

# Gabon

*In 2011, Gabon made no advancement in efforts to eliminate the worst forms of child labor. Although the Government reportedly began some studies on child trafficking and street children, there were no substantial efforts made during the reporting period. The Government has yet to begin the process of updating the list of hazardous work prohibited to children. Furthermore, there have been no programs to protect children employed as domestics, and no convictions for child trafficking since the adoption of the 2004 anti-trafficking law. Children are engaged in the worst forms of child labor in Gabon, many as a result of trafficking.*

## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	Unavailable
Attending School	5-14 yrs.	Unavailable
Combining Work and School	7-14 yrs.	Unavailable
Primary Completion Rate		Unavailable

### Sources:

**Primary completion rate:** UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis.(2)

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Gabon are engaged in the worst forms of child labor, many as a result of trafficking.(3, 4) Trafficked children work as domestic servants and as vendors, including on the streets and in markets.(5-7) Boys are also trafficked for forced labor in handicrafts workshops and as mechanics. Girls are trafficked into forced labor in restaurants or may be trafficked into prostitution.(3, 5, 6) These children are often from other countries in the region such as Benin, Guinea, Mali, Nigeria and Togo.(5) There is some evidence children are trafficked within Gabon as well.(8, 9)

Evidence also suggests that some children involved in street vending and domestic service may not be trafficking victims.(8, 9) After a police sweep of street markets in December 2010, the police determined that the majority of the children found in street vending were not victims of trafficking.(10) Some evidence suggests that the children involved in street vending in Gabon are required to carry heavy loads.(11) Street work commonly exposes children to severe weather, traffic accidents and crime.(12) HIV/AIDS orphans in Gabon are reported to be particularly vulnerable to



involvement in the worst forms of child labor.(13) Children involved in domestic service, primarily girls, are isolated in private homes, where they are susceptible to physical and sexual abuse.(13, 14)

Child prostitution has been found in Gabon, although the magnitude of the problem appears to be small. Limited evidence suggests that children reportedly are engaged in begging in urban areas, which may expose them to dangers such as crime, as well as in forced labor on farms in rural areas.(3, 6, 12, 15)

## Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at 16. Younger children may be permitted to work with joint consent from the Ministries of Labor, Education and Public Health.(16)

The Labor Code sets the minimum age for hazardous work at 18 and enables work inspectors to require medical exams for anyone under the age of 21 who may be asked to perform "high risk" work.(16) The Government amended the Labor Code in 2010, expressly prohibiting children's involvement in certain broad categories of hazardous work. The categories include work that exposes children to cruel physical, psychological or sexual treatment; involves dangerous machines or tools or the transport of heavy loads; is carried out underground, underwater, at dangerous heights or in confined spaces; or is conducted in harmful environments where children would be exposed to dangerous substances.(17) According to the amendment, the Ministry of Economy, Employment and Sustainable Development, formerly the Ministry of Labor, Employment and Social Security, the

Ministry of Health and the Ministry of Family and Social Affairs are responsible for formulating and issuing a decree to supersede the hazardous list from 1962 that remains in force currently, regarding the kinds of work and types of enterprises deemed hazardous.(17) The latter two Ministries replaced the Ministry of Health and Social Affairs in February 2012.(18) However, the ILO Committee of Experts noted that the Government did not begin the process of developing such a decree in 2011. The failure to update the list for such a long period of time appears to be in contravention of Convention 182, which calls for the periodic updating of lists of hazardous work prohibited to children.(13)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	16
	Free Public Education	Yes

The Labor Code applies only in cases in which an employer-employee relationship exists. However, the ILO Committee of Experts noted that the 2010 amendment to the Labor Code enables labor inspectors to question any child suspected of being involved in the worst forms of child labor, including in the informal sector. This amendment appears to give labor inspectors the authority to provide protections for children in worst forms of child labor in the informal sector, which likely includes work in which no employer-employee relationship exists.(8) However, the amendment apparently gives the police the right to arrest children involved in such work, thereby punishing them for their involvement in exploitative labor.(8)

