

GABON

EXECUTIVE SUMMARY

Gabon is a republic dominated by a strong presidency and the Democratic Party of Gabon (PDG), which has held power since 1968. In 2009 President Ali Bongo Ondimba was elected in a poll characterized by international observers as generally free and fair, although irregularities and post-election violence occurred. Security forces reported to civilian authorities.

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

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

In January a police officer was sentenced to 20 years in prison for the November 2010 killings of his girlfriend and another man.

Ritual killings, in which limbs and/or genitals were amputated, occurred. Most victims were children. Although authorities condemned the killings, there were no known investigations or prosecutions of such cases. The local nongovernmental organization (NGO) Association to Fight Ritual Crimes (ALCR) reported that 62 victims of ritual killings were identified during the year. The actual number of victims was probably higher, according to the ALCR, which noted that many ritual

crimes were not reported or were incorrectly identified. The government has an anonymous call line for reporting possible ritual crimes.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution and law prohibit such practices, security forces sometimes employed them. There were reports in recent years that security forces beat prisoners and detainees to extract confessions.

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

Children were injured and killed by practitioners of ritual crimes (see section 1.a.).

Prison and Detention Center Conditions

Prisons were old and overcrowded, and conditions were harsh. Food, sanitation, and ventilation were poor, although basic medical care was provided. Prisons had adequate lighting and access to potable water, but there were no air conditioners in prisons or jails, and temperatures often exceeded 95 degrees Fahrenheit. Onsite nurses provided medical care, and 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 eight prisoners died during the year due to poor hygiene or malnourishment.

For example, two days after their June arrival in Bitam detention center, three irregular immigrants died due to dehydration. The cause of the dehydration was unclear. After an investigation was conducted, the government announced that their deaths resulted from cholera. There were other reports suggesting that the deaths resulted from insufficient food and water. Three high-level gendarmerie officials were suspended in connection with the incident.

Prison authorities did not keep records, and it was unknown how many prisoners were in the country's nine prisons, which held an estimated 2,750 inmates and detainees in 2006. Libreville's central prison held an estimated 1,500 prisoners, although the prison was built to hold 300. Pretrial detainees were held with convicted prisoners, and juveniles were held with adults. There were reports that adult prisoners sexually abused juvenile prisoners.

Conditions in jails and detention centers were harsh and mirrored those in prisons. Overcrowding was pervasive.

Prisoners and detainees were allowed to worship without hindrance, and Catholic, Protestant, and Muslim services were regularly held in the prisons. Family visits were permitted 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.

During the year the Ministry of Justice took control of prisons from the Ministry of Interior. In November 2010 the minister of justice visited Libreville's central prison and characterized conditions there as harsh.

The government encouraged independent monitoring of prison conditions by human rights organizations and NGOs. The International Committee of the Red Cross and the NGO Cri de Femmes visited prisons during the year. They reported noticeable efforts by the government to improve prison conditions despite budget constraints. For example, medical supplies and more nutritious food rations were increased in Libreville's central prison, and floor mats were supplied after the first lady noted that inmates often slept on the ground. The government also prohibited the common practice by prison guards of cutting the hair of female inmates, a cultural taboo.

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 a journalist, irregular immigrants, and opposition members during the year (see sections 2.a., 2.d, and 3).

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 several investigations during the year (see section 4).

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. During the year the minister of interior implemented an internal sanction system meant to combat such extortion. Police officers were required also to wear a badge with an ID number to aid citizens seeking to report extortion attempts. In a public statement during the year, the president reminded citizens that any fees associated with being stopped by the police were to be paid directly to the Treasury Department. The government also hired approximately 3,000 security force members, including gendarmes and police.

The Ministry of Interior collaborated with the local NGO Croissance Saine Environnement to conduct human rights training for police and prison guards.

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 frequently disregarded these provisions. The law allows authorities up to 48 hours to detain initially a suspect without charge, but police often failed to respect this time limit. Detainees were usually informed promptly of charges against them, although authorities often did not file charges expeditiously. Conditional release was possible after charges had been announced if further investigation was required. Detainees were allowed prompt access to family members and a lawyer or, if indigent, to one provided by the state. 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.

Amnesty: During the year the president granted amnesty to 53 nonviolent prisoners.

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.

During the year 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. Nevertheless, a judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the government presents sufficient evidence. Defendants are presumed innocent and have the right to be present. 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, have access to government-held evidence against them through their lawyer, and appeal. 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.

Beginning in August, the government began a bulldozing 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 and had nowhere else to go. The government defended the action by saying that illegal structures close to utilities and the street impeded traffic and violated zoning laws. Noting the country's housing shortage (160,000 homes are reportedly needed in Libreville alone), President Bongo Ondimba claimed the bulldozing campaign was part of a necessary urban planning effort. Critics charged that the government provided little or no advance notice of the bulldozing campaign (a claim disputed by the government) and that alternate lodging was not offered to evicted residents. Observers also noted that new housing projects to address the housing shortage had been paralyzed due to pervasive corruption at the Ministry of Habitat and Urban Planning (see section 4).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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 a private newspaper and television station during the year.

