

# GABON 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party and headed by President Ali Bongo Ondimba, whose family has held power since 1967. Bongo Ondimba was declared winner of the 2016 presidential election. Observers noted numerous irregularities, including a questionable vote count in Bongo Ondimba's home province. The government forcibly dispersed violent demonstrations that followed the election. In the 2018 legislative elections, the Gabonese Democratic Party won 100 of 143 National Assembly seats. The African Union observer mission did not comment on whether the elections were free and fair but noted some irregularities. Some opposition parties boycotted the elections; however, fewer did so than in the 2011 legislative elections.

The National Police Forces, under the Ministry of Interior, and the National Gendarmerie, under the Ministry of Defense, are responsible for law enforcement and public security. Elements of the armed forces and the Republican Guard, an elite unit that protects the president under his direct authority, sometimes performed internal security functions. Civilian authorities generally maintained effective control over security forces, and the government had mechanisms to investigate, prosecute, and punish those found responsible for abuses and corruption. Members of the security forces committed some abuses.

Significant human rights issues included: torture and cases of cruel, inhuman, or degrading treatment by government authorities; harsh and life-threatening prison conditions; political prisoners and detainees; interference with freedom of peaceful assembly and serious restrictions on freedom of movement because of COVID-19 mitigation measures; inability of citizens to change their government peacefully through free and fair elections; restrictions on political participation; serious acts of corruption; lack of investigation of and accountability for violence against women; and the worst forms of child labor.

The government took some steps to identify, investigate, and prosecute officials and punish those convicted of human rights abuses; however, impunity remained a problem.

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

**a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

**b. Disappearance**

There was one report of a disappearance during the year. On August 16, two Omar Bongo University students active in the Human Rights League were reported missing. They remained missing at year's end.

In 2017 the government reported to the UN Committee on Enforced Disappearances that, despite opposition allegations of disappearances, no official complaints were filed after the 2016 elections. The committee called on the government to conduct an exhaustive inquiry into postelection violence and to update the law to comply with the International Convention for the Protection of All Persons from Enforced Disappearance. The government National Committee of Human Rights opened an inquiry during the year that was scheduled for completion in 2021.

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

The constitution prohibits such practices. There were reports of torture in prisons where unidentified personnel employed torture. For example, on January 29, the attorney of Patrichi Christian Tanasa, the former director of the Gabon Oil Company, stated in a press conference that his client was tortured by three hooded men who beat and sexually molested him at the Libreville Central Prison.

Impunity was a problem in the security forces. Nevertheless, the government took some steps to identify, investigate, and prosecute officials and punish human rights abusers. In April authorities established a national hotline to report abuses by security force members.

According to the *Conduct in UN Field Missions* online portal, there were 12 allegations submitted during the year of sexual exploitation and abuse by Gabonese peacekeepers deployed to UN peacekeeping missions. For those allegations, the number of cases and the years the incidents reportedly occurred, or ended, are: three in 2020, one in 2019, two in 2018, two in 2016, and four in 2015. There

were eight open allegations from previous years. The minister of defense and the minister of justice stated that investigations of the allegations continued and the Gabonese judicial process was being followed. The current open allegations include 17 against individuals involving: an exploitative relationship with an adult (1), four involved transactional sex an adult (5), one involved solicitation of transactional sex with an adult (1), and rape of a child (4); . 1 case against 2 individuals for transactional sex with 3 adults; and 2 cases against individuals/groups with multiple offenses. In the first case: 1 individual was involved in exploitative relationships with 17 adults and the rape of a child; 2 individuals were involved in rape of 2 unknown victims, and 15 were in exploitative relationships with 17 adults. The second case involved 19 individuals accused of rape of 27 adults, 36 children, and five unknown victims.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and potentially life threatening due to low-quality food, inadequate sanitation, lack of ventilation, gross overcrowding, and poor medical care. Conditions in jails and detention centers mirrored those in prisons. There were no specific accommodations for persons with disabilities in prisons.

Physical Conditions: Libreville's central prison was severely overcrowded; it was built to hold 500 inmates but held approximately 4,000 inmates. There were also reports of overcrowding in other prisons.

Authorities did not provide data on the number of deaths in prisons, jails, and pretrial detention or other detention centers attributed to physical conditions or actions of staff members or other authorities.

