GABON 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG), which has held power since 1968. Observers characterized the 2011 legislative elections as generally free and fair, although some opposition parties boycotted them, citing the government's failure to assure transparency and prevent voter irregularities by implementing a biometric identification system agreed to for the elections by the PDG and opposition parties. PDG candidates won 114 of 120 seats in the National Assembly. Security forces reported to civilian authorities.

The most important human rights problems in the country were harsh prison conditions, lengthy pretrial detention, and ritual killings.

Other major human rights problems included: police use of excessive force; an inefficient judiciary subject to government influence; restrictions on privacy and the press; harassment and extortion of African immigrants and refugees; widespread government corruption; violence against women; societal discrimination against women, noncitizen Africans, Pygmies, and persons with HIV/AIDS; trafficking in persons, particularly children; and forced child labor.

The government sometimes took steps to prosecute and punish officials who committed abuses, but impunity was a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There was one report the government or its agents may have committed an arbitrary or unlawful killing; an internal investigation was in progress. On January 7, three members of the army's Parachutist Regime killed Gael Moundounga in the Akebe-Plaine neighborhood of Libreville. On January 10, the Ministry of Defense issued a statement alleging Moundounga interfered in the questioning of a suspect in the line of duty of an individual and attacked the soldiers with a knife. The statement said the three soldiers were suspended pending investigation of the incident. No charges had been brought against them by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution and law prohibit such practices, security forces personnel sometimes employed them. There were reports in recent years that security forces beat prisoners and detainees to extract confessions. In early November four off-duty gendarmes beat, arrested, and jailed a man in Libreville. On November 10, two police officers in Libreville beat an off-duty gendarme after a car accident in his personal vehicle. According to a local newspaper report, police ordered the gendarme to move his vehicle after the accident, but he refused to do so until a record of the accident was taken according to standard police procedure. The two officers were arrested but released almost immediately.

Unconfirmed reports from the African immigrant community asserted police and soldiers occasionally beat noncitizen Africans during operations to round up and deport irregular immigrants. Refugees continued to complain of harassment and extortion by security forces.

Practitioners of ritual killings injured and killed children (see section 6).

Prison and Detention Center Conditions

Prisons were old and overcrowded, and conditions were harsh and life-threatening. Food, sanitation, and ventilation were poor, although basic medical care was provided. Conditions in jails and detention centers mirrored those in prisons. The government permitted access to family members and independent monitoring by nongovernmental organization (NGO) representatives.

Physical Conditions: In 2006, the most recent year for which estimates were available, the country's nine prisons held approximately 2,750 inmates and detainees. Although built to hold only 300 inmates, Libreville's central prison held an estimated 1,500 prisoners. Pretrial detainees were held with convicted prisoners, and juveniles were held with adults. There were reports that adult prisoners sexually abused juvenile prisoners. Prisons had adequate lighting and potable water. Onsite nurses were available to provide basic medical care, although their clinics often lacked necessary medicines. Prisoners needing emergency medical care were transported to hospitals. NGOs, family members,

and private citizens occasionally made contributions to augment prisoners' poor food rations.

At least one prisoner died during the year. Reports indicated Virgil Meye Mve Nguema died two days after being sexually assaulted by fellow prisoners on September 23 in Libreville's central prison. Government officials stated that Nguema was 20 years old; civil society sources said he was 16. The minister of justice denounced the act, and an investigation was opened.

Administration: Prison authorities did not keep records, and it was unknown how many prisoners were in the country's nine prisons. Prisoners and detainees were allowed to worship without hindrance, and Catholic, Protestant, and Muslim services were regularly held in the prisons. Authorities permitted family visits in both prisons and jails.

Prisoners and detainees could submit written complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. However, no such complaints were submitted during the year. Observers believed this was likely due primarily to ignorance of the process and lack of opportunity to submit complaints.

Monitoring: The government encouraged independent monitoring of prison conditions by human rights organizations and NGOs. Local NGOs Arc en Ciel and Cri de Femmes visited prisons during the year. Local NGO Voix des Oublies provided guidebooks to detainees throughout Gabon to educate them on their legal rights.