Freedom of Speech: Individuals could criticize the government, including the president, publicly or privately, without reprisal.

Freedom of Press: The only major daily newspapers were the government-affiliated *l'Union* and *Gabon Matin*. Approximately 23 privately owned weekly or monthly newspapers represented independent views and those of various political parties, but some appeared irregularly due to financial constraints, or, in some cases, government suspension of their publication licenses. All newspapers, including *l'Union*, criticized the government and political leaders of all parties.

The government owned and operated two radio stations that broadcast throughout the country. Seven privately owned radio stations were operating at year's end. International radio stations also broadcast locally.

The government owned and operated two television stations. Six privately owned television stations also operated.

Violence and Harassment: On June 2, the publication director of the pro-opposition newspaper *Echos du Nord* was escorted to a police station and questioned about an article that included a picture of a purported birth certificate of President Ali Bongo Ondimba as evidence the president was born outside of Gabon. The editor was released after two hours, but on June 10, *Echos du Nord* was suspended. The National Council for Communication (CNC) claimed the newspaper had violated the communication code by publishing information that could cause public panic or unrest. The newspaper, which reopened 30 days later, continued to publish at year's end.

On January 26, the CNC suspended private television channel TV+, owned by opposition leader Andre Mba Obame. The CNC charged TV+ with violating the communication code for broadcasting a ceremony in which Mba Obame declared himself president and swore himself in (see section 3). On April 18, the CNC lifted the suspension nine days before it was due to expire.

Censorship or Content Restrictions: Some journalists continued to practice occasional self-censorship.

Libel Laws: Libel can be either a criminal offense or a civil matter. Editors and authors of libelous articles can be jailed for two to six months and fined 500,000 to five million CFA francs (\$1,037 to \$10,370). Penalties for libel 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.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

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.

On January 29, security forces used tear gas to disperse a crowd of between 200 and 300 persons. There were no reports of injuries, and no arrests were made.

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 movement within the country, 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 assisting refugees and asylum seekers.

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 expatriate Africans working legally as merchants, service sector employees, and manual laborers, as well as irregular immigrants. Some members of the security forces extorted bribes by threatening imprisonment or the confiscation of residency documents.

Protection of Refugees

Access to Asylum: The country's laws provide 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 UNHCR to reduce discrimination, refugees continued to complain about sporadic harassment, extortion, and detentions 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. Card holders have many of the same rights as citizens, including the right 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.

On July 31, the refugee status expired of 9,500 persons from the Republic of Congo who had lived in the country since the late 1990s. In 2010 a trilateral agreement was implemented between the UN and the governments of Gabon and the Republic of Congo to ensure that refugees could either return home, regularize their status in Gabon, or resettle to a third country. By year's end, 708 Congolese were voluntarily repatriated and 34 awaited repatriation pending the resolution of medical issues or personal obligations. All seeking repatriation--excluding the 34--had been accommodated by year's end. Of those seeking resettlement in Gabon, 1,566 Congolese families regularized their status during the year, 209 families were awaiting final documentation, 21 families had been resettled, and 266 families were awaiting resettlement. Approximately 2,300 Congolese families had chosen none of the preceding options and were presumably still in Gabon.

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 Andre Mba Obame, the secretary general of the former National Union (UN) political party, 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. On January 27, security forces briefly detained seven members of the UN party and charged them with disturbing the peace for refusing to move out of the street during morning traffic. An eighth UN member, Paulin Obiang Ndong, also was briefly detained for distributing videos of Mba Obame's "investiture." In response to Mba Obame's self-proclamation, the government dissolved the UN party for violating the country's unity. On May 5, the National Assembly voted to remove Mba Obame's immunity as a member of parliament. Mba Obame subsequently departed the country for medical treatment.

Elections and Political Participation

Recent Elections: President Ali Bongo Ondimba was elected in August 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 post-election violence, significant restrictions on 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 on December 17, the ruling PDG won 144 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 victory for the low voter turnout. Other observers noted that abstention rates during legislative elections were generally high, primarily due to lack of interest.

On June 17, parliament passed the Personal Data Protection Law, which provides for the introduction of biometrics by 2013 to increase transparency in future elections. Critics 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.

Participation of Women and Minorities: Women held governmental positions, including at the ministerial level, in all branches of government. In the 31-member cabinet, five were women. The president of the Senate and the head of the Constitutional Court also were women.

Members of the president's Bateke ethnic group and other southerners held a disproportionately large number of key positions in the security forces, although members of all major ethnic groups continued to occupy prominent government positions. Indigenous Pygmies rarely participated in the political process.

Section 4. Official Corruption and Government Transparency

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.

For example, in January 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.

The National Infrastructure Agency, created in 2010 to address the country's struggling infrastructure, introduced international tendering for large infrastructure projects. The government hired a foreign company to provide technical support and manage its construction projects, which included the completion of a stadium during the year and the initiation of several large projects in transportation, housing, tourism, and ports sectors.

