

GABON

Gabon, population approximately 1.4 million, is a republic dominated by a strong presidency and the Democratic Party of Gabon (PDG), which has held power since 1968. In August 2009 President Ali Bongo Ondimba was elected in a poll characterized by international observers as generally free and fair, although irregularities and post-election violence occurred. Security forces reported to civilian authorities.

The following human rights problems were reported: ritualistic killings; use of excessive force by police; harsh prison conditions and lengthy pretrial detention; an inefficient judiciary subject to government influence; restrictions on privacy and press; harassment and extortion of African immigrants and refugees; widespread government corruption; violence against women; societal discrimination against women, noncitizen Africans, Pygmies, and persons with HIV/AIDS; and trafficking in persons, particularly children.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

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

An inquiry into civilian deaths perpetrated by security force members following the August 2009 presidential election had not been released by year's end. The government claimed four persons were killed during post-election riots, while *l'Union* newspaper claimed there were at least six deaths. Opposition reports claimed security forces were responsible for a much higher number of civilian deaths.

Ritualistic killings occurred and generally went unpunished. Authorities condemned the killings; however, no investigations or arrests were made during the year. The local nongovernmental organization (NGO) Association to Fight Ritual Crimes (ALCR) reported that 34 persons were identified as victims of ritual crimes during the year. The ALCR estimated that at least double that number of ritual crimes occurred but either were not reported or incorrectly identified.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the constitution and law prohibit such practices, credible reports persisted that security forces beat prisoners and detainees to extract confessions.

Unlike in the previous year, there were no reports that security forces were responsible for injuring civilians while dispersing crowds.

Unconfirmed reports from the African immigrant community asserted that police and soldiers occasionally beat noncitizen Africans during operations to round up and deport illegal immigrants. Refugees continued to complain of harassment and extortion by security forces.

Children were injured and killed by practitioners of ritual crimes (see section 1.a.).

Prison and Detention Center Conditions

Prisons were overcrowded, and conditions were harsh. Food, sanitation, and ventilation were poor, although basic medical care was provided. Prisons had adequate lighting and access to potable water; however, there were no air conditioners in prisons or jails, and temperatures often exceeded 95 degrees Fahrenheit. On-site nurses provided medical care, and prisoners needing emergency medical care were transported to hospitals. NGOs, family members, and private citizens occasionally made contributions to augment prisoners' poor food rations.

Ten or more prisoners died during the year due to poor hygiene or malnourishment.

Prison authorities did not keep records, and it was unknown how many prisoners were being held in the country. Pretrial detainees were held with convicted prisoners.

Prisoners and detainees were allowed to worship without hindrance, and Catholic, Protestant, and Muslim services were regularly held in the prisons. Family visits were permitted in both prisons and jails.

Authorities permitted prisoners and detainees to submit written complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions; however, no reports were submitted during the year.

The government investigated and monitored prison and detention center conditions through an office in the Ministry of Justice. After visiting Libreville's central prison in November, First Lady Sylvia Bongo and the minister of justice reported that conditions were harsh; their findings resulted in the signing of a contract to build a new modern prison facility.

The government permitted independent monitoring of prison conditions by human rights organizations and NGOs. The International Committee of the Red Cross and the NGO Cri de Femmes visited prisons during the year.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions.

Role of the Police and Security Apparatus

The national police, under the Ministry of Interior, and the gendarmerie, under the Ministry of Defense, were responsible for domestic law enforcement and public security. Elements of the armed forces and the Republican Guard, an elite unit that protects the president, sometimes performed internal security functions. The Inspector General's Office was responsible for investigating police abuse. Police were inefficient and corrupt, and impunity was a problem. Security forces often sought bribes to supplement their salaries. During the year the government conducted a comprehensive review of the police and security forces; however, results of the review had not been released by year's end.

Arrest Procedures and Treatment While in Detention

The law requires arrest warrants based on sufficient evidence and issued by a duly authorized official; however, security forces frequently disregarded this provision.

The law allows authorities up to 48 hours to initially detain a suspect without charge, but police often failed to respect this time limit. Detainees were usually promptly informed of charges against them; however, authorities often did not file charges expeditiously. Conditional release was possible after charges had been announced if further investigation was required. Detainees were allowed prompt access to family members and a lawyer or, if indigent, to one provided by the state. There was a functioning bail system.

