



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2009

Gabon*

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* The present document is being issued without formal editing.



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Introduction

1. On 1 October 2007, Gabon ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted at New York on 25 May 2000, as amended by the Secretary-General of the United Nations on 14 November 2000.
2. In the present report, Gabon sets out for the Committee on the Rights of the Child the legislation, initiatives and governmental programmes which make it possible to implement the provisions of Protocol, in accordance with article 12, paragraph 1, thereof.
3. The present report has been drafted so as to provide information relating to the provisions contained in the Protocol. However, in order to comply with the guidelines and page limit, the report does not contain an exhaustive list of the measures which the Government has taken.
4. Detailed information on the country's general background is set out in the initial report of Gabon on the implementation of the African Charter on the Rights and Welfare of the Child submitted to the African Committee of Experts on the Rights and Welfare of the Child in 2013, and in the periodic report of Gabon on the Convention of the Rights of the Child, which was submitted to the Committee on the Rights of the Child in 2013.
5. The present report has been drafted by the National Committee for the Drafting of Human Rights Reports. A national meeting on the compilation and approval of the report, which both participative and inclusive, was held on 14 November 2014.
6. First, at the request of the National Committee for the Drafting of Human Rights Reports, focal points were designated by the various players (governmental and non-governmental) involved in implementing the Protocol. Both within the country generally and in Libreville, the focal points provided both the quantitative and the qualitative data set out in the present report. The report thus provides a summary of the contributions from the various players involved in implementing the Protocol. The report is thus the product of contributions from both governmental organizations, the National Commission on Human Rights, civil society and the development partners. It has been referred to 10 governmental and non-governmental organizations for amendment and contributions.
7. The report has been prepared in accordance with the guidelines regarding initial reports to be submitted by States parties under article 12, paragraph 1, of the Protocol (CRC/OP/SA/1).
8. For reasons of personal convenience, the Committee for the Drafting of Human Rights Reports has not submitted a specific section containing statistics relating to the offences listed in the Protocol.
9. As well as an annex, the report consists of five sections:
 - I. Prohibition of the sale of children, child prostitution and child pornography;
 - II. Criminal procedure;
 - III. Protection of child victims;
 - V. Prevention of the sale of children, child prostitution and child pornography;
 - VI. Assistance and international cooperation.

I. Prohibition of the sale of children, child prostitution and child pornography

10. Child trafficking is not part of Gabonese culture; it emerged in the 1980s with the expansion of the informal economy, controlled by foreigners.

11. Gabon is therefore a destination country for child victims of trafficking, as well as a transit country towards Equatorial Guinea. According to the available data, the majority of the trafficking victims who have been recorded have come from the subregion of West and Central Africa, most often from Benin, Guinea Conakry, Mali, Nigeria and Togo. The perpetrators of child trafficking are drawn to Gabon which they regard as one of the countries in the subregion that is economically sound and enjoys socio-political stability, and can offer them a future and employment prospects. The majority of trafficking cases are identified in Libreville and Port Gentil.

12. It is, however, clear from the investigation into cross-border child trafficking and the exploitation of children in Estuaire Province, the results of which were confirmed on 8 June 2009 by the National Committee to Monitor the Fight against Child Trafficking in Gabon, that 30.6 per cent of the victims of child trafficking and exploitation are Gabonese and 69.4 per cent expatriates. This suggests that a form of internal trafficking is gradually developing in Gabon.

Article 1

States Parties shall prohibit the sale of children, child prostitution and child pornography as provided for by the present Protocol.

13. Gabonese law prohibits the sale of children, child prostitution and child pornography.

14. In relation to the sale of children, for example, article 3 of the Regional Agreement on Combating Human Trafficking, particularly trafficking in women and children, in West and Central Africa, to which Gabon has been a signatory since 6 July 2006, prohibits trafficking in persons for any reason whatsoever.

15. However, Gabon did not wait to sign the agreement before it banned child trafficking. Indeed, articles 11 and 12 of Act No. 9/2004 of 21 September 2004 on preventing and combating child trafficking in Gabon prohibit the trafficking of children for economic exploitation. According to article 11 of the Act, for example, "all natural and legal persons shall be prohibited from bringing or seeking to bring a child into the national territory in order to deprive that child of his or her liberty, whether or not for remuneration".

Article 2

For the purpose of the present Protocol:

(a) **Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.**

16. Gabonese legislation has successively employed the terms *trafic des enfants* and then *traite des enfants* to denote the concept of "the sale of children" which is used in the Protocol. It would, however, appear that those two terms in the French language are identical in substance. It may even be said that the definition of *traite des enfants* represents more of an all-embracing approach in the context of Gabon's legislative framework, as it raises the issue in terms of trafficking in persons.

17. According to article 3 of Act No. 9/2004 of 21 September 2004, “(...) child trafficking shall include:

(a) All forms of forced displacement of, negotiation or trade in children, such as sale, trafficking and debt bondage.

(b) The recruitment, supply and placement of children within families, for domestic or commercial purposes, whether or not for remuneration”.

18. The National Handbook of procedures to care for victims of child trafficking, however, defines trafficking as follows: “(...) the recruitment, transportation, transfer, accommodation or reception of a child for the purposes of exploitation shall be regarded as ‘trafficking in persons’ even if none of the methods listed in subparagraph (a) below are employed”.

19. According to article 3, subparagraph (a): “The term ‘trafficking in persons’ means the recruitment, transportation, transfer, accommodation or reception of individuals by threatening the use of or using force or other forms of coercion, by kidnapping, fraud, deceit, abuse of authority or of a situation of vulnerability, or by giving or accepting payments or advantages in order to obtain the consent of a person holding a position of authority over another for the purposes of exploitation”.

(b) **Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration.**

(c) **Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.**

II. Criminal procedure

1. Jurisdiction of Gabon over the offences listed in article 3, paragraph 1, of the Protocol

A. Where such offences are committed in the territory of or on board a vessel or aircraft registered in Gabon

Article 4 (1)

1. Each State party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, when the offences are committed in its territory or on board a ship or aircraft registered in that State.

20. Subject to the existence of a specific agreement between Gabon and one or more States, any act constituting an offence that is committed in Gabonese territory falls under the jurisdiction of the Gabonese courts, whatever the perpetrator’s nationality. The same applies to offences committed on board ships flying the Gabonese flag or aircraft registered in Gabon.

21. In the case of crimes and misdemeanours committed on board ships or aircraft which are not registered in Gabon, such offences must have been committed in Gabonese territory.

B. Circumstances in which the alleged offender is a Gabonese national or habitually resides in Gabonese territory.

Article 4 (2)

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(a) When the alleged offender is a national of that State or a person who has his habitual residence in its territory.

22. Under the Constitution, any Gabonese citizen staying or residing abroad enjoys the protection and assistance of the State, under the conditions set out in domestic legislation or international agreements.

23. More specifically, article 526 of the Code of Criminal Procedure provides that any Gabonese citizen who has committed, outside of Gabonese territory, an act classified as a crime or misdemeanour under Gabonese law may be prosecuted and tried in Gabon, if the offence is punishable under the law of the country in which the offence was committed.

24. The provisions of article 526 apply to an offender who did not acquire Gabonese nationality until after the crime or misdemeanour was committed.

25. However, in the case of both crimes and misdemeanours, there is no prosecution if the offender proves that he or she was permanently abroad and, if convicted, served his or her sentence or was pardoned, or the sentence was time-barred.

26. Where an offence is committed against a Gabonese or non-Gabonese national, a prosecution may be brought only at the request of the public prosecutor's office. It must be preceded by a complaint from the injured party, or an official request to the Gabonese authorities that proceedings be instituted from the authorities of the country in which the offence was committed.

27. Proceedings may not be brought before the offender returns to Gabon, except in the case of the offences set out in article 258 of the Code of Criminal Procedure.

28. Article 527 of the Code of Criminal Procedure specifies that proceedings are to be brought at the request of the public prosecutor's office of the place where the offender resides or has been caught.

29. However, at the request of the public prosecutor's office or the parties, the Court of Cassation may refer the case back to the court or tribunal situated closest to the place where the crime or misdemeanour was committed.

30. Article 528 of the Code of Criminal Procedure adds that any foreigner who, outside Gabonese territory, is guilty, as either the perpetrator, the instigator or accomplice, of a crime affecting the security of the Gabonese State, may be prosecuted and tried according to the provisions of Gabonese law if arrested in Gabon or if the Gabonese authorities secure that person's extradition.

31. There may be no prosecution of a foreigner in relation to an offence committed in Gabon, if the offender proves that he or she was permanently abroad and, if convicted, served his or her sentence or was pardoned, or the sentence was time-barred.

32. It is obviously the criminal law of the place where the offence was committed that applies to a Gabonese national. If, however, the foreign legislation does not accept jurisdiction, Gabonese law must be applied (art. 29 of the Civil Code). The legislature increasingly rejects the requirement of dual criminal liability.

