



## Gabon

### Country Reports on Human Rights Practices - [2000](#)

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Gabon is a republic dominated by a strong presidency. Although opposition parties have been legal since 1990, a single party, the Gabonese Democratic Party (PDG), has remained in power since 1968 and has circumscribed political choice. Elections for the presidency and the National Assembly generally have not been free and fair but have varied widely in quality; some suffered chiefly from poor organization, while others were fraudulent. PDG leader El Hadj Omar Bongo has been President since 1967 and was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored the incumbent, including incomplete and inaccurate electoral lists and the use of false documents to cast votes. In July 1998, following opposition victories in 1996 elections for local government offices that recently had been made elective, the Government transferred key electoral functions to the Interior Ministry from an independent National Electoral Commission that had been established pursuant to a 1995 constitutional referendum. Members of the PDG and allied parties hold large majorities of seats in both chambers of the national legislature: The directly elected National Assembly, for which the most recent elections, held in December 1996, were poorly run and fraudulent; and the Senate, members of which are chosen by municipal and regional government officials. The judiciary is independent but remains vulnerable to government manipulation.

The national police, which is subordinate to the Interior Ministry, and the gendarmerie, which is subordinate to the Defense Ministry, are primarily responsible for domestic law enforcement and public security. In addition elements of the armed forces and the "Republican Guard," an elite, heavily armed unit that protects the President, sometimes have performed internal security functions; both the armed forces and the Republican Guard are subordinate to the Defense Ministry. Members of the security forces occasionally committed human rights abuses.

The country's economy is underdiversified and heavily dependent upon external trade. The State dominates much of the economy through telecommunications, timber export, and oil refinery parastatals; however, the production of wood, oil, and minerals is largely private, and the water, electric, railroad, and sugar parastatals have been privatized. Government financial mismanagement and corruption have contributed to significant arrears in domestic and external debt payments. Since the discovery of offshore oil in the late 1970's, the oil industry has generated nearly half of recorded gross national product; oil export earnings have allowed the country's approximately 1 million citizens to enjoy a relatively high material standard of living based on imports of consumer goods and have drawn to the country's capital, Libreville, a third of the country's citizens and many immigrants from poor African countries who work chiefly in the informal and service sectors. Average annual per capita gross domestic product was approximately \$4,700, although income distribution remained badly skewed in favor of urban dwellers and a small economic elite, while the rural population continued to receive relatively few social services. The depletion of proven reserves of oil and timber contributed to declining export earnings and state revenues during the year.

The Government's human rights record was generally poor in some areas, and some longstanding human rights abuses continued. The ability of citizens to change their government remained limited. Outstanding cases of killings by security forces remain unresolved. The security forces beat and tortured prisoners and detainees, prison conditions remained harsh and life threatening, arbitrary arrest and detention were problems, the judiciary remained subject to government influence, and authorities routinely infringed on citizens' privacy rights. Despite some improvements, the Government continued to restrict freedom of the press. Violence and societal discrimination against women were problems. Forced labor by foreign children as domestic and agricultural workers remained a problem, and there were reports of trafficking in children.

RESPECT FOR HUMAN RIGHTS

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

### a. Political and Other Extrajudicial Killing

There were no reports of politically motivated extrajudicial killings; and there were no confirmed cases in which members of the security forces committed other extrajudicial killings. Outstanding cases of extrajudicial killings committed by the security forces remained unresolved.

In April 1999, an off-duty member of the Republican Guard shot and killed a taxi driver who had refused to lend his taxi to the soldier. Despite demands from the media to prosecute the alleged assailant, the suspect never was charged. In the July 1999 case of a group of off-duty police officers who reportedly killed 2 persons and wounded 11 in a vendetta attack in a Libreville discotheque, the police officers initially were cleared of wrongdoing by their superiors, then later subjected to minor disciplinary measures. No arrests were made in either case.

Although there were no confirmed reports of attempted killings that appeared to be politically motivated, an opposition candidate Pierre Mamboundou, who contested the December 1998 presidential election stated in December 1998 that armed commandos attempted to kill him on December 12, 1998. Mamboundou stated that he believed that the Government was responsible for the alleged attack, but no evidence supporting this allegation developed.

### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture or cruel and inhuman punishment; however, security forces sometimes beat or physically mistreated prisoners and detainees as punishment and to exact confessions. There were unconfirmed reports in the African immigrant community that police and soldiers occasionally beat and raped non-Gabonese Africans during operations to round up and deport illegal immigrants (see Section 2.d.).

