

GABON 2015 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 2009 presidential elections and the 2011 legislative elections as generally free and fair, although some opposition parties boycotted the legislative elections, 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 effective control over the security forces.

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

Other serious human rights problems included: use of excessive force by police as well as police harassment and extortion of noncitizen Africans and refugees; an inefficient judiciary subject to government influence; government corruption; violence against women; societal discrimination against women, indigenous populations, and persons with HIV/AIDS; and trafficking in persons, including forced child labor.

The government took some steps to prosecute and punish officials who committed abuses. 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. There were, however, accusations security force members killed Bruno Mboulou Beka during a December 2014 opposition protest in Libreville. Family members of the victim accused security force members of killing Beka during the breakup of the protest. Authorities, who denied security force responsibility for the death, promised to investigate but had provided no report on the status of the investigation or released Beka's remains or autopsy results to the family by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture and mistreatment of individuals, including prisoners. Security force personnel sometimes employed cruel and degrading treatment, however.

Refugees continued to complain 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.

In July a Senegalese migrant, Moustapha Kebe, died while being held by gendarmes in Libreville. Authorities claimed his death was a suicide, but members of the Senegalese community claimed Kebe had been a victim of police brutality. The government of Senegal called upon the government to investigate the cause of Kebe's death.

On December 30, according to reliable international press sources, UN international peacekeeping troops, including from Gabon, were listed as allegedly using a prostitution ring in the M'Poko camp in the Central African Republic, paying 50 cents and \$3 for sex with young girls. While UN sources have not officially confirmed participant nationalities, UN officials were cited in the press accounts as the source for these countries being implicated.

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

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 special accommodations for persons with disabilities in prisons.

Physical Conditions: There were 3,254 male and 119 female prisoners in the

country's nine prisons. Libreville's central prison was severely overcrowded. It was built to hold 500 inmates but held 2,014. Reports indicated overcrowding was also a problem in some other prisons.

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 limited access to lighting and potable water. 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 a problem. Food rations were inadequate and nongovernmental organizations (NGOs), family members, and private citizens occasionally augmented them.

Administration: Authorities did not use alternatives to incarceration for nonviolent offenders.

Prisons authorities reported two complaints of inhuman conditions were submitted during the year. Observers believed the low incidence of complaints was due to ignorance of the process or a lack of faith in its effectiveness. 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 some reported difficulties in obtaining access to prisons. The International Committee of the Red Cross and local NGOs Arc en Ciel and Cri de Femmes 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 irregular immigrants.

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 abuse and corruption. Impunity was a significant problem, however.

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. The Inspector General's Office was responsible for investigating police and security force abuse and corruption.

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 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. There was a functioning bail system. Detainees were 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.

Authorities did not detain suspects incommunicado or hold them under house arrest. There were no reports detainees submitted complaints of abusive detention, and detainees generally lacked knowledge of their rights and the procedure for submitting complaints.

Arbitrary Arrest: In September, Serge Mabiala, a prominent critic of the president and a leading figure of a dissent movement within the ruling PDG party, was arrested by intelligence service officers on charges of corruption. He was accused of embezzling approximately two billion CFA francs (\$3.5 million) when he served as the director of tax collection for large businesses from 2006-09. As of October 28, authorities held him in Libreville's central prison and refused provisional release while he awaited a preliminary hearing.

Mabiala's lawyers and family claimed authorities had not presented a warrant at the time of his arrest, held him four days before officially bringing charges against him, and did not follow proper procedures for filing corruption charges. His supporters asserted these irregularities and the timing of his arrest--seven years after the alleged embezzlement and two months after he began speaking out against the government--were evidence his arrest was arbitrary and politically motivated.

Pretrial Detention: Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. 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. The law provides for a commission to deal with cases of abusive or excessive detention and grant compensation to victims, but the government had not established such a commission. Approximately two-thirds of inmates were held in pretrial detention, which sometimes lasted up to three years. There were instances in which the length of 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 have feared retribution if they did so.

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 was accountable. To address military cases, each year the Office of the Presidency appoints a military court composed of selected magistrates and military personnel. The 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. Corruption was a problem.

Authorities generally respected court orders.

Trial Procedures

The constitution provides for the right to a trial and to legal counsel, and the judiciary generally respected these rights. Trials were public. Trial dates were often delayed. In state security trials, the judge may deliver an immediate verdict of guilty at the initial hearing if the government presents sufficient evidence. 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. Indigent defendants in both civil and criminal cases have the right to 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 behalf, access through their lawyer government-held evidence against them, and appeal. Defendants may not be compelled to testify or confess guilt. The government generally extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts. Persons seeking damages for, or cessation of, human rights violations may seek relief in the civil court system, although this seldom occurred. There were no reports the government failed to comply with court decisions pertaining to human rights.