33. Conventions may, however, derogate from what has been set out above because, for instance, the extradition agreement between the member States of the Central African Economic and Monetary Community (CEMAC) of 28 January 2004 stipulates that the country in which the offence was committed may in fact request the extradition of a Gabonese citizen. This represents a qualification to the rule on the non-extradition of nationals.

C. Circumstances in which the victim is a Gabonese national

Article 4 (2)

2. Each State Party may take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 3, paragraph 1, in the following cases:

(b) When the victim is a national of that State.

34. In principle, where a crime or misdemeanour punishable by a term of imprisonment is committed outside Gabonese territory by a Gabonese national or a non-national against a victim of Gabonese nationality, the courts of the place at which the offence was committed have jurisdiction.

D. Circumstances in which the alleged offender is present in its territory and Gabon does not extradite him or her to another State party on the ground that the offence has been committed by one of its nationals.

Article 4 (3)

3. Each State Party shall also take such measures as may be necessary to establish its jurisdiction over the above-mentioned offences when the alleged offender is present in its territory and it does not extradite him or her to another State party on the ground that the offence has been committed by one of its nationals.

35. Under the abovementioned CEMAC agreement, for example, Gabon is always free to extradite one of its nationals pursuant to articles 2 et seq. of that agreement. But in practice the States are reluctant to do so, preferring to prosecute and try their nationals themselves, even if the victims are non-nationals.

2. Gabonese policy on extradition in relation to the offences referred to in article 3, paragraph 1, of the Protocol

Article 5

1. The offences referred to in article 3, paragraph 1, shall be deemed to be included as extraditable offences in any extradition treaty existing between States parties and shall be included as extraditable offences in every extradition treaty subsequently concluded between them, in accordance with the conditions set forth in those treaties.

2. If a State party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State party with which it has no extradition treaty, it may consider this Protocol as a legal basis for extradition in respect of such offences. Extradition shall be subject to the conditions provided by the law of the requested State.

3. States parties that do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4.

5. If an extradition request is made with respect to an offence described in article 3, paragraph 1, and if the requested State party does not or will not extradite on the basis of the nationality of the offender, that State shall take suitable measures to submit the case to its competent authorities for the purpose of prosecution.

36. While the Gabonese authorities have yet to receive a request for extradition in connection with the offences targeted by the Protocol, were Gabon to receive from another State a request for the extradition of an individual, the provisions of article 90 of the Rome Statute would apply, in accordance with article 629 of the Code of Criminal Procedure. Gabon will, however, need to satisfy itself that the request for extradition is not based on prosecution linked to the race, religion, ethnic origin or political persuasion of the suspect. Similarly where the Pre-Trial Chamber of the International Criminal Court issues a summons to appear in accordance with article 58, paragraph 7, of the Statute of the International Criminal Court, the public prosecutor ensures that the summons is implemented, as set out in article 627 of the Code of Criminal Procedure.

A. Extradition between Gabon and the CEMAC States

37. Extradition between Gabon and the CEMAC States is governed by the extradition agreement signed between the CEMAC Member States on 28 January 2004. The agreement provides that the country in which the offence was committed may request that the perpetrator be extradited.

38. Article 2 of the extradition agreement in fact provides that each State party is to undertake to extradite, in accordance with the rules and conditions laid down in the present Agreement, individuals who are prosecuted for ordinary-law offences or sought for the purposes of the enforcement of sentences or preventive measures by the competent courts of one of those States which is called the requesting State.

39. Some offences are not extraditable, and it is for that reason that extradition is granted only if the offence in respect of which it is requested is deemed by the requested State to be an offence that is not caught within the range of offences defined for under its criminal law.

40. The same rule applies if the requested State has serious grounds to believe that the request for extradition arising from an ordinary-law offence has been made in order to prosecute or punish an individual on grounds of race, religion, nationality or political persuasion, or that the situation of that individual is likely to be made worse for one or other of those reasons (art. 4 of the extradition agreement).

B. Extradition between Gabon and the other African States

41. In this context, the applicable texts are: the judicial cooperation agreement, known as the 1961 Tanarive Agreement, the 2008 Convention between Gabon and Mali and the Convention on Judicial Cooperation between the Kingdom of Morocco and Gabon.

C. Extradition between Gabon and other world States

42. Extradition between Gabon and the other countries of the world is governed by the United Nations Convention against Transnational Organized Crime (the “Palermo Convention”) to which Gabon has been a party since 10 December 2004. In addition, in October 2010, Gabon ratified the Additional Protocol to the Palermo Convention to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Protocol lays down strict measures designed to combat trafficking in human beings by protecting them from slavery, sexual exploitation and illegal work.

43. More specifically, on 23 July 1963, Gabon and France signed a “Convention on mutual judicial assistance, the enforcement of judgments and extradition”. Pursuant to article 44 of the Convention, the Contracting States undertake to hand over to each other, in accordance with the rules and conditions established by the articles that follow, those individuals who, being situated in the territory of one of the two States, are being prosecuted or have been convicted by the judicial authorities of the other State”.

3. Measures concerning the seizure and confiscation of goods or products and the closing down of premises

Article 7

States Parties shall, subject to the provisions of their national law:

(a) Take measures to provide for the seizure and confiscation, as appropriate, of:

(i) Goods such as materials, assets and other instrumentalities used to commit or facilitate offences under the present protocol;

(ii) Proceeds derived from such offences.

(b) Execute requests from another State Party for seizure or confiscation of goods or proceeds referred to in subparagraph (a) (i).

A. Seizure and confiscation of the goods or products referred to in article 7 (a) of the Protocol.

44. If the law makes provision for this, a crime or misdemeanour may be punishable by one or more additional measures, including the seizure or confiscation of an item.

a. *Seizure*

45. Article 213 of the Criminal Code provides that police officers may, prior to any prosecution, seize literature, or other items referred to in article 212, one or more copies of which have been made publicly available and which, because of their immoral nature, would present an immediate threat to public morality. They are also able to seize, tear down, rip up or cover over posters of the same kind.

46. The seizure of documents, as an interim measure, is governed by articles 87 to 89 of the Code of Criminal Procedure. The Code also provides for the seizure and placing under seal of items and documents when premises are inspected, when a search is carried out and when an investigation is under way. The investigating judge orders out the seizure.

47. Similar provisions are laid down by Decree No. 000024/PR/MTE establishing the conditions governing monitoring, investigation and search in relation to the prevention of and fight against child trafficking in Gabon.

b. Confiscation

48. Article 4 of the Criminal Code provides for additional or secondary penalties including confiscation. The items and documents seized may be confiscated and are returned only in the event of discharge or acquittal. The judge has the power to rule on the return of such items.

49. Article 23 of Act No. 009/2004 of 21 September 2004 provides that persons guilty of the offences provided for under the Act are also liable to the following penalties:

(1) Confiscation of the goods used to commit the offences and of the proceeds of the trafficking in favour of the State.

(2) Public display or circulation of the decision handed down in the conditions laid down by the laws and regulations in force.

c. Procedure applicable to requests for international assistance

50. The conventions cited above govern the matter of requests for judicial assistance.

B. Temporary or permanent closure of premises used to commit the offences referred to in article 3, paragraph 1, of the Protocol

Article 7 (c)

States Parties shall, subject to the provisions of their national law:

(c) Take measures aimed at closing, on a temporary or definitive basis, premises used to commit such offences.

51. As the law currently stands, legal entities are not criminally liable; consequently, there are no criminal penalties in their regard.

52. However, based on need or urgency, a judge sitting in a criminal court may order, by way of main or additional penalty, the closure of an establishment or premises that have been used to commit a crime or misdemeanour (art. 4 of the Criminal Code).

III. Protecting the rights of child victims

53. It is abundantly clear that protecting child victims is an ongoing concern of the Government of Gabon. The State plays a key role in child protection based on the proper administration of the juvenile justice system.

1. Measures taken to protect the rights and interests of child victims in the course of criminal proceedings

54. A raft of legal, administrative and institutional measures has been adopted in order to protect the best interests of the child.

55. Article 5 of Act No. 2/90 of 26 July 1990 ratifying the National Charter of Freedoms establishes the right to protection, particularly for mothers and children.

56. To give effect to the provisions of the Protocol, the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, Gabon adopted Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors. Article 1 of the Act specifically states that it has been adopted in implementation

of, among others, the Convention on the Rights of the Child, and the Act itself repeals the provisions of the Criminal Code and the Code of Criminal Procedure.

57. Turning to child victims of trafficking specifically, the National Handbook of procedures to care for victims of child trafficking and Act No. 9/2004 of 21 September 2005 provide that children in this category have the right to special protection measures, as both victims and children, in accordance with their specific rights and other identified needs.

58. The involvement of a child victim of trafficking in criminal activity must not affect that child's dual status as both child and victim.

59. The security and defence forces, as well as the judicial authorities, must take all necessary measures to protect the rights and interests of the child victim at all stages in the procedure.

Article 8

A. Taking account of the best interests of the child in domestic law

Article 8 (3)

3. States Parties shall ensure that, in the treatment by the criminal justice system of children who are the victims of the offences described in the present Protocol, the best interest of the child shall be a primary consideration.

