

GABON 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Gabon is a republic with a presidential form of government dominated by the Gabonese Democratic Party 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 2018 legislative elections, the Gabonese Democratic Party 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 2011 legislative elections.

The National Police Forces, under the Ministry of Interior, and the National 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 security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful killings by the government; torture and cases of cruel, inhuman, or degrading treatment by government authorities and the country's peacekeepers deployed to United Nations missions; harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; political prisoners or detainees; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including the existence of criminal libel laws; interference with freedom of peaceful assembly and serious restrictions on freedom of movement because of COVID-19 mitigation measures; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; lack of investigation of and

accountability for gender-based violence, including but not limited to domestic or intimate partner violence; and existence of the worst forms of child labor.

The government took some steps to identify, investigate, and prosecute officials and punish those convicted of human rights abuses or corruption; however, impunity remained a problem.

Section 1. Respect for the Integrity of the Person

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

There was one report the government or its agents committed an unlawful killing. The Judicial Police, under the Ministry of Justice, are responsible for investigating any abuses or unlawful acts by government security forces. During protests against COVID-19 restrictions in February, credible reports indicate Libreville security forces shot and killed two men.

According to a local nongovernmental organization (NGO), an individual accused of drug trafficking inside the Libreville Central Prison was tortured and beaten with electric cable. He died on October 8.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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. The government's National Committee of Human Rights opened an inquiry in 2020 that was completed during the year, but a report was not released.

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

Punishment

The constitution prohibits such practices. There were reports of torture in prisons where unidentified personnel employed torture (see section 1.a.). A number of high-profile prisoners were kept in solitary confinement for extended periods.

The United Nations on September 15 ordered the withdrawal of the country's 450-strong peacekeeping contingent from the UN Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) regarding sexual abuse allegations. The United Nations stated it had received during the year a total of 33 allegations of sexual abuse or sexual exploitation against troops from the country, which were part of an international peacekeeping force numbering thousands in the Central African Republic (CAR). The country's authorities opened an investigation following the UN decision to withdraw the country's contingent. At year's end the United Nations had not posted final details regarding the investigation to the *Conduct in UN Field Missions* online portal; as a result, the reporting in the online portal may not represent the full scale and scope of the country's peacekeeper abuses in CAR.

According to the portal, prior to the most recent revelations there were seven additional allegations submitted during the year of sexual exploitation and abuse by the country's peacekeepers deployed to MINUSCA. Six of these involved exploitative relationships with adults, and the seventh involved child rape. As of September 30, there were 22 pending investigations into allegations from the peacekeeping mission in the CAR.

Impunity was a problem in the security forces. Nevertheless, the government took some steps to identify, investigate, and prosecute officials and punish human rights abusers. In 2020 authorities established a national hotline to report abuses by security force members.

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.

Physical Conditions: Libreville's central prison was severely overcrowded; it was built to hold 500 inmates but held approximately 4,000 inmates. There were also reports of overcrowding in other prisons.

Authorities did not provide data 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. A local NGO reported three deaths in Libreville Central Prison during the year due to medical illnesses. Media reported two deaths during the year at the Port-Gentil and Mouila Central Prisons attributed to poor medical care.

Some prisoners and detainees were kept in solitary confinement for several months without access to exercise or use of showers and other sanitary facilities.

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. There were no specific accommodations for persons with disabilities in prisons. 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 or tuberculosis, was inadequate.

In March there was an incursion into Mouila Central Prison by gendarmes seeking to liberate one of their colleagues whom they believed was falsely charged.

Administration: There was no prison ombudsperson or comparable independent authority available to respond to prisoner complaints. 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.

In response to the COVID-19 pandemic, authorities significantly reduced prison visits, with visitors required to show proof of negative COVID-19 tests within the preceding 48 hours. Otherwise, prisoners were limited to contacting their families through telephone calls and written correspondence. An attorney stated that from

March 2020 authorities cited COVID-19 policies to deny attorneys' access to all prisoners, although during the year authorities began allowing access to prisoners by attorneys, family, NGOs, and consular officers with the presentation of a negative COVID-19 test.

