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## Gabon

### Country Reports on Human Rights Practices - [2005](#)

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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 1.3 million. On November 27, PDG leader El Hadj Omar Bongo Ondimba, president since 1967, was reelected for a seven-year term in an election marred by irregularities. The 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. An extreme disparity in wealth contributed to some of the following human rights problems:

- limited ability of citizens to change their government
- use of excessive force, including torture, on prisoners and detainees
- harsh prison conditions
- violent dispersal of demonstrations
- 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
- widespread harassment of refugees by security forces
- widespread government corruption
- violence and societal discrimination against women and noncitizen Africans
- trafficking in persons, particularly children
- forced labor and child labor

The government conducted an aggressive campaign during the year to combat trafficking in persons.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

Security forces killed persons during the year, and there were unconfirmed reports that police committed politically motivated killings.

For example, on November 29, security forces killed Gildas Mbina Boulingui. Opposition parties alleged Boulingui was targeted for his affiliation with the Union for Gabonese People (UPG). No investigation was conducted into the killing, and no further information was

available at year's end.

On April 7, a taxi driver drowned after security forces restrained his rescuers at gun point. The driver, who was operating an unregistered taxi, had fled a police checkpoint to avoid paying a \$48 (24,000 CFA francs) bribe. He then collided with a tree and jumped into a lake. On April 4, the driver had paid a \$30 (15,000 CFA francs) bribe to police. The case generated widespread press criticism, and an investigation continued, but no action had been taken against responsible police by year's end.

In May security forces killed two men without explanation. Protests from family members led to the arrest of the responsible officers, who were awaiting trial at year's end. No further information was available.

Ritualistic killings occurred. In February the bodies of two boys bearing signs of such a death were found in Libreville. The government did not criticize the practice and took no action in the case.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution prohibits 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. During the year, the UN High Commission for Refugees (UNHCR) confirmed that it received reports from its regional offices that security forces continued to harass and extort refugees.

Unlike in the previous year, there were no reports that police raped women in their custody.

There continued to be 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.

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

#### d. Arbitrary Arrest or Detention

The constitution prohibits 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 interior ministry, and the gendarmerie, under the defense ministry, 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, an elite, 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 (see section 1.a.). The Inspector General's Office is responsible for investigating police abuse; however, it took no known action.

#### 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 may be set at arraignments if further investigation is required. Detainees were allowed prompt access to a lawyer and, if indigent, to one provided by the state.

Police arbitrarily arrested journalists, demonstrators, opposition members, refugees, and a labor leader during the year (see sections 2.a., 2.b., 2.d., and 6.b.).

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 (see section 1.a.).

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 to 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.

#### e. Denial of Fair Public Trial

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

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 the right 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

On December 1, security forces arrested 14 opposition members who were participating in a demonstration to protest the November 27 reelection of President Bongo; the 14 were charged with vandalism and remained in detention at year's end (see section 2.b.).

Herve Patrick Opiangah, arrested in November 2004 when he led a protest demanding that the government recognize his political party, was sentenced in May to two years in jail on weapons charges. His supporters and family members claimed that the charges were fabricated and that he was detained for political reasons. Opiangah, who was released on parole prior to his sentencing, remained in jail at year's end.

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

The law prohibits 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. Security forces also entered homes and arrested and detained refugees (see section 2.d.).

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

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

#### a. Freedom of Speech and Press

The law provides 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. Journalists practiced self-censorship.

During the year President Bongo threatened to revoke the passports of citizens overseas who spoke against the government; he also demanded the names of such individuals from a foreign government.

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 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, RTG-1 and RTG-2. Four privately owned television stations transmitted eight hours per day. Satellite TV reception was available.

On December 1, the government briefly detained a foreign journalist from *AFP* and a local journalist from *Gabon News*, both of whom were covering police conduct during the dispersal of an opposition demonstration (see section 2.b.).

On December 21, police assaulted two journalists from *Teleafrika* and confiscated a camera. The two journalists were attempting to interview and film a small group of protesters in front of the presidential palace.

During the year a government official threatened an independent journalist who had provided balanced coverage of opposition figures during the election campaign and told him to stop such reports. The journalist reduced, but did not eliminate, his coverage of opposition figures.

The 2003 suspensions of satirical weeklies *Misamu* and *Sub-Version* and the bi-monthly newspaper *Sagaie* remained in effect.

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 thousand to \$10 thousand (500 thousand to 5 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 libel laws during the year.

There were no government restrictions on the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly, but security forces violently dispersed demonstrations and strikes during the year. The law requires that groups obtain permits for public gatherings in advance, but the government usually did not grant them.

During the election campaign, the government banned all marches by political groups; however, groups allied with the president were allowed to march.

On December 1, police used tear gas and batons to disperse supporters of opposition UPG candidate Pierre Mamboundou; 23 supporters and bystanders were arrested, including 14 opposition members, who were charged with vandalism and remained in detention at year's end.