60. Gabon has adopted several pieces of legislation to guarantee the best interest of the child:

- The Civil Code;
- Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors;
- Act No. 09/2004 of 21 September 2004 on preventing and combating child trafficking in Gabon;
- Decree No. 00031/PR/MTEFP of 8 January 2002 on combating child labour;
- Decree No. 00024/PR/MTE of 6 January 2006 establishing conditions for monitoring and investigation activities and searches to prevent and combat child trafficking in Gabon.

61. In point of fact, articles 273 to 275 of the Civil Code provide that the judge is to take account of the interest of the child when ruling on custody of the child if the parents are legally separated or divorced.

62. The National Handbook of procedures to care for victims of child trafficking and Act No. 9/2004 of 21 September 2004 stipulates that all measures concerning child victims of trafficking taken by the public or private social welfare institutions, the courts and tribunals, the administrative authorities or the legislature must be guided by the best interest of the child.

63. All child victims of trafficking are entitled to the same protection and the same rights, regardless of their status, nationality, race, gender, language, religion and ethnic or social origin.

64. Gabon reconfirmed its commitment in this sphere by signing, on 6 July 2006, the Multilateral regional cooperation agreement to combat trafficking in persons, especially women and children, in West and Central Africa, article 6 of which provides that the

Contracting Parties agree, in relation to any measure to benefit child victims of trafficking, to give precedence to the welfare and best interest of the child, which is paramount.

65. However, while it is apparent from all of the measures set out above that the best interest of the child is very much recognized, a lack of specialist institutions and structures and backward-looking cultural and religious practices hamper the State's efforts to protect the best interest of the child.

66. In addition, according to article 80 of the Code of Criminal Procedure, anyone claiming to have been injured as a result of a crime or misdemeanour may lodge a complaint with the investigating judge.

67. Similarly, article 7 of the Code accords associations for the protection of children's rights the right to bring a civil action before the competent court, both on behalf of the association itself and on behalf of the child victim.

68. In implementing that provision, Gabon has set in place a group of structures accessible to children and tasked with receiving their complaints and following them up. The structures include: the youth courts; outreach units of the Directorate-General for the Family and the Directorate-General for the Protection of Widows and Orphans; the Youth Protection Service of the Ministry of Justice; the vice squads set up at police stations; the social service established in prisons; and the watchdog committees established to track down the child victims of trafficking.

69. Independent complaints mechanisms have been established for minors. Referral to these mechanisms may be effected either by direct request or by means of a statement or reported complaint.

- Referral on request or direct approach by a minor. Articles 13 and 47 of Act No. 39/2010 state that in civil matters, minors may, by application, directly request that the juvenile court judge provide protection, assistance or educational measures when their health, safety or morals are jeopardized or when the conditions of their education are seriously compromised;
- Referral by means of a statement or reported complaint, or indirect referral by a minor through a competent court. Article 47 of the Act states that for the protection of minors, juvenile court judges or courts may, on an exceptional basis, assume jurisdiction on their own initiative. Jurisdiction may be assumed only if the competent authority has been informed of facts that warrant imposing a measure of protection. Such information may come from a statement or complaint from the minor in question; this provides a separate and secondary independent complaint mechanism to protect minors;
- Referral by means of a reported complaint or indirect referral via the prosecutor responsible for juvenile affairs. By setting up the post of prosecutor responsible for juvenile affairs (arts. 17, 19 and 22 of Act No. 39/2010) and according the prosecutor the right to refer the matter to the civil courts to obtain a decision appropriate to the case of the child victim, juvenile law in Gabon has established an independent complaint mechanism. By being able to complain to the prosecutor, just as to the competent court, minors benefit from an indirect referral mechanism.

70. Throughout the procedure, the mentoring service of the National Centre for the Care of Child Victims of Trafficking or the outreach unit of the watchdog committee appoints a mentor to assist the victim. The mentor is responsible for:

- Reassuring the child and taking him or her to the transit centre;
- Planning together with the transit centre when the child can be interviewed in order to gain a better understanding of that child's history and provide the National Centre

for the Care of Child Victims of Trafficking and/or the outreach unit with details of what has happened to the child;

- Taking part in the social welfare inquiry with the social services or the outreach unit.

71. In addition, the security and defence forces as well as the judicial authorities must take all necessary measures to protect the rights and interests of the child victim at all stages in the procedure.

72. A child victim of an offence is entitled to be compensated for the injury he or she has suffered. That compensation (in the form of damages) is requested by the child's legal representatives and/or an officially registered association for the protection of the rights of the child.

a. Taking evidence from a child

Article 8 (1) (c)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular:

(c) Allowing the views, needs and concerns of child victims to be presented and considered in proceedings where their personal interests are affected, in a manner consistent with the procedural rules of national law.

73. The following provisions have been taken to avoid having to interview the child over and over again about painful or indeed traumatizing experiences.

74. Gabon has actually adopted a range of measures to ensure that every child that is able to communicate has the right to express his or her views freely in all spheres and to be heard.

75. Act No. 39/2010 of 25 November 2010 protects both the child's personality and that child's rights of defence. The Act requires that the child's view be taken into account before the juvenile courts. Under Act No. 09/2004 of 21 September 2004, the same applies to foreign children who are the victims of trafficking. In cases of abuse or imprisonment, or in order to establish which parent should be granted custody if the parents are separated, the tribunal will ask the Youth Protection Service to talk to the child and obtain the child's view.

76. In the specific case of child victims of trafficking, the purpose of the interview is to establish the offence. It should therefore be borne in mind that:

(a) The interview of the victim by the defence and security forces or at the competent labour inspectorate must be conducted in the presence of the mentor from the mentoring service or outreach unit of the watchdog committee;

(b) The defence and security forces must never interview child victims about their experiences during trafficking unless the mentor is present;

(c) The defence and security forces must shorten the interview and simplify the process to minimize any trauma or psychological distress caused to the alleged child victim;

(d) Information that does not depend on direct evidence from the child must be obtained from the mentor;

(e) Information obtained when a child victim of trafficking is being interviewed cannot be used against that child. A child victim's consent cannot rob that child of his or her status as a victim.

77. Following the interview, initial questioning takes place at the time of first contact with the alleged child victim of trafficking. For that purpose:

(a) Only the specially trained staff of the defence and security forces, as well as from the appropriate institutional structures, may question the child victims;

(b) The sole purpose of the initial questioning of an alleged child victim is to gather information concerning the child's social background (age, nationality, languages spoken, etc.);

(c) A child victim may not be questioned at the place where exploitation took place or in the presence of the trafficker. The initial questioning must be conducted somewhere where the child feels safe.

78. When talking to children about their experience, the defence and security forces must ensure that the child victims are not:

- Made subject to criminal procedures or penalties in relation to offences linked to their situation as trafficking victims;
- Placed in police custody.

79. During the criminal proceedings:

(a) The mentor must ensure that the child victim is fully informed of security issues and criminal procedures before that child decides whether or not to give evidence in the criminal proceedings against the individuals suspected of being involved in the exploitation and/or trafficking of children.;

(b) The support given to a child victim of trafficking must never be contingent on that child's decision to testify or bring criminal proceedings against the trafficker(s).

80. In addition, the Government has improved the skills set of security force personnel, prosecutors, law officers and judges in relation to people trafficking. During a seminar, held in Libreville in 2010, officers and members of the judiciary were urged to handle victims gently during questioning, particularly minors who are frequently traumatized, and to provide them with physical and psychological protection.

b. Stages in the investigation

81. An expert medical examination of the offender is not automatically ordered; it happens only when an issue of a technical nature arises. The judge will order the examination either *ex officio*, or at the request of the public prosecutor, the accused or the complainant (art. 72 of the Code of Criminal Procedure).

82. In civil and criminal matters, Act No. 39/2010 of 25 November 2010 governs the question of expert examinations of children in conflict with the law. Articles 11, 28, 29 and 41 of the Act provide that the juvenile court judge may, if he or she has good reason for considering that the physical and psychological state of the minor necessitates a measure of protection, assistance, monitoring or education, order a medical and psychiatric or medical and psychological (expert) examination of the child. These examinations must not be dangerous for the child and must always protect the child's personal development.

83. In the case of child trafficking therefore, in order for a victim who has been recovered to be provided with psychological, social and medical support, he or she is placed:

- In Libreville and surrounding area, with the National Centre for the Care of Child Victims of Trafficking;
- In the provinces, with the watchdog committee.

c. *The court hearing*

Article 8 (1) (f)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(f) Providing, in appropriate cases, for the safety of child victims, as well as that of their families and witnesses on their behalf, from intimidation and retaliation.

84. Clearly, a child victim has the right to representation as the complainant.

85. Whatever the procedure, the hearing of a minor must take place in the presence of the child's parents, guardians or legal representative.

86. Hearings involving oral proceedings or the handing down of judgment in juvenile courts are not public. They are open to witnesses to the case, the minor him- or herself, and the parents, guardian or person that has custody of the child (art. 147 of the Code of Criminal Procedure and art. 40 of Act. No. 39/2010 of 25 November 2010).