Members of the security forces continued to stop individuals at roadblocks under the guise of checking vehicle registration and identity papers. Security forces frequently used such operations to extort money.

All persons arbitrarily detained by security forces in Port Gentil following the 2009 presidential election had been released by year's end.

The law limits pretrial detention to six months for a misdemeanor and one year for a felony charge, with six-month extensions if authorized by the examining magistrate; however, prolonged pretrial detention was common as a result of overburdened dockets. Approximately one-third of detainees were held in pretrial detention, which sometimes lasted up to three years.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary was inefficient and remained susceptible to government influence. The president appoints and can dismiss judges through the Ministry of Justice, to which the judiciary is accountable. Corruption was a problem.

The military court is appointed each year by the Office of the Presidency and is composed of selected magistrates and military personnel. The court provides the same basic legal rights as a civilian court.

Minor disputes may be taken to a local chief, particularly in rural areas, but the government did not always recognize such decisions.

Trial Procedures

The constitution provides the right to a public trial and to legal counsel, and the government generally respected these rights. Nevertheless, a judge may deliver an immediate verdict of guilt at the initial hearing in a state security trial if the

government presents sufficient evidence. Defendants are presumed innocent and have the right to be present. Indigent defendants were provided an attorney at state expense. Defendants have the right to confront witnesses against them, present witnesses or evidence on their behalf, have access to government-held evidence against them through their lawyer, and appeal. The government generally respected these rights, which were extended to all citizens.

Political Prisoners and Detainees

During the year President Ali Bongo Ondimba announced the release of 500 nonviolent prisoners arrested and detained under the previous government, some of whom may have been arrested for political reasons. With their release, there were no political prisoners or detainees in the country.

International NGOs have not requested formal visits or reviews of political prisoners in the last four years, but they were, in principle, allowed access.

Civil Judicial Procedures and Remedies

There is an independent civil judiciary, but it was susceptible to government influence and corruption. Persons seeking damages for, or cessation of, a human rights violation could seek relief in the civil court system. Corruption was also a problem in the enforcement of domestic court orders. Administrative remedies were not generally available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions; however, the government did not respect these prohibitions in practice. As part of criminal investigations, police requested and easily obtained search warrants from judges, sometimes after the fact.

Security forces conducted warrantless searches for illegal immigrants and criminals, using street stops and identity checks.

Authorities reportedly routinely monitored private telephone conversations, personal mail, and the movement of citizens.

Unlike in the previous year, the Telecommunications Regulation Agency (ARTEL) did not impede cell phone texting. In September 2009 ARTEL suspended texting after prominent persons and journalists reported receiving text messages containing death threats. Texting was again suspended with no explanation in October 2009 in advance of the presidential inauguration; the suspension was lifted in November 2009.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and unlike in the previous year, the government generally respected these rights. After the June 2009 death of former president Omar Bongo Ondimba, the media engaged in a more open debate on the country's leaders and its future; however, some journalists continued to practice occasional self-censorship.

Unlike in the past, when citizens risked losing their jobs if they criticized the former president, individuals could criticize the government, including the president, publicly or privately, without reprisal.

The only major daily newspapers were the government-affiliated *l'Union* and *Gabon Matin*. Approximately nine privately owned weekly or monthly newspapers represented independent views and those of various political parties, but most appeared irregularly due to financial constraints, or in some cases, government suspension of their publication licenses. All newspapers, including *l'Union*, criticized the government and political leaders of all parties. Following the death of Omar Bongo, privately owned newspapers appeared more regularly.

The government owned and operated two radio stations that broadcast throughout the country. Much of their news coverage concerned the activities of government officials, and editorials sometimes criticized specific government policies or ministers. Seven privately owned radio stations were operating at year's end. International radio stations broadcast locally.

Unlike in the previous year, no journalists were assaulted.

No action was taken in the following 2009 assaults on media employees: the September assault by opposition supporters on Patrick Bibang, a reporter at Radio

Africa No.1; or the September attacks by opposition supporters on employees of Radio-Television Nazareth.

The government owned and operated two television stations. Four privately owned television stations transmitted 24 hours a day. Satellite television reception was available.

Unlike in the previous year, the government did not close media outlets. On election day in August 2009, authorities cut broadcasts by TVPlus, a television station owned by opposition presidential candidate Andre Mba Obame. The following day, masked gunmen opened fire on the transmitter of the satellite television station Go Africa, which had been carrying TVPlus content.

