

# GABON 2019 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

The National Police Forces (FPN), 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 generally maintained effective control over the national police, gendarmerie, Republican Guard, and all other branches of the security forces, and the government had mechanisms to investigate and punish those found responsible for abuse and corruption.

Significant human rights issues included: harsh and life-threatening prison conditions; political prisoners; the worst forms of restrictions on free expression; substantial interference with the rights of peaceful assembly; significant restrictions on freedom of movement; restrictions on political participation; significant acts of official corruption; criminalization of consensual same-sex sexual conduct between adults; violence against women and girls with inadequate government action for prosecution and accountability; trafficking in persons; and forced labor, including forced child labor.

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

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

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

## **Killings**

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

### **b. Disappearance**

Unlike in 2018 there were no reports of disappearances. In 2017 the family of television journalist and opposition activist Jocelyn Obame Nsimoro reported him missing. In November 2018 Obame Nsimoro reappeared. It was rumored he had been illegally detained by the secret services, which he neither confirmed nor denied.

In 2017 the government reported to the UN Committee on Enforced Disappearances that, despite opposition allegations of disappearances, no official complaints were filed after the 2016 elections. The committee called on the government to conduct an exhaustive inquiry into postelection violence and to update the law to comply with the International Convention for the Protection of All Persons from Enforced Disappearance. As of October the government had yet to conduct an inquiry, and there was no indication it intended to do so.

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

The constitution prohibits such practices. In contrast with 2018, there were no reports of torture, but security force personnel sometimes employed cruel and degrading treatment. For example, in July police detained trade union confederation leaders of Unitary Dynamics (*Dynamique Unitaire*) for several days after the confederation president claimed the president was dead. According to civil society organizations, police beat the leaders.

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

The UN reported allegations of sexual abuse and exploitation by three Gabonese peacekeepers in the UN Multidimensional Integrated Stabilization Mission in the Central African Republic, the sexual abuse of a minor from 2015 and two sexual

exploitation allegations during the year. Investigations into these allegations by the United Nations and Gabonese authorities were pending at year's end, as were three other investigations of allegations of sexual exploitation and abuse against an unspecified number of Gabonese peacekeepers from prior years.

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

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

Physical Conditions: Libreville's central prison was severely overcrowded; it was built to hold 500 inmates but held approximately 3,000. There were also reports of overcrowding in other prisons.

No credible data or estimates were available on the number of deaths in prisons, jails, and pretrial detention or other detention centers attributed to physical conditions or actions of staff members or other authorities.

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

Administration: Prisoners filed few complaints. Observers believed the low incidence of complaints was due to ignorance of, or lack of faith in, the process, or fear of retribution. There was no prison ombudsperson or comparable independent authority available to respond to prisoner complaints.

Independent Monitoring: The government permitted human rights organizations to conduct independent monitoring of prison conditions. Unlike in prior years, there were no reports of difficulties in obtaining access to prisons. Representatives of several nongovernmental organizations (NGOs)--Malachie, the Lions Club, and

the Voice of the Forgotten--visited and reported having open access to prisons.

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

The constitution and law prohibit arbitrary arrest and detention and provide for detainees or persons arrested to challenge the legal basis and arbitrary nature of their detention in court; however, the government did not always respect these provisions. For example, on July 12, security forces arbitrarily arrested and detained four trade union confederation leaders for several days. They were accused of defamation for falsely issuing a statement that “President Ali Bongo Ondimba is dead, he doesn’t exist anymore.”

#### **Arrest Procedures and Treatment of Detainees**

Although the law requires arrest warrants based on sufficient evidence and issued by a duly authorized official to make arrests, security forces in some cases disregarded these provisions. The law allows authorities to detain a suspect up to 48 hours without charge, after which it requires the suspect be charged before a judge. Police often failed to respect this time limit. Once a person is charged, the law provides for conditional release if further investigation is required. There was a functioning bail system. Detainees did not always have prompt access to family members and a lawyer of their choice. The law requires the government to provide indigent detainees with lawyers, but this was not always possible, often because the government could not find lawyers willing to accept the terms of payment offered for taking such cases. Arrests required warrants issued by a judge or prosecutor based on evidence.

Unlike in prior years, there was one instance in which authorities detained suspects incommunicado. NGOs stated authorities held two suspects associated with an attempted military takeover of a radio station on January 7, and NGOs stated authorities held them incommunicado longer than the maximum time allowed by law.

