

# GABON 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG) and the Bongo family, which has held power since 1967. Ali Bongo Ondimba was declared winner of the August 2016 presidential election. Observers noted numerous irregularities, including a highly questionable vote count in Ali Bongo Ondimba's home province. The government forcibly dispersed violent demonstrations that followed the election. Legislative elections were scheduled for December 2016. Authorities postponed them to April 2018 with a provision for further delay should the electoral code be changed during the interim. 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 prevent voter irregularities. PDG candidates won 114 of 120 seats in the National Assembly.

Civilian authorities generally maintained control over the security forces, but at times abuses and lapses of discipline occurred.

The most significant human rights issues included: harsh prison conditions; an inefficient judiciary subject to government influence; interference with the right of assembly; government corruption; trafficking in persons; and child labor.

The government took some steps to prosecute officials and punish those convicted of abuses. Nevertheless, impunity remained a problem.

Authorities took steps to investigate alleged abuses by Gabonese peacekeeping forces in the Central African Republic and to mitigate future risks.

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

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

Unlike in 2016, there were no reports the government or its agents committed arbitrary or unlawful killings.

In 2016 there were reports the government and its forces committed unlawful killings, particularly in the weeks following the August presidential election. For

example, the opposition claimed authorities killed at least 50 demonstrators, and nongovernmental organizations (NGOs) reported as many as 100 deaths resulted from the government's use of excessive force to disperse demonstrators. There were reports that morgues were filled beyond capacity and that four unmarked graves were discovered in Libreville.

In September 2016 the government transmitted a referral regarding the situation in Gabon to the International Criminal Court (ICC) Office of the Prosecutor that accused opposition leader Jean Ping of inciting violence and genocide during the postelectoral period. According to media reports, in December 2016 Jean Ping and 15 civil society organizations responded by providing information to the ICC that claimed the government committed crimes against humanity, citing numerous cases of disappearances and deaths. By year's end the case reportedly had moved from "phase 1 preliminary examination to phase 2 subject-matter jurisdiction."

### **b. Disappearance**

Unlike in 2016 there were no reports of disappearances.

Following the August 2016 presidential election, heavily armed security forces, including republican guards and police, attacked the headquarters of opposition candidate Jean Ping. According to opposition leaders, two persons died, and many others disappeared. The government justified the attack by claiming criminals and weapons were being hidden at the headquarters of Ping's Gabonese Progress Party.

In September 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.

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

The constitution prohibits such practices, but security force personnel sometimes employed cruel and degrading treatment.

For example, in July authorities reportedly beat approximately 50 prison inmates, among whom were a journalist and a labor union leader; 15 were severely injured.

Refugees complained of harassment and extortion by security forces. According to reports from the African immigrant community, police and soldiers occasionally beat noncitizen Africans who lacked valid resident permits or identification. Authorities sometimes detained noncitizen Africans, ordered them to undress to humiliate them, and solicited bribes from them.

Gabonese peacekeeping forces operated under UN authority in the Central African Republic during the year. Gabonese authorities took additional steps to address allegations of sexual exploitation and abuse (SEA) and cooperated with the international community to provide details of investigations and the status of cases. As of October the forces had eight pending SEA or use of excessive force cases from 2014-16. Of 37 suspects, military authorities took disciplinary action against seven and on June 28, their cases were referred to the civilian court system for review. Among those cases were allegations of fraternization and SEA, including with minors. In September 2016, four Gabonese peacekeepers were repatriated and reduced in rank following alleged sexual exploitation. To address SEA allegations, in July the military began requiring all deployed peacekeepers to sign a code of conduct and also temporarily reduced the length of deployments from 12 to six months. As of October, three individuals were repatriated for violating the code of conduct. The Defense Ministry reported that one officer and two enlisted peacekeepers had violated the code by leaving their camp without permission or by “fraternizing” with the local population.

### **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 2,014 at the end of 2015 (the most recent data available). Reports also indicated overcrowding in other prisons.

No credible data or estimates were available 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. According to one NGO, however, an estimated 15 to 25 prison deaths have occurred since the postelection violence in August 2016.

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. On-site nurses were available to provide basic medical care, although prison clinics often lacked necessary medicines. 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.

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.

Independent Monitoring: The government permitted human rights organizations to conduct independent monitoring of prison conditions, but there were reports of difficulties in obtaining access to prisons. The local NGO Malachie visited prisons.

