

GABON 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG), which has held power since 1968. Observers characterized the 2011 legislative elections as generally free and fair, although some opposition parties boycotted them, citing the government's inability to provide for full transparency and to prevent voter irregularities. PDG candidates won 114 of 120 seats in the National Assembly. Security forces reported to civilian authorities, who generally maintained effective control over them. In some cases, however, security force personnel committed human rights abuses.

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

Other major human rights problems included: use of excessive force by police; 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. During the year authorities disciplined, including with dismissal, police officers who used excessive force. Impunity remained a problem, however.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports the government or its agents committed arbitrary or unlawful killings during the year. In January 2012 three members of an army airborne regiment killed Gael Moundounga in the Akebe-Plaine neighborhood of Libreville. The Ministry of Defense issued a statement alleging Moundounga interfered in the soldiers' questioning of a suspect in the line of duty and that Moundounga attacked them with a knife. The statement added that the three soldiers were suspended pending investigation of the incident. The case remained under investigation and the soldiers remained suspended but yet to be charged at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

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

On June 4, gendarmes arrested President of the Independent Transporters Union Jean Robert Menie for disturbing the peace. Menie had participated in a strike launched by his union to protest alleged police abuses of taxi drivers. Menie alleged that police officers jailed and beat him. Police acknowledged detaining Menie but denied physically abusing him.

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

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

Prison and Detention Center Conditions

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

Physical Conditions: Based on visits conducted from 2011 to 2013, NGO observers estimated the country's nine prisons held approximately 3,500 inmates and detainees. Although built to hold only 300 inmates, Libreville's central prison held an estimated 1,500 prisoners and was the country's most overcrowded prison. Authorities held pretrial detainees with convicted prisoners, and juveniles with adults. There were reports that adult prisoners sexually abused juvenile prisoners. Prisoners had limited access to adequate lighting and potable water. Onsite nurses

were available to provide basic medical care, although their clinics often lacked necessary medicines. Management of the spread of infectious diseases such as HIV/AIDS and tuberculosis was a problem. Prisoners needing emergency medical care were transported to hospitals. NGOs, family members, and private citizens occasionally made contributions to augment prisoners' poor food rations.

On October 6, detainees at Libreville's central prison announced a general hunger strike to protest prison conditions, including overcrowding and inadequate food and access to potable water. The protest became more serious on October 10, and police used teargas to pacify prisoners, leading to unconfirmed media reports of three deaths.

There were no confirmed reports that any prisoners died during the year due to harsh prison conditions. At least one prisoner died in 2012. Reports indicated Virgil Meye Mve Nguema died two days after fellow prisoners sexually assaulted him in Libreville's central prison. Government officials stated that Nguema was 20 years old; civil society sources reported he was 16. The minister of justice denounced the act and opened an investigation in 2012 that had yet to be concluded by year's end.

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

Prisoners and detainees could submit written complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. No such complaints were submitted during the year, however. Observers believed this was likely due to ignorance of the process or a lack of faith in its effectiveness.

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

Improvements: To address the problem of prison overcrowding and to bring prisons up to international standards, the government began construction of a new

prison in a Libreville suburb with the capacity to hold 1,400 prisoners.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

Some police were inefficient and corrupt. Security force members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity papers. In 2011 the minister of interior implemented an internal sanctions system meant to combat such extortion. Police officers were required to wear a badge with an identity number to aid citizens seeking to report extortion attempts. Those measures reportedly reduced the frequency and severity of petty corruption among police.

On February 16, the chief of police had six police officers arrested for abusing civilians and corruption. On June 19, the chief of police dismissed 11 officers for illicit acts of violence and drug use.

Arrest Procedures and Treatment of Detainees

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

bail system.

Pretrial Detention: The law limits pretrial detention to six months for a misdemeanor and one year for a felony charge, with six-month extensions if authorized by the examining magistrate. Nevertheless, prolonged pretrial detention was common as a result of overburdened dockets and an inefficient judicial system. Approximately one-third of inmates were held in pretrial detention, which sometimes lasted up to three years.

From January to September students at Omar Bongo University conducted a number of protests on campus, demanding improved school conditions, payment of scholarship arrears, and timely issuance of future scholarship payments. Students used violence during some of these protests. These students barricaded entrances to the campus with burning tires. In later protests they threw rocks at police units trying to dislodge them from campus. Police generally relied on tear gas to disperse the students. During several protests security forces detained students but later released them without charge. In October students reported that gendarmes established a 24-hour presence on campus in response to the protests.

On September 26, police arrested eight students. They released the students without charge after five days. By law the students should have either been charged within 48 hours or a court order issued to extend their detention. During their detention the students were not allowed to contact a lawyer or family members.