Property Restitution

The government continued the practice of removing structures, including homes, it claimed were built on or infringing on public property. The government asserted 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 a number of residents. Although some displaced residents received modest compensation, critics charged the government did not offer alternative lodging or adequate compensation to all evicted persons.

In May authorities evicted families residing in an area in Port-Gentil designated by the government to become a special economic zone. Authorities asserted the families had moved into the area illegally after announcement of its special status to obtain compensation from the state. The families rejected this assertion and demanded compensation from the government. The matter was not resolved by year's end.

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.

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 one newspaper for one month and issued warnings to two others for publishing “defamatory” articles.

Press and Media Freedoms: The independent media were active and expressed a wide variety of views. The major daily newspapers were affiliated with the government. Approximately 34 privately owned weekly or monthly newspapers represented independent views and those of political parties, but some appeared only irregularly due to financial constraints. 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 the 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, intimidated, and arrested during the year.

In May the director of weekly newspaper *Ezombolo* was detained by authorities and held for four days without charge after publishing an article detailing a verbal dispute between the minister of defense and the president during a closed-door meeting. Upon his release he claimed authorities were attempting to force him to identify his source but did not mistreat him.

In December 2014 the editor-in-chief of weekly newspaper *Faits Divers* claimed he was repeatedly threatened by government authorities and forced to flee the country. During the year the editor-in-chief managed the newspaper from France.

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/Slander Laws: Libel and slander are 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 (\$867 to \$8,670). 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 Communication Council (CNC) continued to advocate for the removal of criminal penalties for libel.

The CNC issued two warnings and one suspension during the year. In February the CNC suspended opposition-leaning newspaper *L'Aube* for one month for “defaming” the president. It also issued warnings to newspapers *La Griffé* and *La Loupe* for publishing “insulting and defaming” articles.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 9.8 percent of the population used the internet in 2014.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, and the government generally respected this right. There were no reports the government failed to approve permits for public meetings during the year, but some civil society activists stated they did not submit requests to hold public meetings because they expected the government to deny them.

c. Freedom of Religion

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

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 Office of the United Nations 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.

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. Refugees required a travel document endorsed by UNHCR and government authorities to circulate freely within the country.

Foreign Travel: 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 prohibits

individuals under criminal investigation from leaving the country. Refugees need a no-fee exit visa to leave from and return to the country.

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. According to UNHCR, there were 1,008 refugees and 1,886 asylum seekers in the country.

Refugee Abuse: Despite efforts by the government and UNHCR to reduce discrimination, refugees continued to complain about 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. The government's National Refugee Council and UNHCR conducted training sessions during the year on international law and the treatment of refugees for civil and military authorities.

Access to Basic Services: The law provided refugees with 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 based on universal and equal suffrage. Citizens participated in regular presidential, legislative, and municipal elections. Members of the opposition questioned the fairness of the electoral process. The governing party has dominated all levels of government for nearly five decades. Members of the opposition urged the government to reinstate presidential term limits, replace the current 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.

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 presidential 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 PDG won 114 of 120 seats. 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 called for a boycott claimed a moral victory based on the low voter turnout. Other observers noted participation rates during legislative elections were generally low, 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 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 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 CENAP members; government officials or the PDG select the remaining five. They also alleged 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 its creation by former president Omar Bongo in 1968. PDG

membership conferred advantage 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 alleged the PDG had greater access to government resources for campaign purposes than other parties.

In 2011 the government modified the law pertaining to political parties to prohibit leaders of dissolved political parties from forming new ones or serving on the board of an already existing party for five years after the party's dissolution. This modification occurred one month after the State Council upheld a court decision to dissolve the National Union Party (NUP), after party president and former interior minister Andre Mba Obame proclaimed himself the country's president in 2011.

In January the government reinstated the NUP after significant lobbying by the international community and also reversed the changes to the law prohibiting leaders of dissolved political parties from forming new ones. In August a NUP candidate won a special election to replace a national assembly member from the PDG who resigned. During the year the NUP was active in an opposition coalition preparing to compete in presidential and legislative elections scheduled for 2016.

Participation of Women and Minorities: There are no laws preventing women or minorities from voting. Women held governmental positions, including at the ministerial level, in all branches of government. In the 40-member cabinet, 11 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 were women.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for 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 papers. The 2014 World Bank Worldwide Governance Indicators indicate corruption remained a

serious problem.

The government increased its efforts to curb corruption. In August the government created the Special Court against Financial Crimes to try corruption cases more effectively and to address ritual crimes (see section 6). In November the court officially opened, and authorities transferred some financial crimes cases to it. In December the Constitutional Court ruled its creation unconstitutional and dissolved it.

