



## 人权理事会

## 第二十三届会议

## 议程项目 3

增进和保护所有人权——公民权利、政治权利、  
经济、社会和文化权利，包括发展权

贩运人口问题，特别是贩运妇女和儿童问题特别报告员  
乔伊·恩格齐·艾塞罗的报告

增编

对加蓬的访问告\* \*\*

## 内容提要

特别报告员高度评价政府打击贩卖儿童活动的努力，特别是批准了国际和区域文书和颁布了国内法律，以及采取多部门行动打击贩卖儿童活动。特别报告员仍表关切的是：在应对各种贩卖形式和成年受害者方面存在法律空白；机构能力薄弱和协调不够；缺少统一政府机构处理人口贩卖问题；缺乏可靠数据。她还指出，执法机关没有能力正确识别遭贩卖人口，对收容所中遭贩卖人口包括儿童的康复支持不够；对贩卖人口案件的起诉率低或迟迟不起诉，没有切实努力从问题根源入手，特别是对“儿童领养”和廉价劳动力需求监管不力。她向政府提出了若干建议，包括填补打击人口贩卖法律的空白，改进司法执行系统，建立遭贩运人口的全面数据收集系统，加强参与处理人口贩卖问题利益相关方的能力建设，努力消除来源国贩卖人口问题的根源，包括为安全的劳工移民创造更多机会。

\* 本报告内容提要以所有正式语文分发。报告本身附于内容提要之后，仅以原文和法文分发。

\*\* 迟交。

**Annex***[English and French only]***Report of the Special Rapporteur on trafficking in persons,  
Joy Ngozi Ezeilo, on her mission to Gabon (14–18 May 2012)****Contents**

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## **I. Introduction**

1. From 14 to 18 May 2012, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, conducted an official visit to Gabon at the invitation of the Government.

2. During her mission to Libreville, the Special Rapporteur met with ministers and representatives of the Ministries of Foreign Affairs, International Cooperation and Francophonie; Justice; Labour, Employment and Social Welfare; Health; Social Affairs, Solidarity and the Family; the Interior; Public Safety; Immigration; and Decentralization. She also met with the Attorney General and visited the service for protection of minors within the police. She further interacted with members of the Monitoring Committee in charge of implementing the platform of action against trafficking of children for the purpose of labour exploitation, the National Human Rights Commission and civil society organizations (CSOs). She also visited the Government-run Angondjé Shelter and two other shelters run by Caritas, namely the Maison de l'Espoir and the Arc en Ciel Centre, for girls and boys in need, respectively, where she interacted with children victims of trafficking. Moreover, she engaged with diplomats from the Embassies of Benin, Mali, Nigeria, Togo and the United States of America.

3. The objectives of the visit were to explore the incidence, trends and root causes of trafficking in persons, especially women and children, in Gabon and examine the initiatives and measures taken by the Government and civil society to combat and prevent this phenomenon, in the light of existing international law.

4. The Special Rapporteur expresses her sincere appreciation to the Government of Gabon and in particular the Attorney General's Department of the Ministry of Justice in charge of human rights for the indispensable support it provided in planning and coordinating the visit. She further thanks the CSOs and the United Nations (in particular the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) Subregional Centre for Human Rights and Democracy in Central Africa based in Cameroon) for their assistance and support before, during and after the mission.

## **II. Main findings**

### **A. Forms and manifestations of trafficking in persons**

5. Gabon is a destination country and a transit country for trafficked women and children en route to Equatorial Guinea. Available information indicates that identified victims of trafficking are mainly from the subregion of West and Central Africa predominantly from Benin, Guinea, Mali, Nigeria and Togo. Boys and girls below the age of 18 are attracted to the country, which they see as one of the economically strong and socio-politically stable countries in the subregion with prospects and opportunities for work. Incidences of human trafficking have primarily been detected in the capital Libreville and Port-Gentil.

6. Internal trafficking of children also occurs in Gabon. Recent data from CSOs suggests that 30.6 per cent of Gabonese children were victims of trafficking in the Estuaire province in Gabon.<sup>1</sup>

7. In the large majority of cases, girl victims were found to be working in the area of domestic servitude and some were victims of forced and servile marriages and commercial sexual exploitations, while boys were trafficked for forced and exploitative labour in the informal and business sectors. However, other forms of trafficking, including forced begging, have emerged. Adult women are trafficked for the purposes of sexual exploitation and prostitution.

8. The victims of trafficking identified in Gabon appear to be controlled through subtle means such as psychological coercion, poverty – which compels victims to financially contribute to the family income – and even threats by their own family members, as is the case of a young girl from Togo who informed the Special Rapporteur that her widowed mother had warned her not to return because of the family's dire economic situation.

9. Families of young victims seek the assistance of women, who serve as intermediaries and are sometimes related to the family, to find their girls employment as nannies in Gabon. Upon arrival in Gabon, the girls are deceived as to the nature and conditions of their babysitting work and become trapped in domestic servitude. Boys are also recruited through promises of better working conditions, earning more money or going to school.

10. According to accounts of victims of trafficking, the journey to Gabon takes several days in cramped boats, where victims sit without moving and are not provided with any sanitation facilities. The boats do not have adequate navigational equipment and capsizing or drowning of victims is not uncommon. Surviving victims are then smuggled through one of the blind spots along the Gabonese coastal border. Victims also reach Gabon by road through its porous land borders. The Special Rapporteur was also informed that children, unaccompanied or with adults pretending to be family members, arrive through the airports.

11. Root causes of trafficking include poverty and lack of economic opportunities in source countries, and the high demand for cheap and submissive child labour by rich Gabonese and West and Central African families based in Gabon. When unregulated, traditional practices of sending children to live with relatives in exchange for light work, especially in West Africa, may also contribute to trafficking.

12. The exact scope of trafficking of persons, especially women and children, is difficult to measure. Crimes are underreported due to a general limited knowledge of laws (especially those on trafficking), social tolerance for certain practices and fear of reprisals. Another obstacle is the absence of a harmonized methodology for gathering and processing data on trafficking by both the State and CSOs. The lack of legal and institutional protection frameworks for adult victims of trafficking reinforces the invisibility of the problem and thus the extent and trends thereof are unknown.

#### **1. Domestic servitude**

13. The Special Rapporteur observed that trafficking of girls for the purpose of domestic servitude is influenced by traditional practices, especially in West Africa, where poor families send their children to live with city-based families (related to them or not) with a view to providing them with education and a better life in exchange for some household chores. Girls from poor families mostly come from Benin, Guinea, Mali and Togo,

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<sup>1</sup> Réseau de défense des Droits Humains du Gabon, *Rapport général des droits de l'homme de 2011*.

although some come from Burkina Faso, Cameroon, Liberia and Sierra Leone. They are trafficked through middle persons, especially women, known as “aunties”, to work for rich Gabonese families and West/Central African and European families residing in Gabon. The Special Rapporteur acknowledges that, while the practice of “child fostering” in itself does not amount to trafficking, the practice may be abused and can become a form of exploitation in which children work long hours without schooling, as is the case for some of the young victims she met. A specific example is that of a Togolese girl, who shared her story about how she was forced to work from 4 a.m. to 10 p.m. selling peanuts in the market in addition to her daily household chores.