Media reported one attempted suicide related to solitary confinement. Media reported three deaths during the year at the Libreville Central Prison attributed to inmate mistreatment. In May an inmate who attempted escape was beaten to death and another suspected of being a drug dealer was reportedly denied food and tortured. On July 24, a detainee arrested on July 16 died of an internal hemorrhage attributed to beatings.

Some prisoners and detainees were kept in solitary confinement for several months without access to exercise or use of showers and other sanitary facilities.

In some cases authorities held pretrial detainees with convicted prisoners, juveniles

with adults, and men with women. Authorities separated juvenile prisoners from adults in Libreville and Franceville prisons. There were separate holding areas within prisons for men and women, but access to each area was not fully secured or restricted. Prisoners had only limited access to food, lighting, sanitation, potable water, and exercise areas. On-site nurses were available to provide basic medical care, but prison clinics often lacked sufficient medication. For serious illnesses or injury, authorities transferred prisoners to public hospitals. Management of the spread of infectious diseases, such as HIV/AIDS and tuberculosis, was inadequate.

There were no reports of prisoner-on-prisoner violence or authorities' failure to maintain control.

Administration: Prisoners filed few complaints. Observers believed the low incidence of complaints was due to ignorance of, or lack of faith in, the process, or fear of retribution. There was no prison ombudsperson or comparable independent authority available to respond to prisoner complaints. In response to the COVID-19 pandemic, authorities significantly reduced prison visits. Prisoners were limited to contacting their families through telephone calls and written correspondence.

Independent Monitoring: The government permitted human rights organizations to conduct independent monitoring of prison conditions. A prominent attorney stated that beginning in March authorities cited COVID-19 policies to deny attorneys' access to all prisoners. Except for COVID-19 limitations, representatives of several nongovernmental organizations (NGOs)--Malachie, the Lions Club, and the Voice of the Forgotten--visited and reported having access to prisons.

Improvements: On December 10, an addition to the central prison was opened that reduced overcrowding. In order to reduce further overcrowding, authorities undertook a review of inmate cases with the goal of identifying those eligible for release. The minister of justice stated improvement of prison conditions throughout the country was a government priority.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for detainees or persons arrested to challenge the legal basis and arbitrary nature of their detention in court; however, the government did not always respect these provisions.

## Arrest Procedures and Treatment of Detainees

Although the law requires arrest warrants based on sufficient evidence and issued by a duly authorized official to make arrests, security forces in some cases disregarded these provisions. The law allows authorities to detain a suspect up to 48 hours without charge, after which it requires the suspect be charged before a judge. Police often failed to respect this time limit.

Once a person is charged, the law provides for conditional release if further investigation is required. There was a functioning bail system. Detainees did not always have prompt access to family members and a lawyer of their choice. The law requires the government to provide indigent detainees with lawyers, but this was not always possible, often because the government could not find lawyers willing to accept the terms of payment offered for taking such cases. Arrests required warrants issued by a judge or prosecutor based on evidence.

Arbitrary Arrest: On August 19, agents from the General Directorate for Investigation of the National Gendarmerie arrested the Dynamique Unitaire Trade Union Confederation leader Jean Bosco Bounoumou without a warrant. Accused of broadcasting a video jeopardizing public order, he was detained without charge for longer than the law allows and not permitted prompt access to a lawyer. On August 24, he was charged with terrorism and conspiracy. He remained in prison pending trial at year's end.

In 2017 authorities arrested Frederic Massavala-Maboumba, the spokesperson for the opposition Coalition for the New Republic, and Deputy Secretary General Pascal Oyougou of the Heritage and Modernity Party, and charged them with "provocation and instigation of acts likely to provoke demonstrations against the authority of the State." In June 2019 Massavala-Maboumba was released after 20 months' imprisonment; however, Oyougou remained in detention with no trial date set at year's end.

Pretrial Detention: Approximately two-thirds of prison inmates were held in pretrial detention that sometimes lasted up to three years. There were instances in which the length of pretrial detention exceeded the maximum sentence for the alleged crime. Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. The law limits pretrial detention to six months on a misdemeanor charge and one year on a felony charge, with six-month extensions if authorized by the examining magistrate. The law provides for a commission to deal with cases of abusive or excessive detention and provides for

compensation to victims, but the government had yet to establish such a commission. Detainees generally lacked knowledge of their rights and the procedure for submitting complaints and may not have submitted complaints due to fear of retribution.