The National Commission against Illicit 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 Directorate General for Auditing Resources and Public Charges has the lead on corruption investigations within the public administration.

Corruption: In March, three Ministry of Agriculture, Husbandry, and Fishing civil servants were charged with embezzlement of 43 million CFA (\$75,000). The accused were in jail awaiting trial at year's end.

Financial Disclosure: The law requires executive-level civil servants and civil servants who manage budgets to disclose their financial assets to the 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 were administrative sanctions for noncompliance. According to the CNLCEI, it took steps to enforce the law during the year, including by deducting up to 100,000 CFA francs (\$174) per month from the salaries of noncompliant civil servants or, in serious cases, by freezing their assets.

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

A number of domestic human rights groups generally operated without

government restriction, investigating and publishing their findings on human rights cases. Government officials were generally responsive to their views.

Government Human Rights Bodies: In September the Ministry of Human Rights was merged with the Ministry of Justice to create the Ministry of Justice and Human Rights. The ministry's human rights function is to coordinate 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, the media, the religious community, and the judiciary, functioned semi-independently, although the government nominated its leadership and was responsible for funding. The commission acquired a headquarters in 2014 but continued to lack adequate funding and was not fully operational at year's end.

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

Although the constitution and law prohibit discrimination based on national origin, race, gender, religion, 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, gender identity, age, language, or HIV positive status.

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 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. Only limited medical and legal assistance for rape victims was available.

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, although the government operated a counseling group to provide support for abuse victims. An NGO operated a center to assist victims of domestic violence, and the government provided it with some in-kind support. Through the center's work, police intervened in response to some incidents of domestic violence.

Other Harmful Traditional Practices: Ritual killings 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.

The local NGO Association to Fight Ritual Crimes (ALCR) reported 30 victims of ritual killings from January to October. The actual number of victims was probably higher, according to the ALCR, which noted many ritual killings were not reported or were incorrectly characterized. During the year no arrests were made for ritual killing.

Prime Minister Daniel Ona Ondo announced in 2014 the government would organize a special criminal session to try pending cases of ritual crime, including ritual killings. Although no such special sessions occurred during the year, the ALCR produced recommendations for the government on how to combat ritual crimes. These recommendations included adding the term “ritual crime” to the penal code, the establishment of a specialized ritual crimes response unit, and training for judges on how to handle ritual crimes cases. During the year a law increasing penalties for perpetrators of ritual crimes was passed by the National Assembly and the Senate.

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

Reproductive Rights: The government recognized the right of couples and individuals to decide the number, spacing, and timing of their children, manage their reproductive health, and have access to the information and means to do so free from discrimination, coercion, and violence. According to the 2012 Demographic and Health Survey (DHS), 19 percent of married women 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 commodities; however, the DHS estimated 27 percent of women had an unmet need for family planning services.

The government provided free childbirth delivery services, including prenatal and postnatal care. Emergency obstetric and reproductive health care, including for the management of complications arising from abortion, was available. The World

Health Organization estimated the maternal mortality rate to be 291 deaths for every 100,000 live births in 2014. The high maternal mortality rate was attributed to inadequate skill of health-care providers, lack of access to emergency obstetric care and family planning services, and high rates of adolescent pregnancy, estimated at 115 per 1,000 for girls and women ages 15 to 19. 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, 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 (see section 7.d.).

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 understanding of the law.

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. Students were required to pay for their supplies, including school uniforms. The country had a shortage of classrooms and teachers.

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. A 2013 study by Samba Mwanas, a local NGO, reported abuse was common.

Early and Forced Marriage: The minimum age for consensual sex and marriage is age 15 for girls and age 18 for boys. It was rare for girls under age 18 to marry but common for them to be in relationships with men outside of marriage. Teenage pregnancy was widespread.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities generally enforced the law. If convicted of procuring a child for prostitution or a child pornography-related offense, perpetrators may be sentenced to between two and five years' imprisonment. Child trafficking is punishable by imprisonment of up to 40 years and fines of up to 10 million to 20 million CFA francs (\$17,331-\$34,662); these penalties were sufficient to deter violations.

Some children were exploited in prostitution, but the problem was reportedly not widespread. The country was not known to be a destination for child sex tourism.

The law prohibits lewd pictures and photographs deemed "against the morals of society." The penalty for possession of pornography includes possible imprisonment from six months to one year and a fine of up to 222,000 CFA francs (\$385).

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at 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/.

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 did not provide adequate access. 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. Specialized schools provided education to some children with significant disabilities. There was access for persons with disabilities in air travel but not for ground transportation.

Societal discrimination occurred, and employment opportunities and treatment facilities for persons with disabilities were limited (see section 7.d.). 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. Despite these challenges, many persons with disabilities did work and some were successful professionals.