Improvements: On June 12, the Ministry of Justice celebrated the National Day of Human Rights with a ceremony focusing on government efforts to improve prison conditions. In June, 65 minors detained in Libreville's central prison began three to six months of professional training that was aimed at assisting them to obtain employment upon release.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but the government did not always observe these prohibitions. Security forces arbitrarily arrested university students, irregular immigrants, and opposition supporters during the year.

Role of the Police and Security Apparatus

The national police, under the Ministry of Interior, and the gendarmerie, under the Ministry of Defense, were responsible for law enforcement and public security. Elements of the armed forces and the Republican Guard, an elite unit that protects the president, sometimes performed internal security functions. The Inspector General's Office was responsible for investigating police abuse and conducted sporadic investigations during the year.

Some police were inefficient and corrupt. Security force members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity papers. In 2011 the minister of interior implemented an internal sanction system meant to combat such extortion. Police officers were required to wear a badge with an identity number to aid citizens seeking to report extortion attempts. The government hired approximately 3,000 security force personnel, including gendarmes and police, in 2011. While recruitment continued in 2012, the number of personnel hired was significantly lower.

In October two gendarmes attended training on the protection of civilian rights at the Center of Excellence for Stability Police Units in Italy.

Arrest Procedures and Treatment While in Detention

Although the law requires arrest warrants based on sufficient evidence and issued by a duly authorized official, security forces in some cases disregarded these provisions. The law allows authorities initially to detain a suspect up to 48 hours without charge, but police often failed to respect this time limit. Authorities did not always inform detainees promptly of the charges against them and did not always file charges expeditiously. Conditional release was possible after charges were filed if further investigation was required. Detainees were allowed prompt access to family members and a lawyer. By law indigent detainees are to be provided with lawyers, but this was not always done. There was a functioning bail system.

Pretrial Detention: The law limits pretrial detention to six months for a misdemeanor and one year for a felony charge, with six-month extensions if authorized by the examining magistrate. Nevertheless, prolonged pretrial detention was common as a result of overburdened dockets and an inefficient judicial

system. Approximately one-third of inmates were held in pretrial detention, which sometimes lasted up to three years.

From January 11 to July 3, students at Omar Bongo University conducted at least 15 organized protests on campus, demanding improved school conditions and a reversal of the age limit set for scholarship eligibility. Students barricaded entrances to the campus with burning tires and ransacked administrative buildings. In later protests the students also threw rocks at police units trying to dislodge them from campus. The police generally relied on tear gas to disperse the students. During several protests security forces detained students but later released them without charge. On June 11, police arrested 21 students and charged them with disruption of public order. The students were released after more than 72 hours in detention. Attorney General Sidonie Flore Ouwa stated that she did not plan to pursue charges against this group. While the arrests were made in accordance with the law, detention beyond 48 hours without charge or a court order to extend detention allegedly violated due process rights. One of the released students, Nicolas Ondo Obame, was rearrested July 3 and charged with disruption of public order. The charges were changed to attempted arson, and on August 6, he was sentenced to two months in prison and two months' parole. He was given credit for time served and released from prison on September 6.

Amnesty: On September 25, the president pardoned 279 prisoners for good behavior. Among those released was General Jean-Philippe Ntumpa Lebani, who was convicted in 2011 for conspiring to overthrow the government in 2009.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was inefficient and remained susceptible to government influence. The president appoints and can dismiss judges through the Ministry of Justice, to which the judiciary was accountable. Corruption was a problem.

In 2011 the president signed into law a new penal code to increase judicial efficiency, enhance the rights of defendants, and incorporate modern crimes, such as trafficking in persons and drugs, into the law. The president also appointed the country's first judge who specializes in juvenile cases.

The military court is appointed each year by the Office of the Presidency and is composed of selected magistrates and military personnel. The court provides the same basic legal rights as a civilian court.

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

Trial Procedures

The constitution provides for the right to a public trial and to legal counsel, and the government generally respected these rights. Trial dates were often delayed. 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 informed promptly and in detail of charges when booked at a police station. Defendants are tried by a panel of three judges. Defendants enjoy the right to communicate with an attorney of choice and to adequate time and facilities to prepare their defense. Indigent defendants in both civil and criminal cases have the right to an attorney provided at state expense; however, this right was seldom respected in practice. Defendants have the right to confront witnesses against them; present witnesses or evidence on their behalf; access through their lawyer government-held evidence against them; and appeal. Defendants may not be compelled to testify or confess guilt. The government generally respected these rights, which were extended to all citizens.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent system to seek civil remedies, but it was susceptible to government influence and corruption. Persons seeking damages for, or cessation of, human rights violations could seek relief in the civil court system. Corruption was also a problem in the enforcement of domestic court orders.

