonpage, an Internet-based daily news Web site, while he was taking pictures of a sidewalk cleanup operation.

In December members of the Republican Guard beat up a reporter of the weekly newspaper Le Nganga after he published an article implicating the president's daughter and chief of staff, Pascaline Bongo, in an embezzlement scandal.

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. There is a fine line between what the government considers acceptable and unacceptable criticism. Most journalists understand this limitation and publish accordingly but occasionally cross the line as in the case of the monthly newspaper Tendance. The National Communication Council (CNC) ordered a three-month suspension for Tendance in March after it reprinted an article featured in the French newspaper Le Monde, detailing many of the houses

owned by President Bongo and his immediate family members in France.

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 a day. Satellite television reception was available.

Although the reasons for the 2007 ban remain in effect, L'Espoir resumed publication in June. The Gri-Gri International ban remained in effect at year's end.

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 500,000 to five million CFA francs (\$1,000 to \$11,000).

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.

In March the CNC suspended the newspaper Croissance Saine Environnement for allegedly making false allegations against the manager of the local office of the government body in charge of social security and pensions, la Caisse Nationale de la Sécurité Sociale. The CNC said that the suspension would be lifted if the newspaper could prove its claims. The publication resumed printing in August although it is not clear if the newspaper was able to prove its claims.

Internet Freedom

There were no government restrictions on access to the Internet or reports that 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. Approximately seven 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 the law provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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

The Ministry of Interior maintained an official registry of religious groups and refused to register approximately 10

small indigenous 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 promotion.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

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 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 police and gendarmes continued to stop travelers frequently to check identity, residence, or 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 100,000 CFA francs (\$215) 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.

In June, September, and November, airport authorities prevented Marc Ona, coordinator of the NGO "Publish What You Pay," from traveling out of the country (see section 1.d.). Ona was told that airport officials were acting under instructions from the Ministry of Interior, but that the ministry would not state a legal basis for its actions. On a previous trip to France, Ona, a staunch critic of the Bongo administration, symbolically seized one of Bongo's residences on behalf of the Gabonese people, announcing to the press that the property was purchased with funds obtained from corruption.

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 provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, refugees complained about widespread harassment, extortion, and detentions by security forces.

To reduce mistreatment of refugees, the government started replacing UNHCR-issued identity cards with those issued by the government. By year's end almost 37 percent of refugees in the country who qualified had been issued new cards. This, 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

In April local elections were held 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 25-30 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. About 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.

In 2006 elections were held to fill the 120 seats in the National Assembly. President Bongo's party, the PDG, and other parties in the ruling coalition won the majority of seats. Results of several seats were contested and nullified by the Constitutional Court; however, in the runoff elections, the PDG still held a majority with 83 seats. Other parties allied with the PDG won 19 seats. Opposition parties won 10 seats, while the remaining seats went to independents or unaligned parties.

In 2005 President Bongo was reelected 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. There were also charges of vote buying, multiple voting, and ballot stuffing.

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.

A single party, the PDG, has remained in power since its creation by President Bongo in 1968.

Political parties could operate without restriction or outside interference.

There were 18 women in the 120-member National Assembly and 13 women in the 49-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 southerners held a disproportionately large number of key positions in the security forces. 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.

Government Corruption and Transparency

Official corruption was widespread, and there was extensive media coverage of police abuses, particularly at checkpoints. Although the Commission against Illegal Enrichment carried out an investigation, they took no other action against corrupt officials during the year.

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

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

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 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 it worked closely and effectively with representatives from the UN, including the UN Children's Fund (UNICEF) and UNHCR.

There was no human rights ombudsman or commission.

Section 5 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 uniformly.

Women

Rape is against the law and carries a penalty of between five and 10 years' imprisonment; however, rape cases were seldom prosecuted and were sometimes perpetrated by law enforcement officials on female noncitizens and prostitutes. The problem was widespread. Only limited medical and legal assistance for rape victims was available.

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.

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. There were reports of police officers beating, robbing, and raping prostitutes.

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, 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.

By law, couples must stipulate at the time of marriage whether they intend to adhere to a monogamous or a polygamous relationship; polygamous marriages were more common. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygamous 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 polygamous husbands receive 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.

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

Children

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 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.

Child marriage was a problem and there was no government effort to combat the practice.

Concerns about the problems faced by the large community of children of noncitizen Africans persisted. 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 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.

Children (especially girls), primarily from Benin and Togo, worked as domestic servants or in the informal commercial sector. Boys were trafficked for street hawking and forced labor in small workshops. 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 accurate statistics were available on the number of trafficking victims in the country.

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.

The law provides for prison sentences for traffickers of five to 15 years' imprisonment and fines from 10 million to 20 million CFA francs (\$22,000 to \$43,000). However, the government's antitrafficking law enforcement efforts were mixed. 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. Authorities did require 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.

There were reports that frustration over lack of prosecutorial action led police to conduct fewer raids this year.

Government agencies, in cooperation with UNICEF, provided care for victims, in some cases through NGOs.

UNICEF and the government sponsored a toll-free assistance hotline for child trafficking victims that provided 24-hour response assistance and arranged free transport to a victims' shelter. 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.

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

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

Pygmies were the earliest known inhabitants of the country. Small numbers of Pygmies continue to live 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 post-independence 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 by paying them much less than the 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.

Other Societal Abuses and Discrimination

There was considerable discrimination against persons with HIV/AIDS. One local NGO worked closely with the minister of health to combat both the associated stigma and the spread of the disease.

The same organization also worked to combat the stigma associated with homosexuality, but did not receive any

assistance from the government for these activities.

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 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.

The law provides workers the right to strike; however, they may do so only after 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.

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, 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.

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 were often discriminated against. Their demands and/or requests for negotiations were sometimes ignored or denied.

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.

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. 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 extended protection to 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 not investigated routinely. The government viewed child labor and child trafficking as closely linked; the only available survey of children in the informal urban labor force found that 97 percent were noncitizens.

e. Acceptable Conditions of Work

In 2006 the president announced an increase in the monthly minimum wage from 44,000 to 80,000 CFA francs (\$94 to \$172); government workers received an additional monthly allowance of 20,000 CFA francs (\$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, 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.

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 and by supervisors whose presence at the workplace is indispensable. The additional hours range 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 in retail, transport, dock work, hotels and catering, housekeeping, guarding, security, medical establishments, domestic work, and the press.

The daily limit can be extended for urgent work to prevent or repair 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 as 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 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.