14. While undertaking domestic work, trafficked girls are also exposed to multiple forms of psychological and physical abuses by their host families, including accusations of theft, deprivation of food and beatings. The Special Rapporteur was also informed that such abuses occur when the girls fail to earn the expected daily amount from selling foodstuffs on the streets. The girls are also at a heightened risk of sexual abuse, including rape by members of the families they work for.

15. The Special Rapporteur received information suggesting that a large number of victims of trafficking into Gabon are not paid the promised wages, in spite of legislation criminalizing forced labour. Moreover, child victims rarely attend school because of their workload and the reluctance of their employers to educate them, in spite of primary education being compulsory and free to all children between the ages of 6 and 16.<sup>2</sup>

16. The Special Rapporteur is further concerned that, once they turn 18, young workers who are trafficked for domestic exploitation are no longer protected by the Trafficking Law, which applies only to children. As irregular migrants with no documentation, education or work, these women are forced into underground commercial sexual exploitation to earn a living.

## 2. Forced and servile marriage of girls

17. The use of marriage as a mechanism to traffic young girls into Gabon is, for example, an emerging trend. The Angondjé Shelter for Children in Social Difficulty received two victims of trafficking for the purpose of forced and servile marriage in the past two years. The Special Rapporteur was informed of the case of a 13-year-old girl from Guinea who was trafficked for the purpose of marrying a 42-year-old man. Another girl aged 12 from Mali was given in marriage to a 29-year-old man with mental disabilities who repeatedly raped her and kept her confined to the house. Both girls were repatriated to their countries after a stay in the shelter of one year and of three months, respectively.

18. The Special Rapporteur shares the concern of the social workers whom she met that forced and servile marriage of children is likely to be more prevalent than the small number of reported cases. This may be attributed to the fact that most forced or servile marriages are arranged by and between family members, leading to those who know of the marriage to fear reporting it or because victims may not actually identify their marriage as having been forced. Poverty, cultural/traditional practice and the lower legally marriageable age for girls (15 years old) in Gabon and some source countries also contribute to trafficking for early marriages.<sup>3</sup>

<sup>2</sup> Act No. 16/66 of 9 August 1966 on the general organization of education.

<sup>3</sup> The minimum age for consensual sex and marriage is 15 for girls and 18 for boys.

### 3. Labour exploitation of boys

19. With a relatively thriving economy with opportunities for work, Gabon is a destination country for boys trafficked for the purpose of labour exploitation from neighbouring countries, in particular Benin, Guinea, Mali, Nigeria and Togo and, to a lesser extent, Burkina Faso, Cameroon, Cote d'Ivoire, Ghana, Liberia, Niger, and Sierra Leone. Information gathered suggests that boys mainly work as apprentice mechanics and selling motor parts. Concern has also been raised regarding the agriculture, animal husbandry, fishing and informal mining sectors in particular.

20. The boys are trafficked through middle persons who promise them and their families – often in a dire economic situation – employment opportunities in Gabon. In addition, trafficked boys who return home with visibly coveted objects/materials, such as bicycles, radios and roof tiles for the parents' house, influence other boys in their villages as to the available work opportunities in Gabon. This contributes to the voluntary departure of children in search of work or adventure who are then deceived or lured into unpaid and unsafe jobs. Often, once the children arrive in Gabon, neither they nor their parents are paid for the work they do.

21. While stakeholders met by the Special Rapporteur raised the issue of trafficking of boys for the purpose of labour exploitation, there is a dearth of documented information on its magnitude, prevalence and trends.

### 4. Trafficking of girls and women for sexual exploitation and prostitution

22. According to information provided by the Government, trafficking of girls for sexual exploitation is a corollary of trafficking for domestic purposes. In the majority of cases, trafficked girls who flee from their domestic duties fall into prostitution and paedophilia networks.<sup>4</sup>

23. Some areas of Gabon, particularly Port-Gentil, are becoming a hub for trafficking in women and children for the purpose of sexual exploitation. Although the exact figure remains unknown, a survey undertaken in 2005 in Port-Gentil reveals that commercial sexual exploitation of women trafficked from West and Central Africa was on the rise.<sup>5</sup> It further revealed an increase in the number of internally trafficked Gabonese girls and women from other provinces of the country into Port-Gentil.

24. The prevalence of tourism and the continuing demand for sexual services are some of the underlying factors that contribute to the sexual exploitation of trafficked women and children. The existence of large-scale businesses, including in the oil sector, increases the concentration of foreigners and rich Gabonese businessmen, with a consequent impact on the sexual industry.

25. In addition, the Special Rapporteur observed the limited attention paid to trafficking for the purposes of sexual exploitation, particularly by the media. This may be attributable to the cultural taboo of raising issues of a sexual nature in public. Yet, she notes that there are dangers in associating trafficking in persons exclusively with labour trafficking of children, not least the invisibility of girl and women victims of commercial sexual exploitation and their exclusion from protection.

<sup>4</sup> Tomorrow children, *Le trafic d'enfants*, paper prepared for the International Symposium, Missing, abducted, trafficked? , Lyon, France, 29 and 30 November 2001, p. 4.

<sup>5</sup> Direction Générale des Droits de l'Homme (DGDH), *Compléments d'information sur la traite des personnes ne particuliers des femmes et des enfants* (2012), p. 27.

26. Finally, the rigid focus on child trafficking (which the Special Rapporteur recognizes as a problem) means that the extent and trends of adult trafficking are disregarded. She was further informed of cases where victims of trafficking had no longer been able benefit from the protection of the Trafficking Law once they reached 18 years old.

## 5. Emerging forms of human trafficking

27. A survey conducted in 2005 highlighted that a large number of children, mainly boys, live on the streets around markets areas, restaurants and bus stops of big cities.<sup>6</sup> Aged between 10 and 20 years, these boys – who fled their homes due to family poverty, abuse within the family or as a result of being orphaned – have the potential to become easy targets or victims of traffickers. While 44 per cent of these boys are Gabonese, there are cases of children from neighbouring countries, in particular Benin, Cameroon, Congo and Equatorial Guinea, who are engaged in washing cars during the day and guarding cars in front of nightclubs at night.<sup>7</sup>

28. The Special Rapporteur was also informed of some cases of trafficking of children for the purpose of forced begging. These child beggars from West Africa are mostly boys who have been entrusted to the care of religious teachers by their parents in order to receive a religious education. They can be seen in city streets begging for alms, which they give to their teacher in exchange of food and protection.

## B. Legal, policy and institutional frameworks for combating trafficking in persons

### 1. Legal framework

29. At the international level, Gabon has been a party to the United Nations Convention against Transnational Organized Crime since 2004 and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention (Palermo Protocol) since 2010. Moreover, it has ratified all of the core human rights instruments, a number of which have particular relevance to combating trafficking, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Gabon has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

30. At the regional level, Gabon is a party to the African Charter on Human and Peoples' Rights, its Protocol on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child.

31. At the national level, the Constitution of Gabon recognizes and guarantees the inviolable and inalienable human rights for its citizens, including the protection of youth from exploitation and moral, intellectual and physical abandon (art. 1).