In August a police officer raped a Cameroonian woman in custody. The case received wide media coverage, and shortly after the incident, the officer was dismissed from the police force. The national police leadership asserted that the police officer would be disciplined formally and then tried for rape; however, at year's end, the case had not been tried, and no further action had been taken against the officer.

There were occasional incidents of violence in which practitioners of some traditional indigenous religions inflicted bodily harm on other persons (see Section 5). However, the details of these incidents are uncertain. The Ministry of the Interior maintained that violence and bodily harm to others in the practice of a traditional religion is a criminal offense and is prosecuted vigorously. Media reports suggested that this was true; however, little information about such prosecutions or their results was available.

Conditions in most prisons are harsh and life threatening. Sanitation and ventilation are poor, and medical care is almost nonexistent. Prisons provide inadequate food for inmates. There were no known visits by human rights monitors to prisons during the year, although the Government was not known to have impeded such visits in past years.

### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. The law provides for up to 48 hours of initial preventive detention, during which period police must charge a detainee before a judge. However, in practice police rarely respect this provision. Charges often are not filed expeditiously, and persons often are detained arbitrarily for long periods. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys, and this right is respected in practice. Detainees have the right to an expeditious trial, as defined by the law. Pretrial detention is limited to 6 months for a misdemeanor and to 1 year for a felony charge. These periods may be extended for 6 months by the examining magistrate. Prolonged pretrial detention is common. The Attorney General's Office estimates that roughly 40 percent of persons in custody are pretrial detainees.

Authorities in Makokou arrested and detained Gabonese Confederation of Free Unions (CGSL) representative Jean-Remy Nguelany for over 3 months in 1998 (see Section 6.b.).

Members of the security forces frequently detained individuals at roadblocks. Although sometimes designed to locate illegal immigrants, most such operations were used by the security forces to extort money.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary is generally independent in principle, it remains vulnerable to government manipulation.

The judicial system includes the regular courts, a military tribunal, and a civilian State Security Court. 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. There are no traditional or customary courts. In some areas, minor disputes may be taken to a local chief, but the State does not recognize such decisions. The State Security Court, last convened in 1990, is constituted by the Government as required to consider matters of state security.

There were systemic resource and personnel shortages in the judiciary, which often contributed to prolonged pretrial detention (see Section 1.d.).

The Constitution provides for the right to a public trial and the right to legal counsel. These rights generally are respected in criminal cases. Nevertheless, procedural safeguards are lacking, particularly in state security trials. A judge may thus deliver an immediate verdict of guilty at the initial hearing if sufficient evidence is presented by the State.

There were no reports of political prisoners.

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

The Constitution provides for protection from surveillance, from searches without warrant, and from interference with private telecommunications or correspondence; however, the Government restricts these rights in practice. As part of criminal investigations, police may request search warrants from judges, which they obtain easily, sometimes after the fact. The Government has used them in the past to gain access to the homes of opposition figures and their families.

Government authorities also routinely monitor private telephone conversations, personal mail, and the movements of citizens.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, although citizens generally continued to speak freely and criticize the Government, the Government continued to restrict press freedom. Legislators in the National Assembly openly criticize government policies, ministers, and other officials.

The only daily newspaper was the state-affiliated L'Union. Approximately 10 privately owned weekly or monthly publications in newspaper format, which represent independent views and those of various political parties, appeared during the year; however, most appeared irregularly due to financial constraints and, in some instances, to government suspensions of their publication licenses. All newspapers--including L'Union--actively criticized the Government and political leaders of all parties. Most also criticized the President.

Journalists are subject to the Communication Code, a law that specifies their rights and responsibilities. Libel can be either a criminal offense or a civil matter. The law authorizes the State to initiate criminal libel prosecution against persons for libeling elected government officials; it also authorizes the State to criminalize civil libel suits.

In April 1999, the National Communication Council (CNC), a government agency subordinate to the Communications Ministry, released its draft of a proposed new Communications Code that would further restrict press freedom by expanding the scope of criminal libel laws in the name of protecting "dignity of the person;" however, it would shift the penalties for libel away from imprisonment and toward monetary fines; it

also would reduce prison sentences for journalists convicted of criminal libel while increasing fines that could be imposed on such journalists and on the newspaper firms that employ them. In April the National Assembly passed the new Communications Code, but it stalled in the Senate because of concerns about its constitutionality. In November the Senate passed a different version of the code, and the two bills were referred to a conference committee for reconciliation; no further action had been taken by year's end.

