

GABON 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party (PDG), which has held power since 1968. Observers characterized the 2011 legislative elections as generally free and fair, although some opposition parties boycotted them, citing the government's inability to provide for full transparency and prevent voter irregularities. PDG candidates won 114 of 120 seats in the National Assembly. 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 major human rights problems included: use of excessive force by police and 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; trafficking in persons; and 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 intentionally committed arbitrary or unlawful killings during the year. Authorities charged six police officers from the Belle-Vue Commissariat of Libreville's third arrondissement for using excessive force in the course of an investigation on July 3. The six were charged with beating a man in his home and inflicting wounds that led to his death. Authorities arrested the six, suspended them from the force; they were later released on bail. The case remained under investigation and the officers remained suspended at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture and mistreatment of individuals, including prisoners. Security force personnel sometimes employed cruel and degrading treatment, however. In July police arrested two university students (Firmin Ollo and Celestin Mintogo), and police and prison guards allegedly beat them while they were in custody.

According to reports from the African immigrant community, police and soldiers occasionally beat noncitizen Africans who lacked valid resident permits or identification. During operations authorities sometimes ordered noncitizen Africans to undress in order to humiliate them, and solicited bribes from them. Refugees continued to complain of harassment and extortion by security forces.

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

Prison and Detention Center Conditions

Prison conditions were harsh and 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 approximately 2,800 prisoners and detainees in Libreville's central prison, which had a design capacity of 300 inmates; it was the most overcrowded of the prisons. Current data on prisoners and detainees in most of the rest of the country were not available, but observers from nongovernmental organizations (NGOs) estimated the total to be 2,000 in 2013. Reports indicated overcrowding was also a problem in some other prisons. For example, the Tchibanga prison was built for 90 inmates but held approximately 300.

In January, two prisoners in Libreville died from illness after not receiving adequate medical care. 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. Authorities also kept male prisoners separate from women in Tchibanga's prison. In contrast with 2013, there were no reports adult prisoners sexually abused

juvenile prisoners. Prisoners had limited access to adequate lighting and potable water. On-site nurses were available to provide basic medical care, although clinics often lacked necessary medicines. Management of the spread of infectious diseases such as HIV/AIDS and tuberculosis was a problem. NGOs, family members, and private citizens occasionally contributed to augment prisoners' poor food rations.

Administration: Prison authorities kept records but did not disclose information about their adequacy or contents. Authorities did not use alternatives to incarceration for nonviolent offenders. Prisoners and detainees were allowed to worship without hindrance, and Roman Catholic, Protestant, and Muslim services were regularly held in the prisons. Authorities permitted family visits in both prisons and jails.

Prisoners and detainees could submit written complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions. No such complaints were submitted during the year, however. Observers believed this was likely due to ignorance of the process or a lack of faith in its effectiveness. There was no prison ombudsperson or comparable 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. Local NGOs Arc en Ciel and Cri de Femmes visited prisons.

Improvements: To address the problem of prison overcrowding and to bring prisons up to international standards, the government continued construction of a new prison in a Libreville suburb designed to hold 1,400 prisoners.

d. Arbitrary Arrest or Detention

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

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, 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.

The Inspector General's Office was responsible for investigating police and security force abuse and corruption. In September 2013 the government adopted a behavior code for the security forces in order to prevent abuses. The government established the Ministry for Human Rights in January, which prioritized human rights training for security personnel.

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. Detainees were allowed prompt access to family members and a lawyer of their choice. The law requires that 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. There was a functioning bail system.

Authorities did not detain suspects incommunicado or hold them under house arrest. 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. A 1983 law provides for the creation of a commission charged with dealing with cases of abusive or excessive detention and granting compensation to victims, but the government had not established such a commission. There were no reports that detainees submitted complaints of abusive detention, and detainees generally lacked knowledge of their rights and the procedure for submitting complaints. During the year, however, Roger Valere Moussadji claimed administrative obstacles prevented him from filing a lawsuit alleging detention beyond the legal limit.