Indigenous People

The Babongo, Baghama, Baka, Bakoya, and Barimba ethnic groups are the earliest known inhabitants of the country. Small numbers continued to live in large tracts of rainforest in the northeast. Most indigenous populations, however, were relocated to communities along the major roads during the late colonial and early postindependence periods. The law grants them the same civil rights as other citizens, but indigenous populations remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures. They suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Discrimination in employment also occurred (see section 7.d.). Despite their equal status under the law, indigenous persons had little recourse if mistreated by Bantu persons. No specific government programs or policies assisted them.

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

Although the law does not criminalize sexual orientation or limit freedom of speech or peaceful assembly for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, no LGBTI persons sought to organize public LGBTI events during the year. There were no reports LGBTI persons were targeted for abuse. There are no specific antidiscrimination or hate crime laws, or other criminal justice mechanisms specifically designed to aid in the prosecution of bias-motivated crimes against members of the LGBTI community. Discrimination was a problem, however, and most LGBTI individuals chose to keep their status secret, except in trusted circles. Discrimination in employment and housing was a problem, particularly for LGBTI persons open about their sexual identity (see section 7.d.). Landlords often turned away such persons. Stigma was a likely factor in the low level of reporting of incidents.

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.

Promotion of Acts of Discrimination

Some opposition politicians continued to engage in rhetoric complaining about what they contended was the excessive role of foreigners and citizens of non-Gabonese origin in the country's politics.

In April the chancery of the Benin embassy was set on fire following the announcement of the death of opposition leader Andre Mba Obame. Authorities claimed opposition political activists were responsible for the attack. The supposed motive was their unsubstantiated belief that the president's cabinet director, who is Beninese, caused Mba Obame's illness.

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. Unions must register with the government to obtain official recognition, and the

government routinely grants registration. The law 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 are not allowed to strike on the often-stated government claim their action could jeopardize public safety. The law does not define essential services sectors in which workers may not strike. 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.

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 were sufficient to deter violations. Administrative and judicial procedures were sometimes delayed.

In August the Ministry of Justice created a special labor court to more effectively deal with labor-related cases, but it was not operational by year's end.

Freedom of association and the right to collective bargaining generally were respected, and 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. Trade unions 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, although there were no new labor violation cases during the year.

Although antiunion discrimination is illegal, some trade unionists in both the public and private sectors complained about occasional discrimination, including the blacklisting of union members, unfair dismissals, and threats to workers who unionized.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. 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.

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. In addition labor inspectors found it difficult to access family-owned commercial farms and private households due to inadequate road infrastructure. The government did not strengthen the authority of labor inspectors during the year. The penalties for conviction of child trafficking were imprisonment for a maximum of 40 years and fines of up to 10 million to 20 million CFA francs (\$17,331 to \$34,662). These penalties were sufficient to deter violations.

Boys were subjected to forced labor as street hawkers or mechanics, as well as for work in handicraft shops. Boys and men were subjected 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 forced long hours (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits employment of children below age 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 (\$503 to \$832) and prison sentences of up to two years 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 within 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 is the mechanism for filing and responding to complaints. The committee drafted a 2014 Plan of Action for addressing exploitative child labor but had yet to implement it effectively. Complaints are referred to the police, who carry out investigations and

refer cases to the courts for prosecution. The government employs approximately 2,000 persons through the Interministerial Committee to address child labor issues.

During the year authorities removed at least 19 children from forced labor, and arrested and prosecuted at least three individuals suspected of employing forced labor.

Children sometimes were trafficked for exploitive labor. The government removed approximately 50 children from their traffickers' custody during the year, organized the repatriation of approximately 30 foreign children who had been trafficked, and implemented an awareness campaign to inform potential victims of child trafficking how to seek help.

Child labor remained a problem. Noncitizen children were more likely than children of citizens 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.). 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.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The labor code prohibits discrimination regarding employment and work conditions based on race, color, sex, religion, political opinion, national origin or citizenship, or social background. No specific law requires equal pay for equal work. The government did not effectively enforce this law. 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 (\$260). Government workers received an additional monthly allowance of 20,000 CFA francs (\$35) per child and transportation, housing, and family benefits. There was no minimum wage in the informal sector. A 2013 government-commissioned report on poverty defined the poverty income level at 80,000 CFA francs (\$139 per month per family).

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. Employers generally respected minimum wage standards. Formal sector employees could submit complaints about overtime or health and safety standards, and the ministry's labor inspectors investigated such complaints. The government penalized violations with a range of fines which contributed to deterring violations.

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 to work under substandard conditions, dismissed them without notice or recourse, and often physically mistreated them. Employers frequently paid noncitizens less than citizens 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.

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.