In April 1999, the CNC suspended the publication license of La Griffe, a Libreville-based satirical weekly newspaper, on the grounds that it was publishing anonymous editorials in contravention of a legal requirement, necessary for the enforcement of criminal libel laws, that publications name the authors of everything that they publish. The Ministry of Communications previously suspended the same newspaper's license from August 1998 through March 1999 after the Government successfully prosecuted members of the newspaper's staff for criminal libel. The suspension of La Griffe's publication license ended in August, and the newspaper resumed publication shortly thereafter.

The Government continued to use prosecutions for civil and criminal libel against journalists to restrict freedom of expression, especially criticism of the Government. In December 1999, Germain Lendoye, publisher of the satirical weekly Cigale Enchantée, was jailed for 2 months after the newspaper failed to pay a fine of about \$290 (200,000 FCFA) that was awarded in 1999 to the Minister of Equipment and Construction for defamation. Cigale Enchantée remained closed for financial reasons. In July Lendoye launched a new satirical weekly, Le Scribouillard.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages; police did not intervene. In August journalists at the national television station struck for back wages (see Section 6.a.).

In May journalists Kare Black, Guy Mvelle, and publisher Noel Ngwa Nguema of the bimonthly Misamu were fined the equivalent of \$14,500 (10,000,000 FCFA) in a defamation suit brought by the Director General of Public Works at the Ministry of Equipment and Construction over a January article that alleged a diversion of public funds from a road project. The court ruled in favor of the director general despite the publication by Misamu of a lengthy rebuttal written by the director general.

In May President Bongo pardoned La Griffe editor in chief Michel Ongoundou Loundah and journalist Raphael Ntoume Nkoghe (writing under the name of Pulcherie Beaumiel), who were convicted of criminal libel in August 1998. The two left the country in 1998 after a court sentenced them to 8 months in prison for reporting that the director general of the state airline had used the company to smuggle ivory internationally; both returned to the country during the year. Dorothee Ngouoni, an editor at La Griffe, left the country in July 1999 as a result of the same defamation case and was convicted of defamation shortly thereafter. She was not pardoned and remained abroad.

The Government owns and operates two radio stations, which broadcast to all areas of the country. Much of their news coverage concerns the activities of government officials; however, their editorials are sometimes critical of specific government policies and even of specific government ministers. The CNC issues and, in the past, at times sometimes has suspended the broadcasting licenses of private radio and television stations. During the year, all existing suspensions were lifted, and no new suspensions were imposed. Financial considerations resulted in fluctuations in the number of radio stations operating. At year's end, approximately a dozen privately owned radio stations operated in the country; most were apolitical. The Government owns and operates two television stations, RTG-1 and RTG-2. At year's end, four apolitical, privately owned stations were broadcasting.

In October 1999, the Government suspended the broadcasting license of two privately owned radio stations. One resumed broadcasting in November 1999; the other, a station affiliated with the Catholic Church, resolved its conflict with the Government without interrupting its broadcasts (see Section 2.a.).

The Government did not interfere with domestic reception of broadcasts of international radio stations, including the Voice of America. Radio France International broadcast locally, and British Broadcasting Corporation radio sought and received a license to begin local broadcasts; but at year's end, they had not begun to broadcast. Foreign newspapers and magazines were widely available.

The Government did not restrict access to or use of the Internet. At year's end, there were two Internet service providers in the country, one state owned and the other privately owned. In urban areas, there were public facilities that provided relatively affordable access to the Internet.

There are no restrictions on academic freedom, including research.

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

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice for citizens and recognized organizations. The law requires that groups obtain permits for public gatherings in advance, and the Government usually granted them.

The Constitution provides for freedom of association, and the Government respected this right in practice.

#### c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this right in practice. There is no state religion, and authorities do not engage in religious persecution. A 1983 decree banning Jehovah's Witnesses, which the Government promulgated on the grounds that Jehovah's Witnesses allegedly do not protect individuals who might dissent from the group's views adequately, remained in effect throughout the year; however, the Government did not enforce the ban.

Some Protestants alleged that the government television station accorded free transmission time to the Catholic Church but not to minority religious groups. Others alleged that the armed forces favor Roman Catholics and Muslims in hiring and promotions. Some Protestant congregations had difficulty obtaining building permits.