Pretrial Detention: Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. 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.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary demonstrated only partial independence and only in some cases. The judiciary was inefficient and remained susceptible to government influence. The president appoints and may dismiss judges through the Ministry of Justice, to which the judiciary 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 government 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. With the exception of free legal assistance to indigents, the government generally respected these rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts. Persons seeking damages for, or cessation of, human rights violations could 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, that 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 that the government did not offer alternative lodging or adequate compensation to all evicted persons.

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 making “malicious insinuations” and “defamatory allegations” and one television program for “incitement to hatred and ethnic division” during the year.

Press Freedoms: The independent media were active and expressed a wide variety of views. The major daily newspapers were affiliated with the government. Approximately 32 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: In contrast with 2013, there were no reports of journalists subjected to arrest, imprisonment, physical attack, harassment, or intimidation during the year.

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

Libel Laws/National Security: Libel is tried as either a criminal offense or a civil matter. Editors and authors of articles ruled libelous in a court of law may be jailed for two to six months and fined 500,000 to five million CFA francs (\$947 to \$9,470). 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) advocated removing criminal penalties for libel.

The CNC issued five warnings and one suspension during the year. In May the CNC issued warnings to opposition-leaning newspapers (*L’Aube*, *Le Soleil*, *La Griffé*, *Le Scribouillard*, and *Faits Divers*) for publishing articles on political actors’ nationalities and for publishing graphically disturbing pictures of killings

and accidents.

In June the CNC suspended for six months *Le verbe de Ngomo* for “tendentious and malicious insinuations, unproven and defamatory allegations,” after it published an article alleging the president was not born with Gabonese nationality and that his birth certificate was forged.

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, in 2013 there were 0.53 fixed broadband subscriptions per 100 inhabitants, and 9.2 percent of the population used the internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

Freedom of Assembly

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.

Security forces used harsh tactics to disrupt some demonstrations. For example, on September 13, police removed nonviolent protesters camping in front of the St. Mary Cathedral, destroyed their temporary structures, forced men and women into police vehicles, and threatened with billy clubs those that resisted. The government accused the protesters of creating a public disturbance. Church leaders declared authorities did not inform them in advance of the police operation

and condemned it.

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 the 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.

Foreign Travel: Refugees are entitled to circulate freely within and outside the territory with a travel document provided by the UNHCR and Gabonese authorities. Refugees do not need exit visas, but some foreign residents of the country need to obtain them before leaving the country. 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.

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 the UNHCR, there were 1,011 refugees and 1,868 asylum seekers in the country.

Refoulement: In contrast with 2013, border officials reportedly forced a family from the Central African Republic to return to Cameroon. The family later managed to reach Libreville, where authorities granted them the status of asylum seekers. There was no government policy, however, to close the country borders to persons in need of protection.

Refugee Abuse: Despite efforts by the government and the 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 the UNHCR recognized the need for security force training to address these problems.

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.

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

The constitution and law provide citizens the right to vote and to change their government through the right to vote in elections. 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 election as largely free and fair, although postelection violence, significant lapses in respect for human rights, and accusations of political tampering with the electoral process marred the election. Irregularities included problems with voter lists and registration, polls that opened late, improperly secured ballot boxes, and armed security personnel in or near voting sites. Authorities censored news coverage and harassed the press. Numerous candidates contested the election results, which the Constitutional Court subsequently validated.

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

In 2011 the minister of interior announced reforms to the electoral code and the law governing political parties. Key changes included a reduction in the time 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.

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 and the limited use of the biometric system in the December 2013 municipal elections. They also alleged governing party politicians paid for votes and transported voters from other electoral districts to vote in their electoral districts.

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. 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. The NUP continued to call unsuccessfully for authorities to allow the party to reconstitute itself. Opposition members complained of unfair drawing of voter districts, claiming 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.

Participation of Women and Minorities: Women held governmental positions, including at the ministerial level, in all branches of government. In the 35-member cabinet, five 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, and the government made efforts to implement the law and reduce impunity during the year. Some police were inefficient and corrupt. Security force members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity papers. The 2013 World Bank Worldwide Governance Indicators indicate corruption remained a serious problem.