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

Although the constitution and law prohibit such actions, the government did not always respect these prohibitions in practice. As part of criminal investigations, police requested and easily obtained search warrants from judges, sometimes after the fact. Security forces conducted warrantless searches for irregular immigrants and criminals. Authorities also reportedly monitored private telephone conversations, personal mail, and the movement of citizens.

In late 2011 the government began a campaign to remove illegal structures, including homes, built on or infringing on public property. The campaign resulted in homelessness for numerous citizens. Since most of the targeted homes were unlawfully constructed, their owners were not compensated for the loss. In most cases the individuals evicted were not the property owners. The government justified the action by asserting that those illegal structures close to utilities and the street impeded traffic and violated zoning laws. Noting the country's housing shortage (160,000 homes were reportedly needed in Libreville alone), President Bongo Ondimba claimed the campaign was part of a necessary urban planning effort to make room for new, legal construction. Critics charged the government provided little or no advance notice of the campaign (a claim disputed by the government) and did not offer alternative lodging to evicted residents.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights, although the government suspended several newspapers and television stations during the year for disrupting public order or libel.

Freedom of Press: The major daily newspapers were government affiliated. Approximately 23 privately owned weekly or monthly newspapers represented independent views and those of political parties, but some appeared irregularly due to financial constraints or, in some cases, government suspension of their publication licenses. All newspapers, including government-affiliated ones, criticized the government and political leaders of both opposition and progovernment parties.

Violence and Harassment: There were no reports of journalists being subjected to arrest or imprisonment due to their reporting, although some experienced harassment. On August 15, unknown individuals entered the pro-opposition TV+ station and destroyed the radio transmitter. On September 5, six unknown individuals unsuccessfully attempted to break into the TV+ station, injuring the guard on duty. Opposition and civil society leaders claimed the government was responsible for these two incidents but could not provide evidence to support their claim. The government denied the accusations.

Censorship or Content Restrictions: Most newspaper owners had a progovernment or opposition political bias. Journalists at these newspapers practiced occasional self-censorship to placate owners.

Libel Laws/National Security: Libel can be either a criminal offense or a civil matter. Editors and authors of libelous articles may be jailed for two to six months and fined 500,000 to five million CFA francs ($1,008 to $10,080). Penalties for libel, disrupting public order, and other offenses also include a one- to three-month publishing suspension for a first offense and a three- to six-month suspension for repeat offenses.

The National Communications Council (CNC) issued several warnings and suspensions during the year. The CNC exhibited a tendency to use charges of disrupting public order as a means to control and censor media outlets.

On January 12, the government suspended TV+ for three months and, in February, the weekly newspaper *Echos du Nord* for two months for carrying a New Year's message by Andre Mba Obame, who had illegally proclaimed himself president in 2011. The CNC stated that the media outlets had disrupted public order because such greetings apply only to heads of state.

On July 16, authorities suspended two opposition newspapers for six months. *Ezombolo* stated that Andre Mba Obame, executive secretary of the opposition Union Nationale Party (NUP), was the true head of state in one article and, in a second article, encouraged security forces to ignore the constitutional chain of command were it to issue orders to repress protesters. No such orders were issued. *La Une* criticized President Bongo Ondimba for his failure to retain the chairmanship of the African Union.

On August 15, the government suspended opposition television station TV+ for broadcasting calls for violence to Libreville's population. Despite the suspension, the station was able to begin rebroadcasting several days later.

On September 17, government officials suspended two progovernment newspapers, *Le Scribouillard* and *Le Gri Gri de la Griffe,* for two months for publishing a cartoon depicting NUP leader and former prime minister Jean Eyeghe Ndong being caught having sex with his mistress by her husband. The CNC stated that the papers disrupted public order and disrespected human dignity by publishing the cartoon.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports the government monitored e-mail or Internet chat rooms without appropriate legal authority. According to the International Telecommunications Union, in 2011 there were 0.29 broadband subscriptions per 100 inhabitants, and 8 percent of the population used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

Freedom of Assembly

On August 15, security forces used tear gas to disperse a crowd of 500 to 800 persons who initiated violence at a NUP political rally. There was one accidental death from tear gas, and 10 to12 persons were injured when the crowd clashed with security forces. A total of 40 rioters were sentenced to six months in prison, plus six months' parole, for destruction of property (including the destruction of a gas station and numerous private vehicles), disruption of public order, and looting.