Arbitrary Arrest: Unlike in prior years, there were no reports of arbitrary arrests. In 2017 authorities arrested the spokesperson for the opposition Coalition for the New Republic, composed of several opposition parties, Frederic Massavala-Maboumba, and Deputy Secretary General Pascal Oyougou of the Heritage and Modernity Party, and charged them with “provocation and instigation of acts likely to provoke demonstrations against the authority of the State.” On June 6, Frederic

Massavala-Maboumba was released after 20 months' imprisonment. At year's end Oyougou remained in detention with no trial date set.

Pretrial Detention: Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system. The law limits pretrial detention to six months on a misdemeanor charge and one year on a felony charge, with six-month extensions if authorized by the examining magistrate. The law provides for a commission to deal with cases of abusive or excessive detention and provides for compensation to victims, but the government had yet to establish such a commission. Approximately two-thirds of prison inmates were held in pretrial detention that sometimes lasted up to three years. There were instances in which the length of pretrial detention exceeded the maximum sentence for the alleged crime. Detainees generally lacked knowledge of their rights and the procedure for submitting complaints and may not have submitted complaints due to fear of retribution.

On August 12, the Prison Overpopulation Review Commission announced the release of 153 pretrial detainees from Libreville Central Prison, all of whom had been held longer than the maximum period of pretrial detention allowed by law.

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

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

The law provides for an independent judiciary, but the judiciary demonstrated only partial independence and only in some cases. The judiciary was inefficient and remained susceptible to government influence. The president appoints and may dismiss judges through the Ministry of Interior and Justice, to which the judiciary is accountable. Corruption was a problem.

Authorities generally respected court orders.

#### **Trial Procedures**

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

Defendants have the right to a presumption of innocence. They have the right to be informed promptly and in detail of charges when booked at a police station, and authorities provided free interpretation as necessary when staff members with the required language skills were available. A panel of three judges tries defendants, who enjoy the right to communicate with an attorney of choice and to adequate time and facilities to prepare their defense. Defendants have the right to free interpretation as necessary from the moment charged through all appeals when staff members with the required language skills are available and the right to be present at trial. Indigent defendants in both civil and criminal cases have the right to have an attorney provided at state expense, but the government often failed to provide attorneys because private attorneys refused to accept the terms of payment the government offered for such cases. Defendants have the right to confront witnesses against them, present witnesses or evidence on their own behalf, and appeal. Defendants may not be compelled to testify or confess guilt.

### **Political Prisoners and Detainees**

In August 2018 the president stated there were no political prisoners in the country. According to one civil society group, however, there were seven individuals it considered political prisoners; one was released in June. Of an estimated 60 protesters detained in 2017, opposition leader Pascal Oyougou remained in pretrial detention. According to multiple domestic and international news reports, opposition leader Landry Washington and former PDG deputy Bertrand Zibi were incarcerated for almost three years without trial. In April Washington was convicted of insulting the president and attempting to incite popular revolt. He was sentenced to three years' imprisonment and a one million CFA (\$1,698) fine. He was due for release on April 12, but the government appealed the sentence as being too lenient and as of November he remained in prison. On July 23, Zibi was convicted of inciting violence and possession of a firearm and sentenced to six years' imprisonment.

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

Persons seeking damages for, or cessation of, human rights violations may seek relief in the civil court system, although this seldom occurred.

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

Although the constitution and law prohibit such actions, the government did not always respect these prohibitions. As part of criminal investigations, police requested and easily obtained search warrants from judges, sometimes after the fact. Security forces conducted warrantless searches for irregular immigrants and criminal suspects. Authorities also monitored private telephone conversations, personal mail, and the movement of citizens.

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

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

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. Nevertheless, on March 20, the High Authority of Communication (HAC) suspended five media outlets, including the newspapers *L'Aube* on April 10 and *Echos du Nord* in March. HAC suspended *L'Aube* for six months for defamation and misleading information related to former high representative for the president Maixent Accrombessi. Following two 2018 suspensions, *Echos du Nord* was suspended for four months for defamation of the president of the Constitutional Court.

Press and Media, Including Online Media: Independent media were active, but authorities occasionally used libel and slander laws to restrict media criticism of the government. The country's sole daily newspaper, *L'Union*, was progovernment. All newspapers, including government-affiliated ones, criticized the government and political leaders of both opposition and progovernment parties. The country had both progovernment and opposition-affiliated broadcast media. According to NGO Reporters without Borders, domestic law on freedom of expression and media freedom did not meet international standards.