Corruption: The government increased its efforts to curb corruption. The National Commission against Illegal Enrichment (CNLCEI) is the primary body responsible for combating official corruption. The commission's mandate includes the investigation of corruption cases, policy development, and preventive measures, including raising public awareness. Within the scope of this mandate, the commission generally operated effectively and independently. The Directorate General for Auditing Resources and Public Charges has the lead on corruption investigations within the public administration. In September authorities arrested a member of the PDG's political bureau and former secretary general of the Ministry of Mines and charged him with embezzlement of 620 million CFA francs (\$1.2

million) from a committee in charge of the management of public funds in Nyanga province.

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 undertook compliance enforcement actions during the year, including by deducting up to 100,000 CFA francs (\$190) 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

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: The government created the Ministry of Human Rights during the year. The ministry's 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 functioned independently, although the government nominated its leadership and was responsible for providing its funding. Composed of representatives from civil society, the media, the religious community, and the judiciary, the commission began meeting to develop an action plan for the promotion and protection of human rights in 2012. During the year the commission acquired a headquarters, but lack of adequate funding precluded it from becoming operational. According to the commission's leadership, the commission had difficulty gaining access to funds allocated to it in the national budget, and this limited its effectiveness.

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

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

Women

Rape and Domestic Violence: The law criminalizes rape and provides penalties of five to 10 years' imprisonment for convicted rapists. Nevertheless, authorities seldom prosecuted rape cases. The law does not address spousal rape. There were no reliable statistics on the prevalence of rape, but 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 fear of reprisal or shame. Only limited medical and legal assistance for rape victims was available.

Although the law prohibits domestic violence, an NGO study conducted during the year revealed it was common. Penalties range from two months' to 15 years' imprisonment. Women virtually never filed complaints with civil authorities, although the government operated a counseling group to provide support for abuse victims. During the year an NGO opened a center to assist victims of domestic violence, and the government offered some in-kind support. Through the center's work, police intervened in response to some incidents of domestic violence.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were reports FGM/C was performed on women aged 18 years and older (see also section 6, Children).

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

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely the number and spacing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the 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 pre- and postnatal care. Emergency obstetric and reproductive health care, including for the management of complications arising from abortion, was available. Although the maternal mortality rate was reported to be 240 deaths for every 100,000 live births in 2013, the UN Population Fund reported trained health-care personnel attended 86 percent of births and suggested the high rate of maternal mortality was connected to the inadequate skill of health-care providers, lack of access to emergency obstetric care and family planning services, and high rates of adolescent pregnancy. The Ministry of Health suggested the common practice of not seeking prenatal care also played a role.

Discrimination: Although the law does not generally distinguish between the legal status and rights of women and men, it requires a married woman to obtain her husband's permission to receive a passport and to travel abroad. No specific law requires equal pay for equal work. Women owned businesses and property, participated in politics, and worked in government and the private sector. Nevertheless, women continued to face considerable societal discrimination, 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. In partnership with the government, an NGO helped 200 such children obtain birth certificates during the year.

Education: Although education is compulsory until the age of 16 years 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 15 years for girls and 18 years for boys. It was rare for girls under 18 years old to marry but common for them to be in relationships with men outside of marriage.

Female Genital Mutilation/Cutting: The law prohibits FGM/C. FGM/C, however, was believed to occur in noncitizen communities of West African origin.

Other Harmful Traditional Practices: Ritual killings, of children as well as adults, in which limbs, genitals, or other organs were amputated, occurred and often were unpunished. The practice was driven by the belief that certain body parts enhanced certain strengths. Blood was also used in rituals. Persons with albinism were not targeted.

The local NGO Association to Fight Ritual Crimes (ALCR) reported 20 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 authorities arrested ritual killing suspects. In June a court found Jacques Bitsi guilty of murder in a ritual crime-related case. The court sentenced Bitsi to 22 years' imprisonment and fined him 50 million CFA francs (\$94,700) for killing Lena Marcelle and mutilating her by removing her heart and lungs.