Amnesty: On September 5, the president pardoned 261 prisoners in Libreville and 41 prisoners in Mouila.

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 may dismiss judges through the Ministry of Justice, to which the judiciary was accountable. Corruption was a problem.

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

Each year the Office of the Presidency appoints the military court 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. Authorities generally respected court orders.

Trial Procedures

The constitution provides for the right to a public trial and to legal counsel, and the government generally respected these rights. Trial dates were often delayed. A judge may deliver an immediate verdict of guilty at the initial hearing in a state security trial if the government presents sufficient evidence. Defendants are presumed innocent. They have the right to be informed promptly and in detail of charges when booked at a police station, and authorities provided free interpretation as necessary, when staff members with the required language skills were available. A panel of three judges tries defendants. Defendants enjoy the right to communicate with an attorney of choice and to adequate time and facilities to prepare their defense. Indigent defendants in both civil and criminal cases have the right to an attorney provided at state expense, but this right was seldom respected. Defendants have the right to confront witnesses against them, present witnesses or evidence on their behalf, access through their lawyer government-held evidence against them, and appeal. Defendants may not be compelled to testify or confess guilt. With the exception of free legal assistance to indigents, the government generally respected these rights.

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. 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.

The government continued the practice of removing structures, including homes, which it claimed were built on or infringing on public property. The government asserted that structures illegally built close to utilities and the street impeded traffic, violated zoning laws, and interfered with legal construction. The removal of these structures resulted in homelessness for numerous citizens. Since most were unlawfully constructed, their owners were not compensated for the loss. In most cases the individuals evicted were not the property owners. While legal owners received compensation from the government, displaced residents without legal property documents did not. Critics charged that the government did not offer alternative lodging or compensation to all evicted residents.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Press Freedoms: The major daily newspapers were affiliated with the government. Approximately 23 privately owned weekly or monthly newspapers represented independent views and those of political parties, but some appeared irregularly due to financial constraints or, in some cases, government suspension of their publication licenses. All newspapers, including government-affiliated ones, criticized the government and political leaders of both opposition and progovernment parties. In a recommendation to the government in May, the NGO Reporters without Borders asserted the country's communication code of 2001 did not meet international standards on freedom of expression and media freedom.

Violence and Harassment: There were no reports of journalists subjected to arrest or imprisonment due to their reporting, although some experienced harassment.

For example, in February chief editor of the monthly *Gabon d'Abord*, Prosperere Prince Zambakamiye, alleged he was beaten in the office of a senior official of the governing PDG party for accusing the party leadership of “sordid maneuvers” with regard to preparations for provincial elections in the northeast of the country. On September 13, Libreville airport officials denied entry to two South African journalists without explanation.

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

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

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

On May 29, the CNC suspended two opposition-leaning newspapers, *Ezombolo* and *Le Grigri de la Griffé*, for six months for allegedly insulting and libeling state institutions and senior government officials. In October it suspended the newspaper *Fraternite* after publication of only one issue for “calumny” and inciting hatred.

Internet Freedom

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms without appropriate legal authority. According to the International Telecommunication Union, in 2012 there were 0.29 broadband subscriptions per 100 inhabitants, and 8.6 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for freedom of assembly and association, and the government generally respected the right to peaceful association. It did not, however, always respect the right of peaceful assembly.

Freedom of Assembly

The government occasionally failed to approve permits for public meetings, and security forces used harsh tactics to disrupt some demonstrations. In April the Ministry of Interior did not respond to a request from the Association Against Ritual Crimes to organize what the NGO affirmed would have been a peaceful march. Authorities instead requested, and the NGO agreed to participate in, a march on May 13 that included the first lady and at which the president read a declaration that denounced ritual killings.

Civil society activist Georges Mpage organized a countermarch on May 13 to discredit the government and the civil society march against ritual crimes. Mpage claimed that police detained him during the countermarch, and that they beat five members of his association and put them in jail for 14 hours without water or access to toilet facilities.

c. Freedom of Religion

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

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

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

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

In-country Movement: Although there were no legal restrictions on internal movement, military and police personnel and gendarmes continued to stop

travelers at checkpoints to check identity, residence, or registration documents and to solicit bribes.

Security force members harassed irregular immigrants as well as noncitizen Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces allegedly extorted bribes by threatening imprisonment or the confiscation of residency documents. For example in 2012 a Congolese refugee reported he paid bribes at each security checkpoint between Libreville and Lambarene. He claimed that security forces at the checkpoints, which included customs officials, gendarmes, and police, threatened to arrest him if he did not pay.