The Ministry of the Interior maintains an official registry of some religious groups; however, it does not register traditional indigenous religious groups. The Government does not require religious groups to register but recommends that they do so in order to assemble with full constitutional protection. No financial or tax benefit is conferred by registration. The Government has refused to register about 10 religious groups, including Jehovah's Witnesses. In practice the Government allows Jehovah's Witnesses to assemble and practice their religion. In addition the Government has made uncorroborated claims that it permitted Jehovah's Witnesses to proselytize.

In October 1999, the Government suspended the broadcasting license of a privately owned radio station affiliated with the Catholic Church. The station resolved its conflict with the Government without interrupting its broadcasts. Its license was restored in November 1999 (see Section 2.a.).

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

The Constitution provides for these rights. There are no legally mandated restrictions on internal movement. Police and gendarmes continued to stop travelers frequently to check identity, residence, or registration documents, and members of the security forces regularly harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. They extorted bribes and demanded services with the threat of confiscation of residency documents or imprisonment. Residency permits cost up to \$145 (100,000 FCFA), and first time applicants also must 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.

The government agency that controls immigration intermittently enforced an internal regulation requiring married women to have their husbands' permission to travel abroad, although a specific law to this effect was eliminated in 1990. An exit visa no longer is required for citizens to travel abroad; however, aliens resident in the country must obtain a visa in order to leave and return.

There were unconfirmed reports that police occasionally beat and raped non-Gabonese Africans during operations to assemble and deport illegal immigrants. In November the Government used soldiers to conduct an official "sweep" operation. According to the Government, the sweep was intended to detain bandits, but the Government did not disclose if any persons were arrested. The sweep consisted of soldiers stopping and searching vehicles at roadblocks, as well as house-to-house searches conducted by soldiers and police in impoverished neighborhoods. The police conducted the same activity informally on a regular basis and frequently stopped vehicles to extort bribes.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government strictly controls the process of refugee adjudication. Coordination with the U.N. High Commissioner for Refugees (UNHCR) generally is adequate. During the year, an estimated 17,000 refugees, 14,000 from the Republic of Congo (Brazzaville), remained in the country to avoid fighting between Congolese rebels and forces supporting the Congolese Government. The Government cooperated with the UNHCR and international nongovernmental organizations (NGO's) that provided assistance to these refugees.

There were no reports that the Government forcibly returned persons to a country where they feared persecution.

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

The 1991 Constitution explicitly provides this right, but mismanagement and serious irregularities in both the 1990 and 1996 legislative elections and the 1993 and 1998 presidential elections called into serious doubt the extent to which this right exists in practice. A single party, the PDG, has remained in power since its creation by President Bongo in 1968, and political choice has remained limited in practice despite the legalization of opposition parties since 1990.

In a July 1995 constitutional referendum, citizens approved by a 96 percent majority reforms, that included most significantly the establishment of an independent National Electoral Commission (NEC). The referendum was carried out under arrangements that assured that all political parties could monitor voting and vote counting.

The Republic is dominated by a strong Presidency. The President can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law while the legislature is not in session. The legislature generally has approved legislation presented to it by the President but occasionally has not done so. The President appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is responsible. The President appoints ministers of government, provincial governors, prefects and subprefects, and the heads of parastatal firms.

PDG leader El Hadj Omar Bongo has been President since 1967, when the former President died while Bongo was Vice President. He was reelected for another 7-year term in a December 1998 election marred by irregularities that generally favored his incumbency, including incomplete and inaccurate electoral lists and the use of false documents to cast multiple votes. In July 1998, the Government transferred key electoral functions, including the maintenance of voter registration lists, from the NEC to the Interior Ministry. In October 1998, the representatives of three major opposition parties withdrew from the NEC to protest their inability to verify the accuracy of voter registration lists. Official results showed Bongo winning approximately two-thirds of the votes cast.

The most recent elections for the National Assembly, the lower house of the bicameral national legislature, held in 1996, were run poorly and fraudulent. National Assembly elections are held every 5 years; the next elections are scheduled for late 2001. Candidates belonging to the PDG and other parties supporting President Bongo won more than 80 of the 120 seats, including 8 of 10 seats in the capital, where the opposition recently had won fairer local government elections. The military and NEC magistrates fraudulently ensured victory for parties supporting the President by altering vote counts arbitrarily, particularly in the capital.