During the year an opposition politician accused government officials of being behind the phenomenon of ritual crimes. Prime Minister Daniel Ona Ondo responded that the government would organize a special criminal session to try pending ritual crime-related murder cases. The ALCR organized a workshop that produced recommendations to 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. The newly established Ministry of Human Rights participated in the workshop.

In 2012 a court convicted Aristide Pambo Moussounda of the murder of Beverly Bilemba Mouenguela, a 12-year-old girl believed to have been the victim of a ritual killing, and sentenced him to life imprisonment. Moussounda claimed he killed the young girl at the request of former senator Gabriel Eyeghe Ekomie. In June 2013 authorities arrested Ekomie for failure to appear before a judge after he received a court order to respond to questions about his alleged involvement in the girl's killing. Ekomie was held until March 1, when the court released him due to lack of evidence. He died later in the year of natural causes.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. 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.

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 (\$420).

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/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/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 access to polling centers for participation in elections. 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, and no programs provided access to buildings, information, and communications for persons with disabilities. Children with disabilities generally attended school at all levels, including mainstream schools. Specialized schools provided education to some children with significant disabilities. 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 handicap accessible. The inaccessibility of buses and taxis complicated the job search for those without their own means of transportation. Despite these challenges, many persons with disabilities did work and some were successful in professional positions.

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, or transgender (LGBT) persons, no LGBT persons sought to organize public LGBT events during the year. There were no reports LGBT 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 LGBT community. Discrimination was a problem, and most LGBT individuals chose to keep their status secret, except in trusted circles. Discrimination in employment and housing was a problem, particularly for LGBT persons open about their sexual identity (see section 7.d.). Landlords often turned away such persons. Stigma was a likely factor in preventing the 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 engaged 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 response the president spoke out against xenophobia in an August national address.

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. While the law provides for the right to strike, it also restricts it. Unions must register with the government to obtain official recognition, and the government routinely granted registration. The law prohibits antiunion discrimination and provides for reinstatement for workers dismissed for union activities. Strikes may be called only after eight days' advance notification and only after arbitration fails. Public sector employees could not strike if 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.

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.

Labor unions complained of a decrease in dialogue with the government. During the year the primary union demands were for an increase in the minimum wage, payment of salary supplements to public sector workers, and the granting of full employment status and benefits to public sector workers who worked on a preliminary basis with reduced pay.

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

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.

In June 2013 gendarmes arrested Independent Transporters Union President Jean Robert Menie for disturbing the peace during a strike launched by his union to protest alleged police abuses of taxi drivers. Menie claimed police officers jailed and beat him. Police acknowledged detaining Menie but denied physically abusing him.

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. During the year authorities removed at least 11 children from forced labor and arrested at least two individuals suspected of employing forced labor.

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 child trafficking were imprisonment for a maximum of 40 years and fines of up to 10 million to 20 million CFA francs (\$18,940-\$37,880); these penalties were sufficient to deter violations.

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

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 the age of 16 years 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 (\$550 to \$910) 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. A June 2013 study indicated urban street children worked in a wide range of jobs in the informal

sector, including in petty commerce and manual labor.

Child labor was 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.

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

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

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

d. Discrimination with Respect to Employment or Occupation

The labor code prohibits discrimination regarding employment and work conditions based on race, color, gender, religion, political opinion, national origin, or social background. No specific law requires equal pay for equal work. The government did not effectively enforce this law, for example, with respect to employment discrimination against indigenous populations. Discrimination in employment occurred with respect to indigenous persons, persons with HIV/AIDS, and LGBT persons. Some employers chose not to hire persons they knew to have HIV/AIDS or to be an LGBT person. 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 (\$285). Government workers received an additional monthly allowance of 20,000 CFA francs (\$38) per child and transportation, housing, and family benefits. There was no minimum wage in the informal sector. A December 2013 government-commissioned report on poverty defined the poverty income level at 80,000 CFA francs (\$152) 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.