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U.S. Department of State

Gabon Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

GABON

A one-party state until 1990, Gabon held its first multiparty elections in 1991, with President Omar Bongo's party retaining a large majority in the National Assembly. President Bongo, in office since 1967, was reelected in 1993 in an election marred by serious irregularities. After several months of contention and civil unrest, political parties supporting the President and the principal opposition parties negotiated in October 1994 the "Paris Accords." These agreements included promises of reforms to amend electoral procedures, to include opposition leaders in government, and to assure greater respect for human rights. These were approved by a national referendum in July 1995. Opposition parties won disorganized municipal elections in the capital in October and November, while in December parties supporting the President won more than two-thirds of the seats in the National Assembly in elections that the opposition claimed were marred by massive fraud. The judiciary is independent but remains vulnerable to government manipulation.

The national police and the gendarmerie enforce the law and maintain public security. In conformity with the Paris Accords, the National Assembly reassigned authority over these security forces from the Ministry of Defense to the Ministry of the Interior and redesignated as the "Republican Guard," an elite, heavily armed corps that protects the President. In 1994 the Defense Minister used this corps for violent repression of public dissent, but more recently it has not acted with undue force. Security forces on occasion beat persons in custody.

The Government generally adheres to free market principles, particularly in the export sector, in which trade is dominated by petroleum, timber, and minerals. A majority of workers in the formal sector are

employed by the Government or by large inefficient state-owned organizations. Per capita income is approximately \$4,600 annually, and income distribution is badly skewed in favor of urban dwellers and a small economic elite. Immigrants from other African countries dominate the informal sector. The rural population is poor and receives few social services. Financial mismanagement and corruption have resulted in significant arrears in domestic and external debt. The Government continued to meet most of its structural adjustment performance goals.

The Government maintained a generally satisfactory human rights performance and made slow but measurable progress in instituting democratic electoral practices. Civil peace prevailed as the ruling Gabonese Democratic Party, members of the opposition coalition High Council of the Resistance, and other parties conducted negotiations, appealed to legal institutions, and used international mediation to resolve differences over interpretation and implementation of the Paris Accords. However, longstanding human rights abuses continued. The security forces beat and tortured prisoners and detainees, and prison conditions remained abysmal. Societal discrimination and violence against women, and exploitation of expatriate children as domestic and agricultural workers remained problems.

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 political or other extrajudicial killing.

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 often beat or physically mistreat prisoners and detainees as punishment and to exact confessions.

Conditions in most prisons are abysmal 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.

d. Arbitrary Arrest, Detention, or Exile

The law provides for up to 48 hours of initial preventive detention, during which time police must charge a detainee before a judge. In practice, however, police rarely respect this provision. Bail may be set if there is to be a further investigation. Pretrial detainees have the right to free access to their attorneys. 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 up to 6 months longer by the examining magistrate. The Attorney General's office estimates that roughly 40 percent of persons in custody are pretrial detainees.

Exile is not used as a punishment nor as a means of political control, and there are no opposition leaders living in exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary. The judiciary is generally independent but remains vulnerable to government manipulation.

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

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 Government does not recognize such decisions. The State Security Court, last convened in 1990, is constituted by the Government as required basis to consider matters of state security.

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. 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 the press, and in practice, citizens speak freely and criticize leaders. Legislators in the National Assembly openly criticize government policies, ministers, and other officials.

The only daily newspaper is the government-owned L'Union, but there are more than a half-dozen weekly or periodical publications in newspaper format, representing independent views and those of various political parties. All--including L'Union--actively criticize the Government and political leaders of all parties. Most also criticize the President.

The National Communication Council (NCC), an appointed body, twice imposed restrictions on an opposition-owned radio station during election periods for broadcasting interviews and listener comments judged by the NCC to be dangerous to public order.

The Government controls national electronic media, which reach all areas of the country. Four private radio stations have been licensed and a fifth operates under a temporary permit. Journalists are subject to an extensive code of rights and responsibilities approved by the National Assembly in 1995.

The Government does not interfere with broadcasts of international radio stations Radio France 1, Africa No. 1, or the Voice of America. Foreign newspapers and magazines are widely available.

There are no restrictions on academic freedom, including research.

b. Freedom of Peaceful Assembly and Association

Citizens and recognized organizations normally enjoy freedom of assembly and association which are provided for by the Constitution. Groups must obtain permits for public gatherings in advance, and the Government usually grants them.

c. Freedom of Religion

The Constitution provides for religious freedom, and authorities do not engage in religious persecution or favoritism. There is no state religion. While the Government has not lifted its ban on Jehovah's Witnesses, neither has it enforced this ban.

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 frequently stop travelers to check identity, residence, or registration documents, and members of the security forces regularly harass expatriate Africans working legally as merchants, service sector employees, and manual laborers. They extorted bribes and demanded services with the threat of confiscation of residence documents or imprisonment. Residence permits cost up to \$1,000.

An unevenly enforced law requires married women to have their husbands' permission to travel abroad. An exit visa is no longer required for citizens to travel abroad. Aliens resident in the country must obtain a visa in order to leave and return.

The Government strictly controls the process of refugee adjudication. Coordination with the U.N. High Commissioner for Refugees (UNHCR) has improved in assisting refugees, and there were no credible reports that the Government had forcibly repatriated illegal aliens. There were about 350 refugees at year's end.

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 legislative elections and the 1993 presidential election called into serious doubt the extent to which this right exists in practice.

In a July 1995 constitutional referendum, citizens approved by a 96 percent majority reforms previously agreed in the Paris Accords, including 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.

National Assembly, Senate, and municipal elections scheduled for the Spring were postponed several times due to legislative inaction, government delays, and requests by the NEC for additional time. The NEC, created in May, institutionalized a process in which majority, opposition, and civil service representatives organized elections. Delays in registering voters and organizing elections were attributed

by all sides to logistical rather than political obstacles.

Local elections scheduled for October 20 were poorly organized and were repeated on November 24 in the capital, Libreville. In each case, opposition parties won most of the municipal council seats in the capital. This result was reversed in the official results of legislative elections on December 15 and December 29, in which parties supporting the President took more than 80 of the 120 National Assembly seats, including 8 of the 10 seats representing the capital. Opposition parties claimed massive collaboration in fraud by the military and NEC magistrates in ensuring victory for parties supporting the President.

There are no restrictions on the participation of women and minorities in politics. There are 6 women among the 120 National Assembly representatives and 1 in the Cabinet. Women serve at all levels within the various ministries, the judiciary, and the opposition. Despite governmental protections, indigenous Pygmies rarely participate in the political process, and the Government has made only marginal 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. There are two human rights groups, neither of which was active. There were no reports of harassment by officials.

There have been no active inquiries from foreign groups in recent years.

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 guarantees 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 report that evidence of physical 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 continue to face considerable societal and legal discrimination, especially in rural areas.

By law, couples must stipulate at the time of marriage whether they will adhere to a monogamous or a polygynous relationship. For monogamous married couples, a common property law provides for the equal distribution of assets after divorce. Wives who leave polygynous husbands suffer severe reductions in their property rights. In inheritance cases, the husband's family must issue a written authorization before his widow can inherit proper