On April 10, the Ministry of Justice announced the release of 680 persons from the Central Prison of Libreville, including a significant number who were long-term pretrial detainees who, had they been tried and convicted, would have been released based on time served in most cases.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides for detainees or persons arrested to challenge the legal basis and arbitrary nature of their detention. The law also provides for compensation if a court rules detention unlawful. Authorities did not always respect these rights.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the judiciary demonstrated only partial independence and only in some cases. The judiciary was inefficient and remained susceptible to government influence. The president appoints and may dismiss judges through the Ministry of Justice, to which the judiciary is accountable. Corruption was a problem. For example, individuals charged with offenses reportedly paid bribes to influence the judicial process, avoid facing trial, or both.

Authorities generally respected court orders.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial and to legal counsel, and the judiciary generally respected these rights. Trial dates were often delayed.

Criminal defendants have the right to a presumption of innocence. They have the right to be informed promptly and in detail of charges when booked at a police station. A panel of three judges tries defendants, who enjoy the right to be present at their trial, to communicate with an attorney of choice, and to have adequate time and facilities to prepare their defense. Indigent defendants in both civil and criminal cases have the right to have an attorney provided at state expense, but the government often failed to provide attorneys because private attorneys refused to accept the terms of payment the government offered for such cases. Defendants

have the right to free interpretation as necessary from the moment charged through all appeals when staff members with the required language skills are available. Defendants have the right to confront witnesses against them and to present witnesses or evidence on their own behalf. Defendants may not be compelled to testify or confess guilt. Defendants have the right to appeal convictions.

### **Political Prisoners and Detainees**

In September the prime minister stated there were no political prisoners in the country. According to one civil society group, however, there were six individuals it considered political prisoners. Of an estimated 60 protesters detained in 2017, opposition leader Pascal Oyougou remained in pretrial detention (see section 1.d.). According to multiple domestic and international news reports, opposition leader Landry Washington and former Gabonese Democratic Party (PDG) deputy Bertrand Zibi were incarcerated for almost three years before they were tried. In April 2019 Washington was convicted of insulting the president and attempting to incite popular revolt. He was sentenced to three years' imprisonment and required to pay a substantial monetary fine. He was due for release in April 2019 based on time held, but the government appealed the sentence as being too lenient, and he was held for an additional eight months. On January 7, Washington was released. In July 2019 Zibi was convicted of inciting violence and possession of a firearm and sentenced to six years' imprisonment. Zibi remained in prison at year's end.

Prior to COVID restrictions, routine consular and NGO access was permitted. According to the minister of justice, subject to health-screening measures, access continued during the COVID-19 pandemic.

### **Civil Judicial Procedures and Remedies**

Persons or organizations may seek civil remedies for human rights abuses through domestic courts or through administrative or other mechanisms established by law, although this seldom occurred.

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

Although the constitution and law prohibit such actions, the government did not always respect these prohibitions. 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

criminal suspects. Authorities reportedly monitored private telephone conversations, personal mail, and the movement of citizens.

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

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. According to the revised penal code, conviction of contempt of the president or of any government official “committed anywhere, on any occasion, or by any means,” is punishable by six months’ to five years’ imprisonment and monetary fines. Employing its authority under the communications code, the High Authority of Communication (HAC) suspended eight print, radio, and online media outlets for libel and slander, including the radio station Radio Generation Nouvelle.

Freedom of Press and Media, Including Online Media: Independent media were active, but authorities occasionally used libel and slander laws to restrict media criticism of the government. The country’s sole daily newspaper, *L’Union*, was progovernment. All newspapers, including government-affiliated ones, criticized the government and political leaders of both opposition and progovernment parties. The country had both progovernment and opposition-affiliated broadcast media.

Violence and Harassment: There were no cases of journalists being harassed or intimidated, although some journalists reported they received anonymous instructions or calls from persons suspected of being connected with the government not to report on certain issues.

Censorship or Content Restrictions: Most newspaper owners had either a progovernment or a pro-opposition political bias. Print journalists practiced occasional self-censorship to placate progovernment owners. In April HAC suspended the online daily *Gabon Media Time* for three months because it published an article authorities considered libelous.