The ability of citizens to choose their subnational governments remains limited in practice. Among subnational officials, provincial governors, prefects, and subprefects are officers of the central Government, responsible to the President. Mayors and municipal councils are elected; however, municipal governments have limited financial autonomy and depend heavily on funding from the central Government.

Local elections for mayors and municipal councils held in 1996 were organized poorly and later were repeated in key districts. In both sets of elections, opposition parties won most of the municipal council seats in the capital, Libreville, where the RNB candidate was elected mayor.

The Senate, the upper house of the bicameral national legislature, was created in 1996. The first elections for Senators were held in 1997. Municipal and regional government officials elect all 91 senators.

Major opposition parties include the RNB and the Gabonese Progressive Party (PGP). The RNB's political base is in the northern province of Woleu-Ntem, which is inhabited chiefly by members of the Fang ethnic group, and in Libreville neighborhoods with many Fang residents, although the party attracts some support from other regions and ethnic groups. Before the 1998 presidential election, the RNB split into two factions. In December it changed its name to the Rassemblement pour les Peuples Gabonais (RPG). The PGP enjoys strong support in Port Gentil, the center of the country's petroleum industry, and among the Myene ethnic group. Ideological splits and rivalries between Libreville and Port Gentil have reduced the effectiveness of the PGP.

There are no restrictions on the participation of women and minorities in politics; however, women and minorities are underrepresented in government and politics. At year's end, 7 of the 120 National Assembly representatives, 12 of the 91 senators, and 5 of the 41 cabinet members were women. Indigenous Pygmies

rarely participate in the political process, and the Government has made only limited efforts to include them (see Section 5).

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government officially allows the existence of independent human rights groups, although few are active. These organizations advocate mostly on behalf of women, children, the disabled, and the homeless. The largest and best-financed domestic NGO's are government associated and financed; the president of one such NGO, GERDDES-Gabon, is a senior official of the ruling party. Despite an October 1999 announcement that it would establish a National Human Rights Commission, the Government had taken no action to establish one by year's end.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on national origin, race, gender, or opinion. The Government does not uniformly enforce these constitutional provisions and tolerates a substantial degree of discrimination against women, especially in domestic affairs. It has also provided a lower level of health care and educational services to children of families of other African nationalities than it provided to citizens.

##### Women

Violence against women is common and is especially prevalent in rural areas. While medical authorities have not specifically identified rape to be a chronic problem, religious workers and hospital staff reported that evidence of beatings of women is common. Police rarely intervene in such cases, and women virtually never file complaints with civil authorities. Only limited medical and legal assistance is available.

The law provides that women have rights to equal access in education, business, and investment. Women own businesses and property, participate in politics, and work throughout the government and the private sector. Women nevertheless continued to face considerable societal and legal discrimination, especially in rural areas. According to a U.N. agency, 52 percent of women were literate in 1994, compared with 74 percent of men.

By law couples must stipulate at the time of marriage whether they intend to adhere to a monogynous or a polygynous relationship; according to one local NGO, polygynous marriages are more common. For monogynous married couples, a common property law provides for the equal distribution of assets after divorce. In a polygynous marriage, husbands are obligated to give all wives the same level of financial support; however, 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 is accepted socially and widely practiced, affords a woman no property rights.

An internal regulation still requires that a woman obtain her husband's permission to travel abroad; however, this requirement is not enforced consistently.

##### Children

The Government has used oil revenue to build schools, pay teachers' salaries, and promote education, even in rural areas. However, with the decline in such revenues in the late 1990's, the upkeep of schools and payment of teachers has suffered. Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encouraged them to attend. Education is free except for miscellaneous expenses such as books and school supplies.

The country has a relatively high infant mortality rate, and not all children have access to vaccinations, although the Government worked with international donors to improve the situation. Traditional beliefs and practices provide numerous safeguards for children, but children remain the responsibility of the extended family--including aunts, grandmothers, and older siblings. There is little evidence of physical abuse of children, although there were some reports that girls were sexually abused by family members after reaching puberty. Protection for children's rights is not codified in law. Forced child labor and trafficking in children are problems (see Sections 6.c. and 6.f.).

There is concern about the problems facing the large community of children of African noncitizens. Almost all enjoy far less access to education and health care than do children of citizens and are sometimes victims of child labor abuses (see Section 6.d.). Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, occurs among the resident population of expatriate Africans. There are no laws against FGM, but according to local women's groups, it is not practiced on Gabonese children.