32. Even before the ratification of the Palermo Protocol, Gabon had demonstrated its commitment to tackle the phenomenon of child trafficking by enacting in 2004 Act No. 09/04 concerning the prevention and fight against trafficking in children (hereinafter “the Trafficking Law”) which defines trafficking as:

<sup>6</sup> DGDH, *Compléments d'information*, p. 26.

<sup>7</sup> Ibid.

All forms of forced displacement, bargaining, exchange of children including through sale, trade and servitude of children for debts (debt-bondage). It also includes the recruitment, offer and placement of children for the purpose of domestic work or to make profit within for the family, whether for payment or not. (art. 3)

Whoever organizes, facilitates or is involved in the trafficking of children, including by transporting, introducing into the national territory, harbouring, selling, illegally employing or taking any advantage whatsoever shall be punished by life imprisonment and a fine of 10 to 20 million CFA. Accomplices and instigators shall be liable to the same penalties as the main perpetrators. (art. 20)

33. The Trafficking Law also provides for the confiscation of assets of perpetrators and their accomplices as additional punishment (art. 23). Moreover, the law provides for the expulsion from Gabon of any foreigner found guilty of the crime of trafficking, while Gabonese offenders are stripped of their civic and family rights (art. 22).

34. In 2006, Gabon complemented this legislation with a decree regarding the investigation and research methodology for the purpose of combating trafficking in children<sup>8</sup> and legislation at the provincial level to address the assistance and repatriation of trafficked children in the province of Ogooué-Maritime.<sup>9</sup> Moreover, the *Manuel national de procédures de prise en charge des enfants victimes de la traite* (hereinafter “the National Procedural Manual”) provides a set of rules and procedures for all actors engaged in the protection and assistance of child victims of trafficking.

35. The Special Rapporteur notes that, while Gabon has endeavoured to discharge its international obligation under the Palermo Protocol through the enactment of legislation, the definition of trafficked person is not in conformity with article 3 of the Protocol in terms of comprehensiveness and forms of trafficking. More specifically, the country’s Trafficking Law limits its protection to victims of trafficking under the age of 18. Moreover, by focusing exclusively on trafficking for economic exploitation, it excludes other forms of exploitation, including trafficking for the purpose of sexual exploitation, slavery and removal of organs.

36. In addition to the Trafficking Law, Gabon also has relevant legislation that may be invoked to prosecute trafficking-related offences. Rape is criminalized with imprisonment of between 5 and 10 years. Where the victim is a child under the age of 15, a punishment of hard labour for life will apply (art. 256 of the Penal Code). Forced prostitution of adults is proscribed and punished with an imprisonment of 210 years.<sup>10</sup> Penal law also criminalizes anyone who aids, assists or abets the prostitution of others; shares the proceeds of another’s prostitution; knowingly lives on the earnings of prostitution; procures, entices or keeps, even with his or her consent, a person for or in prostitution, or acts as an intermediary between two persons engaged in prostitution with imprisonment for a term of between six months and two years in addition to a fine of between 50,000 and 1 million CFA (art. 260 of the Penal Code).

37. 17. Under article 257 of the Penal Code, the commission or attempted commission of an indecent assault with violence against an individual of the same sex is punishable with imprisonment ranging from three to six years. The punishment can increase from 5 to

<sup>8</sup> Decree No. 000024/PR/MTE of 6 January 2005 regulating checks, investigations and searches for the purpose of preventing and combating child trafficking (hereinafter “Anti-Trafficking Decree”).

<sup>9</sup> Decision No. 000001/PM/MESI/PDM 3 June 2006 establishing the procedure for the care and repatriation of trafficked children in the province of Ogooué-Maritime

<sup>10</sup> Act No. 21/63-94 prohibits the forced prostitution of adults.

10 years' imprisonment when the victim is under the age of 15 years. When an indecent or unnatural act is committed or attempted without violence, it entails an imprisonment of one to three years when the victims are under 21 years of age, and three to six years' imprisonment if the victims of an indecent assault or the attempt thereof are under 15 years (art. 258 of the Penal Code).

38. Penal law punishes anyone who illegally deprives of liberty another person, for payment or otherwise, with imprisonment of 5–10 years and up to 1 million CFA. The maximum punishment is given if the victim is under 15 years of age (art. 251 of the Penal Code). It further criminalizes the placement and reception of a person in illegal confinement with imprisonment ranging from three months to five years and a fine up to 120,000 CFA, depending of the age of the victim (art. 252 of the Penal Code). If the detention or illegal confinement lasted more than one month, the perpetrator is punished with long-term rigorous imprisonment (art. 253 of the Penal Code).

39. The Labour Code sets out minimum labour protection standards, including minimum wages, the limitation of working hours, the provision of paid leave and overtime. It further criminalizes all forms of forced labour, prescribing penalties ranging from one to six months' imprisonment, with possible fines of \$700–\$1,400.<sup>11</sup> The employment of children under 16 years is also forbidden subject to exceptions granted by decree on a joint proposal of the Minister of Labour, the Minister of Public Health and the Minister of National Education.<sup>12</sup> However, while the inspection of workplaces and homes by labour inspectors is provided for (art. 4 of the Trafficking Law), in reality victims of trafficking, particularly those engaged in domestic work, seldom benefit from this protection.

## 2. Policy framework

40. At the time of the Special Rapporteur's visit, Gabon was working towards the establishment of a national action plan to fight trafficking and child labour (2012–2016) based on the Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children adopted by the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) in 2006 (Abuja Agreement). Under this national plan, the country envisages the continued strengthening of its legal framework on trafficking; the sustainable provision of protection and assistance to victims of trafficking; the design and implementation of a strategy based on prevention and awareness-raising; and the establishment of a database for research, collection and analysis of information, the establishment of identification and travel documents and monitoring and evaluation of the plan.<sup>13</sup>

## 3. Institutional framework

41. Gabon has adopted a multisectoral and multidisciplinary approach in combating trafficking in children. An interministerial committee – headed by the Ministry of Labour, Employment and Social Welfare and composed of the Ministry of Justice and the Ministry of Social Affairs, Solidarity and the Family – is one of the primary bodies mandated to establish and coordinate national policies and actions to address trafficking of children.

<sup>11</sup> Article 40, Title 1, of Law No. 3/94.

<sup>12</sup> See Decree 00031/PR/MTEFP of 2002 on combating child labour.

<sup>13</sup> DGDH, *Compléments d'information*, p. 22.

42. It has the Monitoring Committee,<sup>14</sup> which works, inter alia, in the areas of identification, rehabilitation, reinsertion and repatriation of child victims of trafficking.<sup>15</sup> It is also responsible for the elaboration, coordination and evaluation of future plans of action on trafficking, the coordination of collection of data and awareness-raising activities. The Committee also engages in diplomacy with source, transit and destination countries of trafficked victims with a view to establishing international, regional and bilateral cooperation. However, the Special Rapporteur is concerned that it may not be the appropriate body to address the issue of trafficking as it lacks the secretariat, fixed budget and regular staff to have the desired impact.