87. According to Act No. 39/2010 of 25 November 2010, proceedings involving minors are subject to restrictions regarding public disclosure, and a child in conflict with the law has the right to a lawyer or counsel for defence appointed by the investigating judge. Counsel for the defence defends the child before both the investigating court and the juvenile court judge (offences and misdemeanours) or the juvenile court (crimes).

88. The press are prohibited from publishing reports of cases involving minors, with any breach giving rise to a criminal penalty.

89. To sum up: hearings involving the trial of minors are not public; the only people allowed to attend are the individual involved in the proceedings and counsel for the minor.

90. At an institutional level, the mentor ensures that the child is safe from intimidation and reprisal. Indeed:

(a) The mentor assists the child at all stages: during the police, administrative, judicial, consular and medical proceedings;

(b) Following the initial interview with the investigating and law enforcement services and the relevant structures, the mentor accompanies the child to a reception centre;

(c) The mentor helps the child victim of trafficking complete administrative and legal formalities. The mentor will consult, advise and keep the child informed of his or her rights;

(d) In the best interest of the child, the mentor has the right to request that oral proceedings be suspended, to speak alone with the child and take all necessary measures. The mentor can also refuse to testify in legal, civil or criminal proceedings;

(e) The mentor ensures in particular that:

a. All decisions taken in relation to the child are in that child's best interest;

b. The child victim receives all necessary care (accommodation, health care, psychological and social support, education and language support) in the reception centre.

(f) At any time and whenever the mentor considers it necessary, he or she has the right to suspend the hearing in order to request the assistance of a lawyer;

(g) The mentor must help determine a long-term solution in the best interest of the child.

B. Initiating criminal investigations, even if the actual age of the victim cannot be established

Article 8 (2)

2. States Parties shall ensure that uncertainty as to the actual age of the victim shall not prevent the initiation of criminal investigations, including investigations aimed at establishing the age of the victim.

91. Age is a critical factor in criminal proceedings, as it may influence or have a legal effect even on how the offence at issue is classified, on the procedure to be adopted and the judicial measures to be ordered. If the offender is a minor, the provisions of Act No. 39/2010 of 25 November 2010 come into play depending on whether the minor acted alone or with an adult.

92. Article 5 of the Multilateral regional cooperation agreement to combat trafficking in persons, especially women and children, in West and Central Africa, provides that if the victim's age is uncertain and there are reasons to believe that he or she is a minor, the victim must be presumed to be a child.

93. Consequently, if there is doubt as to the victim's actual age, the investigating judge may order an expert medical examination to provide clarification (art. 124 of the Code of Criminal Procedure).

94. The principle is, therefore, that in the absence of a birth certificate, if an individual claims to be a minor, that individual is deemed to be such until the contrary is proven. Where necessary, an expert medical examination to determine the individual's age may be conducted in order to confirm or contradict that claim.

C. Adapting procedures in order to take into account children's vulnerability, in particular the sense of their dignity and value and their background, including procedures for examining, questioning and judging and cross-examining child witnesses; the right of a parent or guardian to be present and the right to legal representation and free legal aid.

95. Article 4 of the Multilateral regional cooperation agreement to combat trafficking in persons, especially women and children, in West and Central Africa, stipulates that all victims of trafficking, whether nationals or foreigners, must be treated with respect for their dignity and without discrimination.

a. Supporting a child in the context of proceedings

96. Article 1, subparagraph 4, of the Constitution provides that "in legal proceedings, the right to a fair trial shall be guaranteed to all".

97. Whether in the course of an investigation or when the matter is referred to the juvenile court judge, neither the criminal investigation officer, nor the juvenile court judge may question a minor except in the presence of the child's lawyer, parents, guardian or any other person holding custody.

98. In point of fact, article 146 of the Code of Criminal Procedure stipulates that "the children's judge may appoint a defence lawyer or, failing that, a civil servant or public official to defend the minor during both the investigation and trial".

99. The nature of the support depends on whether the child is the perpetrator or victim of a crime. If the child is the offender, Act No. 39/2010 of 25 November 2010 accords that child his or her rights and ensures the child is protected by having social workers present during questioning. For that reason, article 26 of the Act provides that:

- The child's parents must be informed and involved in the proceedings;
- The child has the right to the assistance of a lawyer or civil servant responsible for presenting the child's defence.

100. If the child is the victim of a crime, articles 11 et seq. of the Act ensure all aspects of the child's protection. An ad hoc guardian may be appointed by the juvenile court judge to ensure that the child is protected and safeguarded.

101. At an institutional level, Gabon now has within all of its security services (police and gendarmerie) a vice squad whose responsibilities include protecting children in conflict with the law during question and while in detention.

102. The National Handbook of procedures to care for victims of child trafficking has made provision for child victims to be given a mentor who has a range of responsibilities:

- (a) The mentor assists the child at all stages: during the police, administrative, judicial, consular and medical proceedings;
- (b) Following the initial interview with the investigating and law enforcement services and the relevant structures, the mentor accompanies the child to a reception centre;
- (c) The mentor helps the child victim of trafficking complete administrative and legal formalities. The mentor will consult, advise and keep the child informed of his or her rights;
- (d) In the best interest of the child, the mentor has the right to request that oral proceedings be suspended, to speak alone with the child and take all necessary measures. The mentor can also refuse to testify in legal, civil or criminal proceedings;
- (e) The mentor ensures in particular that:
 - a. All decisions taken in relation to the child are in that child's best interest;
 - b. The child victim receives all necessary care (accommodation, health care, psychological and social support, education and language support) in the reception centre.
- (f) At any time and whenever the mentor considers it necessary, he or she has the right to suspend the hearing in order to request the assistance of a lawyer;
- (g) The mentor must help determine a long-term solution in the best interest of the child.

103. If the parents are involved in the offence or are failing properly to protect the interests of the child, the law provides, in the context of protecting and administering the child's assets, for the child to be provided with a statutory representative. The representative may be a family member or close relative of the child. The representative is appointed by the court at the request of the prosecutor's office, of a parent or of a relation by marriage (art. 519 et seq. of the Civil Code).

104. All of the measures set in place by the legislature are designed to make it possible for particularly vulnerable child victims to be supported throughout the criminal proceedings.

b. Legal assistance

105. A special system of legal assistance for minors was set in place by Act No. 39/2010 of 25 November 2010.

1. Assistance for minors during extrajudicial procedures (preliminary inquiry). Assistance for minors during the preliminary inquiry is covered under articles 20 and 21 of Act No. 39/2010 of 25 November 2010. When minors are the subject of a preliminary inquiry, the criminal investigation officer must immediately inform their parents, guardians or persons who have custody, so that they may be present, representing a sort of “family aid”, as criminal investigation officers may question minors only in the presence of those persons or a person authorized for that purpose. Minors must also be informed of their right to the assistance of counsel or a lawyer, making their absolute right to legal assistance a reality.

2. Assistance for minors during judicial procedures. Minors receive assistance during the judicial phase when their cases are brought before the public prosecutor responsible for juvenile affairs, during the opening of the judicial investigation and at the trial stage:

- Assistance for minors when they are brought before the prosecutor responsible for juvenile affairs. When minors are brought before a prosecutor responsible for juveniles in conflict with the law, they may be assisted by their parents, guardians, the persons who have custody or lawyers defending their rights and interests. If a judge decides to apply the settlement or criminal mediation procedures set out by article 23 of Act No. 39/2010 of 25 November 2010, this may be done only with the prior consent of the minor, the parents, a guardian or a person who has custody. The “family aid” referred to above thus continues to take effect;
- Assistance for minors during the judicial investigation. In the event of prosecution of minors in conflict with the law, a judicial investigation is mandatory (art. 24). To guarantee their rights and secure their defence during this phase of the procedure, article 25 stipulates that: “Minors who are prosecuted must be assisted by a lawyer or court-appointed defence counsel. Before the first hearing, if a minor or his or her representative does not have a lawyer, the juvenile court judge shall ensure that one is appointed by the President of the Bar. In courts that do not have local lawyers available, the officially assigned defence counsel must be selected from the list of civil servants drawn up annually by the Ministry of Justice”;
- Assistance for minors during the trial. The lawyer or official appointed in accordance with article 25 by the investigating judge for minors assists the minor not only before the investigating court but also before the trial court (juvenile court judge, juvenile court or juvenile division).

106. In addition, article 57 of Act No. 39/2010 of 25 November 2010 provides that “the costs associated with judgments or decisions handed down in matters of protection shall be paid from public monies”. In other words, in criminal proceedings, this legal assistance takes the form of the State meeting the defence costs of minors before the relevant courts.

c. Partnership with the voluntary sector

107. The intervention of associations specializing in combating cruelty and abuse is significant in the sense that they assist the State in relation to prevention and to the care of victims by making the relevant legislation and regulations available to the wider public, raising awareness and informing the public about deviant behaviour, as well as through the medical and social follow-up and the establishment of reception and transit centres for child victims.

- d. *The legal consequences faced by a child who has committed an offence directly connected with the practice prohibited by the Optional Protocol*

D. Keeping the child informed throughout the legal process

Article 8 (1) (b)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(b) Informing child victims of their rights, their role and the scope, timing and progress of the proceedings and of the disposition of their cases.