On December 13, police used tear gas to disperse a demonstration by students from a technical school. One of the tear gas canisters started a fire that destroyed three homes and a bar. Security forces violently dispersed other demonstrations held before and after the election, which resulted in at least one death.

Opposition leader Herve Patrick Opiangah, arrested in November 2004 when he led a demonstration demanding that the government recognize his political party, was sentenced in May to two years in jail on weapons charges (see section 1.e.).

No investigation was conducted into the September 2004 forcible dispersion of a student demonstration in Mandji-Dibangwui village that resulted in one death and numerous injuries.

No action was taken against security forces who forcibly dispersed other demonstrations in 2004 or 2003.

##### Freedom of Association

The law provides for freedom of association; however, the government did not always respect this right in practice. During the year several government employees were fired because of their association with or relationship to Zacharie Myboto, who founded an opposition party in April (see section 3).

#### 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 traditional 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 has refused to register approximately 10 religious groups, including Jehovah's Witnesses. A government decision on the registration of Jehovah's Witnesses has been pending for several years. In practice, the government allows Jehovah's Witnesses to

assemble, practice their religion, and to proselytize.

Some Protestant denominations 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 2005 [International Religious Freedom Report](#).

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

Although the law provides 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 sections 1.a. and 3). 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 and demanded services with threats of confiscation of residency documents or imprisonment. Residency permits cost up to \$200 (100 thousand CFA francs), and first-time applicants were required to provide the cost of a one-way air ticket to their country of origin. In theory, but usually not in practice, the government refunds the cost of the air ticket when the individual departs the country permanently.

In September the president announced that the government would revoke the passport of anyone who criticized the government in press conferences abroad. There were numerous reports that authorities refused to issue without explanation passports for travel abroad. There also were reports of unreasonable delays in obtaining passports, despite a government commitment in 2003 to process passports 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; however, during the year the government attempted to repatriate forcibly a group of such refugees. The government granted refugee status or asylum and cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. However, refugees complained about widespread harassment, extortion, and detentions by security forces.

In June the government arrested and attempted to repatriate forcibly 42 Congolese refugees to the Republic of the Congo; however, the UNHCR intervened, and the 42 were not repatriated.

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

The law provides citizens with the right to change their government peacefully; however, mismanagement and serious irregularities in the November 27 presidential election and the 2003 legislative elections limited this right in practice. A single party, the PDG, has remained in power since its creation by President Bongo Ondimba in 1968, and political choice remained limited.

The country is dominated by a strong presidency. While 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

On November 27, President Bongo Ondimba, who has been president since 1967, 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. Bongo received approximately 79 percent of the vote; Pierre Mamboundou of the UPG party received approximately 14 percent, according to the National Electoral Commission.

In the 2003 senatorial elections, the PDG won a majority of the 91 seats. There were widespread reports of irregularities, and the elections were considered neither free nor fair. Municipal and regional government officials elect the senators, who serve six-year terms. All senators were either members of the PDG or of political parties linked to the PDG.

Opposition parties included the UPG and the Gabonese Progressive Party (PGP).

In April former public works minister Zacharie Myboto formed an opposition party, the Gabonese Union for Democracy and Development (GUDD). Myboto and his family were subsequently harassed, and government employees related to Myboto were dismissed from their jobs. The government has not recognized the GUDD; Myboto ran in the November presidential election as an independent.

At year's end 11 of 120 members of the National Assembly, 12 of 91 senators, and 5 of 43 government ministers were women.

Members of all major ethnic groups continued to occupy prominent 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, the chief of the republican guard, and the minister of interior were from the same region as the president or from the same ethnic group.

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 law does not provide 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

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

In 2004 the vice-prime minister in charge of human rights released a white book that detailed past human rights violations in the country, including graphic pictures. President Bongo wrote a supportive preface to the book, which sharply criticized the country's human rights record.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law forbids discrimination based on national origin, race, gender, or opinion, the government did not enforce these provisions uniformly, and 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 carried a penalty of between 5 and 10 years' imprisonment; however, rape cases were seldom prosecuted. Only limited medical and legal assistance for rape victims was available.

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 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. Women owned businesses and property, participated in politics, and worked throughout the government and 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 received 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 thousand academic scholarships during the year, and used oil revenues to build schools, pay teacher salaries, and promote education, even in rural areas. Nonetheless, the upkeep of schools and payment of teachers continued to decline. Education is compulsory until age 16 and generally was available through sixth grade. Approximately 78 percent of primary school-age children attended school, 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. Students were required to pay for books, uniforms, and other school supplies, which precluded numerous children from attending school. Despite low enrollment, a UN agency estimated that 64 percent of women and 78 percent of men were literate.