#### People with Disabilities

There are no laws that prohibit discrimination against persons with disabilities or that provide for access to buildings or services; however, there were no reports of discrimination against the disabled.

#### Indigenous People

The Baka people (Pygmies) are the earliest known human inhabitants of the country. Several thousand indigenous Pygmies live in the country, most in large tracts of still-intact rain forest in the northeast. Domestic law grants them the same civil rights as other citizens. Pygmies largely are independent of formal authority, keeping their own traditions, independent communities, and local decisionmaking structures. Pygmies did not participate in government-instituted programs that integrated many small rural villages into larger ones along major roads. As a result, their access to government-funded health and sanitation facilities was limited. There are no specific government programs or policies to assist or hinder Pygmies.

#### National/Racial/Ethnic Minorities

The country's citizen population includes several ethnic groups, each of which generally speaks a distinct primary language and is concentrated in an identifiable area of the country. There is no majority ethnic group; the largest ethnic group is the Fang, which makes up over 30 percent of the population and is concentrated in the north. Other major ethnic groups include the Myene, the Bapunu, the Bateke, the Obamba, and the Nzebi. Urban neighborhoods are not segregated ethnically; interethnic marriage is common.

There was some correlation between ethnic and political divisions. Support for the ruling party is stronger among persons from southern ethnic groups, including President Bongo's Bateke ethnic group, than among the northern Fang group or the coastal Myene group (see Section 3).

The Government generally fostered ethnic balance in the public sector, throughout which persons from all major ethnic groups continued to occupy prominent positions. However, there was evidence that members of President's Bateke ethnic group and other ethnic southerners held a disproportionately large number of key positions throughout the military and security forces (see Section 3).

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution places no restrictions on the right of association and recognizes the right of citizens to form trade and labor unions. Virtually the entire formal private sector work force is unionized. Unions must register with the Government in order to be recognized officially. Public sector employees may unionize although their right to strike is limited if it could jeopardize public safety. Until 1990 there was only one recognized labor organization, the Gabonese Labor Confederation (COSYGA), to which all unionized workers contributed a mandatory percentage of their salaries. In 1992 the Government accepted the establishment of independent unions and abolished the mandatory contribution to COSYGA. Since 1993 many independent unions have emerged, including powerful unions of teachers, civil servants, transport workers, and communications workers. Some independent unions have associated to form the Gabonese Confederation of Free Unions (CGSL). COSYGA has continued to be affiliated with the Government but has criticized publicly some government policies it perceived as contrary to labor interests.

In 1994 the National Assembly passed an extensively revised version of the Labor Code, which was published and implemented in early 1995. The code provides extensive protection of worker rights.

Strikes are legal if they are held after an 8-day notice advising that outside arbitration has failed. The Labor Code prohibits direct government action against individual strikers who abide by the arbitration and notification provisions. It also provides that the Government cannot press charges against a group for criminal activities committed by individuals.

In March and again in June, employees of Sogadel, a parastatal agribusiness firm, went on strike to protest the failure to pay back wages. In both cases, although strikers burned tires and barricaded Libreville's main thoroughfare, police did not intervene. In August journalists at the national television station, RTG-1, also struck for back wages. The failure to pay salaries in both instances was attributed widely to a combination of managerial malfeasance and failure to receive adequate funds from the Government (see Section 2.a.).

Unions and confederations are free to affiliate with international labor bodies and participate in their activities. COSYGA is affiliated with the Organization of African Trade Union Unity, while the CGSL is affiliated with the International Confederation of Free Trade Unions. Both COSYGA and CGSL have ties with numerous other international labor organizations.

#### b. The Right to Organize and Bargain Collectively

The Labor Code provides for collective bargaining by industry, not by firm; collectively bargained agreements set wages for whole industries. Labor and management meet to negotiate differences, and the Ministry of Labor provides an observer. This observer does not take an active part in negotiations over pay scales, working conditions, or benefits. Agreements also apply to nonunion workers. 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.

On October 16, 1998, authorities arrested and detained for more than 3 months the CGSL representative Jean-Remy Nguelany (see Section 1.d.). Nguelany was denied bail initially but was released due to lack of evidence in January 1999.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, and there are no reports that it exists in the adult community. The Government also specifically prohibits forced and bonded labor by children; however it does not enforce this prohibition effectively. Children--in particular immigrant children--are forced to work as domestic or agricultural help (see Sections 6.d. and 6.f.). The U.N. Children's Emergency Fund (UNICEF) and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers.