43. The Monitoring Committee manages the Arcades Call Centre which provides assistance to children victims of trafficking with a view to repatriating them to their countries of origin or reinserting them locally.<sup>16</sup> Equipped with a telephone hotline, the centre is placed under the Ministry of Social Affairs, Solidarity and the Family and receives guidance from the Ministry of Labour, Employment and Social Welfare for its day-to-day activities.<sup>17</sup>

44. At the provincial level, watchdog committees<sup>18</sup> headed by the governor and composed of, inter alia, the prosecutor, labour inspectors, gendarmerie, police, mayors, neighbourhood chiefs, and local representatives of non-governmental organizations, religious groups and youth groups are established in six of the nine provinces of Gabon.<sup>19</sup> These committees are responsible for identifying, protecting and providing administrative and legal assistance to child victims of trafficking through its two units: the Intervention Unit and the Counselling Unit.<sup>20</sup> While the Special Rapporteur acknowledges the importance of having such structures at the provincial level, she notes with concern that the watchdog committees have reportedly not been able to adequately conduct their work since their establishment. A self-assessment of the watchdog committees conducted in December 2011 identified factors such as inadequate follow-up by the Monitoring Committee, insufficient and irregular budget, lack of motivated staff and staff knowledgeable about trafficking laws and procedures as the main problems negatively affecting the results of the watchdog committees.<sup>21</sup>

45. At the time of the Special Rapporteur's visit, there were no shelters specifically intended for trafficked persons, although the establishment of a national centre for child victims of trafficking had been planned since 2004.<sup>22</sup> Child victims of trafficking are

<sup>14</sup> Order No. 000158/PM/MSNASBE of 08 August 2000 the establishment, responsibilities and structure of a committee to monitor the implementation of the platform for action on trafficking for labour exploitation.

<sup>15</sup> See DGDH, *Manuel national de procédures de prise en charge des enfants victimes de la traite* (hereinafter National Procedural Manual), pp. 16–18.

<sup>16</sup> Arcades Call Centre, *Rapport des activités annuel* (2011), p. 2.

<sup>17</sup> *Ibid.*, pp. 2 and 3.

<sup>18</sup> *Ibid.*, p. 2.

<sup>19</sup> President of the Monitoring Committee for implementation of the Platform for Action against trafficking for labour exploitation, *Note de présentation du comité de suivi de la lutte contre le trafic des enfants*, (March 2012), p. 3. According to the report, the watchdog committees are established in 6 provinces i.e. Ogooué-Maritime, Haut-Ogooué, Woleu-Ntem, Moyen-Ogooué, Ngouné and Nyangana.

<sup>20</sup> National Procedural Manual pp. 23–24.

<sup>21</sup> Comité de suivi de la lutte contre le trafic des enfants, *Rapport de l'Atelier portant bilan des activités du comité de suivi et comités de vigilance et plan d'action* (Décembre 2011), p. 7.

<sup>22</sup> National Procedural Manual, pp. 18–21.

accommodated in four shelters for the protection and care of children in need. Of these, only the Angondjé Shelter for Children in Social Difficulty under the aegis of the Ministry of Social Affairs, Solidarity and the Family is Government-funded, while the others are run by faith-based CSOs. Apart from one CSO-run shelter based in Port-Gentil, the rest are based in the capital (see paras. 59–60).

46. Moreover, labour inspectors of the Ministry of Labour, Employment and Social Welfare and the Ministry of Social Affairs, Solidarity and the Family are also engaged in the protection and assistance of victims of trafficking through investigations, inspections and searches examining the conditions of employment of workers, including victims of trafficking (art. 14 of the Trafficking Law).

47. While not directly working on anti-trafficking issues, the Social Service for the Protection of Youth under the Ministry of Justice provides protection, education, rehabilitation and social, family and professional reinsertion for minors in conflict with the law, while the National Observatory for Children's Rights,<sup>23</sup> established in 2006, recently undertook a study on violence against children.

48. The National Human Rights Commission became functional in September 2011, though its establishment had been envisaged since 2005.<sup>24</sup> Its mandate is to promote and protect human rights in Gabon. The Special Rapporteur notes that the Commission could potentially play an instrumental role in addressing trafficking issues, including through reviewing complaints, conducting research and engaging in awareness-raising campaigns.

49. Finally, the establishment of the new Council for the Prevention and Elimination of Child Trafficking under the Ministry of Justice is envisaged in the 2004 Trafficking Law (arts. 4–10). Upon its establishment, this specialized body is expected to spearhead the fight against trafficking of children with the assistance of the Monitoring Committee. However, the Special Rapporteur regrets that eight years after its planned establishment, this institution, which only addresses trafficking from the perspective of children, has yet to be created. She is further concerned by the potential overlap of this institution with already existing ones.

50. The Special Rapporteur notes that, in the plethora of existing structures for fighting trafficking of children, coordination of anti-trafficking activities – especially among governmental institutions and between national and provincial authorities – remains weak. The absence of a single lead governmental institution with specific responsibilities, fixed budget, a work plan with clear indicators and achievable outputs and trained personnel not only contributes to lack of accountability but, more importantly, negatively affects the provision of adequate assistance to victims of trafficking.

<sup>23</sup> Decree 000873/PR/MFPEPF of 17 November 2006, on the establishment, responsibilities and structure of a national observatory for children's rights; see also Gabonco, "Gabon : 77% des enfants victimes de violences physiques, psychologiques, morales et sexuelles", 16 June 2011, available from [www.gabonco.com/show\\_article.php?IDActu=22741](http://www.gabonco.com/show_article.php?IDActu=22741); and Réseau de défense des droits humains du Gabon, "Rapport general des défenseurs des droits de l'Homme du Gabon", p. 8, available from [www.redhac.org/doc/rapport%20gabon.pdf](http://www.redhac.org/doc/rapport%20gabon.pdf).

<sup>24</sup> Act No. 19/2005 of 3 January 2006 on the establishment and organization of the National Human Rights Commission.

### C. Identification of trafficked persons

51. Police officers, particularly those from the Service for the Protection of Morals and Minors, judicial police officers and immigration officials have the primary responsibility for identifying trafficked persons (art. 14 of the Trafficking Law and art. 3 of the Anti-Trafficking Decree). During her visit to the National Police in Libreville, the Special Rapporteur was informed that a lack of resources, including financial, material and human, contributed to inconsistencies in identifying victims in a timely fashion. Some law enforcement officials' unfamiliarity with the Trafficking Law and the absence of a checklist in plain and simple language were also highlighted as further obstacles to the effective identification of victims of trafficking.

52. Moreover, the Special Rapporteur heard allegations of corruption of law enforcement officials, which hampers the effective identification of trafficked persons. She was informed of cases in which immigration officers at the airport turned a blind eye to the situations of trafficked children travelling unaccompanied during school periods. According to victims' accounts, immigration officials at one of the maritime ports let a boat full of young girl victims of trafficking disembark at night while they turned their backs after allegedly negotiating with the traffickers. The Special Rapporteur is concerned that the prevalence of corruption may result in mistrust of law enforcement officers by trafficked persons and the public, who rarely denounce perpetrators to them.