Independent Monitoring: The government permitted human rights organizations to conduct independent monitoring of prison conditions. Except for COVID-19 limitations, representatives of several NGOs, including Malachie, the Sylvia Bongo Foundation, and the Voice of the Forgotten, visited prisons.

Improvements: To reduce further overcrowding, authorities undertook a review of inmate cases with the goal of identifying those eligible for release. Following the review, on June 10, the Ministry of Justice announced the release of 360 persons from the Central Prison of Libreville, including a significant number who were long-term pretrial detainees who, had they been tried and convicted, would have been released based on time served, in most cases.

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.

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.

Arbitrary Arrest: In August 2020 agents from the General Directorate for Investigation of the National Gendarmerie arrested the Dynamique Unitaire Trade Union Confederation leader Jean Bosco Bounoumou without a warrant. Accused of broadcasting a video jeopardizing public order, he was detained without charge for longer than the law allows and not permitted prompt access to a lawyer. Later in August 2020, prosecutors charged him with terrorism and conspiracy. He remained in prison pending trial at year's end.

In 2017 authorities arrested Deputy Secretary General Pascal Oyougou of the Heritage and Modernity Party and charged him with "provocation and instigation of acts likely to provoke demonstrations against the authority of the State." On June 15, authorities released Oyougou after 41 months in detention without a trial.

Pretrial Detention: 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. Prolonged pretrial detention was common due to overburdened dockets and an inefficient judicial system (see also section 1.c., Prison and Detention Center Conditions, Improvements). 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. Detainees generally lacked knowledge of their rights and the procedure for submitting complaints and may not have submitted complaints due to fear of retribution.

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

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the judiciary demonstrated only partial independence and only in some cases. The NGO Freedom House alleged the executive branch exercised firm control over the judiciary. The judiciary was inefficient. The president appoints and may dismiss judges through the Ministry of Justice, to which the judiciary is accountable. Corruption was a problem. For example, individuals charged with offenses reportedly paid bribes to influence the judicial process, avoid facing trial, or both.

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.

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

Political Prisoners and Detainees

On August 18, the minister of justice stated there were no political prisoners in the country. According to one civil society group, however, they considered some individuals as political prisoners. Of an estimated 60 protesters detained in 2017, opposition leader Pascal Oyougou spent 41 months in pretrial detention (see

section 1.d.). According to multiple domestic and international news reports, former Gabonese Democratic Party (PDG) deputy Bertrand Zibi Abeghe was arrested following violence after the 2016 presidential elections as a political reprisal. In 2019 Zibi was convicted of inciting violence and possession of a firearm and sentenced to six years' imprisonment. The Court of Appeals upheld his conviction in April, and Zibi remained in prison at year's end. Many observers considered the charges and conviction were politically directed and that the evidence was fabricated.

Prior to COVID-19 restrictions, routine consular and NGO access was permitted to political prisoners. Visitors regained access during the year after showing proof of a recent negative COVID-19 test.

Civil Judicial Procedures and Remedies

Persons or organizations may seek civil remedies for human rights abuses through domestic courts or through administrative or other mechanisms established by law, 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 reportedly monitored private telephone conversations, personal mail, and the movement of citizens.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. According to the law, conviction of contempt of the president or of any

government official “committed anywhere, on any occasion, or by any means,” is punishable by six months’ to five years’ imprisonment and monetary fines.

Freedom of Expression for Members of the Press and Other 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.

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 matters.

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 progovernment owners.

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 six months to five years and required to pay substantial fines. 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. During the year there were no reports that these laws were applied.

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.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association; however, the law places restrictions on freedom of assembly. The government limited freedom of peaceful assembly but not freedom of association.

Freedom of Peaceful Assembly

Some civil society activists stated they did not submit requests to hold public meetings because they expected the government would deny them. During the year the government applied COVID-19 restrictions banning any meetings of more than 30 persons.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation. Nevertheless, the government did not always respect these rights.