Libel/Slander Laws: Libel and slander may be treated as either criminal or civil offenses. Editors and authors of articles ruled libelous in a court of law may be jailed for two to six months and required to pay substantial fines. Penalties for conviction of libel, disrupting public order, and other offenses also include a one- to three-month publishing suspension for a first offense and three- to six-month suspension for repeat offenses.



There was evidence that in several cases libel laws were applied to discourage or punish critical coverage of the government. For example, on January 16, HAC banned distribution of all copies of an edition of the newspaper *Moutouki* that included criticism of the coordinator of presidential affairs. On August 19, HAC suspended the online *Kongossa News* for one month for commentary it deemed critical of the president's independence day celebration speech.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association; however, the law places restrictions on freedom of assembly. The government limited freedom of peaceful assembly but not freedom of association.

### **Freedom of Peaceful Assembly**

Some civil society activists stated they did not submit requests to hold public meetings because they expected the government would deny them. They added that authorities prevented opposition gatherings by routinely refusing to approve permits or by blocking access to planned meeting spaces. For example, on February 5, authorities prevented Dynamique Unitaire union leaders from holding a meeting at their headquarters. Some civil society activists stated that while authorities prevented opposition groups from hosting meetings due to COVID-19 restrictions, it did not prevent progovernment groups from meeting. According to pastor and civil society activist Georges Bruno Ngoussi, he was arrested, and his passport withheld for three months, for hosting a meeting that authorities asserted was in violation of COVID-19 restrictions, despite the fact that all COVID-19 provisions had been met. Ngoussi stated that the intended purpose of the meeting was to plan a protest demonstration against the government's decision to decriminalize same-sex sexual conduct.

**c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

**d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. Nevertheless, in 2018 and 2019, the government prevented opposition leader Jean Ping from traveling abroad by court order and following expiration of the order, prevented travel during the year by refusing to renew his passport. In January authorities prevented trade union activists from Dynamique Unitaire and the Transportation and Aviation Workers Union from leaving the country under the pretext they were plaintiffs in a judicial proceeding. The law does not restrict foreign travel by plaintiffs in judicial proceedings.

**In-country Movement:** Although there were no legal restrictions on freedom of internal movement, military and police personnel and gendarmes stopped travelers at checkpoints to check identity, residence, or registration documents and on some occasions to solicit bribes. As a COVID-19 mitigation measure, authorities required travelers to provide proof of a negative COVID-19 test within the preceding 14 days of internal travel. Refugees required a travel document endorsed by the Office of the UN High Commissioner for Refugees (UNHCR) and government authorities to circulate freely within the country.

**Foreign Travel:** The law requires a married woman to have her husband's permission to obtain a passport and to travel abroad. The law prohibits individuals under criminal investigation from leaving the country. Refugees and most holders of a residence permit need an exit visa to leave from and return to the country. Exit visas were not always issued promptly, which impeded persons' ability to depart. In response to the COVID-19 pandemic, authorities required persons departing the country to provide a negative COVID-19 test result.

**e. Status and Treatment of Internally Displaced Persons**

Not applicable.

**f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Despite efforts by the government and UNHCR to reduce discrimination, refugees complained of harassment and extortion by security force members. Some security force members harassed asylum seekers or refugees working as merchants, service-sector employees, and manual laborers and, in order to extort bribes, refused to recognize valid documents held by refugees and asylum seekers.

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.

Access to Basic Services: The law provides refugees equal access to public services, although there were reports that in some cases school and hospital employees improperly required refugees to pay additional fees. Most refugees were not registered to receive services from the National Health Insurance and Social Welfare Fund.

Durable Solutions: The nationality code allows refugees to apply for naturalization; however, the process is long and expensive. At age 18 children born in the country of refugee parents may apply for citizenship.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage; however, international monitors of the 2016 presidential election observed anomalies. The governing party has dominated all levels of government for five decades. Citizens participated in presidential, legislative, and municipal elections.

#### **Elections and Political Participation**

Recent Elections: In early 2018 the Constitutional Court dissolved the National Assembly. The Senate assumed National Assembly responsibilities, and a caretaker government was installed. In late 2018 legislative elections were held. Both rounds of legislative elections were calm, with a voter turnout of 43 percent in the first round. The PDG won 100 of 143 National Assembly seats. Opposition

leaders alleged irregularities such as ballot stuffing, vote buying, polling stations opening without the presence of opposition representatives, and unfair treatment of the opposition by the Gabonese Elections Center. Domestic and international organizations were not authorized to observe the elections. A limited African Union observer mission did not comment on whether the elections were free and fair but noted some irregularities.