On June 8, authorities briefly detained environmental activist and civil society leader Marc Ona along with 48 other individuals who were attempting to conduct a Forum of the Outraged of Gabon at a public school in Libreville. The school was in close proximity to a business and investment promotion conference organized by New York Forum Africa and President Bongo. Ona claimed he had informed the Ministry of Interior in writing of the planned gathering but had not received authorization. Police sources and witnesses stated that Ona and other detainees had thrown rocks at security forces, a claim Ona denied. All 49 were released without charge after approximately five hours. Ona noted he was not harassed or mistreated while in custody. Authorities did not file charges against any of the 49 activists.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: Although there were no legal restrictions on internal movement, military and police personnel and gendarmes continued to stop travelers at checkpoints to check identity, residence, or registration documents and to solicit bribes.

Security force members harassed irregular immigrants as well as expatriate Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces extorted bribes by threatening imprisonment or the confiscation of residency documents. For example, a Congolese refugee reported he paid bribes at each security checkpoint between Libreville and Lambarene. He claimed that security forces at the checkpoints, which included customs officials, gendarmes, and police, threatened to arrest him if he did not pay.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Refugee Abuse: Despite efforts by the government and the UNHCR to reduce discrimination, refugees continued to complain about sporadic harassment, extortion, and detention by security forces. Beginning in 2010 the government replaced UNHCR-issued identity cards with government-issued cards and provided them to more than 90 percent of refugees. Cardholders have many of the same

rights as citizens, including rights to work, travel, and access public services. Although the cards--along with a UNHCR-led information campaign--helped reduce discrimination against refugees, some refugees remained without cards at year's end, either because they could not be reached or because they chose not to regularize their status in the country.

Durable Solutions: In July 2011 the refugee status of 9,500 persons from the Republic of the Congo who had lived in the country since the late 1990s expired. A trilateral agreement between the UN and the governments of Gabon and the Republic of the Congo to ensure refugees may return home, regularize their status in Gabon, or resettle in a third country was being implemented. By year's end, 730 Congolese were voluntarily repatriated, 21 awaited voluntary repatriation, 83 had been resettled in third countries, and 155 were awaiting resettlement in third countries. Of those seeking to stay in Gabon, 3,310 Congolese had regularized their status by year's end. Approximately 5,200 Congolese had chosen none of the preceding options and were presumably still in irregular status in Gabon.

One hundred and seven Congolese, including 21 minors, were detained on April 26 at Libreville's immigration detention center after they occupied the Saint Marie Church grounds to protest the termination of their refugee status. Because they refused to repatriate to the Republic of the Congo or regularize their status in Gabon, they were deemed irregular immigrants. They were held until November 1, when the Gabonese military transported them to the border with the Republic of the Congo, where they were received by Congolese government authorities. Six children were born during their mothers' detention.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens partially exercised this right in practice through periodic and generally fair elections. The government was dominated by a strong presidency. When the legislature is not in session, the president can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law.

In January 2011 Andre Mba Obame, executive secretary of the opposition NUP, swore himself in as president, established a parallel government, and occupied the UN Development Program headquarters in Libreville for a month. Mba Obame considered himself the rightful winner of the 2009 presidential election despite

coming in third, according to the official count. In response to Mba Obame's action, the government dissolved the NUP for violating the country's unity, and the National Assembly voted to remove his immunity as a member of parliament. Despite pending charges, Mba Obame was permitted to travel abroad for medical treatment. He returned on August 12 after a 14-month absence. Following his return, NUP leaders called for the reregistration of the party and united with some opposition parties to call for a national conference to overhaul the constitution, dissolve the government, and hold presidential and parliamentary elections.