The Labor Code prohibits forced labor.(16) Law 09/04 prohibits the trafficking of children for labor and sexual exploitation.(5) Act No. 004/98 sets the minimum age for voluntary recruitment into the military at 20; there is no

conscription.(19) The Penal Code prohibits the procurement of a minor for prostitution; however, it does not prohibit pornography.(5) The lack of a comprehensive prohibition against child commercial sexual exploitation leaves children unprotected against this form of exploitation. The Code of Audiovisual, Cinematographic and Written Communication prohibits “public or private cinema enterprises” from the use of a child for pornography. The law does not ban other uses of children in pornography, such as by private citizens, which leaves children vulnerable to these types of exploitation.(13)

Education is compulsory until age 16. The Constitution calls for the provision of free education; however, in practice, families must pay for supplies, including school uniforms.(3, 20) The country also suffers from a shortage of schools and teachers.(3) While UNICEF reports generally high primary school attendance rates, a 2010 UNICEF report indicates that dropout and repetition are problems at the secondary level.(8) A 2010 report by UNICEF and other organizations suggests that some children, especially girls, are pressured by teachers to have sex in exchange for good grades.(21) The indirect costs of education and the lack of sufficient education opportunities may increase the likelihood that children will enter into the worst forms of child labor. Information was not available on whether laws exist to protect children from engaging in illicit activities such as drug trafficking.

## Institutional Mechanisms for Coordination and Enforcement

The Government has established the Interministerial Committee for the Fight Against Child Trafficking to coordinate efforts against child trafficking and also all worst forms of child labor by facilitating communication among ministries.(6, 22) The Ministry of Economy, Employment and Sustainable Development leads the committee, which includes the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Health, and the Ministry of Family and Social Affairs.(6, 18, 22)

Inspectors from the Ministry of Economy are responsible for receiving, investigating and addressing child labor complaints, while the Ministry of Justice is responsible for the enforcement of child labor laws.(3) The Ministry of Economy carries out inspections in cities but not in rural areas; the country’s heavily forested terrain contributes to the lack of access to such areas.(23) The Government does not maintain data on child labor investigations.(6)

The Interministerial Committee receives a budget to fund investigations and coordinate actions against child exploitation.

The Minister of Justice has noted that the Interministerial Committee's budget for fighting child exploitation is limited.(6) The Committee and its member ministries employ about 2,000 people involved in various activities to combat trafficking and other worst forms of child labor, some of whom are engaged in enforcement activities.(6)

Local vigilance committees have been created to monitor potential cases of child exploitation and trafficking. During 2011, members of the Interministerial Committee provided onsite training to two local vigilance committees on concepts, best practices in finding and providing services to victims, and information exchange and reporting.(6) In general, however, government-wide statistics on trafficking arrests and convictions are unavailable. A lack of systems for information sharing between the Ministry of Interior and the Ministry of Justice contributes to this problem.(6) The UNICEF Regional Office has reported that weak enforcement and coordination pose challenges to combating trafficking in Gabon.(8) Although the Government has taken steps to combat trafficking and exploitation of children in street work, research found no evidence of efforts to enforce laws against child domestic service and other worst forms of child labor.

As a result of a December 2010 anti-trafficking sting of street markets called Operation Bana, there were investigations into alleged child trafficking during the period.(6) However, as of early 2011, Gabon's Criminal Court, where trafficking cases are currently heard, had not met for 3 years.(5) Although the President approved a special session of the Criminal Court to hear trafficking cases, the most recent available information is that the Ministry of Justice is determining its budget needs for the session.(23) To date, there still have been no convictions under Law 09/04.(5)

During the period, the Government continued to maintain an anti-sex trafficking task force in preparation for the 2012 Africa Nations Cup.(6) The Government continued to conduct maritime surveillance of the country's entire coastline to thwart human trafficking.(5)

## **Government Policies on the Worst Forms Child Labor**

Gabon's UN Development Assistance Framework (2007-2011) included the goal of bringing national legislation into alignment with the country's bilateral and regional agreements to combat child trafficking, thereby complying with ILO Convention 182 and other international conventions Gabon has ratified.(24)