Protection of Refugees

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

Refugee Abuse: Despite efforts by the government and the UNHCR to reduce discrimination, refugees continued to complain about sporadic harassment, extortion, and detention by security forces. Beginning in 2010 the government replaced UNHCR-issued identity cards with government-issued cards and provided them to more than 90 percent of refugees. Cardholders have many of the same rights as citizens, including rights to work, travel, and access public services. Although the cards – along with a UNHCR-led information campaign – helped reduce discrimination against refugees, some refugees remained without cards at year's end, either because they could not be reached or because they chose not to regularize their status in the country.

Durable Solutions: Following the government's decision to declare a unilateral cessation of refugee status for approximately 9,300 Congolese refugees in 2010, the UN, and the governments of Gabon and the Republic of the Congo signed a trilateral agreement in 2011 to provide for refugees to return home, resettle in a third country, or regularize their status in Gabon. By year's end 708 Congolese were voluntarily repatriated, 103 were accepted for resettlement in third countries, and, according to the UNHCR, 39 individuals retained their refugee status. Of those seeking to stay in the country, 3,310 Congolese regularized their status by year's end. Approximately 5,200 Congolese chose none of the preceding options and were presumably still in irregular status.

In April 2012 authorities detained 107 Congolese, including 21 minors, at

Libreville's immigration detention center after they occupied the Saint Marie Church grounds to protest the termination of their refugee status. Because they refused to repatriate to the Republic of the Congo or regularize their status in the country, they were deemed irregular immigrants. The country's authorities held them until November 2012, when soldiers transported them to the border with the Republic of the Congo, where Congolese government authorities received them. Six children were born during their mothers' detention.

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

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

In 2011 Andre Mba Obame, executive secretary of the opposition National Union Party (NUP), swore himself in as president, established a parallel government, and occupied the United Nations Development Program headquarters in Libreville for a month. Mba Obame considered himself the rightful winner of the 2009 presidential election despite coming in third, according to the official count. In response to Mba Obame's action, the government dissolved the NUP for violating the country's unity, and the National Assembly voted to remove his immunity as a member of parliament. Despite pending charges, Mba Obame was permitted to travel abroad for medical treatment. He returned in August 2012 after a 14-month absence. Following his return, NUP leaders called for the reregistration of the party and united with some opposition parties to call for a national conference to overhaul the constitution, dissolve the government, and hold presidential and parliamentary elections. The government did not allow the NUP to reregister by year's end, although it permitted individual candidates with prior NUP affiliation to contest municipal elections as independents.

Elections and Political Participation

Recent Elections: The most recent national-level elections were the 2009 presidential election and the 2011 National Assembly elections. President Ali Bongo Ondimba was elected 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 postelection violence, significant lapses in respect for human rights, and accusations of political tampering with the electoral process marred the election. 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 the Constitutional Court subsequently validated.

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

In 2011 the minister of interior announced reforms to the electoral code and the law governing political parties. Key changes included a reduction in the time period to revise the electoral list from 60 to 30 days and a decrease in the campaigning periods for legislative elections from 15 to 10 days. The reforms also changed the way the National Electoral Commission (CENAP) operates. The reforms give CENAP the authority to make decisions with a quorum of only four of the eight board members. Opposition leaders criticized the reforms as limits on political participation since the opposition selects only three of eight members of CENAP; government officials or the PDG select the remaining five.

In 2011 parliament passed the Personal Data Protection Law, which provides for the introduction of biometric voter identification to increase transparency in future elections. The government introduced and employed biometric identification in voter registration during the year. Opposition and civil society activists criticized the implementation process and the limited use of the biometric system in municipal elections.

Political Parties: The PDG has dominated the government since its creation by former president Omar Bongo in 1968. PDG membership conferred advantage in obtaining government positions. In August 2011 the government modified the law pertaining to political parties to prohibit leaders of dissolved political parties from forming a new party or serving on the board of an already existing party for a period of five years after the party's dissolution. This modification occurred one

month after the State Council upheld the court decision to dissolve the NUP, after the party's president and former interior minister, Andre Mba Obame, proclaimed himself president in January 2011. During the year the NUP continued to call unsuccessfully for authorities to allow the party to reconstitute itself.

Participation of Women and Minorities: Women held governmental positions, including at the ministerial level, in all branches of government. In the 29-member cabinet, eight members were women. There were 18 women in the 120-seat National Assembly and 18 of 102 senators were women. The presidents of the Senate and the Constitutional Court also were women.

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

Section 4. Corruption and Lack of Transparency in Government

Although the law provides criminal penalties for official corruption, the government did not fully implement the law, and officials often engaged in corrupt practices with impunity. The 2012 World Bank Worldwide Governance Indicators reflected that corruption was a serious problem.