Investigations conducted by the Inspector General's Office resulted in police dismissals, including the removal of a few high-level officers (see section 1.c.).

In April the government restructured the agency responsible for school scholarships and canceled many scholarships after discovering evidence of mismanagement of a budget of more than 380 billion CFA francs (\$79 million).

In June the president removed all civil servants responsible for urban planning after an investigation revealed corruption throughout the Ministry of Habitat. After 18 months into a program to construct 5,000 new homes each year, no homes had been built, and the government could not even provide developers with land titles to proceed.

The Commission Against Illegal Enrichment is the primary body responsible for combating official corruption. During the year the commission conducted several investigations, although specific information on those investigations had not been released, nor was it likely to be released.

Although the law provides that civil servants disclose their financial assets within three months of assuming office to the Commission Against Illegal Enrichment, this did not always occur. In March the commission fined each of eight former government officials 100,000 CFA francs (\$207) per month for a delay in declaring their personal assets; none of the eight had complied by year's end.

The law does not provide for public access to government information, and the government generally did not allow such access.

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

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were more responsive to their views

than in the previous year, when officials took no known actions on their recommendations.

For example, after the release of a report on 2009 post-election violence conducted by the domestic NGO Croissance Saine Environment, the government followed up on recommendations to conduct human rights training for prison guards and police. After local NGO Cri de Femmes and UNICEF alerted the government to problems faced by children without birth documentation, the government announced a program to provide documents free of charge. Both government initiatives occurred during the year.

Local human rights NGOs included ALCR (ritual crime), Cri de Femmes (women's rights), EBANDO (pygmy rights), AVOGAB (women's and orphan's rights), Groupe Conscience (victims of sexual exploitation), Association Jeunesse Sans Frontieres (Good governance), AGAFI (Indigenous Population Protection), Sifos (Service International de la Formation des Enfants victime de la Traite et de l'exploitation), Fawe Gabon (Forum for African Women Educationalists), Liebe Handicap, and Reseau de Defense des Droits Humains du Gabon (an association of human rights NGOs).

Government Human Rights Bodies: The independent National Human Rights Commission, which had been inactive since its 2006 inception, began operating during the year. In May the commission appointed 12 new members to the body from civil society, the media, religious community, and judiciary. In September the commission held its first meeting to develop an action plan for the promotion and protection of human rights.

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.

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. 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 recognizes 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 has increased slowly since the 2009 repeal of a parliamentary measure prohibiting the use of contraceptives. 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. According to the World Bank, the infant mortality rate was approximately 58 out of 1,000 births. Although the maternal mortality rate was reported to be 260 deaths for every 100,000 live births, the UN Population Fund suggested the rate was probably higher and that most incidents of maternal mortality were connected to the inadequate quality of health care providers. The Ministry of Health suggested that the common practice of not seeking prenatal care also played a role. Men and women received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: The law provides women with equal rights to education, business, investment, access to employment and credit, and pay for similar work, and 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.

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 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 and slow convictions.

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 was believed to occur among the resident population of noncitizen Africans.

Ritual killings of children also occurred and went unpunished (see section 1.a.).

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.

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 from six months to one year and/or fines up to 222,000 CFA francs (\$461).

International Child Abductions: On March 1, Gabon acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

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. 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 August the Ministry of Health funded income generation projects for 194 persons with disabilities.

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 post-independence 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 LGBT individuals often kept their status secret.

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.

There were labor violations during the year. For example, in January the Ministry of Education suspended the salaries of nine striking members of Conasysed, 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 the prime minister announced that the suspensions had been lifted; however, the teachers had not received their back pay by year's end.

Although antiunion discrimination is illegal, trade unions in both the public and private sectors occasionally faced discrimination, including blacklisting union members, unfair dismissal, threatening workers who unionized, and creating 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. Such children 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 Labor's 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 expressed consent of the ministries of labor, education, and public health. The law provides for fines of between 290,000 and 480,000 CFA francs (\$602 to \$996) and prison sentences of up to two years for violations of the minimum age for work.

The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector. 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 work. Many of these children were reportedly the victims of child trafficking (see section 7.b.).

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 inspections were conducted of construction projects for the Africa Cup of Nations to ensure that child labor was not being used. Labor inspection teams were also 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.

During the year the government worked closely with a foreign embassy on a media campaign to educate the populace about trafficking in persons and child labor. In conjunction with the media outreach, the government also initiated a door-to-door program to educate citizens in isolated communities about trafficking and child labor.

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

During the year the national monthly minimum wage was increased from 80,000 CFA francs (\$166) to 150,000 CFA francs (\$311). Government workers received an additional monthly allowance of 20,000 CFA francs (\$41) per child and

transportation, housing, and family benefits. There was no minimum wage in the informal sector.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. 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 those providing services that cannot be subject to a daily limit, including retail, transport, dock work, hotels and catering, housekeeping, guarding, security, medical establishments, domestic work, and the press.

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.