53. In addition, social workers from the Ministry for Labour, Employment and Social Welfare and the Ministry for Social Affairs, Solidarity and the Family engage in the identification process of child victims of trafficking on their own initiative or following reports by others, including the watchdog committees, the Monitoring Committee and CSOs (art. 14 of the Trafficking Law and the Anti-Trafficking Decree). Victims can also be identified by labour inspectors, who conduct searches and monitor workplaces and private houses (art. 6 of the Anti-Trafficking Decree). In spite of the large number of victims engaged in domestic work, detection is rare because of the hidden nature of their work and its sociocultural acceptance.

54. According to information provided, the majority of victims in Gabon have been identified by the watchdog committees and the Monitoring Committee following rescue operations in sites such as open markets. Since 2005, no less than eight large-scale operations to rescue child victims of trafficking have been conducted, two of them particularly focused on child prostitution and begging. Recent operations include one conducted in October 2009, during which 34 child trafficking victims from four countries (out of which 26 were underage girls) were identified and rescued from a sea vessel, the MS Sharon.<sup>25</sup> In December 2011, Operation Bana, jointly conducted with INTERPOL, led to the identification and rescue of 142 children trafficked from 10 different countries in West and Central Africa.

55. The "770099" hotline of the Arcades Call Centre under the Ministry for Social Affairs, Solidarity and the Family is also instrumental in the identification of trafficked children. It is, however, regrettable that, owing to budgetary constraints, the 24/7 hotline is no longer free. The hotline is, moreover, available only in French, notwithstanding the fact that trafficked persons speak other languages, including English and local languages. The

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<sup>25</sup> Press release, November 2009, "Gabon: UNICEF assiste les autorités pour assurer la protection des enfants mineurs présumés victimes de traite". Available from [www.unicef.org/wcaro/2009\\_3717.html](http://www.unicef.org/wcaro/2009_3717.html).

new working hours of the centre (from 7.30 a.m. to 3.30 p.m.) may also affect the swift identification and processing of trafficking cases.

56. Diplomatic missions and consulates of source countries are also required to assist in the process of identifying victims of trafficking, either on the basis of requests from victims themselves or other concerned institutions.<sup>26</sup> In her meetings with diplomats of source countries, the Special Rapporteur was informed that, while a few had the necessary capacity to identify victims of trafficking from their countries, most admitted their lack of training in the area.

57. In spite of Gabonese endeavours to combat trafficking in children, the Special Rapporteur found that the extent of trafficking of children may not be well known. While official figures show that 500 children were identified as having been trafficked in 2009, according to UNICEF 643 such children were identified in Libreville and Port-Gentil alone.<sup>27</sup> These numbers do not adequately reflect the total number of child victims of trafficking because of the difficulty of identifying those victims working in private homes, the family ties (albeit distant) between these children and their employers and the generally accepted cultural norm of “child fostering”.

58. Furthermore, the consequence of focusing almost exclusively on trafficking of boys and girls under the age of 18 is that other victims of trafficking remain invisible and unrecognized by the competent authorities; the victims themselves are not often aware of being trafficked. The Special Rapporteur remains concerned that the scale of the problem, especially as regards labour and sexual exploitation of adult women and men, appears to be underestimated and most adult victims remain unidentified or are misidentified as migrants.

#### **D. Protection of trafficked persons**

59. The protection and care of victims of trafficking is provided by four shelters for children in need. Of these shelters, three are run by faith-based CSOs and one is Government-owned. The Special Rapporteur visited the Government-owned Angondjé Shelter for Children in Social Difficulty, where identified victims of trafficking between the ages of 0 and 12 are accommodated (placed there by the Ministry for Social Affairs, Solidarity and the Family).<sup>28</sup> Child victims of trafficking stay for three months<sup>29</sup> in a section of the shelter that has been set aside as a transit facility. Open 24 hours a day, 7 days a week,<sup>30</sup> the shelter can accommodate up to 80 children. Since its establishment in 1990, the shelter has provided assistance to 791 children, of which 555 were victims of trafficking.<sup>31</sup>

60. The Special Rapporteur also visited two CSO-run shelters for the protection and care of children in need: the Maison de l’Espoir, a shelter for girls in need, including victims of trafficking, which accommodates 10 girls between the ages of 13 and 18 and the Arc en Ciel Centre for boys which accommodates up to 30 boys. In 2011, the shelters provided assistance to 18 child victims of trafficking (17 girls and 1 boy) from Benin, Cameroon and Nigeria.<sup>32</sup> In Port-Gentil, another CSO-run shelter, the Mission Nissi, provides shelter to

<sup>26</sup> National Procedural Manual, p. 31.

<sup>27</sup> DGDH, *Compléments d’information*, p. 38.

<sup>28</sup> Art. 4 of Decree No. 00785/PR/MASPF.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid., art. 31.

<sup>31</sup> Arcades, *Rapport*, p. 2.

<sup>32</sup> Caritas Gabon, “Rapport narratif des activités du Centre Espoir” (2011, Libreville), p. 4.

children victims of abuse, incest and trafficking, including forced marriage. Victims can be referred to CSO-run shelters by members of the Monitoring Committee and the watchdog committees, law enforcement officers or concerned citizens. It is not uncommon for victims to turn up on their own initiative.

61. To a varying extent, medical and psychosocial support and educational or literacy programmes are provided by both the Government and CSO-run shelters. Social workers ensure follow up on the administrative and legal procedures leading up to the repatriation and reintegration of the children in their care, including victims of trafficking.<sup>33</sup> It is also worth noting that the assistance provided to victims is independent of their decision to engage and/or testify in criminal and civil proceedings or not.<sup>34</sup>

62. The Special Rapporteur acknowledges the Government's commitment to assisting victims of trafficking, including through the provision of funding for shelters. To this effect, she learnt that, between 2003 and 2010, the Government provided some \$270,000 to support the four shelters in Libreville and Port Gentil. She regrets, however, that a number of shortcomings undermine the functioning of both Government and CSO-run shelters. The Special Rapporteur is concerned that victims of trafficking are falling through the protection gap in the absence of shelters specifically designed to accommodate and provide protection to trafficked persons. She was alarmed by the wide range of the children's profiles, which included histories of physical and/or sexual abuse, abandonment, living and/or working in the streets, conflict with the law and trafficking. She emphasizes that effective, specialized care and assistance cannot be delivered when victims with such a wide spectrum of circumstances and different needs are placed together. Moreover, she remains gravely concerned about the inadequate conditions of the infrastructure of all Government and CSO-run shelters, which operate without clear standards and with a noticeable lack of trained manpower and financial and material resources. She further notes the absence of structures for adult women and men victims of trafficking, which perpetuates their victimization.

63. The Special Rapporteur echoes the concern of all service providers that the limited resources and ad hoc nature of the Government's human, financial and material contribution, particularly during influx of victims following large-scale rescue operations, might not be able to ensure that victims are provided with adequate shelter, medical, psychosocial, administrative and legal assistance. She was also informed that, even where available, Government personnel were untrained and only worked until 3.30 p.m. in shelters that were open 24 hours. This not only overburdens the already scarce human resources but ultimately impacts the quality of the services provided to the victims.