Elections and Political Participation

Recent Elections: President Ali Bongo Ondimba was elected in 2009 with 41 percent of the vote. The president succeeded his father, former president Omar Bongo, who died in 2009 after a 41-year rule. The two leading opposition candidates each received approximately 25 percent of the vote. International observers characterized the election as largely free and fair, although the election was marred by postelection violence, significant lapses in respect for human rights, and accusations of political tampering with the electoral process. Irregularities included problems with voter lists and registration, polls that opened late, improperly secured ballot boxes, and armed security personnel in or near voting sites. Authorities censored news coverage and harassed the press. Numerous candidates contested the election results, which were subsequently validated by the Constitutional Court.

In legislative elections held in December 2011, the ruling PDG won 114 of 120 seats in the National Assembly. Regional and local observers deemed the election generally free and fair despite minor irregularities. Voter abstention was estimated at 65 percent. Opposition and civil society leaders who had called for a boycott claimed a moral victory based on the low voter turnout. Other observers noted abstention rates during legislative elections were generally high, primarily due to lack of interest.

In August 2011 the minister of interior announced reforms to the electoral code and the law governing political parties. Key changes include a reduction in the time period to revise the electoral list from 60 to 30 days and a decrease in the campaigning periods for legislative elections from 15 to 10 days. Changes were also made to the way the National Electoral Commission (CENAP) operates. The reforms give CENAP the authority to make decisions with a quorum of only four of the eight board members. Opposition leaders criticized the reform as a limit on

political participation as only three of eight members of CENAP are selected by the opposition; the remaining five are selected by government officials or the PDG.

In June 2011 parliament passed the Personal Data Protection Law, which provides for the introduction of biometric voter identification to increase transparency in future elections. Both the opposition and government supporters viewed the law, which includes criminal penalties for the unlawful handling of personal information, as a significant step toward reducing electoral irregularities. No identity document using the proposed new technology had been produced by year's end.

Political Parties: The PDG has dominated the government since its creation by former president Omar Bongo in 1968. PDG membership conferred advantage in obtaining government positions. In August 2011 the law pertaining to political parties was modified to prohibit leaders of dissolved political parties from forming a new party or serving on the board of an already existing party for a period of five years after the party's dissolution. This modification occurred one month after the State Council upheld the court decision to dissolve the NUP, after the party's president and former interior minister, Andre Mba Obame, proclaimed himself president of Gabon in January 2011. The NUP continued calls for authorities to rerecognize the party.

Participation of Women and Minorities: Women held governmental positions, including at the ministerial level, in all branches of government. In the 29-member cabinet, eight members were women. There were 18 women in the National Assembly and 17 female senators. The presidents of the Senate and the Constitutional Court also were women.

Members of all major ethnic groups continued to occupy prominent government security force positions. Indigenous Pygmies rarely participated in the political process.

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for official corruption, officials often engaged in corrupt practices with impunity. The most recent World Bank Worldwide Governance Indicators reflected that corruption was a severe problem. During the year the government continued its efforts to curb corruption.

The National Commission against Illegal Enrichment (CNLCEI) is the primary body responsible for combating official corruption. Although the law provides that civil servants disclose their financial assets to the CNLCEI within three months of assuming office, this did not always occur. In October the CNLCEI established focal points in two provinces--Franceville and Mouila--to assist in investigations of alleged corruption. The CNLCEI sent investigators to all ministries on October 15-23 to review compliance with asset declaration requirements. At year's end, 92 cases were pending final investigation. The CNLCEI completed 12 investigations and was awaiting a special court session to consider all cases. In March 2011 the commission fined eight former government officials 100,000 CFA francs ($202) per month each for the number of months they failed to meet the declaration requirement; all but one had complied by year's end.

In July the CNLCEI and the National Agency for Financial Investigations formed a partnership with the UN Development Program to focus on capacity building and the development of a strategic plan to fight corruption.

On March 16, authorities arrested the provincial director of the Ministry of Water and Forests in Moyen-Ogooue, Noel Ekoum Mengue Ngoua, for complicity in illegal logging activities. He was sentenced to five years' imprisonment and remained in prison at year's end.

On February 28, the president announced a major reshuffling of his cabinet to remove corrupt officials from high-level positions. Several ministers were transferred to less important ministerial positions, and others were removed.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were responsive to their views, notably in regard to ritual crimes, widow's issues, and police brutality.