Corruption: During the year the government continued its efforts to curb corruption. The National Commission against Illegal Enrichment (CNLCEI) is the primary body responsible for combating official corruption. The commission's mandate includes the investigation of corruption cases, policy development, and preventive measures, including raising public awareness. Within the scope of this mandate, the commission generally operated effectively and independently. The commission did not actively collaborate with civil society during the year.

In 2012 authorities arrested and tried the provincial director of the Ministry of Water and Forests in Moyen-Ogooue, Noel Ekoum Mengue Ngoua, for complicity in illegal logging activities. He was convicted and sentenced to five years' imprisonment and remained in prison at year's end.

During the year authorities arrested a subprefect in Bolossoville for collaborating with poachers and profiting from the ivory trade. In October following a government investigation, Franck Aliko, a former employee of the National Agency for Major Works, was convicted of aiding and abetting embezzlement against the government by overcharging two million euros (\$2.7 million) on the

purchase of buses. He was sentenced to five years in prison and ordered to repay 1.9 billion CFA francs (\$3.8 million).

Whistleblower Protection: The law provides whistleblower protection to some categories of public employees, such as magistrates, parliamentarians, and diplomats. There are restrictions on taking legal action against and dismissal of persons in these positions for criticizing the government or revealing government fraud or waste. The government reportedly did not implement the law effectively to protect whistleblowers from retaliation.

Financial Disclosure: Although the law provides for civil servants to disclose their financial assets to the CNLCEI within three months of assuming office, this did not always occur. In October 2012 the CNLCEI established branch offices in two provinces – Franceville and Mouila – to assist in investigations of alleged corruption. The CNLCEI sent investigators to all ministries in October 2012 to review compliance with asset declaration requirements. At the end of 2012, 92 cases were pending final investigation, and 12 investigations were awaiting special court session adjudication. By year's end the cases had yet to be adjudicated.

Public Access to Information: No law requires government offices to share information with the public. Individual offices may do so when requested, after assessing its sensitivity.

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

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

UN and Other International Bodies: As was the case in 2012, no international human rights groups sent representatives to the country during the year, relying mostly on local groups for information.

Government Human Rights Bodies: The National Human Rights Commission, inactive since its 2006 inception, began operations in 2011. The commission is intended to function independently, although the government provides its funding and nominates its leadership. Comprised of members from civil society, the media, the religious community, and the judiciary, the commission held its first

meeting to develop an action plan for the promotion and protection of human rights in 2012. During the year the commission established internal rules, provided training for its members, and prepared its first annual report on human rights conditions in the country.

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

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

Women

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

Female Genital Mutilation/Cutting (FGM/C): (see Children, Harmful Traditional Practices.)

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

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number and spacing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to reliable contraception increased after the 2009 repeal of a parliamentary measure prohibiting the use of contraceptives. According to a

demographic and health survey conducted in 2012, 19.4 percent of girls and women between the ages of 15 and 49 used a modern method of contraception. Health clinics and local health NGOs operated freely in disseminating information on the use of contraceptives and family planning.

The government provided free childbirth services, including prenatal care and obstetrical care. Although the maternal mortality rate was reported to be 230 deaths for every 100,000 live births, the United Nations Population Fund reported in 2012 that skilled health personnel attended 86 percent of births and suggested the high rate of maternal mortality was connected to the inadequate quality of health-care providers, lack of access to emergency obstetric care and family planning services, and to early pregnancy. The Ministry of Health suggested the common practice of not seeking prenatal care also played a role.

Discrimination: 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. No specific law requires equal pay for equal work. Women owned businesses and property, participated in politics, and worked in government and the private sector. Nevertheless, women continued to face considerable societal discrimination, especially in rural areas.

In collaboration with women's groups the government issued four executive decrees in 2012 designed to expand the rights of widows and other socially vulnerable groups. The decrees provide for enhanced capacity building for NGOs, a stronger policy analysis unit within the Ministry of Social Affairs, centralized social security funding, and easier access to legal aid.

Children

Birth Registration: Citizenship is conferred through one's parents and not by birth in the country. At least one parent must be a citizen to transmit citizenship. Registration of all births is mandatory, and children without birth certificates may not 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.

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, police generally arrested the accused abusers, but an inefficient judicial system resulted in long delays in adjudication. While there were no data or estimates from any source, local NGOs believed abuse was common.

Forced and Early 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, FGM/C was believed to occur among the resident population of noncitizen Africans. Ritual killings, primarily of children, in which limbs, genitals, or other organs were amputated, occurred and often went unpunished. The practice was driven by the belief that certain body parts enhanced certain strengths. Blood was also used in rituals. Persons with albinism were not targeted.