The country's infant mortality rate was 6 percent; at last report, approximately 16 percent of children had been vaccinated. International donors worked to improve the situation, and the government allocated some resources for vaccines and logistical support to administer them.

Children remained the responsibility of the extended family. There was little evidence of physical abuse of children, although there were occasional reports that family members sexually abused girls who had passed puberty. The law provides for protection against child labor, sexual and physical abuse, and the government prosecuted persons charged with child trafficking and child labor during the year (see sections 5, Trafficking, and 6.d.).

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

Concerns about the problems facing 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 (see sections 5, Trafficking, and 6.d.).

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

## 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 2004 antitrafficking law provides for prison sentences for traffickers of 5 to 15 years' imprisonment and fines from \$20 thousand (10 million CFA francs) to \$40 thousand (20 million CFA francs). During the year the government took aggressive steps to combat trafficking, and numerous traffickers were being prosecuted at year's end.

The police and the inter-ministerial committee, composed of representatives from the labor, justice, foreign affairs, and family ministries, were responsible for combating trafficking.

On January 25, security forces began a series of antitrafficking sweeps that resulted in the rescue of 60 victims, most of whom were children, and the detention of 7 traffickers--5 from Benin and 2 from Nigeria. The traffickers claimed the trafficking had occurred with the consent--and sometimes at the initiative--of the children's families. The victims, who were from Benin, Nigeria, Togo, and Ghana, were either reunited with their families or under the care of a local orphanage.

In June police arrested and jailed two women for trafficking two teenaged Togolese girls to serve as street vendors. The traffickers allegedly tortured the girls when they failed to make their daily sales quota and then sold them as wives. The traffickers remained in detention awaiting trial at year's end.

In July police sweeps targeting children working illegally in shops or on the street resulted in the rescue of more than 100 children, many of whom were believed to be trafficking victims. The children were from Benin, Nigeria, Niger, Togo, Mali, Ghana, and Guinea.

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 thousand to 25 thousand.

There have been 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 UN Children's Fund (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 received approximately 50 calls a day, of which approximately 10 were related to 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.

During the year the government conducted conferences and publicity "caravans" to educate the public about trafficking and the 2004 antitrafficking law. The NGO Association for the Defense of the Rights of Women and Children also launched an antitrafficking campaign during the year to target the immigrant community in Franceville, a rural mining center near the Congolese border.

An inter-ministerial committee comprised of representatives from the labor, justice, foreign affairs, and family ministries was involved in antitrafficking efforts. The government also cooperated with UNICEF and the International Labor Organization (ILO).

#### 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. Several thousand Pygmies lived in large tracts of still-intact rain forest in the northeast. The law grants them the same civil rights as other citizens, but Pygmies remained largely independent of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads.

Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. There were no specific government programs or policies to assist Pygmies.

A 2001 NGO study of the Bukoya Pygmy population in the northeast found that most Pygmies lived in conditions tantamount to slavery, working on plantations for "Gabonese masters" for one plate of rice and a few cents per day. The NGO described the children born to Pygmy families in these situations as the "property" of the master. A typical family lived on 13 cents per day. According to the NGO, Pygmies who complained about their situation faced the possibility of being beaten.

#### 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.

While no laws specifically prohibit antiunion discrimination, the court may require employers who are found guilty by civil courts of having engaged in such discrimination to compensate employees.

##### 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, and the Ministry of Labor provided observers. Agreements negotiated by unions also applied to nonunion workers. There are no export processing zones.

The law provides for the right to strike after an eight-day notice advising that outside arbitration failed. Public sector employees' right to strike is limited if a strike could jeopardize public safety. A 2003 social truce signed by the government, employers, and the country's main trade unions provided for a three-year hiatus on strikes and the creation of a 35-member mediation committee to negotiate disputes; however, trade unions conducted numerous strikes during the year, charging that the government and employers had not complied with the social truce agreement. The law prohibits direct government action against individual strikers who abide by the arbitration and notification provisions.

In March a taxi driver De Menezess union held a brief strike in response to police extortion (see sections 1.a. and 1.f.). In April the union president Jean-Robert Menie was arrested, prosecuted, and sentenced to 60 days in prison for having an expired license. Menie was released when the government appealed its own conviction; the case remained pending at year's end.

##### 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 lived in conditions tantamount to slavery (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 the number of economically active children between the ages of 10 and 14 years was 19 thousand to 20 thousand, but the actual number was probably considerably higher since most children worked in the informal sector.

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.

#### e. Acceptable Conditions of Work

The monthly minimum wage was approximately \$120 (60 thousand CFA francs); government workers received an additional monthly allowance of \$40 (20 thousand 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 law, representatives of labor, management, and the government were 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 had 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. All companies in the formal sector 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; dismissed without notice or recourse; or mistreated physically, especially in the case of illegal aliens. Employers frequently required longer hours of work from noncitizen Africans and paid them less, often hiring on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.

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