**Political Parties and Political Participation:** The PDG has dominated the government since creation of the party by former president Omar Bongo in 1968. PDG membership conferred advantages in obtaining government positions. Opposition party members complained of unfair drawing of voter districts, alleging the president's home province received disproportionately more parliamentary seats than other provinces. They also stated the PDG had greater access to government resources for campaign purposes than did other parties.

Unlike in prior years, there were no reports of restrictions on the formation of political parties.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women and members of minorities in the political process, and they did participate. The president of the Senate and prime minister were women. Nevertheless, cultural and traditional factors prevented women from participating in political life to the same extent as men. As of July women held 11 of 31 ministerial positions--an increase of nine from 2019--but women held only 23 of 143 National Assembly seats and 19 of 102 Senate seats.

Although members of all major ethnic groups occupied prominent government civilian and security force positions, members of indigenous populations rarely participated in the political process (see section 6, Indigenous People).

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively. According to media and NGOs, officials frequently engaged in corrupt practices with impunity. Some police were inefficient and corrupt. There were reports of police, gendarmes, and military members seeking bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity documents. In July taxi drivers demonstrated to protest police harassment, including exacting bribes.

According to reports from the African immigrant community, in order to exact bribes, police and other security force members often detained and falsely accused noncitizen Africans of lacking valid resident permits or identification documents.

In 2016 the government launched an anticorruption campaign. A number of former officials, including a vice president, ministers, and agency directors, were arrested on corruption charges. The former minister of economy and presidential advisor Magloire Ngambia and former minister of petroleum and hydrocarbons Etienne Dieudonne Ngoubou were arrested and charged with corruption. In 2018 Ngoubou was released on bail; he had yet to be tried by year's end. On September 24, Ngambia was convicted of embezzlement of public funds. He was fined and sentenced to time served in pretrial detention.

Corruption: There were numerous reports of corruption by government officials during the year. For example, in September Mayor Leandre Nzue of Libreville and several city officials were arrested and charged with embezzlement and money laundering. Other government officials charged with corruption included former presidential chief of staff Brice Lacruche, several former ministers, and the director general of the Merchant Marine. None had been tried by year's end.

Financial Disclosure: The law requires executive-level civil servants and civil servants who manage budgets to disclose their financial assets to the National Commission against Illicit Enrichment within three months of assuming office. Most officials complied, but some attempted to withhold information. The government did not make these declarations available to the public. There are administrative sanctions for noncompliance, but authorities did not provide information regarding enforcement.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A number of domestic human rights groups operated, albeit with government restrictions, investigating and publishing their findings on human rights cases. Several human rights NGOs reported governmental intimidation and a general lack of responsiveness to their views.

Government Human Rights Bodies: The Ministry of Justice coordinates government efforts to improve respect for human rights, organize human rights training for government officials, and address major human rights problems. The

National Human Rights Commission, composed of representatives from civil society, media, religious groups, and the judiciary, had a degree of independence. Commission members provided basic human rights training to police and in past years inspected detention conditions at police stations in Libreville; however, it did not conduct inspections during the year due to COVID-19 restrictions.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, and convicted rapists face penalties of 10 to 20 years' imprisonment and a fine. Nevertheless, authorities seldom prosecuted rape cases. The law addresses spousal and intimate partner rape regardless of gender. There were no reliable statistics on the prevalence of rape, but a women's advocacy NGO estimated it to be a frequent occurrence. Discussing rape remained taboo, and women often opted not to report it due to shame or fear of reprisal.

Although the law prohibits domestic violence, NGOs reported it was common. Penalties for conviction range from two months' to 15 years' imprisonment. Women rarely filed complaints, due to shame or fear of reprisal, although the government operated a counseling group to provide support for abuse victims. The government provided in-kind support to an NGO center to assist victims of domestic violence, and through the center's work, police intervened in response to incidents of domestic violence.