Libel can be either a criminal offense or a civil matter. Editors and authors of libelous articles can be jailed for two to six months and fined 500,000 to five million CFA francs (\$1,040 to \$10,400). Penalties for libel and other offenses also include a one- to three-month publishing suspension for a first offense and a three- to six-month suspension for repeat offenses.

On June 7, a court in Libreville convicted Jonas Moulenda, a reporter with the state-owned daily *l'Union*, on charges of criminal defamation and ordered a suspended three-month prison sentence and a fine of 500,000 CFA francs (\$900), according to the Committee to Protect Journalists (CPJ). The charges were connected with a November 2009 article in which Moulenda accused Alfred Nguia Banda, the former director of the Gabonese Import/Export Council, of having orchestrated the killing of Rene Ziza, who was credited with fighting corruption while in charge of the country's maritime transport agency. According to the CPJ, Moulenda was being punished for raising questions about official corruption. The government claimed that the issue was a private court case that did not involve governmental influence or official organs. In September 2009 Moulenda went into hiding after his house was raided by unknown assailants.

On October 29, CPJ called on the government to free Jean-Yves Ntoutoume, editor of the independent bimonthly *Le Temps*, who was arrested and detained on October 26 after his newspaper failed to pay 10 million CFA francs (\$20,800) in damages to Albert Meye, a former PDG treasurer. Meye sued the newspaper after it published an article about Meye's possible involvement in a 2004 armed robbery at PDG headquarters, which resulted in the death of a courier and the theft of more than 80 million CFA francs (\$166,000). CPJ charged that the heavy civil damages

imposed on Ntoutoume did not appear to be based on any actual losses suffered by Meye.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to International Telecommunication Union statistics for 2008, approximately 6 percent of the population used the Internet.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

The constitution and the law provide for freedom of assembly and association, and unlike in the previous year, there were no reports that the government denied opposition groups permits to demonstrate or forcibly dispersed demonstrators.

c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and unlike in the previous year, the government generally respected these rights in practice.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

There were no legally mandated restrictions on internal movement; however, the military, police, and gendarmes continued to stop travelers at random checkpoints to check identity, residence, or registration documents and to solicit bribes.

Security force members harassed expatriate Africans working legally as merchants, service sector employees, and manual laborers. Some members of the security forces extorted bribes by threatening imprisonment or the confiscation of residency documents. Residency permits cost 150,000 CFA francs (\$312) per year, and first-time applicants were required to provide the cost of a one-way air ticket to their country of origin. In principle but usually not in practice, the government refunded the cost of the air ticket when the individual departed the country permanently.

Unlike in the previous year, the government imposed no restrictions on the foreign travel of opposition members. In September 2009 after the riots in Port-Gentil, the minister of interior prevented all opposition candidates from leaving the country pending an investigation into post-election violence. The restriction was lifted in October 2009.

The law prohibits forced exile, and the government did not use it during the year.

Protection of Refugees

The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

Refugees complained about widespread harassment, extortion, and detentions by security forces. To reduce such mistreatment, the government initiated a program to replace UNHCR-issued identity cards with government-issued ones. By year's end approximately 90 percent of refugees in the country who qualified had been issued new cards. Card holders enjoyed the same rights as citizens, including the right to work, travel, and access public services. Although the cards--along with a UNHCR-led information campaign--helped reduce discrimination against refugees, approximately 3,000 refugees remained without cards at year's end, either because they could not be reached by government or UNHCR officials or because they chose not to regularize their status in the country. During the year a trilateral agreement between the UN and the governments of Gabon and the Republic of the Congo to ensure that refugees can either return home or regularize their status in Gabon was signed and implemented.

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

The constitution and law provide citizens the right to change their government peacefully, and citizens partially exercised this right in practice through periodic and generally fair elections.

Elections and Political Participation

President Ali Bongo Ondimba was elected in August 2009 with 41 percent of the vote; the president succeeded his father, former president Omar Bongo, who died in June 2009 after a 41-year rule. The two leading opposition candidates each received approximately 25 percent of the vote. International observers characterized the election as largely free and fair; however, the election was marred by post-election violence, significant restrictions on human rights, and accusations of political tampering with the electoral process. Authorities censored news coverage and harassed the press. Irregularities included problems with voter lists and registration, polls that opened late, improperly secured ballot boxes, and armed security personnel in or near voting sites. Numerous opposition candidates contested the election results, but the Constitutional Court in October 2009 validated President Bongo Ondimba's victory.