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

Censorship or Content Restrictions: Most newspaper owners had either a progovernment or a pro-opposition political bias. Print journalists practiced occasional self-censorship to placate owners. In September HAC suspended the online daily *Gabon Review* for three months because it published an editorial critical of HAC and ordered internet providers to block access to its site.

Libel/Slander Laws: Libel and slander may be treated as either criminal or civil offenses. Editors and authors of articles ruled libelous in a court of law may be jailed for two to six months and fined 500,000 to five million CFA francs (\$849 to \$8,489). Penalties for conviction of libel, disrupting public order, and other offenses also include a one- to three-month publishing suspension for a first offense and three- to six-month suspension for repeat offenses.

There was evidence that in several cases libel laws were applied to discourage or punish critical coverage of the government. For example, on March 20, HAC issued a four-month suspension to *Echos du Nord*. HAC suspended several media outlets for commentary on the president's health it stated was derogatory and banned other media from covering political activities during the suspension period.

### **Internet Freedom**

On January 7 and 8, the government disrupted access to the internet due to reports of an attempted military takeover of the government. There were no credible reports the government monitored private online communications without appropriate legal authority.

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

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

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

The government limited freedom of peaceful assembly but not freedom of association.

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

The constitution and law provide for freedom of assembly; however, the government did not consistently respect this right. In 2017 parliament enacted a law that placed restrictions on freedom of assembly. Some civil society activists stated they did not submit requests to hold public meetings because they expected the government would deny them. They added that authorities prevented opposition gatherings by routinely refusing to approve permits or by blocking access to planned meeting spaces. For example, on April 27, authorities prevented the Unitary Dynamics union confederation leaders from holding a general assembly meeting at the Awendje basketball stadium.

### **c. Freedom of Religion**

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

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. Nevertheless, since January 2018 the government prevented opposition leader Jean Ping from traveling abroad by court order based on Ping's refusal to appear in court as a witness for questioning regarding another opposition leader. On August 23, without explanation authorities also prohibited Leon Paul Ngoulakia of the Coalition for the New Republic from traveling abroad.

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

Foreign Travel: The law requires a married woman to have her husband's permission to obtain a passport and to travel abroad. The law prohibits individuals under criminal investigation from leaving the country. Most holders of a residence permit and refugees need an exit visa to leave from and return to the country. Exit visas were not always issued promptly, which impeded persons' ability to depart.

### **e. Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

Abuse of Migrants, Refugees, and Stateless Persons: The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern. Despite efforts by the government and UNHCR to reduce discrimination, refugees complained of harassment and extortion by security force members. Some security force members harassed asylum seekers or refugees working as

merchants, service-sector employees, and manual laborers and, in order to extort bribes, refused to recognize valid documents held by refugees and asylum seekers.

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

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

Durable Solutions: The nationality code allows refugees to apply for naturalization; however, the process is long and expensive, costing 1.2 million CFA francs (\$2,037). At age 18 children born in the country of refugee parents may apply for citizenship.

#### **g. Stateless Persons**

Not applicable.

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

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

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

Recent Elections: In April 2018 the Constitutional Court dissolved the National Assembly. The Senate assumed National Assembly responsibilities, and a caretaker government was installed. In October 2018 legislative elections were held. Both rounds of legislative elections were calm, with a voter turnout of 43 percent in the first round. The PDG won 100 of 143 National Assembly seats. Opposition leaders alleged irregularities such as ballot stuffing, vote buying, polling stations opening without the presence of opposition representatives, and unfair treatment of the opposition by the Gabonese Elections Center. Domestic and international organizations were not authorized to observe the elections. A

limited African Union observer mission did not comment on whether the elections were free and fair but noted some irregularities.

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

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

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, and they did participate. Nevertheless, cultural and traditional factors prevented women from participating in political life to the same extent as men. As of October women held nine of 31 ministerial positions, 23 of 143 National Assembly seats, and 19 of 102 Senate seats. The president of the Senate was a woman.

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

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

The law provides criminal penalties for conviction of corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. Some police were inefficient and corrupt. Police, gendarmes, and military members sought bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity documents. In February 2018 taxi drivers held a strike to protest higher fuel prices and police harassment, including exacting bribes.

Corruption: There were numerous reports of official corruption during the year similar to the following example. On May 21, then vice president Pierre Claver Maganga Moussavou and then minister of water and forestry Guy Bertrand Mapangou were removed from office for involvement in the harvesting and

exportation of timber from protected tree species. As of September they had yet to be indicted.