UN and Other International Bodies: No international human rights groups sent representatives to the country during the year, relying mostly on local groups for information. However, in October 2011 two employees of Amnesty International were refused entry at Libreville's airport despite having visas. The employees stated they had informed the immigration officials of their plan to examine claims of human rights violations by oil companies in Port Gentil. They claimed they

were informed by immigration officials that their visas were invalid because copies had not been faxed by the issuing consulate to the director general of immigration in advance of their travel.

Government Human Rights Bodies: The independent National Human Rights Commission, which had been inactive since its 2006 inception, began operations in 2011. The government-funded commission appointed 12 new members to the body from civil society, the media, religious community, and judiciary and held its first meeting to develop an action plan for the promotion and protection of human rights. The commission concentrated most of its efforts on assisting with the country's universal periodic review for the UN. Members of the commission also received training at the UN Center for Human Rights and Democracy in Cameroon.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Although the constitution and law prohibit discrimination based on national origin, race, gender, disability, language, or social status, the government did not enforce these provisions consistently. The constitution and law do not prohibit discrimination based on sexual orientation or gender identity.

Women

Rape and Domestic Violence: The law criminalizes rape and provides penalties of five to 10 years' imprisonment for convicted rapists. Nevertheless, rape cases seldom were prosecuted. The law does not address spousal rape. There were no reliable statistics on the prevalence of rape, but it was believed to be a frequent occurrence. Discussing rape remained taboo, and women often opted not to report rape out of fear or shame. Only limited medical and legal assistance for rape victims were available.

Although the law prohibits domestic violence, it was believed to be common, especially in rural areas. Penalties for domestic violence range from two months to 15 years in prison. Police rarely intervened in such incidents. Women virtually never filed complaints with civil authorities, although the government operated a counseling group to provide support for abuse victims.

Sexual Harassment: There is no law that prohibits sexual harassment, and it was a widespread problem. NGOs reported that sexual harassment against women in the military was pervasive.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number and spacing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to reliable contraception increased slowly after the 2009 repeal of a parliamentary measure prohibiting the use of contraceptives. According to UN estimates, only 12 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. Health clinics and local health NGOs operated freely in disseminating information on the use of contraceptives and family planning.

The government provided free childbirth services, including prenatal care and obstetrical care. Although the maternal mortality rate was reported to be 230 deaths for every 100,000 live births, the UN Population Fund reported that 86 percent of births were attended by skilled health personnel and suggested the high rate of maternal mortality was connected to the inadequate quality of health-care providers, lack of access to emergency obstetric care and family planning services, and to early pregnancy. The Ministry of Health suggested the common practice of not seeking prenatal care also played a role.

Discrimination: The law provides women with equal rights to education, business, investment, employment and credit, and pay for similar work. Women owned businesses and property, participated in politics, and worked in government and the private sector. Nevertheless, women continued to face considerable societal and legal discrimination, especially in rural areas. The law requires that a woman obtain her husband's permission to travel abroad, although this was rarely enforced.

On June 23, in collaboration with women's groups, the government issued four executive decrees designed to expand the rights of widows and other socially vulnerable groups. The decrees provide for enhanced capacity building for NGOs, a stronger policy analysis unit within the Ministry of Social Affairs, centralized social security funds, and easier access to legal aid.

Children

Birth Registration: Citizenship is conferred through one's parents and not by birth in the country. At least one parent must be a citizen to transmit citizenship. Registration of all births is mandatory, and children without birth certificates cannot attend school or participate in most government-sponsored programs.

Many mothers could not obtain birth certificates for their children due to isolation, poverty, or lack of understanding of the law. In September 2011 the Ministry of Social Affairs, in partnership with local NGOs and UNICEF, launched a month-long registration campaign, registering the births of 3,347 children of all ages.

Education: Education is compulsory and tuition-free until age 16. Students were required to pay for their supplies, including school uniforms. The country had a shortage of classrooms and teachers, and education often was unavailable after sixth grade in rural areas.

Child Abuse: Child abuse occurred, but most cases were not reported, particularly if the abuse occurred within the family. When reports of abuse surfaced, the accused abusers generally were arrested, but an inefficient judicial system resulted in long delays in adjudication. While there were no data or estimates from any source, local NGOs believed abuse occurred with some frequency.

Child Marriage: The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. Child marriage was rare.