## **E. Investigation, prosecution and punishment**

64. Preliminary investigation of trafficking cases is undertaken by members of the police, and in particular judicial police officers, who transmit their finding in reports to the Public Prosecutor within eight days, failing which the reports will be invalid (arts. 14–16 of the Trafficking Law and art. 2 of the Anti-Trafficking Decree). As with other criminal cases, the Public Prosecutor or victims who wish to bring a civil claim for damages under criminal proceedings refer the trafficking case to the investigating judge who conducts further investigation, including by seeking the assistance of the judicial police officers and interviews with sources. Depending on the judge's findings, the accused may be

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<sup>33</sup> National Procedural Manual, p. 29.

<sup>34</sup> *Ibid.*, p. 33.

incriminated (in which instance the case is referred to the High Court) or exonerated (in which instance the case is discharged).

65. The Special Rapporteur acknowledges that investigation safeguards have been put into place in the National Procedural Manual, including a child-friendly procedure to collect information which provides for the presence of social workers during interviews with children and direct dealings with social workers in cases where the child's presence is not required.<sup>35</sup> Collecting information in the presence of the trafficker or in the place where the exploitation took place is prohibited in order to reduce the risk of re-traumatization.<sup>36</sup>

66. While investigation should be undertaken by trained officers,<sup>37</sup> the Special Rapporteur was informed that only a few officers received adequate training in this area. During her visit to a police station in Libreville, she was informed that some officers who had benefited from such training were either out of the country or had been transferred to other departments within the police. Most of these officers are also based in the capital, which limits the investigation of trafficking cases in the rest of the country.

67. With regards to prosecution, the Special Rapporteur acknowledges the positive measures taken in the best interests of the child, including exemption of victims of trafficking from being prosecuted and charged for offences relating to their status,<sup>38</sup> prohibition of placing them in pretrial detention, protection of their right to privacy and identity and the right to access of information in a language they understand.

68. She notes, however, the absence of finalized convictions since the entry into force of the trafficking legislation,<sup>39</sup> despite the fact that more than 30 persons were arrested for human trafficking between 2003 and 2008, and 11 court cases were pending in 2011.<sup>40</sup>

69. Factors contributing to the low prosecution rate for trafficking cases include the limited number of sessions of the Criminal Court, which sits twice a year, the large number of cases handled by judges and lengthy trials, which cause significant case backlogs. The Special Rapporteur is concerned that such delays might act as a strong disincentive to investigators and prosecutors to bring traffickers to justice. Victims' fear of reprisal when reporting traffickers, lack of understanding of the phenomenon of trafficking, lack of knowledge of the law and limited legal assistance for victims are also obstacles in the prosecution of such cases and the punishment of perpetrators. While common and criminalized, cases of sexual abuse on girl domestic workers are seldom prosecuted<sup>41</sup> as a result of lack of knowledge of the law, limited medical and legal assistance for victims of sexual abuse and fear of reprisals and stigma.

70. In addition, the Attorney General pointed out that, in spite of ad hoc training on the Trafficking Law, prosecutors and judicial officers were not sufficiently familiar with that law, as it was not part of the curricula of legal education. This in turn affects the delivery of justice.

<sup>35</sup> Ibid, pp. 27–29 and art. 9 of the Anti-Trafficking Decree.

<sup>36</sup> National Procedural Manual, p. 28.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

<sup>39</sup> DGDH, *Compléments d'information*, p. 24.

<sup>40</sup> ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations, document ILC.100/III/1A, p. 329.

<sup>41</sup> Information from US Department of State.

## F. Redress for victims of trafficking

71. According to international law, States have to provide victims of trafficking with access to effective remedies (art. 6, para. 6, of the Palermo Protocol and guideline 9 of the Principles and Guidelines on Human Rights and Human Trafficking). In Gabon, the Trafficking Law envisages the confiscation of assets and proceeds from trafficking offences (art. 23 of the Trafficking Law). However, in the absence of a comprehensive national mechanism for the compensation of trafficking victims, it is not clear whether the proceeds are used to compensate victims. Meanwhile, trafficking victims may access compensation through separate civil proceedings. The Special Rapporteur notes the absence of cases to date where such compensation was successfully awarded to child victims of trafficking owing, *inter alia*, to the fact that victims are not familiar with the relevant procedures and the expected delays in court proceedings.

72. Another important means of redress, specifically for victims of labour trafficking, is the recovery of unpaid wages foreseen under the National Procedural Manual (p. 30). In cases where an agreement between the trafficker and the victim is not reached, labour inspectors can calculate the money owed to the victims and transmit the amount to the President of the High Court for enforcement. However, compensation through labour proceedings is still rare and the Special Rapporteur was unable to get information of cases in which victims of trafficking were awarded compensation under such proceedings. On the contrary, she was informed about a case where an employer of a trafficking victim instituted a court proceeding in order not to pay the domestic worker's arrears and contribute financially to her repatriation because, at the time of the judicial proceedings, the victim was no longer a child and as such not covered by the Trafficking Law.

73. Other means of redress envisaged under the law are the regularization of immigrant status and the integration of trafficking victims, ideally within a family, a community or, as a last resort, in an institution by the Ministry of Social Affairs, Solidarity and the Family in cases when repatriation is not possible.<sup>42</sup>

## G. Repatriation and reintegration

74. Eighty per cent of cases of cross-border trafficking of children handled by the Government resulted in the repatriation of the victims to their country.<sup>43</sup> After an evaluation of the conditions in the child's country of origin, the Monitoring Committee ascertains whether repatriation is in his/her best interest,<sup>44</sup> in view of the fact that the victim may have been trafficked by or with the consent of his/her parents and may thus be at risk of re-victimization.

75. In discharging its duty, the Monitoring Committee collaborates with relevant authorities in the source country through INTERPOL in order to obtain the necessary information and documents. It also cooperates with the embassies and consulates of the victims' countries of origin, which are required to establish the necessary laissez-passer for travel and inform concerned institutions in the country of origin about the repatriation of the victim.<sup>45</sup> Finally, social workers from the Monitoring Committee accompany the child in his/her travel and places him/her with the appropriate institution or his/her family in the

<sup>42</sup> National Procedural Manual, pp. 31–32.

<sup>43</sup> DGDH, *Compléments d'information*, p. 13.

<sup>44</sup> National Procedural Manual, p. 32.

<sup>45</sup> *Ibid.*

source country.<sup>46</sup> In the case of repatriation of victims of internal trafficking from within Gabon, victims travel alone and are met upon arrival in Libreville by members of the Monitoring Committee, which has been kept informed of his/her arrival by the watchdog committee.

76. A small repatriation fee and one suitcase of clothes are demanded from the perpetrator for the repatriation of victims of trafficking.<sup>47</sup> In most cases, such repatriation arrangements are reached through amicable negotiations which take much less time than judicial proceedings. The Special Rapporteur was informed of cases of alleged corruption within the police in relation to the provision of repatriation fees. According to social workers, fees paid by the trafficker for the repatriation of one of the girl victims of trafficking allegedly did not reach the government agency in charge of trafficking in the victim's country. As a result, the victim could not go home and remained in a shelter. The Special Rapporteur also heard about an instance in Port-Gentil where the investigating judge ordered the CSO that was following up on the case of one victim to cover the cost of the child in connection with her repatriation travel because the trafficker was found to be bankrupt.