#### **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 and detained civil society and labor leaders.

#### **Role of the Police and Security Apparatus**

The national police, under the Ministry of Interior, and the 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 maintained effective control over the national police, gendarmerie, republican guard, and all other branches of the security forces, and the government had mechanisms to investigate and punish those found responsible for abuse and corruption. Nevertheless, impunity was a significant problem.

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 documents. The Inspector General's Office was responsible for investigating police and security force abuse and corruption. Information on effectiveness of this office was not available.

### **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 the suspect must be brought before a judge to be charged. Police often failed to respect this time limit. Conditional release was possible after charges were filed if further investigation was required. There was a functioning bail system. Detainees were not always allowed prompt access to family members and a lawyer of their choice. The law requires the government provide indigent detainees with lawyers, but this was not always done, often because the government could not find lawyers willing to accept the terms of payment offered for taking such cases. Instances of these shortcomings spiked following the disputed 2016 presidential election. Except for the series of arrests made in the lead up to the election and in the days after the announcement of the outcome, arrests were made based on warrants issued by a judge or prosecutor based on evidence.

Authorities did not detain suspects incommunicado or hold them under house arrest.

Arbitrary Arrest: Several reports of arbitrary arrests occurred. Following largely peaceful opposition protests on August 25 and September 4, authorities arrested and charged the spokesperson for the opposition Coalition for the New Republic, Frederic Massavala-Maboumba, and Deputy Secretary General Pascal Oyougou of the Heritage and Modernity Party with "provocation and instigation of acts likely to provoke demonstrations against the authority of the State." Civil society and opposition political groups estimated 60 protesters remained in detention until October.

Pretrial Detention: Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. The law limits pretrial detention of six months for a misdemeanor and one year for 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 grant compensation to victims, but the government had yet to establish such a commission. Approximately two-thirds of prison inmates were held in pretrial detention that could sometimes last up to three years. There were instances in which the length of pretrial detention exceeded the maximum sentence for the alleged crime. Although there were no reports detainees submitted complaints of abusive detention, detainees generally lacked knowledge of their rights and the procedure for submitting complaints, and may not have submitted complaints due to fear of retribution.

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 and Human Rights, to which the judiciary is accountable. Corruption was a problem.

To address military cases, each year the Office of the Presidency appoints a military court composed of selected magistrates and military members. A military court provides the same basic legal rights as a civilian court. Outside the formal judicial system, 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 fair and public trial and to legal counsel, and the judiciary generally respected these rights. Trial dates were often delayed.

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, and authorities provided free interpretation as necessary, when staff members with the

required language skills were available. A panel of three judges tries defendants, who enjoy the right to communicate with an attorney of choice and to adequate time and facilities to prepare their defense. Defendants have the right to free interpretation as necessary from the moment charged through all appeals and have a right to be present at trial. 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 confront witnesses against them, present witnesses or evidence on their own behalf, and appeal. Defendants may not be compelled to testify or confess guilt. The government generally extended these rights to all defendants.

### **Political Prisoners and Detainees**

According to civil society and opposition political groups, an estimated 60 protesters who participated in protest marches on August 25 and September 4 remained in detention until October. There were also reports of politically motivated detentions of more than a year.

In August 2016 a former PDG deputy who joined the opposition was arrested without a warrant and charged with criminal association, instigation of violence, and firearms possession. He remained in detention, and no trial date had been set by year's end.

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

Persons seeking damages for, or cessation of, human rights violations may seek relief in the civil court system, 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 also 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 these rights, although it suspended the *Echos du Nord* newspaper from June through August for publishing “defamatory” articles.

Press and Media Freedom: Independent media were active, but authorities occasionally used libel and slander laws to restrict media criticism of the government. The country’s sole major daily newspaper was affiliated with the government. Approximately 131 privately owned weekly or monthly newspapers represented independent views and those of political parties, but only 30 newspapers published regularly. 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, although the main opposition-affiliated television station did not have the technical means to broadcast countrywide. According to NGO Reporters without Borders, domestic law did not meet international standards on freedom of expression and media freedom.

Violence and Harassment: There were several reports of journalists being harassed and intimidated similar to the following example. On June 17, a broadcast journalist was jailed and beaten during his incarceration for an interview critical of the national education system. He was convicted of defamation and contempt of court, fined, and sentenced to a prison term.