Harmful Traditional Practices: Although illegal, female genital mutilation/cutting (FGM/C) was believed to occur among the resident population of noncitizen Africans. Ritual killings, primarily of children, in which limbs, genitals, or other organs were amputated, occurred and often went unpunished. The practice was driven by the belief that certain body parts enhanced certain strengths. Blood was also used in rituals. Albinos were not targeted.

The local NGO Association to Fight Ritual Crimes (ALCR) reported 55 victims of ritual killings during the first half of the year. The actual number of victims was probably higher, according to the ALCR, which noted many ritual killings were not reported or were incorrectly characterized. There were prosecutions of ritual killings as murder cases.

Government authorities and religious leaders condemned the killings. The president and prime minister publicly called on the Ministry of Justice to push for prosecution of such cases. The president also encouraged the public to refrain from such inhumane cultural practices.

In June a Senate committee was formed to consider whether to remove the immunity of Senator Gabriel Eyeghe Ekomie after a man implicated him in the murder of a 12-year-old girl who was believed to have been the victim of a ritual

killing. On December 24, the Senate lifted Ekomie's immunity. No further action had been taken against the former senator by year's end. Aristide Pambo Moussounda was convicted of the murder of Beverly Bilemba Mouenguela and received a life sentence. During his court hearing, he claimed he murdered the young girl at the request of Senator Ekomie.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children. If convicted, perpetrators can be sentenced to between two and five years' imprisonment.

Some children participated in prostitution for economic reasons, but the problem was not widespread. Third-party involvement was rare.

The law prohibits lewd pictures and photographs "against the morals of society." The penalty for possession of pornography includes possible imprisonment for six months to one year and/or fines up to 222,000 CFA francs ($448).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with "physical, mental, congenital, and accidental" disabilities and requires access to buildings and services, although most public buildings did not provide adequate access. Sensory disabilities are subsumed under congenital and accidental disabilities in law, but the concept of intellectual disability is not recognized. The law provides for the rights of persons with disabilities to education, health care, and transportation, but enforcement was limited and there were no programs to ensure access to buildings, information, and communications. While schools and mental facilities did not

address the special needs of persons with disabilities, there were no reports of abuse. Such individuals had equal access to health care. Accommodations were made to allow for access to air travel but not for ground transportation.

There were no reports of official discrimination against persons with disabilities, but societal discrimination occurred, and employment opportunities and treatment facilities for persons with disabilities were limited. In 2011 the Ministry of Health funded income generation projects for 194 persons with disabilities. The program was transferred to the Ministry of Social Affairs during the year.

Indigenous People

Pygmies are the earliest known inhabitants of the country. Small numbers of Pygmies continued to live in large tracts of rainforest in the Northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early postindependence period. The law grants them the same civil rights as other citizens, but Pygmies remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Their Bantu neighbors often exploited their labor by paying them much less than the minimum wage. Despite their equal status under the law, Pygmies had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Although there were no reports of violence against lesbian, gay, bisexual, and transgender (LGBT) persons, discrimination was a problem, and most LGBT individuals chose to keep their status secret, except in trusted circles, due to fear of discrimination. Discrimination in employment, housing, and health care was a problem, particularly for LGBT persons open about their sexual identity. Such persons were often turned away by landlords or by health-care providers. Although there were no reported incidents of violence or abuse, stigma was a likely factor in preventing incidents of abuse from being reported.

Other Societal Violence or Discrimination

Local NGOs reported that discrimination against persons with HIV/AIDS occurred. NGOs worked closely with the Ministry of Health to combat both the associated stigma and the spread of the disease.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join independent unions and bargain collectively, but the right to strike was limited. Unions must register with the government to be recognized officially, and registration was granted routinely. The law prohibits antiunion discrimination and provides for reinstatement for workers dismissed for union activities. Strikes may be called only after eight days' advance notification and only after arbitration fails. Public sector employees were not permitted to strike if public safety could be jeopardized. The law prohibits government action against individual strikers who abide by notification and arbitration provisions, and no groups were excluded from this protection. There are no special laws or exemptions from regular labor laws in the country's two export-processing zones.

Freedom of association and the right to collective bargaining were respected in practice, and the government generally enforced applicable laws, although enforcement procedures were sometimes delayed. Unions were generally not only politically active and influential but also independent of the government and political parties. Nevertheless, some unions were created and controlled by employers. Agreements negotiated by unions also applied to nonunion workers.