77. In addition, victims of trafficking may access diplomatic and consular representatives of their countries of origin, as envisaged in the National Procedural Manual. Concerned embassies are required to assist in the provision of information concerning the victims' families, issuance of travel documents, contribution towards repatriation expenses and informing concerned institutions about the arrival of the child.<sup>48</sup> In this regard, the Special Rapporteur was informed by diplomats whom she met about the difficulties related to the lengthy information-gathering process in their respective capitals to trace and contact victims' families and the financial constraints they faced, which result in slow responses to trafficking cases.

78. Other difficulties identified by stakeholders in effectively addressing the repatriation of children victims of trafficking are the late or non-payment of the repatriation fees by perpetrators, lack of funds from the Government, diplomatic missions and CSOs and slow responses from diplomatic and consular officers and concerned institutions in the source country.

79. Gabonese law provides for the repatriation of victims of trafficking to their country of origin when they are apprehended by immigration officers at the border (art. 24 of the Trafficking Law). The Special Rapporteur notes that it may not always be in the best interest of the children to return them to their countries, where they may face protection concerns and reprisal. Returning these children may also pose the risk of re-victimization by their traffickers, who in most cases are members of the family. Moreover, the absence of a reflection period means that victims' viewpoints in the decision to stay in Gabon, go back home or to a third country and their best interests are not taken into consideration.

80. Regarding reintegration of victims of trafficking, statistics reveal that 14 per cent of foreign and Gabonese children victims of trafficking are reinserted<sup>49</sup> either in Gabon, the source country or a third country.<sup>50</sup>

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid., p. 23.

<sup>48</sup> Ibid., p. 31, and article 11 (g) of the Abuja Agreement.

<sup>49</sup> DGDH, *Compléments d'information*, p. 13.

<sup>50</sup> National Procedural Manual, p. 33.

## H. Prevention

81. Trafficking in children is a relatively new phenomenon in Gabon. The prevention strategy of the Government, through its Monitoring Committee and watchdog committees, consists primarily of awareness-raising campaigns, including through the media and door-to-door sensitization activities. The Special Rapporteur was also informed of various workshops and awareness-raising campaigns on topics such as communicating with children, identifying cases of trafficking in children and implementing the Trafficking Law, which target law enforcement officials (including judges, police and immigration officers), labour inspectors, workers of relevant ministries and shelters in the capital and provinces. National and international CSOs have also contributed in developing prevention campaigns, as did United Nations agencies (such as UNICEF, the International Labour Organization (ILO), OHCHR), diplomatic missions and international organizations such as INTERPOL.

82. Yet, despite increased attention to the issue, a survey conducted in 2009 revealed that 44.5 per cent of the 2,500 interviewees in the Estuaire province were not aware of the existence of the Trafficking Law five years after its establishment.<sup>51</sup> Moreover, the Special Rapporteur found that, while there is much emphasis on awareness-raising as a prevention tool, other aspects of prevention such as addressing root causes of trafficking, particularly the unregulated practice of “child fostering” and demand for cheap labour increases the vulnerability and risks of children being trafficked to Gabon, have yet to be effectively addressed. In this connection, the Special Rapporteur stresses that the protection of labour rights is essential to reducing demand for exploitative labour and preventing exploitation in the first place. In the light of the above information suggesting that there are significant numbers of domestic workers who are victims of trafficking, there is a critical need to raise employers and potential employers’ awareness of the labour rights of domestic workers under international human rights law and standards.

83. Curbing trafficking of children for the purpose of sexual exploitation, forced and servile marriage and other emerging forms of trafficking are other aspects of prevention which have not received much attention from the Government. Moreover, the Special Rapporteur is particularly concerned at the lack of prevention strategies for adult victims of trafficking. A comprehensive approach to trafficking which includes all aspects of trafficking and all categories of victims, including adults and migrants, should be ensured if an impact is desired.

## I. Cooperation and partnership

### 1. Cooperation with civil society

84. In the fight against trafficking, the Government has developed partnerships with CSOs which have committed significant resources predominately in the area of prevention and assistance to victims.<sup>52</sup> In this regard, the Special Rapporteur notes the existing cooperation with CSO-run shelters for children, to which the Government provides human and financial resources, particularly during large-scale anti-trafficking operations and prevention campaigns (see para. 54). Although not adequately resourced, these initiatives are encouraging and the Special Rapporteur urges the Government to expand this

<sup>51</sup> SIFOS, *Rapport sur le sondage d’opinion sur la traite des enfants dans la province de l’Estuaire du Gabon* (2009), p. 20.

<sup>52</sup> DGDH, *Compléments d’information*, p. 34.

cooperation with CSOs in rural regions, where awareness of trafficking may be limited and exploitation may remain hidden.

## 2. International, regional and bilateral cooperation

85. The transnational nature of trafficking requires the participation of source, transit and destination countries in anti-trafficking work, including in the area of identification of victims, exchange of information, joint investigations and judicial cooperation. With regard to bilateral agreements with source countries, the Special Rapporteur is informed that, except for the one between Gabon and Benin in 2009, agreements with other source countries are yet to be entered into.

86. At the regional level, Gabon has endorsed the Libreville Common Platform for Action on addressing cross-border trafficking between West and Central African States and signed the Libreville Declaration on harmonizing national legislation on child trafficking in West and Central Francophone Africa.<sup>53</sup> It is also part of the joint ECCAS and ECOWAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children (Abuja Agreement) and those organizations' multilateral cooperation agreement for West and Central Africa. These instruments provide for a framework for the cooperation among States in the prevention and suppression of trafficking and the protection, rehabilitation and reintegration of victims.

87. Against this background, Gabon initiated dialogues with and visited source countries such as Benin, Mali and Togo with a view to signing memoranda of understanding to address the issue of trafficking common to this subregion.<sup>54</sup> According to diplomats whom the Special Rapporteur met, factors that delayed the signing of these agreements include the onerous burden placed on source countries to shoulder issues related to trafficking.

88. At the international level, Gabon has benefited from the technical and financial assistance of specialized United Nations agencies such as UNICEF, ILO, and OHCHR in order to address the issue of trafficking. Gabon also continues to cooperate with INTERPOL and other countries in its endeavour to curb trafficking through timely interventions such as in the context of the Operation Bana.

## III. Conclusions and recommendations

### A. Conclusions

**89. Gabon has demonstrated some commitment in combating trafficking in children, including through the ratification of international and regional instruments on trafficking, adoption of national instruments on the prevention and fight against trafficking in children, the adoption of a multisectoral approach in combating trafficking of children and the establishment of the Monitoring Committee and watchdog committees at the provincial levels. The partnership between the Government, CSOs and international agencies, including the United Nations and INTERPOL, in awareness-raising activities is also encouraging. The Gabonese initiative in entering into bilateral and multilateral agreements with neighbouring countries in the context of cooperation on human trafficking issues is also positive.**

<sup>53</sup> Déclaration de Libreville pour l'harmonisation des législations nationales en matière de lutte contre le trafic des enfants en Afrique francophone de l'Ouest et du Centre.

<sup>54</sup> *Note présentation comité de suivi*, p. 4.