The Government continued to implement an action plan on child labor and trafficking during 2011. The action plan focuses on building government capacity to enforce laws against trafficking and encouraging civil society to participate in "Vigilance Committees," a number of which have been established in urban areas.(5, 10) The Government made plans to undertake a survey on trafficking victims in 2012.(6) The survey will include children trafficked for domestic purposes and street children.(13, 18)

The Government continued to repatriate trafficking victims, including some victims of Operation BANA.(6) Although a formal agreement is not in place, standard operating procedures are in place with the Government of Benin to facilitate repatriation of trafficking victims from that country. Informal agreements are in place not only with Benin, but other countries in the region such as Mali, Nigeria and Togo, to cover the costs of repatriating trafficking victims.(6, 10)

## **Social Programs to Eliminate or Prevent the Worst Forms of Child Labor**

In 2011, the Government operated one shelter and funded three others to provide food, shelter, medical care, family tracing, counseling and schooling to trafficking victims (both children and adults) found on the streets. During the reporting period, social workers on routine visits to city street markets discovered that some children rescued in Operation BANA, who had been sent to shelters and subsequently released, were back working and living on the streets.(5) Despite the comprehensive set of services provided to children at the shelters, this outcome suggests a need for better support to children after their release from the shelters.

In cooperation with UNICEF, the Government maintained its telephone hotline to report suspected cases of trafficking.(10) The results of a 2009 survey suggested that many Gabonese were aware of instances of trafficking, but unaware of the laws and efforts to combat it. Partially in response to these results, in 2011 the Government continued its efforts to raise awareness of trafficking through a billboard campaign in Libreville and door-to-door campaigns in other parts of the country.(5)

The government services offered to victims of child trafficking have been focused on children trafficked into street work, rather than on children trafficked into domestic service.

**Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Gabon:**

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Develop and issue a decree laying out the complete, updated list of hazardous types of work and enterprises prohibited to children under age 18.	2009, 2010, 2011
	Enact comprehensive legislation protecting children from all forms of commercial exploitation, including pornography.	2010, 2011
	Ensure that self-employed children and all those working in the informal sector are protected and not penalized for their involvement in the worst forms of child labor.	2010, 2011
	Take steps to address abuse in schools, costs of school materials and transportation.	2010, 2011
	Ensure sufficient numbers of schools and teachers.	2010, 2011
	Ensure that the laws protect children from engaging in illicit activities, such as drug trafficking.	2011
Coordination and Enforcement	Take steps to conduct child labor inspections outside of urban areas.	2011
	Gather, analyze and disseminate child labor enforcement information.	2009, 2010, 2011
	Take measures to investigate cases of child domestic service and withdraw children from such situations.	2010, 2011
	Improve the sharing of trafficking enforcement information among government ministries.	2011
	Provide the Criminal Court with the resources needed to decide trafficking cases.	2011
Policies	Ensure that proposed studies on child trafficking, including child domestics and street children, are carried out.	2011
Social Programs	Improve follow-up services for child trafficking victims after their release from shelters.	2011
	Institute programs focused on worst forms of child labor in domestic service.	2010, 2011

## REFERENCES

- UNESCO Institute for Statistics. *Gross intake ratio to the last grade of primary. Total.*; accessed <http://www.uis.unesco.org/Pages/default.aspx?SPSLanguage=EN>. Data provided is the gross intake ratio to the last grade of primary school. This measure is a proxy measure for primary completion. For more information, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
- UCW. *Analysis of Child Economic Activity and School Attendance Statistics from National Household or Child Labor Surveys*. February 2, 2012. Reliable statistical data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics on children’s work in general are reported in this chart, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.
- U.S. Department of State. “Gabon,” in *Country Reports on Human Rights Practices-2010*. Washington, DC; April 8, 2011; <http://www.state.gov/j/drl/rls/hrrpt/2010/index.htm>.
- Yang, F. “Gabon repatriates 28 child trafficking victims to Benin “ [xinhuant.com](http://news.xinhuanet.com/english/2009-11/14/content_12456969.htm) [online] November 14, 2009 [cited January 31, 2012]; [http://news.xinhuanet.com/english/2009-11/14/content\\_12456969.htm](http://news.xinhuanet.com/english/2009-11/14/content_12456969.htm).
- U.S. Department of State. “Gabon,” in *Trafficking in Persons Report-2011*. Washington, DC; June 27, 2011; <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm>.
- U.S. Embassy- Libreville. *reporting, February 15, 2012*.
- ILO Committee of Experts. *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Published: 2009*; accessed March 18, 2011; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=11117&chapter=6&query=Gabon%40ref&highlight=&querytype=bool&context=0>.