In 2017 the government launched an anticorruption campaign. A number of officials, including several directors of agencies, a minister, and two former ministers, were arrested on corruption charges. For example, former minister of economy and presidential advisor Magloire Ngambia and Minister of Petrol and Hydrocarbons Etienne Dieudonne Ngoubou were arrested and charged with corruption. In October 2018 Ngoubou was released on bail, but Ngambia remained in detention 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 National Commission against Illicit Enrichment within three months of assuming office. Most officials complied, but some attempted to withhold information. The government did not make these declarations available to the public. There are administrative sanctions for noncompliance, but they were not enforced.

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

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

Government Human Rights Bodies: The Ministry of Interior and Justice coordinates government efforts to improve respect for human rights, organize human rights training for government officials, and address major human rights problems. The National Human Rights Commission, composed of representatives from civil society, media, religious groups, and the judiciary, had a degree of independence. Commission members provided basic human rights training to police and gendarmes and inspected detention conditions at Libreville police stations.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, and convicted rapists

face penalties of five to 10 years' imprisonment. Nevertheless, authorities seldom prosecuted rape cases. The law does not address spousal rape. There were no reliable statistics on the prevalence of rape, but a women's advocacy NGO estimated it to be a frequent occurrence. Discussing rape remained taboo, and women often opted not to report it due to shame or fear of reprisal.

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization. For additional information, see Appendix C.

Discrimination: Although the law does not generally distinguish between the legal status and rights of women and men, it requires a married woman to obtain her husband's permission to receive a passport and to travel abroad. The law provides for equal treatment regarding property, nationality, and inheritance. No specific law requires equal pay for equal work. Women owned businesses and property, participated in politics, and worked in government and the private sector. Nevertheless, women faced considerable societal discrimination, including in obtaining loans and credit and, for married women, opening bank accounts without their husbands' permission and administering jointly owned assets, especially in rural areas.

## **Children**

Birth Registration: Citizenship is derived through one's parents and not by birth in the country. At least one parent must be a citizen to transmit citizenship. Registration of all births is mandatory, and children without birth certificates may not attend school or participate in most government-sponsored programs. Many mothers could not obtain birth certificates for their children due to isolation in remote areas of the country or lack of awareness of the requirements of the law.

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

Child Abuse: Child abuse is illegal, with penalties for conviction of up to life in prison, one million CFA francs (\$1,698), or both. Child abuse occurred, and the law was not always enforced.

Early and Forced Marriage: The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. According to the UN Population Fund, 6 percent of women ages 20-24 married before age 15. For additional information, see Appendix C.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography, and authorities generally enforced the law. Perpetrators convicted of procuring a child for prostitution or a child pornography-related offense may be sentenced to between two and five years' imprisonment. Conviction of child sex trafficking is punishable by 20 years' imprisonment and fines of up to 100 million CFA (\$169,779). Conviction of possession of child pornography is punishable by imprisonment of six months to one year and a fine of up to 222,000 CFA francs (\$377). These penalties were sufficient to deter violations.

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

## **Anti-Semitism**

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

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

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

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

### **Indigenous People**

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

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

On July 5, a revised penal code was published that criminalizes consensual same-sex sexual conduct between adults; it provides for six months' imprisonment and a fine of up to five million CFA (\$8,489) if convicted. The law had yet to be applied by year's end. The law does not limit freedom of speech or peaceful assembly for lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There are no specific antidiscrimination or hate crime laws or other criminal justice mechanisms designed to aid in the prosecution of bias-motivated crimes. Unlike in 2018 there were reports from civil society organizations of LGBTI persons being targeted for abuse. Such incidents were rarely reported, however, because of societal stigma. Societal discrimination in employment and housing were problems, particularly for openly LGBTI persons.

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

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

### **Other Societal Violence or Discrimination**

Ritual killings in which persons were killed and their limbs, genitals, or other organs removed occurred and went unpunished. On July 5, the human trafficking provisions of a revised penal code criminalized organ harvesting. During the year authorities made no arrests of persons accused of ritual killing. In January two individuals were convicted of murder in connection with a 2012 ritual killing. The local NGO Association to Fight Ritual Crimes reported 11 victims of ritual killings and three disappearances from January to September. The actual number of victims was higher because many ritual killings were not reported or were incorrectly characterized. In addition, NGOs claimed authorities discouraged journalists from reporting ritual crimes.