108. The right to be informed of the progress of the proceedings is a general principle of the criminal justice process. It was reaffirmed by Act No. 39/2010 of 25 November 2010.

109. The Act requires criminal investigation officers to inform minors of their rights immediately they are detained, including the right to the assistance of a lawyer, to have their parents, guardian, legal representative or any other person with custody or authorized by the latter to be present.

110. During the process, the juvenile court judge is required to inform minors immediately and directly of the proceedings in their regard. The lawyer is informed, in accordance with the provision of the Code of Criminal Procedure, of the progress of the proceedings. The same applies to minors and their parents. The child gives his or her account of the alleged offences, and, if necessary, the judge explains the consequences of the child's action.

111. The National Handbook of procedures to care for victims of child trafficking stipulates that child victims of trafficking must have access to all information pertaining to their situation and rights.

112. Where necessary, that information must be provided in a language which the child victim understands. Sworn interpreters must be called upon to provide this service whenever the child is questioned or interviewed.

113. In the case of criminal proceedings, the mentor must ensure that the child victim is fully informed of issues of security and criminal procedures, before the child decides whether or not to testify, in criminal proceedings, against persons alleged to have been involved in the exploitation and/or trafficking of children.

114. In the case of civil proceedings, mentors must ensure that child victims are fully informed, in a language which they understand, of their right to bring civil proceedings against the perpetrators of trafficking and any other persons involved in their exploitation.

E. Right to be informed of the procedures for enforcement of the sentence

Article 8 (1) (c)

115. As set out above, Act No. 39/2010 of 25 November 2010 stipulates that children are to be kept informed at all stages of the procedure concerning them. Information is provided in a language which the child understands.

F. Allowing the views, needs and concerns of child victims to be presented and providing appropriate support services to child victims throughout the legal process

a. Support services within the police services

116. An autonomous body responsible exclusively for the investigation, prosecution and adjudication of cases involving minors, and for setting in place measures of protection for minors, is established within every criminal court and every unit of the criminal investigation service. Only minors aged 13 and over may be brought before youth courts dealing with criminal matters; children under 13 are presumed to lack criminal responsibility.

117. Articles 20 and 21 of Act No. 39/2010 of 25 November 2010 establish the post of criminal investigation officers to investigate cases involving minors.

b. Hospital support services

118. Order No. 1/95 of 14 January 1995 establishes a national health policy framework for Gabon. The order deals extensively with children, particularly in articles 1 to 38. It lays down general principles, including a guarantee that the State will do its best to protect the health of children. It links the protection of mothers with the protection of children in order to reduce the rates of maternal morbidity and mortality and prevent child diseases and high-risk pregnancies (art. 10). Articles 1, 12 and 13 stipulate the priority measures which must be taken, on the ground, by mother and child health-care centres. Articles 16 to 29 relate to the expansion and monitoring of vaccination, the fact that vaccination is compulsory and free of charge and to medical check-ups for children of pre-school age and to the treatment of sick children by the appropriate State services.

119. In addition to the above comes Act No. 39/2010 of 25 November 2010 under which any minor in detention has the right to be examined immediately by a doctor and to receive the appropriate treatment and, if the establishment in question lacks medical facilities, to be treated elsewhere as a matter of priority.

120. In that context, the Government has decided to build a mother and child university hospital with almost 300 beds and a medical reproductive health centre by the end of 2015.

c. Forensic medical units

121. There are as yet no forensic medical units in Gabon; the courts usually call upon the existing medical services.

G. Protecting, as appropriate, the privacy and identity of child victims

Article 8 (1) (e)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(e) Protecting, as appropriate, the privacy and identity of child victims and taking measures in accordance with national law to avoid the inappropriate dissemination of information that could lead to the identification of child victims.

122. Gabon's Constitution, as well as certain special laws, guarantee and protect the private life of every citizen. Under Article 1, subparagraph 5, of the Constitution: "the confidential nature of correspondence, postal, telegraphic, telephone and electronic communications shall be inviolable. Such inviolability may be restricted only pursuant to the law, for reasons of public policy and State security".

123. Article 1, subparagraph 12 of the Constitution provides that: “the home shall be inviolable. Entry and search may be ordered only by the courts or other statutorily authorized bodies (...)”.

124. Article 1, subparagraph 6, of the Constitution adds that: “restrictions on the use of information technology in order to protect people, the personal and family privacy of citizens and the full exercise of their rights shall be laid down by law”.

125. Article 17 of the Constitution then provides that: “the law shall determine the rules governing (...) the use of information technology in order to protect the honour, personal and family privacy of citizens, and the full exercise of their rights”.

126. Based on those constitutional provisions, the civil courts protect and recognize the right to life. Indeed:

- Under 438 of the Code of Criminal Procedure, the judge hearing applications for interim relief may order the confiscation and destruction of documents infringing that right;
- Based inter alia on article 1382 of the Civil Code, the trial court may award damages for the harm sustained as a result.

127. Protection of the private life of children in conflict with the law is guaranteed by the provisions of article 40 of Act No. 39/2010 of 25 November 2010 under which:

“Hearings in the juvenile courts shall not be public. Each case shall be tried separately without parties to other cases being present. The only persons allowed to be present at the hearing are the witnesses, the minor, the child’s parents, guardian or the person with custody, the child’s lawyer or defence counsel, experts and representatives of the services or institutions responsible for child protection.

The presiding judge can, at any time, order that the child should withdraw for part or all of the hearing, and, similarly, order witnesses to withdraw after they have given their evidence.

The publication in any form whatsoever of reports of hearings in juvenile courts is prohibited. The same applies to any text or illustration concerning the identity or personality of young offenders.

Failure to comply with the provisions of the above subparagraph shall give rise to a penalty of between 6 months and 2 years imprisonment and a fine of between 500,000 CFA francs and 3 million CFA francs. Any repeat of the offence may result in a term of imprisonment of 5 years”.

128. Similarly, the State has adopted Act No. 001/2011 of 25 September 2011 on the protection of personal data; pursuant to the Act, the National Commission for the Protection of Personal Data has been set up.

129. However, despite this legislation, the protection of a child’s private life is not always respected by parents as a result of certain traditions whereby the child is considered an object and not a subject of law.¹

¹ United Nations, Committee on the Rights of the Child. Summary record of the 756th session: Gabon, 24/06/2002, p. 7-8.

H. Providing, in appropriate cases, for the safety, from intimidation and retaliation, of child victims, their families and witnesses on their behalf, as well as those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims

130. As a rule, witnesses are heard separately and without the defendant being present (art. 58 of the Code of Criminal Procedure); this affords them a degree of protection.

131. According to the National Handbook of procedures to care for victims of child trafficking, media or public access to any information concerning a child victim of trafficking or that child's family members is strictly prohibited.

132. It follows that all necessary measures must be taken to protect the private life and identity of a child victim of trafficking as well as the identity of the child's family.

133. A child victim who agrees to testify must be accorded special protection measures to guarantee the safety of the child and the child's family members in Gabon and in the countries of transit and origin.

Article 8 (1) (a)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(a) Recognizing the vulnerability of child victims and adapting procedures to recognize their special needs, including their special needs as witnesses.

Article 8 (5)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

5. States Parties shall, in appropriate cases, adopt measures in order to protect the safety and integrity of those persons and/or organizations involved in the prevention and/or protection and rehabilitation of victims of such offences.

a. Provisional detention or judicial supervision with a ban on meeting with the victim

134. Following questioning, the investigating judge may issue a committal order provided that the offence gives rise to a term of imprisonment or a heavier penalty.

135. It may be said that a form of "judicial supervision" is established by Act No. 39/2010 of 25 November 2010 because it lays down, among other things, that the investigating judge may issue an order deciding to apply a supervisory measure for the child's benefit.

136. In the absence of such a measure, articles 32 et seq. of the Act provide that the minor may be placed in detention, if this seems essential or no other measure is feasible. In any event, the length of such detention is of lesser duration than preventive detention in the case of adults.

- I. Ensuring that all child victims have access to procedures to seek, without discrimination, compensation for damages from those legally responsible, avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims**

Article 8 (1) (g)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(g) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting compensation to child victims.

Article 9 (4)

4. States Parties shall ensure that all child victims of the offences described in the present Protocol have access to adequate procedures to seek, without discrimination, compensation for damages from those legally responsible.

137. We construe the term “child victim” to mean “victim of an offence” and child “subject to preventive detention”.

138. Where the child is the victim of an offence, ordinary proceedings before the civil or criminal courts apply: this involves bringing an action for damages pursuant to articles 7 et seq. of the Code of Criminal Procedure. The child victim may thus obtain from the trial court compensation for the injury suffered. In point of fact, in addition to Acts Nos. 9/89 and 10/99 on preventive detention and unwarranted claims, article 7 of the Code of Criminal Procedure specifies that: “an action before the civil courts is designed to secure compensation for injury directly resulting from an offence. It is open to any natural or legal person that has directly sustained such injury”. Consequently, any person who claims to have suffered harm as a result of a crime or misdemeanour may bring an action for damages before the investigating judge. An action for damages may be brought at any time during the investigation. Once an investigation into a claim for compensation has begun, if an acquittal is ordered, any person may seek compensation in accordance with the procedure laid down by law. Victims’ right to compensation is also guaranteed by the possibility open to every person of holding the State responsible before the administrative courts for offences in breach of the law committed by State officials.