The government is dominated by a strong presidency. When the legislature is not in session, the president can veto legislation, dissolve the national legislature, call new elections, and issue decrees that have the force of law. The legislature generally approved legislation presented by the president, who appoints ministers of government and heads of parastatal companies.

A single party, the PDG, has remained in power since its creation by former president Omar Bongo in 1968. Opposition parties routinely complained of restricted access to the media.

Women held governmental positions from the ministerial level on down and in all branches. In a 30-member cabinet, there were six women. The president of the Senate and the head of the Constitutional Court also were women.

Members of the president's Bateke ethnic group and other southerners held a disproportionately large number of key positions in the security forces, although members of all major ethnic groups continued to occupy prominent government positions. Indigenous Pygmies rarely participated in the political process.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties, including fines and imprisonment, for official corruption; however, officials often engaged in corrupt practices with impunity. During the year the government initiated major reforms to curb corruption. The most recent World Bank Worldwide Governance Indicators reflected that corruption was a severe problem.

Among the major anticorruption measures taken by the government was an audit, completed in January, of all civil service positions, including those of the president and cabinet ministers. The audit resulted in the elimination of 5,600 "ghost workers," government officials who collected illegal second or third incomes. The audit also uncovered the use of fake educational credentials to obtain higher pay.

The Commission Against Illegal Enrichment is the primary body responsible for combating official corruption. During the year the commission conducted 50 investigations, including 12 cases that started in 2009; the investigations were ongoing at year's end. During the year the commission fined a local bank 960,000 CFA francs (\$2,000) after an investigation revealed corrupt practices.

In October 2009 the president recalled and ordered the arrest of Philibert Andzembe, the governor of the Bank of Central African States, on corruption charges. The government arrested two other officials on the same charges, one of whom remained under house arrest at year's end; the other official was released with all charges dropped. Andzembe, who was removed from his position, was awaiting trial at year's end. The president's chief of staff resigned amid corruption charges associated with the scandal, although he was eventually cleared of all charges after a French court, which had jurisdiction, dismissed the case.

The law provides that civil servants disclose their financial assets within three months of assuming office to the Commission Against Illegal Enrichment; however, this requirement was not always followed due to loopholes in the law. The government has since eliminated the loopholes.

The law does not provide for public access to government information, and the government generally did not allow such access.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local human rights NGOs and activists generally operated without government restriction, investigating and publishing their findings. Government officials took no known actions on their recommendations. Local human rights NGOs and their missions included ALCR (ritual crime), Cri de Femmes (women's rights), EBANDO (pygmy rights), AVOGAB (women's and orphan's rights), Groupe Conscience (victims of sexual exploitation), and Réseau de Défense des Droits Humains du Gabon (an association of human rights NGOs).

The government worked closely and effectively with representatives from the UN, including the UN Children's Fund (UNICEF) and UNHCR.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law criminalizes rape and provides penalties of between five and 10 years' imprisonment for convicted rapists; however, rape cases were seldom prosecuted. The law does not address spousal rape. In recent years rape was believed to be widespread. During the year, however, there continued to be a lack of information on the prevalence of rape. According to the UN Committee on the Elimination of All Forms of Discrimination against Women, it was difficult to obtain information on domestic violence against women, including marital rape, in the country. Discussing rape remained taboo and women often opted not to report rape out of fear, shame, or submission. Only limited medical and legal assistance for rape victims was available.

The law prohibits domestic violence; however, it was believed to be common, especially in rural areas. Penalties for domestic violence range from two months to 15 years in prison. Police rarely intervened in such incidents, and women virtually never filed complaints with civil authorities, although the government operated a counseling group to provide support for abuse victims.

There is no law that prohibits sexual harassment, but it was not a widespread problem. The government and NGOs reported cases of female domestic workers (often victims of child trafficking) who were sexually molested by employers.

The government recognizes the basic right of couples and individuals to decide freely the number and spacing of their children and the nature of the family. In 2009 authorities repealed a parliamentary decree prohibiting the use of contraceptives; however, women continued to have difficulty acquiring reliable contraceptives. Health clinics and local health NGOs operated freely in disseminating information on the use of contraceptives and family planning.