The Government cooperated actively with the UNICEF and the International Labor Organization (ILO) to combat forced child labor. The Government cohosted a regional conference on the problem in February and subsequently created an interministerial committee to work with UNICEF and the ILO to address the issue. However, critics maintained that government efforts were ineffective.

#### d. Status of Child Labor Practices and Minimum Age for Employment

Children below the age of 16 may not work without the express consent of the Ministries of Labor, Education, and Public Health. These ministries rigorously enforce this law with respect to Gabonese children, and there are few citizens under the age of 18 working in the modern wage sector. A significant number of children work in marketplaces or perform domestic duties. These children do not go to school, receive only limited medical attention, and often are the victims of exploitation by employers or foster families. Laws forbidding child labor theoretically extend protection to foreign children as well, but abuses often are not reported. Estimates of the number of child laborers range between 5,000 and 10,000, but the problem is difficult to quantify since most children work in the informal sector.

The Government has not ratified ILO Convention 182. It made a public commitment in February to eliminate the worst forms of child labor; however, the law does not define the worst forms of child labor or hazardous work, although the Legal Code stipulates fines and prison sentences for violations of the minimum age for working. 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, the inspection force is inadequate, complaints are not investigated routinely, and violations are not addressed adequately. There are no legal remedies available to private persons victimized by the worst forms of child labor.

From February 22 to 24, the Government cohosted a conference on child trafficking and exploitative labor in Central and West Africa as a cooperative effort between the Government, UNICEF, and the ILO; the Ministry of Labor chaired an interministerial committee to follow up on the recommendations of the regional

conference. The Government also participated in a conference in Libreville from April 12 to 14 to address the problem of abandoned street children.

Education is compulsory until age 16 and is generally available, through sixth grade. However, there is evidence that fewer than half of all secondary-school-age children attended school as of 1996; secondary school attendance rates for immigrant children appear likely to be lower, although public schools accept immigrant children, and the Government encourages them to attend.

The Government prohibits forced and bonded labor by children but does not enforce this prohibition effectively (see Section 6.c.). UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural help (see Section 6.f.).

#### e. Acceptable Conditions of Work

The Labor Code governs working conditions and benefits for all sectors and provides a broad range of protection to workers. The 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 modern wage sector pay competitive wages and grant generous fringe benefits required by law, including maternity leave and 6 weeks of annual paid vacation.

Traditionally, representatives of labor, management, and the Government met annually to examine economic and labor conditions and to recommend a minimum wage rate within government guidelines to the President, who then issued an annual decree. This procedure has not been followed since 1994, in part because the Government was pursuing a policy of wage austerity recommended by international financial institutions. The monthly minimum wage, excluding benefits provided only to some workers, was approximately \$93 (64,000 FCFA). Government workers receive transportation, housing, and family benefits; however, the law does not mandate housing or family benefits for private sector workers. Given the high cost of living, the minimum wage does not provide a decent standard of living for a worker and family.

The Ministry of Health has established occupational health and safety standards, but it does not enforce or regulate them effectively. The application of labor standards varies greatly from company to company and between industries. The Government reportedly does not enforce Labor Code provisions in sectors where the bulk of the labor force is foreign. Foreigners, both documented and undocumented, may be obliged to work under substandard conditions; may be dismissed without notice or recourse; or may be mistreated physically, especially in the case of illegal aliens. Employers frequently require longer hours of work from noncitizen Africans and pay them less, often hiring on a short-term, casual basis in order to avoid paying taxes, social security contributions, and other benefits. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

#### f. Trafficking in Persons

No law specifically prohibits trafficking in persons, (although authorities have indicated that a provision of the Constitution that prohibits endangering the physical well-being of a person authorizes the State to prosecute persons who commit this abuse), and there were reports of trafficking in children.

Children (especially girls) reportedly were trafficked into the country, primarily from West Africa, for use as domestic or agricultural labor (see Sections 6.c. and 6.d.). Some of the children reportedly suffered sexual abuse. UNICEF and other concerned organizations reported that government officials might be involved in the trafficking of foreign children, mainly for use as domestic or agricultural workers (see Section 6.c.). There were no reports that adults were trafficked to, from, through, or within the country during the year.

[End.]