## **Section 7. Worker Rights**

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

The law protects the rights of workers to form and join independent unions and to bargain collectively. The law provides for the right to strike, with restrictions. Antiunion discrimination is illegal, and the law provides for reinstatement for workers dismissed for union activities. Unions must register with the government

to obtain official recognition, and the government routinely grants registration. Agreements negotiated by unions also applied to nonunion workers.

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

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

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

Employers created and controlled some unions. Although antiunion discrimination is illegal, some trade unionists in both the public and private sectors complained of occasional discrimination, including the blacklisting of union members, unfair dismissals, and threats to workers who unionized. Trade union representatives complained they experienced hurdles accessing educational establishments during their efforts to represent and defend their members' interests. 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.

In 2017 the Port-Gentil Court of Appeal upheld a judge's ruling that ordered the revocation of a strike declaration by the National Organization of Oil Industry Employees (ONEP); the judge found ONEP failed to establish minimum service and that the strike constituted an unlawful disturbance. According to a government report submitted to the ILO in May, ONEP did not seek review of the appeal ruling and legal proceedings were closed. In June, however, the ILO requested the

government open an independent investigation to establish the facts regarding ONEP's allegations that police and other security force members dispersed striking workers in 2017 using violent means that produced multiple injuries among striking workers.

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

The law prohibits and criminalizes trafficking for the purposes of servitude or slavery. The government enforced the law more actively to combat forced labor of children. Penalties reflect the serious nature of the offense and were sufficiently stringent to deter violations.

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

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

Forced labor of foreign workers employed in special economic zones was reported. In April a UN group of experts raised concerns regarding approximately 40 Indian workers in the Nkok Special Economic Zone who were deceptively recruited and required to work under conditions that may have amounted to forced labor; their travel documents were confiscated.

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

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

The law prohibits employment of children younger than 16 without the expressed consent of the Ministry of Employment, Public Administration, Labor, and Professional Training, in charge of Social Dialogue; the Ministry of Education; and

the Ministry of Health. The law provides for penalties that were sufficient to deter violations.

The Ministry of Employment, Public Administration, Labor, and Professional Training, in charge of Social Dialogue is responsible for receiving, investigating, and addressing child labor complaints through inspectors. The Interministerial Committee for the Fight against Child Trafficking files and responds to complaints. Complaints are referred to police, who carry out investigations and refer cases to the courts for prosecution.

The government somewhat effectively enforced the law. Children were sometimes subject to forced and exploitive labor in markets, restaurants, and handicraft shops, as well as on farms and in sand quarries. As of September the government organized the repatriation of approximately 22 foreign children exploited in trafficking.

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

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

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

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

The labor code prohibits discrimination with respect to employment and work conditions based on race, color, sex, religion, political opinion, disability, national origin or citizenship, or social background. It does not address discrimination based on sexual orientation, gender identity, age, or language. The government did not effectively enforce the law. No specific law requires equal pay for equal work, and women's pay lagged behind that of men. Discrimination in employment

occurred with respect to indigenous persons, persons with disabilities, persons with HIV/AIDS, and LGBTI persons. There were reports of labor exploitation of indigenous persons by their Bantu neighbors, who paid them much less than the minimum wage. Undocumented foreign workers frequently experienced wage discrimination and poor work conditions.

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

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

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work as determined by collective agreements or government regulations. By law the daily limit for compulsory overtime may be extended from 30 minutes to two hours to perform specified preparatory or complementary work, such as starting machines in a factory or supervising a workplace. It also may be extended for urgent work to prevent or repair damage from accidents. The daily limit does not apply to establishments in which work is continuous or to establishments providing retail, transport, dock work, hotel and catering services, housekeeping, security services, medical establishments, domestic work, and journalism.

The Ministry of Health establishes occupational safety and health standards. The Ministry of Employment, Public Administration, Labor, and Professional Training, in charge of Social Dialogue is responsible for enforcing minimum wage, overtime, and safety and health standards in the formal sector. The number of labor inspectors was not sufficient to enforce compliance. Employers generally respected minimum wage standards. Formal-sector employees could submit complaints regarding overtime or health and safety standards, and the ministry's labor inspectors investigated such complaints. The government penalized violations with a range of fines that contributed to deterring them. In the formal sector, workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

The government did not enforce labor code provisions in the informal economy or in sectors where the majority of the labor force was foreign, such as in the mining and timber sectors. Employers obliged foreign workers to work under substandard conditions, dismissed them without notice or recourse, and often physically mistreated them. Employers frequently paid noncitizens less than they paid citizens for the same work and required them to work longer hours, often hiring them on a short-term, casual basis to avoid paying taxes, social security contributions, and other benefits.