139. In the case of children “placed in preventive detention”, where a child has been placed in preventive detention and the proceedings have resulted in an acquittal or discharge, and if such detention has caused the child unusual or particularly serious harm, the child may obtain compensation for the harm caused from the commission set up under articles 129 to 131 of the Code of Criminal Procedure.

140. In all cases, the child victim has the right to seek compensation for the harm caused through the intermediary of his or her legal representative, parents or appointed guardian.

141. And so Gabon provides compensation and rehabilitation for child victims of the offences described in the Protocol through a raft of legislation:

- The Criminal Code provides for penalties such as fines (a form of compensation) and terms of imprisonment of between 2 months and life;
- Act No. 9/2004 of 21 September 2004 provides for other penalties such as deportation in the case of non-Gabonese nationals and the confiscation of assets;
- Under Decree No. 24/PR/MTE of 6 January 2005 the full costs of child victims of trafficking are met.

142. According to 239 of the Code of Criminal Procedure, during hearings at the criminal court, once the court has ruled on criminal proceedings, it decides on applications for damages from the claimant against the defendant, or from the defendant against the claimant, once the parties and public prosecutor's office have been heard.

143. Article 240 of the Code of Criminal Procedure adds that in the case of acquittal or discharge, the claimant may apply for compensation for the injury resulting from misfeasance on the part of the defendant, as such misfeasance emerges from the offences set out in the referral order.

J. Ensuring all appropriate assistance to victims, including their full social reintegration and their full physical and psychological recovery.

Article 8 (1) (d)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular by:

(d) Providing appropriate support services to child victims throughout the legal process.

Article 9 (3)

3. States Parties shall take all feasible measures with the aim of ensuring all appropriate assistance to victims of such offences, including their full social reintegration and their full physical and psychological recovery.

144. As part of the care process, a child victim of trafficking, who is capable of having his or her own views, has the right freely to express an opinion on any subject of concern to that child, in particular in relation to decisions concerning the possibility of being returned to his or her family or country of origin.

145. However, the opinion of children will be taken into account only in the light of their age, maturity and, above all, without prejudicing their best interest.

146. Finally, article 77 of Act No. 39/1010 of 25 November 2010 provides that: "all minors have the right to be visited regularly and frequently by family members. They have the right to communicate with the individual of their choice and to receive correspondence".

147. In accordance with that provision, minors are able to communicate freely with their counsel (lawyer) or defence counsel in order to prepare their defence, and they may also obtain the records of their questioning and/or hearings.

148. Parents meantime are issued with "visiting permits" by the relevant court authorities.

a. The State public services

149. Where a child is the victim of the offences referred to in the Protocol, the child's parents or guardians may apply to the public services set in place by the State. In accordance with Act No. 39/1010 of 25 November 2010, the reception centres and non-governmental organizations (NGOs) involved in protecting the rights of the child automatically refer to the juvenile court judge any case of a vulnerable child taken in and supported. The judge then opens an investigation, and may issue a decision on educational support measures. This relates both to cases of negligence, sexual abuse, and abandonment, as well as other immoral acts.

150. At an institutional level, a number of State public services have been set in place.

The Centre for Children in Difficult Circumstances (CAPEDS) in Angondjè

151. The Centre is responsible for the temporary care and family reintegration of children from birth to the age of 12 who are at physical or moral risk; after identifying the problem in each individual case, the Centre takes responsibility for accommodating, feeding, making safe, protecting, providing medical supervision, educating and teaching the children and securing their social reintegration. Where necessary, the Centre will try to find a foster home, though the possibility of adoption naturally remains a last resort.

152. Set up by the Gabonese State, CAPEDS has been up and running since 2000 and has already taken in more than 40 victims of trafficking, abandonment, slavery or other social issues. Its director heads a multidisciplinary team including psychologists, nurses, social welfare and teaching staff. The Centre can take in between 60 and 80 children and employs 55 social workers.²

153. However, CAPEDS has to deal with a number of problems that hamper its operations.

Table 1

Agondjè CAPEDS budget from 2007 to 2012 (CFA francs)

	Year					
	2007	2008	2009	2010	2011	2012
Budget	118 941 000	148 941 000	139 533 000	109 579 800	108 580 000	97 367 738

Source: Finance Acts 2007-2012.

154. After peaking in 2008, the budget of CAPEDS gradually declined from 2009 to 2012.

The Youth Protection Service (specialized social assistance service of the Ministry of Justice)

155. The remit of the Youth Protection Service is to implement any public measure to protect, educate, rehabilitate and integrate (in society, their families and the world of work) children facing with difficulties and those in moral or physical danger. The Service processes some 765 cases a year, with a 77 per cent success rate. A few problems have been noted, however, including the lack of a nutritionist or dietician who can improve the nutritional health of children who are already vulnerable upon admission to the Centre.

Table 2

Budget of the Youth Protection Service from 2007 to 2012 (CFA francs)

	Year					
	2007	2008	2009	2010	2011	2012
Budget	4 500 000	4 500 000	4 298 000	3 172 000	6 000 000	5 000 000

Source: Finance Acts 2007-2012.

The service for the non-institutional supervision of minors (AEMO)

156. The remit of AEMO is to provide psychological and social care and education to children falling under its mandate with a view to re-educating, rehabilitating and

² Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the situation of orphans and other vulnerable children in Gabon), 2011, p. 56.

reintegrating them in their family, school and the work environment as a way of combating marginalization and poverty. The service also provides psychological and social support at the Libreville court during proceedings involving children in conflict with the law.³ The service's preventive and restorative work is focused primarily on street children, children in detention and children failing in school. The staff of AEMO includes more than 30 professionals, but it lacks the logistical and material resources to carry out its mandate.

The National Observatory on the Rights of the Child (ONDE)

157. ONDE is the organization and the mechanism established by the State to coordinate the implementation of the Convention on the Rights of the Child. Article 3 of Decree no. 000873/PR/MFPEPF of 17 November 2006, which establishes ONDE, states that "ONDE shall be responsible for overseeing the implementation of the United Nations Convention on the Rights of the Child with the aim of promoting the rights of the child permanently and in all their aspects, including: the right to life, the right to a family, the right to health, the right to education, the right to legislation, the right to leisure and culture, the right to free expression and the right to protection against all forms of exploitation and abuse".

158. Article 4 adds that "ONDE shall inform, advise and raise the awareness of the various authorities concerned with the protection and promotion of the rights of the child at both national and regional level".

159. Finally, under article 5, "ONDE shall provide a medium for cooperation and coordination between those engaged in dealing with child-related problems in the public, private and voluntary sectors. It shall provide a means of supporting and evaluating action taken for the benefit of children at national level and shall be responsible for collecting and analysing all statistics relating to such action."

160. Under article 6, which deals with human resources, ONDE is composed of 25 members, including representatives of civil society organizations. It is run by a management team of nine.

161. One of the activities of ONDE involved carrying out a survey of violence against children in Gabon (February 2010), making it possible to categorize violence. As a result, Gabon is aware that 75 per cent of acts of violence against children are physical and occur in the home. In 2011, ONDE made the report's conclusions public and alerted national and international opinion to the close links between violence against children and the problem of street children. As part of the implementation of the report's recommendations, ONDE has, since 2011, set up a capacity-building programme on "communications for development" for pre-school teachers in rural zones in all provinces. To date, 80 of a planned total of 150 staff have received training.

162. In addition to the arrangements mentioned above, the Government has established the following:

- Two vice squads within the national police at Libreville, one based at the police station at Nkembo and the other at the headquarters of the commander-in-chief of the national police forces. These units specialize in child protection in all its forms. They are headed by a criminal investigation officer, are focused on enforcement and work in close collaboration with the public prosecutor's office. Children whose rights have been violated are able to seek their help directly;
- A service for the protection of vulnerable persons, located in the Directorate-General of Human Rights in the Ministry of Human Rights;

³ Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the situation of orphans and other vulnerable children in Gabon), 2011, p. 61.

- The National Commission on Human Rights;
- A central specialized welfare service in the Ministry of Social Affairs. This service is involved in preventive and remedial welfare work on, among others, children in moral and physical danger, street children, children at risk of offending, children who drop out of school and providing shelter for children in social difficulties;
- The youth courts. Since August 2014, these have numbered nine, one per province; and
- Social services units in all secondary schools.

163. On 3 December 2014, in collaboration with the United Nations Children's Fund (UNICEF) and its other civil society partners, the Government held a workshop with the aim of establishing a national forum on the rights of the child. This provides a platform for discussions on problems relating to the rights of the child and for coordinating action to address them.

164. On child trafficking, the National Handbook of procedures to care for the victims of child trafficking stipulates that the State has a duty to protect them.