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. As a COVID-19 mitigation measure, the government set curfews throughout the year, as early as 6 p.m. unless vaccinated. Authorities required travelers to provide proof of a negative COVID-19 test within the preceding 14 days of internal travel. 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. Refugees and most holders

of a residence permit 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. In response to the COVID-19 pandemic, authorities required persons departing the country to provide a negative COVID-19 test result, depending on the destination country. From 2018 to 2020, the government blocked overseas travel by an opposition leader and some trade union leaders.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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.

Abuse of Migrants and Refugees: 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.

Freedom of Movement: (See section 2.d., In-country Movement.)

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. Most refugees were not registered to receive services from the National Health Insurance and Social Welfare Fund.

Durable Solutions: The nationality code allows refugees to apply for naturalization; however, the process is long and expensive. At age 18 children born in the country of refugee parents may apply for citizenship.

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.

Elections and Political Participation

Recent Elections: In early 2018 the Constitutional Court dissolved the National Assembly. The Senate assumed National Assembly responsibilities, and a caretaker government was installed. In late 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. President Ali Bongo Ondimba was declared the winner of the 2016 presidential election. Observers noted numerous irregularities. These included a questionable vote count, several days after other provinces announced their results, in Bongo Ondimba's home province, where participation was allegedly more than 99 percent, even though nationwide participation was 54 percent.

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 party 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 Members of Minority Groups: No laws limit participation of women and members of minorities in the political process, and they did participate. Women were in several prominent positions in the government, including the prime minister and the presidents of the Senate and the Constitutional Court. As of December women held 11 of 34 ministerial positions, but women held only 23 of 143 National Assembly seats and 19 of 102 Senate seats. Cultural and traditional factors, as well as social stigma, prevented women and historically marginalized groups such as persons with disabilities and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons from participating equally in political life. In July the Ministry of Social Affairs and Women’s Rights initiated a mentoring program to encourage women to enter politics as part of the “strategy for promoting women’s rights and reducing gender equalities in Gabon.”

Although members of all major ethnic groups occupied prominent government civilian and security force positions, members of indigenous populations rarely participated in the political process (see section 6, Indigenous Peoples).

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. There were isolated new reports of government corruption during the year. According to media and NGOs, officials frequently engaged in corrupt practices with impunity.

Corruption: Some police were inefficient and corrupt. There were reports of police, gendarmes, and military members seeking bribes to supplement their salaries, often while stopping vehicles at legal roadblocks to check vehicle registration and identity documents.

According to reports from the African immigrant community, in order to exact bribes, police and other security force members often detained and falsely accused noncitizen Africans of lacking valid resident permits or identification documents.

Former presidential chief of staff Brice Laccruche was arrested in 2019 on corruption charges. In April the prosecutors added charges against Laccruche for using false documents to obtain Gabonese citizenship; in October he pleaded guilty and was sentenced to five years. The trial for the corruption charges was pending for Laccruche and several other arrested at the same time.

Former minister of transport and member of parliament Justin Ndoundangoye was arrested in 2019 on corruption charges. The trial procedures were underway at year's end.

Section 5. Governmental Posture Toward International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Government Human Rights Bodies: The Ministry of Justice 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 in past years inspected detention conditions at police stations in Libreville; however, the commission did not conduct inspections or hold meetings during the year due to COVID-19 restrictions.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape; convicted rapists face penalties of 10 to 20 years' imprisonment and a fine. Nevertheless, authorities seldom prosecuted rape cases. The law addresses spousal and intimate partner rape

regardless of gender. 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 survivors often opted not to report it due to shame or fear of reprisal.

On January 29, an agent of the Republican Guard raped a girl age 15 in Libreville. The Army Disciplinary Council heard his case and dismissed him from the army. He received no further sanctions.

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. In April the government opened a national hotline to assist persons experiencing any kind of violence.