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 owners. Pro-opposition content on television was limited. On August 23, independent television station Radio Television Nazareth was barred from broadcasting any political commentary for one month after it broadcast a speech by opposition leader Jean Ping.

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 fined 500,000 to five million CFA francs (\$883 to \$8,840). 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 a three- to six-month suspension for repeat offenses. The National



Communication Council (CNC) advocated for the removal of criminal penalties for libel.

There was evidence that in several cases libel laws were applied to discourage or punish critical coverage of the government. For example, the CNC suspended two publications. In June authorities fined *Echos du Nord* and suspended it from June through August for criticizing the government. On October 3, the CNC issued a two-month suspension of the newspaper *Mibana* because it published calls for a military takeover.

### **Internet Freedom**

Unlike in 2016, there were no restrictions on internet and social media access during the year.

In August 2016, following the disputed presidential election, the government blocked public access to the internet and social media for one month.

According to the International Telecommunication Union, 48 percent of the population used the internet in 2016.

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

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

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

The government limited freedom of peaceful assembly.

#### **Freedom of Peaceful Assembly**

The constitution and law provide for freedom of assembly; however, unlike prior to 2016, the government did not consistently respect this right. In August parliament enacted Law 001/2017 that placed restrictions on freedom of assembly. For example, on September 4, authorities employed these restrictions to prevent opposition leaders from meeting in a privately owned facility. There were reports the government failed to approve permits for public meetings. Some civil society activists stated they did not submit requests to hold public meetings because they expected the government would deny them.

### c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. Unlike in prior years, the government suspended these rights for several weeks to restrict members of the political opposition from foreign travel.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and other persons of concern. According to UNHCR, there were no known internally displaced persons or stateless persons in the country.

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.

In-country Movement: Although there were no legal restrictions on freedom of internal movement, military and police members and gendarmes stopped travelers at checkpoints to check identity, residence, or registration documents and to solicit bribes. Refugees required a travel document endorsed by UNHCR and government authorities to circulate freely within the country.

Foreign Travel: The law requires a married woman to obtain her husband's permission to receive a passport and to travel abroad. The law prohibits individuals under criminal investigation from leaving the country. Most holders of a residence permit and refugees need a no-fee exit visa to leave from and return to the country. Exit visas were not issued promptly, which impeded persons' ability to depart.

From September 3-9, authorities banned opposition political leaders from foreign travel on public order and internal security grounds. Prior to the official

announcement, authorities prevented former presidential candidate Albert Ondo Ossa and former prime minister Casimir Oye Mba from boarding international flights.

### **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.

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. The National Health Insurance and Social Welfare Fund did not serve refugees.

### **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 nearly five decades. Citizens participated in presidential, legislative, and municipal elections. Members of the opposition questioned the fairness of the electoral process and complained of unequal media access. They also urged the government to reinstate presidential term limits, replace the first-past-the-post system with a two-round voting system, reform the Constitutional Court, and create a more effective biometric voting program--measures opposition members believed would increase the fairness of the electoral system.

In April and May, these demands were a major focus of the National Dialogue. The dialogue included political parties and civil society organizations; however, presidential contender Jean Ping and some other opposition leaders boycotted the dialogue. On May 25, dialogue participants recommended a two-round voting system, although they did not recommend presidential term limits. Additionally, participants recommended increasing the number of national assembly deputies and redistricting. At year's end approval of these changes was pending in parliament.

### **Elections and Political Participation**

Recent Elections: In August 2016 the National Electoral Commission (CENAP)

announced the re-election of incumbent president and PDG candidate Ali Bongo Ondimba. According to CENAP the president won 50.7 percent of the vote, and leading opposition candidate Jean Ping received 47.2 percent. Voter turnout in the process, which was marred by irregularities, was 59.5 percent. Ali Bongo Ondimba was first elected in 2009, following the death of his father, former president Omar Bongo who ruled for 41 years. International observers questioned the fairness of the vote, noting the president was credited with 95.5 percent of the vote in his home province on a turnout of 99.9 percent. Postelection political violence that included the burning of the National Assembly building, significant lapses in respect for human rights, numerous arrests, 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, organized proxy voting for members of the military, inconsistent application of rules regarding acceptable identification, and poorly trained poll workers. Authorities censored news coverage and harassed the press. Numerous candidates contested the election results, which the Constitutional Court nevertheless validated.