165. Similarly, article 4 of Act No. 9/2004 of 21 September 2004 provides that: "in implementing the provisions of article 1, paragraph 17, of the Constitution, the State and local authorities shall systematically monitor the treatment and upbringing of children living within the national territory".

166. Against this background, Gabon has established the specific arrangements set out below.

The inter-ministerial Commission to combat child trafficking

167. In 2000, the Government adopted the common platform for action developed as a result of the Libreville sub-regional consultation on the development of a strategy to combat child trafficking in West and Central Africa. An inter-ministerial Commission to combat child trafficking was established and given responsibility for implementing this programme.

168. The inter-ministerial Commission brings together the representatives of nine ministries. It is responsible for coordinating action to combat child trafficking and exploitation and drawing up an action plan on the subject. Its role is to drive and coordinate policies and activities for preventing and combating child trafficking.

169. The Commission's activities have included the organization of two seminars, one to prepare the draft of the regional agreement with neighbouring countries on the repatriation of victims of child trafficking, and the other to raise the awareness of the police, NGOs and Government employees of ways to combat child trafficking while maintaining respect for children's rights. An awareness-raising campaign was also launched with the aim of developing public opinion and attitudes along progressive lines.

170. The Commission has, however, been inactive for several years now.

The National Monitoring Committee on the implementation of the common platform for action to combat child trafficking for child labour

171. Established in 2000, the Monitoring Committee, a technical arm of the inter-ministerial commission, is responsible for implementing the policies and programmes for action adopted by the commission.

172. Its role is to prevent and combat all forms of child trafficking and exploitation within Gabon; in other words, to coordinate the development and operation of the strategy to combat child trafficking.

173. According to the National Handbook of procedures to combat child trafficking, the Monitoring Committee is responsible for the following:

- At national level, coordinating action to identify, rehabilitate and reintegrate victims of child trafficking;
- Preparing the national action plan to combat child trafficking, coordinating action to follow it up and evaluating its implementation;
- Coordinating the collection and processing of data on trafficking and on the care provided to child victims, and disseminating the information while maintaining respect for the rights of the victims;
- Establishing and/or improving operational databases on the routes, organization and methods used by child traffickers;
- Keeping a record of persons implicated in offences of child trafficking and making the list available as and when needed to consular posts abroad and to the air and border police in order to deny the persons concerned visas and entry to the country;
- Delivery and improvement of programmes of training, working closely with international and non-governmental organizations involved in combating child trafficking;
- Development and delivery of awareness-raising programmes for both the long and short term to prevent and combat child trafficking and promote the protection and reintegration of victims; and;
- Advocacy addressed to Government for improving arrangements to combat child trafficking.

174. The Monitoring Committee oversees:

- Signature and ratification of international instruments on child trafficking;
- Harmonization of national legislation with relevant international legal instruments;
- Raising the awareness of professionals in the justice system and those involved in detecting and prosecuting offences and of the general public; and
- Mobilizing the resources necessary for carrying out programmes and for the effective working of the organizations combating child trafficking.

175. At international level, the Monitoring Committee:

- Facilitates international cooperation in relation to detention, prosecution, international support and mutual legal assistance;
- Contributes to strengthening inter-State collaboration and to promoting and disseminating information on bilateral agreements to combat people trafficking;
- Oversees the establishment of bilateral arrangements for cooperation and mutual legal assistance for the protection of the victims of child trafficking across national boundaries with partners including the member States of the Economic Community of West African States and the Economic Community of Central African States, as well as other States significantly affected by child trafficking as countries of origin, transit or destination.

176. Since 2004, action by the committee has included producing and securing Government approval for a National Handbook of procedures to care for victims of child trafficking, establishing seven provincial watchdog committees of a total of nine planned, organizing several awareness-raising campaigns on trafficking, conducting three missions to secure cooperation in West Africa, where victims of child trafficking originate, regularly retrieving children from exploitation and financing their reintegration.

Table 3

Budget of the national Monitoring Committee on the common platform for action to combat child trafficking for child labour, 2007-2012 (CFA francs)

	Year					
	2007	2008	2009	2010	2011	2012
Budget	16 800 000	38 400 000	17 935 000	24 236 080	24 236 000	32 632 000

Source: Finance Acts 2007-2012.

Focal Point for Preventing and Combating Child Labour⁴

177. Its remit is to ensure communication between watchdog committees against child trafficking, social day-centres and halfway houses for all questions related to the placement of children. It manages placement procedures, including third-party release forms.

Table 4

Budget of the Focal Point for Preventing and Combating Child Labour, 2007-2012 (CFA francs)

	Year					
	2007	2008	2009	2010	2011	2012
Budget	32 000 000	32 000 000	24 859 000	15 943 260	15 000 000	13 413 780

Source: Finance Acts 2007-2012.

The National Centre for the Care of Child Victims of Trafficking (CNPEVT)

178. The National Centre is attached to the Committee to Monitor the Fight against Child Trafficking. It is responsible for safeguarding the best interest of child victims until they are repatriated to their country of origin or returned to their legal guardians.

179. The remit of CNPEVT is to coordinate at national level the care of victims of trafficking and implement the procedure for returning children to their country of origin or reintegrate them locally, working with the relevant watchdog committees and diplomatic representations.

180. On that basis, CNPEVT:

- Receives calls for help from victims, as well as witness reports;
- Proceeds to or takes part in the removal of child victims, takes them in, accommodates them, helps and listens to them, makes them safe and provides them with administrative and legal support;

⁴ Also known as the Programme against Trafficking in Children, this body falls under the aegis of the Ministry of Social Affairs.

- Arranges the child's first medical check-up, which must be carried out as soon as the child is admitted to the Centre. At that juncture, the doctor will assess the child's age, if it has had to be presumed;
- Support the child victims throughout the care process until a long-term solution has been found and applied in the child's best interest;
- Refer to the courts for the appointment of a legal guardian if the child is to be reintegrated locally;
- Approach institutions and counterparts in the country of origin of child victims of trafficking;
- Keep a register of children removed from trafficking situations and draw up individual fact files of boys and girls who have been the victims of trafficking.

181. CNPEVT is responsible for setting up, in conjunction with the watchdog committees, the database on the care of child trafficking victims. The data is regularly passed on to the Committee to Monitor the Fight against Child Trafficking to be entered in the national database.

182. CNPEVT is made up two services: a social service and a mentoring service. The teams of both services are drawn from a variety of sectors.

The social service

183. It receives calls for help from victims as well as witness reports; it takes part in the removal of child victims of trafficking, working with the security and defence services. The service accommodates victims, supports and helps them, listens to them and makes them safe.

The mentoring service

184. A legal entity, the mentoring service appoints an agent to support the child, who immediately takes care of that child as soon as he or she is admitted to the Centre.

185. The mentoring service:

- Is responsible for administrative measures throughout the process of caring for child victims of trafficking until a long-term solution is identified;
- Guarantees that the child victim has access to the legal system and other relevant institutions;
- Determines how to help the child victim find his or her family and suggests lines of inquiry such as:
 - Diplomatic representations;
 - Foreign communities within Gabon;
- If the child is repatriated or reunited with his or her family, ensures that this is in the child's best interest;
- Ensures that the appointed mentor assists the child at all stages in the care process.

The Arcades call centre

186. An agency of the Committee monitoring the fight against child trafficking, the Arcades call centre is a facility to assist, organize and implement the procedure for returning child victims of trafficking or exploitation to their own families. It operates a

freephone number (01.77.00.99)⁵ and its remit is to monitor, provide a listening ear and inform children and the public. It is the link between the child and the authorities.

187. However, the Arcades call centre has been closed for three years because of a lack of premises.

The Watchdog Committees

188. The Watchdog Committees operate at provincial level. Their remit is to monitor trafficking for the purposes of exploitation within Gabon, and ameliorate the care of child victims removed from the situation in which they were being exploited. They ensure that the child's best interest is safeguarded until that child is returned to his or her country of origin or socially reintegrated. The watchdog committees fall under the aegis of the provincial governors. The committees are set up and established with the support of UNICEF and the International Labour Organization (ILO) under the LUTRENA/IPEC project.

189. The watchdog committees have a range of responsibilities:

(a) They are responsible for detecting cases of child trafficking, identifying and removing the victims and protecting their rights.

(b) They keep the register of fact files on children who have been trafficked or are at risk. The register must include dates of arrival and departure, nationality and gender. The fact files cover all of the data on the child's social history (age, nationality, language spoken, activity engaged in, etc.) and the child's experience during trafficking.

(c) They provide administrative and legal support for victims and implement the appropriate assistance and protection measures to aid their psychological and social and medical recovery.

(d) They are responsible for identifying, intercepting and bringing criminal proceedings against individuals and organizations involved in the trafficking.

(e) They are also responsible for promoting information and raising awareness with a view to preventing the evil that is trafficking.

190. Each watchdog committee includes members from both the administration and civil society. Several committees have been set up thus far in: Ogooué maritime (mars 2004), Haut Ogooué (April 2005), Woleu-Ntem (October 2005), Moyen Ogooué (2010), Nyanga and Ngounié (2011).