Sexual Harassment: NGOs reported sexual harassment of women continued to be pervasive. The law states sexual harassment "constitutes an offense against morals (and includes) any behavior, attitude or repeated assiduous or suggestive words, directly or indirectly attributable to a person who, abusing the authority or influence conferred on him by his functions or its social rank, aims to obtain sexual favors from an individual of one or the other sex." Conviction of sexual harassment is punishable by up to six months' imprisonment and a substantial monetary fine. During the year there were no reports of convictions for sexual harassment or of other enforcement of the relevant law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The Ministry of Health provided guidance on family-planning best practices to health facilities throughout the country. There were some social and cultural barriers to access to family planning based on behavioral norms, religious beliefs, and an individual's sexual orientation. Adolescents in rural areas also sometimes lacked access to family planning. Sexual and reproductive health services, but not

including emergency contraception, were available to survivors of sexual violence at government and private medical facilities, and local NGOs provided support to sexual violence survivors.

The World Health Organization estimated the maternal mortality rate in 2017 at 252 deaths per 100,000 live births. According to the *2012 Gabon Demographic and Health Survey*, girls and women ages 15 to 19 were among the most affected, representing 34 percent of maternal deaths. The main causes of maternal death were hemorrhages during childbirth, high blood pressure, and infections.

Discrimination: The law does not generally distinguish between the legal status and rights of women and men. The law provides for equal treatment regarding property, nationality, and inheritance. In September the civil and penal codes were changed to promote gender equality and to reduce the impact of violence against women. The following main points were addressed in the law: full equality between women and men in matters of divorce and enabling divorce proceedings through mutual consent, with or without a judge's intervention; the role of head of the family is to be shared between spouses and both can choose the family residence together; wives no longer need to notify their husbands before opening a bank account or tell them their debit balance; strengthening sociomedical care, with the government committing to take responsibility for the medical and psychological care of female victims of violence (e.g., medical certificates confirming physical abuse are to be free of charge, as 9 percent of women were victims of sexual violence, as reported by a prominent NGO); harsher sanctions for domestic abuses and widows' spoliation; and heavier penalties for corruption among judicial police officers or agents who attempt to coerce or pressure victims.

There were no reports of the government failing to enforce the law effectively. No specific law requires equal pay for equal work. 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.

Systemic Racial or Ethnic Violence and Discrimination

There are no laws that specifically provide for the protection of members of racial

or ethnic minorities or groups against violence and discrimination, since they have the same civil rights as other citizens.

Indigenous Peoples

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. Indigenous peoples made complaints regarding abuses related to a gold mine in Bakoumba, but there were no reports that authorities took action to address these complaints. 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, and there were no specific government programs or policies to assist them.

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, a substantial fine, or both. According to NGOs, child abuse occurred, and the law was not always enforced.

Child, 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 between ages of 20 and 24 married before age 15. Early marriages were more common among indigenous ethnic groups.

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 child trafficking or a child pornography-related offense may be sentenced to between two- and five-years' imprisonment. Under the law sex trafficking of a child is aggravated child trafficking, for which conviction is punishable by life imprisonment and substantial fines. Conviction of possession of child pornography is punishable by imprisonment of six months to one year and a substantial fine.

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 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 public transport and services, including health care and education, and public buildings, including voter access to election polling centers. Most public buildings, however, did not provide adequate access and accommodation for persons with disabilities, hindering their ability to obtain state services and take part in the judicial system.

The law subsumes sensory disabilities under congenital and “accidental” disabilities but does not recognize the concept of intellectual disability. Enforcement of the rights of persons with disabilities to education, health care, and transportation 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.

HIV and AIDS Social Stigma

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

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

In June 2020 the National Assembly and Senate approved a government bill decriminalizing consensual same-sex sexual conduct between adults. In July 2020 the president signed it into law. There are no specific antidiscrimination or hate crime laws or other criminal justice mechanisms designed to aid in the prosecution of bias-motivated crimes (see also section 6, Women, Reproductive Rights). There were reports from civil society organizations and media of LGBTQI+ persons being targeted for abuse. Such incidents were rarely reported to police, however. Societal discrimination in employment and housing were problems, particularly for openly LGBTQI+ persons.