Sexual Harassment: NGOs reported sexual harassment of women continued to be pervasive. In June the National Assembly and the Senate enacted a revised penal code prohibiting sexual harassment. It states sexual harassment, "constitutes an offense against morals (and includes) any behavior, attitude or repeated assiduous or suggestive words, directly or indirectly attributable to a person who, abusing the authority or influence conferred on him by his functions or its social rank, aims to obtain sexual favors from an individual of one or the other sex." Conviction of sexual harassment is punishable by up to six months' imprisonment and a substantial monetary fine.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Although the law does not generally distinguish between the legal

status and rights of women and men, it requires a married woman to obtain her husband's permission to receive a passport and to travel abroad. The law provides for equal treatment regarding property, nationality, and inheritance. No specific law requires equal pay for equal work. Women faced considerable societal discrimination, including in obtaining loans and credit and, for married women, opening bank accounts without their husbands' permission and administering jointly owned assets, especially in rural areas.

## **Children**

Birth Registration: Citizenship is derived 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 may not attend school or participate in most government-sponsored programs. Many mothers could not obtain birth certificates for their children due to isolation in remote areas of the country or lack of awareness of the requirements of the law.

Education: Although education is compulsory to age 16 and tuition-free through completion of high school, it often was unavailable after sixth grade in rural areas. There was no significant difference in the rates of enrollment between boys and girls; however, due to high rates of early pregnancy, girls were less likely to complete school than boys.

Child Abuse: Child abuse is illegal, with penalties for conviction of up to life in prison, a substantial monetary fine, or both. According to NGOs, child abuse occurred, and the law was not always enforced.

Child, Early, and Forced Marriage: The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. According to the UN Population Fund, 6 percent of women between ages of 20 and 24 married before age 15.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities generally enforced the law. Perpetrators convicted of procuring a child for prostitution or a child pornography-related offense may be sentenced to between two and five years' imprisonment. Under the revised penal code, sex trafficking is considered to be aggravated child trafficking, for which conviction is punishable by life imprisonment and substantial monetary fines. Conviction of possession of child pornography is punishable by imprisonment of six months to one year and a substantial monetary fine.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish population was very small, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with “physical, mental, congenital, and accidental” disabilities and requires they have access to buildings and services, including voter access to election polling centers. Most public buildings, however, did not provide adequate access and accommodation for persons with disabilities, hindering their ability to obtain state services and take part in the judicial system. The law subsumes sensory disabilities under congenital and “accidental” disabilities but does not recognize the concept of intellectual disability. The law provides for the rights of persons with disabilities to education, health care, and transportation. Enforcement of these rights was limited--there were no government programs to provide access to buildings, information, and communications for persons with disabilities. Children with disabilities generally attended school at all levels, including mainstream schools. There was accommodation for persons with disabilities in air travel but not for ground transportation.

Persons with physical disabilities faced barriers in obtaining employment, such as gaining access to human resources offices to apply for jobs, because public buildings did not include features to facilitate access for persons with physical disabilities. The inaccessibility of buses and taxis complicated seeking jobs or getting to places of employment for those without their own means of transportation.



## **Indigenous People**

The Babongo, Baghama, Baka, Bakoya, and Barimba ethnic groups are the earliest known inhabitants of the country. The law grants members of indigenous ethnic groups the same civil rights as other citizens, but they experienced societal discrimination. They remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures, and did not have ready access to public services. Discrimination in employment also occurred. Indigenous persons had little recourse if mistreated by persons from the majority Bantu population, and there were no specific government programs or policies to assist them.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

During the year parliament reversed the July 2019 revised penal code that criminalized consensual same-sex sexual conduct between adults. On June 23, the National Assembly approved a government bill decriminalizing consensual same-sex sexual conduct between adults; on June 29, the Senate approved the criminalization reversal; and on July 7, the president signed it into law. The law does not limit freedom of speech or peaceful assembly rights for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There are no specific antidiscrimination or hate crime laws or other criminal justice mechanisms designed to aid in the prosecution of bias-motivated crimes. There were reports from civil society organizations and media of LGBTI persons being targeted for abuse. Such incidents were rarely reported to police, however. A case that drew attention during the year, however, was that of a gay couple who were arrested and charged after their marriage ceremony for violating “the good morals of society” and for failing to obtain legal authority to be married. Societal discrimination in employment and housing were problems, particularly for openly LGBTI persons.

## **HIV and AIDS Social Stigma**

Local NGOs reported discrimination against persons with HIV/AIDS. Such persons encountered difficulties obtaining loans and finding employment in at least some sectors. NGOs worked closely with the Ministry of Health to combat both the associated stigma and the spread of the disease.