The government provided free childbirth services, including prenatal care and obstetric care. According to local NGOs, such as the Mouvement Gabonais Pour le Bien Etre Familial, the infant mortality rate was approximately 99 out of 1,000 births. The maternal mortality rate was 260 deaths for every 100,000 live births. Men and women received equal access to diagnosis and treatment for sexually transmitted infections, including HIV/AIDS.

The law provides that women have rights to equal access in education, business, investment, employment, credit, and pay for similar work; however, women continued to face considerable societal and legal discrimination, especially in rural areas. Women owned businesses and property, participated in politics, and worked throughout the government and in the private sector. The law requires that a woman obtain her husband's permission to travel abroad, although this was rarely enforced.

Children

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

Education is compulsory and free until age 16, although students were required to pay for their supplies, including school uniforms. The country had a shortage of classrooms and teachers, and education was often unavailable after sixth grade. Unlike in the previous year, there were no teacher strikes that reduced educational access.

Child abuse occurred. When reports of abuse surfaced, the accused abusers were generally arrested and tried; however, many such cases went unreported.

Although illegal, female genital mutilation was believed to occur among the resident population of noncitizen Africans.

Ritual killings of children, in which limbs and/or genitals were amputated, occurred. No prosecutions of such cases were conducted during the year.

The minimum age for consensual sex and marriage is 15 for girls and 18 for boys. Child marriage was rare.

Children under the age of 18 were engaged in prostitution, although no statistics were available.

The law prohibits lewd pictures and photographs "against the morals of society." The penalty for possession of pornography includes possible jail time from six months to one year and/or fines up to 222,000 CFA francs (\$462).

Gabon is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

There are no laws that prohibit discrimination against persons with disabilities or provide for access to buildings or services; however, there were no reports of official discrimination against persons with disabilities. Societal discrimination against persons with disabilities occurred, and employment opportunities and treatment facilities for persons with disabilities were limited.

Indigenous People

Pygmies are the earliest known inhabitants of the country. Small numbers of Pygmies continued to live in large tracts of rainforest in the northeast. Most Pygmies, however, were relocated to communities along the major roads during the late colonial and early post-independence period. The law grants them the same civil rights as other citizens, but Pygmies remained largely outside of formal authority, keeping their own traditions, independent communities, and local decision-making structures. Pygmies suffered societal discrimination, often lived in extreme poverty, and did not have easy access to public services. Their Bantu neighbors often exploited their labor by paying them much less than the minimum wage. Despite their equal status under the law, Pygmies generally believed they had little recourse if mistreated by Bantu. There were no specific government programs or policies to assist Pygmies.

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

Discrimination and violence against lesbian, gay, bisexual, and transgender (LGBT) persons was a problem, and LGBT individuals often kept their status secret from the community for fear of being harassed or discriminated against.

Other Societal Violence or Discrimination

There was considerable discrimination against persons with HIV/AIDS. Local NGOs worked closely with the Ministry of Health to combat both the associated stigma and the spread of the disease.

Section 7 Worker Rights

a. The Right of Association

The law places no restrictions on the right of association and recognizes the right of citizens to form and join trade and labor unions; workers exercised these rights in practice. The small private sector industrial workforce was generally unionized. Unions must register with the government to be recognized officially, and registration was granted routinely.

According to the Ministry of Labor, there were more than 136 unions. The Ministry of Labor estimated there were 40,000 union members in total, 10,000 in the public sector and 30,000 in the private sector.

The law provides workers the right to strike; however, they may do so only after eight days' advance notification and only after arbitration fails. The right of public sector employees to strike was limited if a strike could jeopardize public safety. The law prohibits government action against individual strikers who abide by the notification and arbitration provisions.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without government interference, and the government protected this right. The law provides for collective bargaining by industry, not by firm. Collectively bargained agreements set wages for whole industries. Labor and management met to negotiate differences, with observers from the Ministry of Labor. Agreements negotiated by unions also applied to nonunion workers. Unions are politically active and influential in Gabonese politics.

Discrimination on the basis of union membership is illegal. Employers who are found guilty by civil courts of having engaged in such discrimination may be required to compensate employees. Trade unions in both the public and private sectors often faced discrimination. Their demands or requests for negotiations were sometimes ignored or denied. Workers did not face termination due to trade union activity.