Other Societal Violence or Discrimination

Ritual killings were reported in which persons were killed and their limbs, genitals, or other organs removed. The law criminalizes ritual killing and organ harvesting. During the year authorities made no arrests of persons accused of ritual killing. The local NGO Association to Fight Ritual Crimes reported three victims of ritual killings and nine disappearances from January to October. It stated that the actual number of victims was higher because many ritual killings were not reported or were incorrectly characterized. Additionally, authorities discouraged journalists from reporting ritual crimes, and most cases occurred in rural areas where media lacked access.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for 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 it poses a threat to public safety. The law does not define the essential-services sectors in which strikes are prohibited; however, the 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 general 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 commensurate with those for other laws involving denials of civil rights. 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 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. Labor union leaders reported the majority of labor violations stemmed from illegal dismissals, including of workers on strike, leaving them without social security and insurance benefits.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes human 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 commensurate with those for analogous serious crimes.

Resources, inspections, and remediation were inadequate. The lack of sufficient vehicles, capacity, 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 did not provide training on trafficking in persons to law enforcement officers during the year.

Boys were subject to forced labor as mechanics, as well as in work in handicraft shops and sand quarries. 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 hours. Migrants were especially vulnerable to forced labor (see section 7.c.).

Limited reporting suggested that illegal and unregulated foreign fishing trawlers may have engaged in the forced labor of boys. Widespread poverty resulted in the increased risk of exploitation in the country, but the small scale of artisanal fishing suggested that trafficking was limited to foreign fishing operations. The industrial fishing fleet operating in the country's territorial waters was composed mostly of illegal, primarily Chinese, industrial-scale fish trawlers, with unknown status of workers on board.

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

Child labor remained a problem. The law prohibits employment of children younger than 16 without the expressed consent of the Ministry of Employment, Public Function, Labor, and Professional Development; the Ministry of Education; and the Ministry of Health. By law children younger than age 16 may perform light work with parental permission, but the law does not define the activities considered light work, establish a minimum age for light work, or set hour limits. The law provides for penalties commensurate with those for other analogous serious crimes but does not cover children in informal employment.

The Ministry of Employment, Public Function, Labor, and Professional Development is responsible for receiving, investigating, and addressing child labor complaints through inspectors. The Inter-Ministerial Committee for the Fight against Child Trafficking is responsible for filing and responding to complaints but was inactive during the year. Children were sometimes subject to forced and exploitive labor in markets, restaurants, and handicraft shops, as well as on farms and in sand quarries. In September the government organized the repatriation of 42 child victims of trafficking to Benin and Togo with the respective governments and the UN International Office of Migration.

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.). According to NGOs, some 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. To curb the problem, police often fined the parents of children who were not in school. Laws forbidding child labor covered these children, but the 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 that of men. Employment discrimination occurred with respect to indigenous persons, persons with disabilities, persons with HIV and AIDS, and LGBTQI+ 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 working conditions.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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 Ministry of Employment, Public Function, Labor, and Professional Development is responsible for enforcing minimum wage and overtime standards

in the formal sector. The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. The law also provides for paid annual holidays. Employers must compensate workers for overtime work as determined by collective agreements or government regulations. 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. Employers generally respected minimum wage standards. Formal-sector employees could submit complaints regarding overtime, and the ministry's labor inspectors investigated such complaints. The government penalized violations with a range of fines that were commensurate with those for similar crimes.

Occupational Safety and Health: The Ministry of Health establishes occupational safety and health standards. The Ministry of Labor, Public Administration, and Professional Training is responsible for enforcing safety and health standards in the formal sector. Formal-sector employees could submit complaints regarding health and safety standards, and the ministry's labor inspectors investigated such complaints. The number of labor inspectors was not sufficient to enforce compliance and COVID-19-mitigation measures further limited enforcement action. Inspectors have the authority to make unannounced inspections and recommend that sanctions be imposed. The government penalized violations with a range of fines that were commensurate with those for similar crimes. 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 provide data on industrial accidents.

Informal Sector: Significant numbers of persons worked in the informal sector in the country, mainly in the retail and agriculture sectors. 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

and domestic work. 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.