## **Other Societal Violence or Discrimination**

Ritual killings in which persons were killed and their limbs, genitals, or other organs removed were reported. In July 2019 the human trafficking provisions of the revised penal code criminalized ritual killing and organ harvesting. During the year authorities made no arrests of persons accused of ritual killing. The local NGO Association to Fight Ritual Crimes reported six victims of ritual killings and 14 disappearances from January to October. It stated that the actual number of victims was higher because many ritual killings were not reported or were incorrectly characterized. Additionally, authorities discouraged journalists from reporting ritual crimes, and most cases occurred in rural areas where media lacked access. In January mobs incited by social media reports of kidnappings of children for ritual crimes killed at least two suspected perpetrators. On January 24, a mob attacked Patrick Eyeghe as he was picking up his children from school in the Venez-voir neighborhood of Libreville. He was mistaken for a kidnapper. Eyeghe was taken to the hospital, where he later died of wounds inflicted during the attack.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law protects the rights of workers to form and join independent unions and to bargain collectively. The law provides for the right to strike, with restrictions. Antiunion discrimination is illegal, and the law provides for reinstatement for workers dismissed for union activities. Unions must register with the government to obtain official recognition, and the government routinely grants registration. Agreements negotiated by unions also applied to nonunion workers.

Strikes may be called only after eight days' advance notification and only after mandatory arbitration fails. Public-sector employees' right to strike could be restricted where the government determines it poses a threat to public safety. The law does not define the essential-services sectors in which strikes are prohibited; however, armed services are prohibited from unionizing and striking. The law prohibits government action against strikers who abide by the notification and arbitration provisions and excludes no groups from this protection. There are no special laws or exemptions from regular labor laws in the country's two export-processing zones.

The government generally enforced applicable laws. Resources to protect the right to form unions, bargain collectively, and strike were adequate. Penalties for violations of these rights are compensatory, determined on a case-by-case basis,

and commensurate with those for other laws involving denials of civil rights. Administrative and judicial procedures were sometimes delayed.

Freedom of association and the right to collective bargaining were not always respected. Some unions were politically active, and the government accused them of siding with opposition parties. The government sometimes restricted strikes.

Employers created and controlled some unions. Although antiunion discrimination is illegal, some trade unionists in both the public and private sectors complained of occasional discrimination, including the blacklisting of union members, unfair dismissals, and threats to workers who unionized. Trade union representatives complained they experienced hurdles accessing educational establishments during their efforts to represent and defend their members' interests. Labor union leaders reported the majority of labor violations stemmed from illegal dismissals, including of workers on strike, leaving them without social security and insurance benefits.

In 2017 the Port-Gentil Court of Appeal upheld a judge's ruling that ordered the revocation of a strike declaration by the National Organization of Oil Industry Employees (ONEP); the judge found ONEP failed to establish minimum service and that the strike constituted an unlawful disturbance. According to a government report submitted to the International Labor Organization (ILO) in 2019, ONEP did not seek review of the appeal ruling and legal proceedings were closed. The ILO responded with a request that the government open an independent investigation to establish the facts regarding ONEP's allegations police and other security force members dispersed striking workers in 2017 using violent means that produced multiple injuries among striking workers. According to ONEP representatives, ONEP did not press the government on the matter during the year because of the COVID-19 pandemic.

On September 1, gendarmes, using teargas, dispersed and reportedly beat Ministry of Water and Forestry members of the National Union of Water and Forestry Professionals (Synapef), causing severe injuries among the striking workers. During the two-month strike, the Synapef president was arrested, held for 24 hours, and released without charge.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes trafficking for the purposes of servitude or slavery. The government enforced the law more actively to combat forced labor of

children. Penalties reflect the serious nature of the offense and were commensurate with those for analogous serious crimes.

Resources, inspections, and remediation were inadequate. The lack of sufficient vehicles, budget, and personnel impeded the ability of labor inspectors to investigate allegations of forced labor. Additionally, labor inspectors found it difficult to access family-owned commercial farms and private households due to inadequate roads. The government provided trafficking-in-persons training to law enforcement officers.

Boys were subject to forced labor as mechanics, as well as in work in handicraft shops and sand quarries. Boys and men were subject to forced labor in agriculture, animal husbandry, fishing, and mining. Girls and women were exploited in domestic servitude, market vending, restaurants, and commercial sexual exploitation. Conditions included very low pay and long forced hours. Migrants were especially vulnerable to forced labor (see section 7.c.).