In the 2011 National Assembly elections, the PDG won 114 of 120 seats. Regional and local observers deemed the election generally free and fair despite minor irregularities. Observers estimated voter turnout at 34 percent. Opposition and civil society leaders boycotted these elections; the PDG ran unopposed in most regions. The average turnout in legislative elections was approximately 40 percent. On July 11, the Constitutional Court ordered that National Assembly elections originally scheduled for December 2016 must be held no sooner than April 2018.

In 2011 the minister of interior announced changes to the electoral code and the law governing political parties. Key changes included a reduction in the time permitted for revising 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 give CENAP the authority to make decisions with a quorum of only four of the eight board members. Opposition leaders criticized these changes as constituting limits on political participation, since the opposition selects only three of eight CENAP members, while government officials or the PDG select the remaining five. They also stated that governing party politicians paid for votes and transported voters from other electoral districts to vote in their electoral districts.

The government introduced and employed biometric identification in voter registration in 2013. Opposition and civil society activists criticized the

implementation process as inadequate to prevent fraud.

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 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 that the PDG had greater access to government resources for campaign purposes than did other parties.

There were restrictions on the formation of political parties. For example, the Ministry of Interior refused to register the PDG Heritage and Modernity wing of the PDG as an opposition political party. In July it overcame this obstacle by merging with an existing political party, the Front for National Unity and Utilitarian Development, which adopted the name and bylaws of Heritage and Modernity.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Nevertheless, some observers believed cultural and traditional factors prevented women from participating in political life to the same extent as men. As of October women held only five of 26 ministerial positions, 18 of 120 National Assembly seats, and 19 of 102 Senate seats. The president of the Senate was a woman.

Members of all major ethnic groups occupied prominent government civilian and security force positions. Members of indigenous populations, however, rarely participated in the political process.

#### **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, and officials often engaged in corrupt practices with impunity. 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 documents. The 2016 World Bank *Worldwide Governance Indicators* suggested corruption remained a serious problem.

In 2015 the government officially launched a three-year *Fight Against Corruption*

*and Money Laundering Strategy* in partnership with the UN Development Program, National Commission against Illicit Enrichment (CNLCEI), National Agency for Financial Investigation, and private sector and civil society partners. The strategy aims to encourage and reward ethical standards in public life, consolidate the rule of law, improve governance, increase transparency in the management of public finances, diminish inequality, and achieve a fair and transparent distribution of the benefits of growth. In March the CNLCEI announced it referred four investigated cases for prosecution. No trial dates had been set by year's end.

**Corruption:** The government conducted an anticorruption campaign during the year. A number of officials, including several directors of agencies and two former ministers, were arrested on corruption charges. In January former minister of economy and presidential advisor Magloire Ngambia, along with Minister of Petrol and Hydrocarbons Etienne Dieudonne Ngoubou, were arrested and charged with corruption. At year's end they remained in detention awaiting trial.

**Financial Disclosure:** The law requires executive-level civil servants and civil servants who manage budgets to disclose their financial assets to the CNLCEI 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. According to the CNLCEI, it took steps to enforce the law, including by deducting up to 100,000 CFA francs (\$177) per month from the salaries of noncompliant civil servants or, in serious cases, by freezing their assets.

## **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 and Human Rights 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, but it did not meet regularly. In April the commission organized a

conference in Libreville to discuss the issue of provisional detention.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape and convicted rapists face penalties of five to 10 years' imprisonment. Nevertheless, authorities seldom prosecuted rape cases. The law does not address spousal rape. 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 virtually never 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: No law prohibits sexual harassment, and it remained a widespread problem. NGOs reported sexual harassment of women in the military was pervasive.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

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 in property, nationality, and inheritance. 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 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 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 in remote areas of the country or lack of awareness of the requirements of the law. For additional information, see Appendix C.

Education: Although education is compulsory until 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 were boys.

Child Abuse: Child abuse occurred and when abuse was reported, police generally arrested the accused abusers, but an inefficient judicial system resulted in long delays in adjudication.

Early and Forced Marriage: The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. For additional information, see Appendix C.

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. Conviction of child trafficking is punishable by fines of up to 10 million to 20 million CFA francs (\$16,668-\$35,336); these penalties were sufficient to deter violations. Conviction of possession of pornography is punishable by imprisonment of six months to one year and a fine of up to 222,000 CFA francs (\$392).

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](https://travel.state.gov/content/childabduction/en/legal/compliance.html).



## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law prohibits discrimination against persons with “physical, mental, congenital, and accidental” disabilities and requires access to buildings and services, including voter access to election polling centers. Most public buildings, however, did not provide adequate access, hindering access to state services and 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 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 disabilities faced barriers in obtaining employment, such as gaining access to human resources offices to apply for jobs, because buildings were not accessible. 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 people had little recourse if mistreated by persons from the majority Bantu population. No specific government programs or policies assisted them.

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

The law does not criminalize sexual orientation or limit freedom of speech or peaceful assembly 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 no reports LGBTI persons were targeted for abuse, but underreporting of such incidents was likely, in view of societal stigma. Societal discrimination in employment and housing was a problem, particularly for openly LGBTI persons.

### **HIV and AIDS Social Stigma**

Local NGOs reported discrimination against persons with HIV/AIDS. Persons with HIV/AIDS 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 occurred and often went unpunished. During the year authorities made no arrests of persons accused of ritual killing. The local NGO Association to Fight Ritual Crimes reported 14 victims of ritual killings and six disappearances from January to October. The actual number of victims was probably higher because many ritual killings were not reported or were incorrectly characterized.

## **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. 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 arbitration fails. Public sector employees' right to strike could be restricted where the government determines that it poses a threat to public safety. The law does not define the essential services sectors in which strikes are prohibited. 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 generally sufficient to deter violations. 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. In March a six-month teachers' strike by the Confederation of National Teachers' Unions was ended by court order. The Ministry of Interior prohibited the teachers' union from conducting activities, claiming the union had disturbed public order. Members filed suit with the Constitutional Court to annul the Interior Ministry's decision. On June 22, the Constitutional Court transferred the case to an administrative court, citing a lack of jurisdiction. The administrative court had not issued a decision by year's end.

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. Key labor union leaders noted the majority of labor violations stemmed from unwarranted dismissals, occasionally of workers on strike, leaving them without social security and insurance benefits.

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

The law prohibits forced or compulsory labor, including by children. The law does not criminalize bonded labor. The government did not effectively enforce the law with respect to adult victims. The government enforced the law more actively to combat forced labor by children. Penalties were not sufficiently stringent and did not reflect the serious nature of the offense, except for penalties for child trafficking.

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 strengthened the capacity of labor inspectors during the year, and UNICEF provided training for labor inspectors in coordination with the Labor Ministry.

Boys were subject to forced labor as street hawkers or mechanics, as well as in work in handicraft shops. 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 (see section 7.c.).

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits employment of children under age 16 without the express consent of the Ministries of Labor, Education, and Public Health. The law provides for fines from 300,000 to 600,000 CFA francs (\$530 to \$1,060) and prison sentences if convicted of up to six months' imprisonment for violations of the minimum age law. These penalties were sufficient to contribute to deterring violations.

The government effectively enforced the minimum age law in the formal sector. Authorities did not effectively enforce the law in the informal sector, however, primarily because the inspection force was inadequate.

The Ministry of Labor, Employment, and Professional Training is responsible for receiving, investigating, and addressing child labor complaints through inspectors.

The Interministerial Committee for the Fight against Child Trafficking files and responds to complaints. Although the committee has a network of approximately 2,000 persons to provide social services and support to victims of child labor at the local level, these individuals do not play an enforcement role due to budget constraints. Complaints are referred to police, who carry out investigations and refer cases to the courts for prosecution.

During the year authorities removed at least 63 children from forced labor and arrested and prosecuted at least three individuals suspected of employing them.

Children sometimes were subject to forced and exploitive labor. The government organized the repatriation of approximately 42 foreign children exploited in trafficking, and organized training sessions for authorities in charge to handle potential victims of trafficked children.

Child labor remained a problem. 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.). 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 [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/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 this law. No specific law requires equal pay for equal work. Discrimination in employment occurred with respect to indigenous persons, 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.

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

The national monthly minimum wage was 150,000 CFA francs (\$265). The law provides for a minimum income of 80,000 CFA francs per month (\$141). Government workers received an additional monthly allowance of 20,000 CFA francs (\$35) per child and transportation, housing, and family benefits. Authorities did not enforce wage laws adequately, although workers could file suit if they received less than the minimum wage. Labor inspections were infrequent. There was no minimum wage in the informal sector.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work as determined by collective agreements or government regulations. 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 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 Labor 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. 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 contributed to deterring violations. 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 the formal sector 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. 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.