90. Yet challenges remain in providing genuinely human rights- and victim-based responses to trafficking, including the absence of legislation that addresses all forms of trafficking and does not exclude adult victims. At the institutional level, there is low capacity and coordination of existing structures, such as the Monitoring Committee and the watchdog committees, and the absence of a governmental structure dedicated to addressing issues of trafficking. Reliable national data to determine the nature, prevalence, forms, trends and manifestation of human trafficking, including for adult victims of trafficking, is lacking.

91. The free-of-charge hotline service being available in French only impacts the identification of victims of trafficking. Investigation of trafficking cases is often slow, owing to such factors as lack of resources, inadequate capacities of immigration and labour inspectors to identify trafficking cases and corrupt police officers. The rate of prosecution is alarming, perpetuates the impunity of traffickers and obstructs victims' access to justice.

92. Moreover, victims of trafficking are not provided with comprehensive support in their recovery process while in shelters. Victims of trafficking are mixed with other children in need in all Government and CSO-run shelters, which are also inadequately funded and resourced. The absence of shelters for adult women and men victims of trafficking perpetuates their victimization.

93. Furthermore, there is concern for the safe return and repatriation of child victims of trafficking. Because family members are implicated in the exploitation of children there is a risk of re-trafficking and re-victimization.

94. While the Government has actively engaged in awareness-raising campaigns as part of efforts to prevent trafficking in persons, the root causes of trafficking, particularly the unregulated practice of "child fostering" and the demand for cheap labour, have yet to be effectively addressed.

## **B. Recommendations**

95. In view of the above observations, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations.

96. With regard to the legal and policy frameworks, Gabon should:

(a) Ensure full implementation of the Palermo Protocol, which requires Gabon to take effective and comprehensive measures to prevent and combat trafficking in persons and accelerate the process of reforming the law that will protect and assist all victims, as well as prosecute and punish traffickers. In particular, it should adopt, as soon as possible, an expanded definition of trafficking and widen the forms and scope of protection to both trafficked women and men, in accordance with article 3 of the Palermo Protocol;

(b) In reforming the anti-trafficking framework, include a human rights-based approach in accordance with the Principles and Guidelines on Human Rights and Human Trafficking;

(c) Revise, in consultation with all stakeholders, the existing national plan of action to address trafficking in persons with clear objectives, delineated responsibilities and indicators to measure progress and impact, and allocate adequate budget for its implementation;

(d) Carry out a national study in collaboration with United Nations agencies for effective and sustainable actions to combat human trafficking.

97. With regard to institutional frameworks, Gabon should:

(a) Accelerate the establishment of the National Anti-Trafficking and Prevention Council envisaged in the Trafficking Law. It should ensure that this body is given with the responsibility to implement, monitor and evaluate activities aimed at combating all types of human trafficking, including trafficking of adults. The current Interministerial Committee is not sufficient, as it does not have a secretariat, budget or dedicated staff and cannot have the desired impact. It should ensure that this body's mandate and those of other existing institutions do not overlap, including by revising their mandates;

(b) Strengthen the Monitoring Committee and the watchdog committees with adequate resources, including financial, material and human, and ensure they are operational in all the provinces;

(c) Put in place a comprehensive data collection system on human trafficking, including trafficking of adults, as well as other forms, trends and manifestations of trafficking, such as forced and servile marriages. Data on victims of trafficking should include their countries of origin, and should be disaggregated, inter alia, by sex, age, nature and type of exploitation.

98. With regard to training and capacity-building, Gabon should:

(a) Provide comprehensive training programmes to enhance knowledge and awareness on human trafficking of all stakeholders, including judicial police, gendarmerie, immigration officers, prosecutors, judges, CSOs and the media. Furthermore, it should enhance the skills of labour inspectors to distinguish cases of trafficked victims from irregular migrants;

(b) Provide continued training to members of the Inter-Ministerial Committee, the Monitoring Committee, the watchdog committee and law enforcement authorities, NGOs and shelters on identification of victims of trafficking. In undertaking training and capacity-building, it should seek the assistance of the United Nations in general, and UNICEF, OHCHR, ILO, the International Organization for Migration (IOM) and UNHCR in particular;

(c) Ensure zero tolerance of trafficking-related corruption and complicity by law enforcement officials, and prosecute and adequately punish offenders.

99. With regard to support services for victims of trafficking, Gabon should:

(a) Protect and assist all victims of trafficking, including adult victims, with full respect for their human rights and include a human rights-based approach in the investigation of cases of trafficking;

(b) Make provision for appropriate support, including the establishment of separate shelters for trafficking children as envisaged in the National Procedural Manual, and others for adults, including outside the capital;

(c) Ensure the reinstatement of the toll-free telephone line run by the Arcade Shelter and establish similar call lines outside the capital to reach victims of trafficking. In particular, it should ensure that toll-free telephone hotlines operate 24 hours a day, are multilingual and are run by trained staff;

(d) In view of the limited number of Government-funded shelters for victims of trafficking, provide adequate and regular funding to service providers and organizations working on trafficking in persons both in cities and rural areas in order to enable the provision of comprehensive assistance, such as social, psychological, medical and legal support and translation services to victims of trafficking;

(e) Grant temporary or permanent residence permits to victims when appropriate; ensure that the best interests of the child are paramount, particularly in cases when repatriating children to their country to avoid the risk of re-trafficking and re-victimization by family members;

(f) Maintain close cooperation with UNICEF, UNHCR and IOM for the safe return of trafficked victims to their country of origin, having due regard to the need, if any, for international protection of the victims;

(g) Establish a comprehensive and non-discriminatory compensation scheme for victims of trafficking at the national level, including a common fund for victims of trafficking in case of perpetrators' insolvability.

**100. With regard to prevention, Gabon should:**

(a) Address the root causes of trafficking not only in Gabon as a destination country but also in source and transit countries, including unregulated traditional practices, inter alia that of sending children to live with relatives and rich Gabonese families in exchange for domestic work;

(b) Step up efforts to raise awareness about all forms of trafficking in persons, including for domestic servitude, forced labour and sexual exploitation. It should empower the National Human Rights Commission, including by providing adequate budget and office space, to conduct sensitization on trafficking and handle complaints related to trafficking;

(c) Launch widespread awareness-raising campaigns on trafficking using media, information and communication technology and other channels of communication in order to send a strong message countering the cultural acceptance of both human trafficking and exploitation of children.

**101. With regard to prosecution, Gabon should:**

(a) Improve the justice delivery system to ensure speedy adjudication of cases of trafficking by regularly convening the Criminal Court, while guaranteeing fair trial rights consistent with the human rights-based approach to criminal justice. It should ensure that the best interests of the child are at the core of judicial and other administrative proceedings concerning child victims;

(b) In order to ease the backlog of trafficking cases in the High Court, consider allocating adequate funds to enable it to sit regularly;

(c) Ensure that victims/witnesses are protected pre- and post-trial to avoid reprisal.

**102. With regard to the international and regional frameworks, Gabon should:**

(a) Ratify, without delay ILO Convention No. 189 (2011) concerning decent work for domestic workers and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) Strengthen partnerships with countries in the sub-region and extend cooperation, including through bilateral agreements with Benin, Mali, Nigeria and Togo, in order to facilitate swift and coordinated responses, inter alia through exchange of information, mutual legal assistance and safe returns on the basis of the Abuja Agreement.