There are no special laws or exemptions from regular labor laws in the country's two export processing zones.

c. Prohibition of Forced or Compulsory Labor

Although the law prohibits forced or compulsory labor, including by children, there continued to be media reports that farm workers, including some children on communal farms, and domestic workers, including some children in private households, were subjected to forced labor, including conditions of inadequate compensation for their labor and mandated long hours by employers. Boys were forced to work in local handicraft workshops while girls were primarily trafficked for forced domestic servitude, market vending, restaurant labor, and commercial sexual exploitation. The Ministry of Labor's lack of sufficient vehicles, budget, and

personnel, as well as difficulty in gaining access to some large communal and family-owned commercial farms and private households, impeded the ability of labor inspectors to investigate possible labor code violations, including allegations of forced labor.

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

d. Prohibition of Child Labor and Minimum Age for Employment

Although children below the age of 16 may not work without the expressed consent of the ministries of labor, education, and public health, child labor was a serious problem. The law provides for fines between 290,000 and 480,000 CFA francs (\$604 to \$1,000) and prison sentences of up to two years for violations of the minimum age for work. The ministries rigorously enforced this law in urban areas with respect to citizen children, and few citizens under the age of 18 worked in the formal wage sector; however, child labor occurred in rural areas, where the law was seldom enforced. Noncitizen children were more likely to work in informal or illegal sectors of the economy, where laws against child labor were less rigorously enforced.

In December the government undertook a joint operation with INTERPOL, which resulted in the rescue of 165 children and the arrest of 38 traffickers from 10 African countries. The children were placed in reception centers while the government, UNICEF, and countries of origin worked on repatriation and prosecution of the traffickers.

An unknown number of children, primarily noncitizens, worked in marketplaces or performed domestic work; many of these children were reportedly the victims of child trafficking. Such children generally did not attend school, received only limited medical attention, and were often exploited by employers or foster families. In an effort to curb the problem, the police often fined the parents of children who were not in school. Laws forbidding child labor covered these children, but abuses often were not reported.

The constitution and labor code protect children against exploitation. The Ministry of Justice is responsible for implementing and enforcing child labor laws and regulations. Inspectors from the Ministry of Labor are responsible for receiving, investigating, and addressing child labor complaints. However, violations were not systematically addressed because the inspection force was inadequate, and

complaints were routinely not investigated. The government viewed child labor and child trafficking as closely linked.

During the year the government worked closely with a foreign embassy on a media campaign to educate the populace about trafficking in persons and child labor. In conjunction with the media outreach, the government also initiated a door-to-door program to educate citizens in isolated communities about trafficking and child labor.

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

e. Acceptable Conditions of Work

The national monthly minimum wage is 80,000 CFA francs (\$166); government workers received an additional monthly allowance of 20,000 CFA francs (\$41) per child. Government workers also received transportation, housing, and family benefits. The law does not mandate housing or family benefits for private sector workers. The minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was responsible for enforcing the minimum wage standards and, in general, it did so effectively.

The labor code governs working conditions and benefits for all formal sectors and provides a broad range of protection to workers; however, the government sometimes did not respect these protections. There are various minimum wage rates depending on occupation or industry, but they have not been changed since 1994. There is no minimum wage applied to the informal sector.

The labor code stipulates a 40-hour workweek with a minimum rest period of 48 consecutive hours. Employers must compensate workers for overtime work. According to the labor code and related decrees, the daily limit can be extended to perform specified preparatory or complementary work, including work necessary to start machines in a factory and by supervisors whose presence at the workplace is indispensable. The additional hours range from 30 minutes to two hours, depending on the type of work.

The daily limit does not apply to establishments in which work is performed on a continuous basis and those providing services that cannot be subject to a daily limit, including in retail, transport, dock work, hotels and catering, housekeeping,

guarding, security, medical establishments, domestic work, and the press. The daily limit can be extended for urgent work to prevent or repair accidents.

Overtime compensation varies, as it is determined by collective agreements or government regulations.

Companies in the formal sector generally paid competitive wages and granted the fringe benefits required by law, including maternity leave and six weeks of annual paid vacation.

The Ministry of Health established occupational health and safety standards but did not enforce or regulate them. The application of labor standards varied from company to company and between industries. In the formal sector, workers may remove themselves from dangerous work situations without fear of retribution.

The government reportedly did not enforce labor code provisions in sectors where the majority of the labor force was foreign. Foreign workers, both documented and undocumented, were obliged to work under substandard conditions, were dismissed without notice or recourse, and were often physically mistreated. Employers frequently paid noncitizens less 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.