The local NGO Association to Fight Ritual Crimes (ALCR) reported 36 victims of ritual killings from January to October. The actual number of victims was probably higher, according to the ALCR, which noted that many ritual killings were not reported or were incorrectly characterized. During the year there were prosecutions of ritual killings as murder cases but no convictions.

Government authorities and religious leaders condemned the killings. The president and prime minister publicly called on the Ministry of Justice to push for prosecution of such cases. The president also encouraged the public to refrain from such inhumane cultural practices. In May, First Lady Sylvia Bongo Ondimba raised public awareness of the government's concern by participating in an ALCR march against these ritual crimes.

In 2012 a court convicted Aristide Pambo Moussounda of the murder of Beverly Bilemba Mouenguela, a 12-year-old girl believed to have been the victim of a ritual killing, and sentenced him to life imprisonment. Moussounda claimed he killed the young girl at the request of former Senator Gabriel Eyeghe Ekomie. On June 10, authorities arrested Ekomie for failure to appear before a judge after he received a court order to respond to questions about his alleged involvement in the girl's killing. He was in jail awaiting trial at year's end.

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

Some children were exploited in prostitution, but the problem was reportedly not widespread.

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 fines up to 222,000 CFA francs (\$448).

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with "physical, mental, congenital, and accidental" disabilities and requires access to buildings and services, including access to polling centers for participation in elections. Most public buildings did not provide adequate access, however. 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 was limited, and no programs provided access to buildings, information, and communications for persons with disabilities. Children with disabilities generally attended school at all levels, including mainstream schools. Specialized schools provided education to some children with significant disabilities. Information was unavailable regarding problems of abuse of persons with disabilities in schools and mental health facilities. Accommodations were made to allow for access to air travel but not for ground transportation.

Societal discrimination occurred, and employment opportunities and treatment facilities for persons with disabilities were limited.

Indigenous People

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

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

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

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 the government routinely granted registration. 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 could not strike if public safety could be jeopardized. The law does not define essential services sectors in which workers are prohibited from striking. The law prohibits government action against individual 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.

Freedom of association and the right to collective bargaining were respected, 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. Employers created and controlled some unions. Agreements negotiated by unions also applied to nonunion workers.

Labor unions complained of a decrease in dialogue with the government. Unions also expressed concern about the lack of resources available to labor inspectors, which resulted in labor complaints often going unanswered.

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

For example, in January 2011 the Ministry of Education suspended the salaries of nine striking members of the National Convention of Unions of the Education Sector, the teachers union. The teachers, who complied with the law in announcing the strike, appealed the salary suspensions to the prime minister. In September 2011 the prime minister announced the suspensions were lifted, and teachers began receiving their monthly salary again. The teachers had yet to receive back pay by year's end, however.

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

of employer-controlled unions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. The government did not fully enforce the law, particularly with respect to adult victims. The government enforced the law more actively to combat forced labor by children. During the year a Libreville court sentenced three women to 20 years in prison each for their involvement in a case of forced child labor. Authorities removed at least nine children from forced labor.

Boys were trafficked for forced labor as street hawkers or mechanics, as well as in agriculture, animal husbandry, fishing, and mining. Girls and women were trafficked for forced labor in domestic servitude, market vending, restaurants, and commercial sexual exploitation. Conditions included very low pay and forced long hours (see section 7.c.).

The lack of sufficient vehicles, budget, and personnel impeded the ability of labor inspectors to investigate allegations of forced labor. In addition, labor inspectors found it difficult to access family-owned commercial farms and private households due to inadequate road infrastructure. The government reportedly did not strengthen the authority of labor inspectors during the year.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children below the age of 16 without the express consent of the ministries of labor, education, and public health. The law provides for fines of between 290,000 and 480,000 CFA francs (\$585 to \$968) and prison sentences of up to two years for violations of the minimum age law.

The ministries rigorously enforced the minimum age law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector. Authorities seldom enforced the law 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. Noncitizen children were

more likely to work in informal or 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.).

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

The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Labor inspectors are responsible for receiving, investigating, and addressing child labor complaints.

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

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

d. Acceptable Conditions of Work

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

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work, as collective agreements or government regulations determine. According to the 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 accidents. The daily limit does not apply to establishments in which work is continuous and 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 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. The ministry did not enforce overtime or health and safety standards.

The government 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. Employers obliged foreign workers, both documented and undocumented, to work under substandard conditions, dismissed them without notice or recourse, and often physically mistreated them. 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.