8. ILO Committee of Experts. *Individual Observation concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Published: 2011* accessed 2011; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=12704&chapter=6&query=%28gabon%29+%40ref%2Bchild&highlight=on&querytype=bool&context=0>.
9. U.S. Department of State. "Gabon," in *Country Reports on Human Rights Practices-2011*. Washington, DC; May 24, 2012; <http://www.state.gov/j/drl/rls/hrrpt/2011/af/186197.htm>.
10. U.S. Embassy- Libreville. *reporting, February 15, 2011*.
11. INTERPOL. *Gabon Police Rescue 140 Victims of Child Trafficking and Labour in INTERPOL Coordinated Operation*, [online] December 20, 2010 [cited March 22, 2011]; <http://www.interpol.int/Public/ICPO/PressReleases/PR2010/PR109.asp>.
12. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in street work is not available, research studies and other reports have documented the dangerous nature of tasks in street work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
13. ILO Committee of Experts *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Gabon (ratification: 2001) Submitted: 2011* accessed 2011; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=27053&chapter=9&query=%28gabon%29+%40ref%2Bchild&highlight=on&querytype=bool&context=0>.
14. International Labour Office. *Children in hazardous work: What we know, What we need to do*. Geneva, International Labour Organization; 2011. While country-specific information on the dangers children face in domestic work is not available, research studies and other reports have documented the dangerous nature of tasks in domestic work and their accompanying occupational exposures, injuries and potential health consequences to children working in the sector.
15. ILO Conference Committee. *Examination of individual case concerning Convention No. 182, Worst Forms of Child Labour, 1999 Gabon (ratification: 2001) Published: 2007*; accessed January 31, 2012; <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=797&chapter=13&query=Gabon%40ref&highlight=&querytype=bool&context=0>.
16. Government of Gabon. *Code du travail, 3/94*, enacted November 21, 1994. <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/39615/64948/F94GAB01.htm>.
17. Government of Gabon. *Ordonnance no. 018/PR/2010 du 25 fevrier 2010 portant modification de certaines dispositions du Code du Travail de la Republic Gabonaise*, enacted May 15, 2010. [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en).
18. U.S. Department of State official. E-mail communication to USDOL official. June 25, 2012.
19. Coalition to Stop the Use of Child Soldiers. "Gabon," in *Child Soldiers Global Report 2008*. London; 2008; <http://www.childsoldiersglobalreport.org/content/gabon>.
20. Government of Gabon. *Constitution de la Republique Gabonaise*, enacted 2003. [http://www.ilo.org/dyn/natlex/natlex\\_browse.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/natlex_browse.home?p_lang=en).
21. Antonowicz, L. *Too Often in Silence: A Report on School-Based Violence in West and Central Africa* UNICEF, Plan West Africa, Save the Children Sweden West Africa, and ActionAid; 2010. [www.unicef.org/wcaro/VAC\\_Report\\_english.pdf](http://www.unicef.org/wcaro/VAC_Report_english.pdf).
22. Ministry of Labor, Employment, Social Security. *Halte a l'Exploitation des Enfants par le Travail!* UNICEF; n.d. source on file.
23. U.S. Embassy- Libreville official. July 20, 2011.
24. Government of Gabon. *Plan Cadre des Nations Unies pour L'aide au Développement 2007-2011: Gabon*; 2006 March 31. [http://www.undg.org/archive\\_docs/8099-UNDAF-Gabon\\_2007-2011.pdf](http://www.undg.org/archive_docs/8099-UNDAF-Gabon_2007-2011.pdf).