Limited reporting suggested that illegal and unregulated foreign fishing trawlers may have engaged in the forced labor of boys. Widespread poverty resulted in the increased risk of exploitation in the country, but the small scale of artisanal fishing suggested that trafficking was limited to foreign fishing operations. The industrial fishing fleet operating in Gabonese territorial waters was composed mostly of illegal, primarily Chinese, industrial-scale fish trawlers, with unknown status of workers on board.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

Child labor remained a problem. The law prohibits employment of children younger than 16 without the expressed consent of the Ministry of Employment, Public Administration, Labor, and Professional Training; the Ministry of Education; and the Ministry of Health. By law children younger than age 16 may perform light work with parental permission, but the law does not define the activities considered light work, establish a minimum age for light work, or set hour limits. The law provides for penalties commensurate with those for other analogous serious crimes but does not cover children in informal employment.

The Ministry of Employment, Public Administration, Labor, and Professional

Training is responsible for receiving, investigating, and addressing child labor complaints through inspectors. The Interministerial Committee for the Fight against Child Trafficking is responsible for filing and responding to complaints, but it was inactive during the year. Children were sometimes subject to forced and exploitive labor in markets, restaurants, and handicraft shops, as well as on farms and in sand quarries. Due to the impact of the COVID-19 pandemic, as of October the government had not organized the repatriation of any foreign children exploited in trafficking.

Noncitizen children were more likely than were children of citizens to work in informal and illegal sectors of the economy, where laws against child labor were seldom enforced. An unknown number of children, primarily noncitizens, worked in marketplaces or performed domestic labor. Many of these children were the victims of child trafficking (see section 7.b.). According to NGOs, some citizen children, particularly street children, also worked in the informal sector.

Child laborers generally did not attend school, received only limited medical attention, and often experienced exploitation 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.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The labor code prohibits discrimination with respect to employment and work conditions based on race, color, sex, religion, political opinion, disability, national origin or citizenship, or social background. It does not address discrimination based on sexual orientation, gender identity, age, or language. The government did not effectively enforce the law. No specific law requires equal pay for equal work, and women's pay lagged behind that of men. Employment discrimination occurred with respect to indigenous persons, persons with disabilities, persons with HIV/AIDS, and LGBTI persons. There were reports of labor exploitation of indigenous persons by their Bantu neighbors, who paid them much less than the minimum wage. Undocumented foreign workers frequently experienced wage discrimination and poor working conditions.

#### **e. Acceptable Conditions of Work**

The government established a national monthly minimum wage that was above the official poverty line. Authorities did not enforce wage laws adequately, although workers could file suit if they received less than the minimum wage. Labor inspections were infrequent. Minimum wage laws were not enforced in the informal sector, which accounted for the vast majority of workers.

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 as determined by collective agreements or government regulations. By law the daily limit for compulsory overtime may 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 may be extended for urgent work to prevent or repair damage from accidents. The daily limit does not apply to establishments in which work is continuous or to establishments providing retail, transport, dock work, hotel and catering services, housekeeping, security services, medical establishments, domestic work, and journalism.

The Ministry of Health establishes occupational safety and health standards. The Ministry of Employment, Public Administration, Labor, and Professional Training is responsible for enforcing minimum wage, overtime, and safety and health standards in the formal sector. The number of labor inspectors was not sufficient to enforce compliance and COVID-19-mitigation measures further limited enforcement action. Inspectors have the authority to make unannounced inspections and recommend that sanctions be imposed. Employers generally respected minimum wage standards. Formal-sector employees could submit complaints regarding overtime or health and safety standards, and the ministry's labor inspectors investigated such complaints. The government penalized violations with a range of fines that were commensurate with those for similar crimes. In the formal sector, workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

The government did not enforce labor code provisions in the informal economy or in sectors where the majority of the labor force was foreign, such as in the mining and timber sectors and domestic work. Employers obliged foreign workers to work under substandard conditions, dismissed them without notice or recourse, and often physically mistreated them. Employers frequently paid noncitizens less than they paid citizens for the same work 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.

The government does not provide data on industrial accidents; however, several accidents occurred during the year, including train derailments that resulted in four deaths and many serious injuries.