Labor unions complained of a decrease in dialogue with the government, particularly since the Ministry of Labor was absorbed into the larger Ministry of the Economy on February 28. Unions also expressed concern about the lack of resources available to labor inspectors, which resulted in labor complaints often going unanswered.

There were labor violations during the year. Key labor union leaders noted the majority of these violations stemmed from unwarranted dismissals, occasionally by workers on strike, or refusal by employers to declare employees to the government, leaving them without social security and insurance benefits.

For example, in January 2011 the Ministry of Education suspended the salaries of nine striking members of CONAYSED, the teachers union. The teachers, who had

complied with the law in announcing the strike, appealed the salary suspensions to the prime minister. In September 2011 the prime minister announced that the suspensions had been lifted, and teachers began receiving their monthly salary again. However, as of year's end, the teachers had still not received their back pay.

Although antiunion discrimination is illegal, trade unions in both the public and private sectors occasionally faced discrimination, including the blacklisting of union members, unfair dismissals, threats to workers who unionized, and creation of employer-controlled unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. However, the government did not effectively enforce the law. Boys, many of whom were trafficking victims from inside the country as well as from neighboring countries, were forced to work as street hawkers or mechanics, as well as in agriculture, animal husbandry, fishing, and mining. Girls and women, many of whom were trafficking victims from inside the country as well as from neighboring countries, were forced to work in domestic servitude, market vending, restaurants, and commercial sexual exploitation. Conditions included very low pay and forced long hours (see section 7.c.).

The lack of sufficient vehicles, budget, and personnel impeded the ability of labor inspectors to investigate allegations of forced labor. In addition labor inspectors found it difficult to access family-owned commercial farms and private households due to inadequate road infrastructure.

See also the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children below the age of 16 without the express consent of the Ministries of Labor, Education, and Public Health. The law provides for fines of between 290,000 and 480,000 CFA francs ($585 to $968) and prison sentences of up to two years for violations of the minimum age law.

The ministries rigorously enforced the minimum age law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the

formal wage sector. The law was not enforced in rural areas and within the informal sectors, however, primarily because the inspection force was inadequate.

Child labor was a problem, particularly in rural areas, where the law was seldom enforced. Noncitizen children were more likely to work in informal or illegal sectors of the economy, where laws against child labor were less rigorously enforced. An unknown number of children, primarily noncitizens, worked in marketplaces or performed domestic labor. Many of these children were reportedly the victims of child trafficking (see section 7.b.).

Child laborers generally did not attend school, received only limited medical attention, and were often exploited by employers or foster families. In an effort to curb the problem, police often fined the parents of children who were not in school. Laws forbidding child labor covered these children, but abuses often were not reported. Some children also participated in prostitution for economic reasons.

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.

Labor inspection teams were sent upcountry to hold meetings on the use of child labor in the home and to encourage residents to report cases of child domestic servitude.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

In 2011 the national monthly minimum wage was increased from 80,000 CFA francs ($161) to 150,000 CFA francs ($302). Government workers received an additional monthly allowance of 20,000 CFA francs ($40) per child and transportation, housing, and family benefits. There was no minimum wage in the informal sector. An official estimate for the poverty income level was not available.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work, which is determined by collective agreements or government regulations. According to the law, the daily limit for

compulsory overtime can be extended from 30 minutes to two hours to perform specified preparatory or complementary work, such as starting machines in a factory or supervising a workplace. It also can be extended for urgent work to prevent or repair accidents. The daily limit does not apply to establishments in which work is performed on a continuous basis and to establishments providing retail, transport, dock work, hotel and catering, housekeeping, and security services, medical establishments, domestic work, and journalism.

The Ministry of Health establishes occupational safety and health standards but did not enforce or regulate them. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The Ministry of Labor is responsible for enforcing minimum wage standards in the formal sector and generally did so effectively. However, the ministry did not enforce overtime or health and safety standards.

The government reportedly did not enforce labor code provisions in sectors where the majority of the labor force was foreign, such as in the mining and timber sectors. Foreign workers, both documented and undocumented, were obliged to work under substandard conditions, were dismissed without notice or recourse, and were often physically mistreated. Employers frequently paid noncitizens less and required them to work longer hours, often hiring them on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.