191. For operational purposes, each watchdog committee is made up of three bodies: a coordination unit, a reception unit and a task force.

The coordination unit

192. This is the watchdog committee's decision-taking body. It is responsible for ensuring that the structure operates properly; for giving impetus to, planning and coordinating the committee's activities; and for monitoring the work of the reception unit and the task force.

⁵ Between 4 April 2003 and 23 November 2005, the centre received 4,000 calls, 2,000 of which resulted in individuals who had been abused being taken into care: 68 per cent were child victims of trafficking, 2 per cent minors with social difficulties and 30 per cent exploited adults. (Source: *Bilan du Comité de suivi de la mise en œuvre de la plate-forme commune d'actions de lutte contre le trafic d'enfants* [Report of the Committee monitoring the implementation of the joint platform for action on preventing child trafficking], 2005).

The task force

193. It is the body responsible for detecting and prosecuting child trafficking.

194. The task force has a number of responsibilities:

(a) It identifies the offence of child trafficking, removes victims from their situation and identifies their employers and alleged traffickers.

(b) It secures the deposit, luggage and tickets needed to enable victims to return to their biological families.

(c) It is responsible for bringing criminal prosecutions against the employers, alleged traffickers and their accomplices pursuant to Act No .9/2004 of 21 September 2004 on preventing and combating child trafficking in Gabon.

195. The task force is made up of the following members or their representatives: the public prosecutor, the provincial director for employment, the chief superintendent and the company commander of the gendarmerie.

The reception unit

196. This is the body that aids and assists child victims of trafficking.

197. It has several responsibilities:

(a) It is responsible for implementing the procedure for caring for child victims of trafficking, working with CNPEVT.

(b) It takes part in the removal of the children from their place of exploitation, working with the security and defence forces. It takes them in, assists them, listens to them and makes them safe.

(c) It provides mentoring services within the framework of the watchdog committee.

(d) In that context, the reception unit provides administrative and legal support to victims throughout the process, until a long-term solution is found and has been applied in the child's best interest.

(e) The reception unit receives the deposit, luggage and tickets needed to enable victims to return to their natural families.

(f) As soon as it is notified that a child victim has been identified, it appoints a mentor and reports to the watchdog committee.

(g) The watchdog committee bears responsibility for the actions of the appointed mentor.

198. In terms of the administrative care of child victims of trafficking, the responsibilities assigned to CNPEVT/the reception unit are:

(a) To keep a register of the girls and boys who have been the victims of trafficking.

(b) Draw up detailed fact files on each of them.

(c) Complete the administrative formalities needed for the child to be placed in a reception or transit centre.

(d) Transmit the report to the labour inspectorate so that it can calculate any financial entitlements owed to the victim. Where appropriate, the labour inspectorate

calculates the child's financial entitlements and transmits to the president of the court the report and the amount due to the victim, if no settlement has been agreed.

199. The CNPEVT/watchdog committee decides on the child's departure after receiving the opinion of the public prosecutor's office, and completes the requisite departure formalities.

200. At the time of departure, CNPEVT/the watchdog committee completes the formalities needed for the journey, accompanies the child to the airport and completes check-in procedures.

201. Where the child has come from within Gabon, the reception unit informs CNPEVT of the child's flight plan, and the latter takes responsibility for meeting the child at Libreville airport.

202. In short, when children are picked up by the security services, they are usually sent to facilities such as the Arc-en-Ciel Centre or the Espoir Centre (for girls), Agondjè in Libreville or Mission Nissi in Port-Gentil, where they receive medical care and psychological support (although not tailored to the specific trauma they have suffered), but they do not attend school (or not frequently), as they are awaiting repatriation and generally have very low academic levels. Following the 15 or so special operations carried out by the national police, and with the support of the Arcades call centre, it has been ascertained that 30 per cent of all the children picked up are reintegrated in Gabon and 70 per cent are repatriated, despite the formal lack of bilateral cooperation agreements with Benin, Nigeria and Togo.⁶

b. State financial initiatives on child welfare

203. As a first step, and conscious of its responsibility to mobilize resources, including financial resources, in support of child welfare, Gabon saw a need to improve its understanding of the budgetary position in relation to the rights of the child. Accordingly, in 2010, the Government carried out a budgetary analysis of resources allocated to children's issues in the Gabon and, in 2011, a survey on the development of social policies in Gabon, and, in 2012, it drew up a statement of national welfare policy.

204. In respect of policies and investments for children, according to a recent report published by the African Child Policy Forum in 2008, Gabon was ranked twenty-fourth out of the 52 African countries that were evaluated. This relatively enviable score is a result, among other things, of the fact that the authorities have understandably committed themselves to allocating a significant portion of the budget to the coverage of children's basic needs.⁷

205. The report of the budgetary analysis of resources allocated to children's issues in the Gabon shows that progress has been made in financing health, education and welfare. Nevertheless, resource levels remain lower than for international comparators. There is a particular problem with health, where the budget allocated is lower than in countries with a similar level of income.

206. Increasingly aware of the problem of social disadvantage, the State has taken the following measures to strengthen its arrangements for making welfare payments:

⁶ Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the situation of orphans and other vulnerable children in Gabon), 2011, pp. 104-105.

⁷ Gabon-UNICEF, *Analyse du budget consacré à l'enfance en République gabonaise* (Analysis of the budget allocated to children in Gabon), undated, p. 34.

- Decree No. 00243/PR/MASSNBE of 12 April 2002, introducing the free distribution of school textbooks. This decree was an initiative by the President of the Republic to guarantee all children access to textbooks;
- Decree No. 874 of 17 November 2006 on the creation and organization of a special fund to provide emergency assistance to Gabonese families in financial difficulty;
- Decree No. 0741/PR/MTEPS of 4 July 2007 setting the amounts of family benefits for Gabonese families with limited means;
- Order No. 49 of 26 January 2007 setting procedures for the allocation of emergency assistance to families in financial difficulty; and
- Order No. 80 of 26 May 2007 on the creation, powers, organization and working methods of counselling centres for families in financial difficulty.

207. On 8 November 2010, the Government approved a draft decree setting procedures for making social welfare payments in Gabon.

208. The Council of Ministers meeting of 28 June 2011 approved a draft decree setting the amounts of family benefits for Gabonese with limited means as follows:

- Family benefit: 4,000 CFA francs per child per month. Another decree adopted on 21 May 2014 has since increased family benefit from 4,000 to 5,000 CFA francs per child per month;
- Back-to-school allowance: 5,000 CFA francs per child per year; and
- Childbirth grant: 50,000 CFA francs for each birth, paid in kind in the form of baby clothes.

209. Since 1 June 2014, Gabon has increased the amount per child of the back-to-school allowance as follows: primary, 20,000 CFA francs; secondary, 40,000 CFA francs; upper secondary, 60,000 CFA francs; vocational training, 50,000 CFA francs.

210. The Government is currently developing a national policy for social welfare (PNPS). The document containing it, which was approved in 2012, was designed to provide the foundation for a fairer social policy, including giving the greatest possible number of people access to basic social services.

211. The PNPS concept is squarely in line with the international legal instruments ratified by Gabon. These include: in 2010, the Khartoum declaration by ministers of social affairs on social policy action towards social inclusion; the Yaoundé tripartite declaration on the implementation of the social welfare floor; and the recommendation concerning national floors of social protection adopted on 14 June 2012 at the International Labour Conference in Geneva. All of these, taken together, recommend that States parties should extend social welfare to all of their populations by putting in place effective and inclusive welfare systems.

212. Again in relation to social welfare, the State has taken a number of other social measures which have sought to take account of the concerns of the population and of the demands of the struggle to counter social exclusion and reduce inequalities. These include providing for payments by the National Health Insurance and Social Protection Fund, leading to wider coverage of the client population.

213. State assistance, however, continues to be insufficient and fragmented faced with the large-scale needs of families, which call for more systematic arrangements for service provision as provided in the health-care services. Institutional care for orphans of the kind commonly associated with orphanages is still virtually non-existent in Gabon, with the

exception of a national set of reference arrangements (CAPEDS) which is not yet performing satisfactorily and still has no specific legal basis.⁸

214. The budget for Government and other public services managing and caring for vulnerable children has seen both increases and decreases between 2007 and 2012, after peaking in 2008.

Table 5

Budget for Government services providing care for vulnerable children, 2007-2012 (CFA francs)

	Year					
	2007	2008	2009	2010	2011	2012
Budget	172 241 000	223 841 000	186 625 000	152 931 140	155 759 000	148 513 518

Source: Finance Acts 2007-2012.

c. *Associations involved in the provision of child welfare*

215. In Gabon, civil society is a full-fledged stakeholder in the promotion and protection of the rights of the child and carries out activities in all spheres of life.

216. With help from UNICEF, in 2011 the Government and civil society organizations held a workshop on the thematic networking of civil society dealing with the protection of children's rights. The event resulted in the establishment of two main networks:

- The National Network for the Promotion of the Rights of the Child in Gabon; and
- The National Network for the Protection of the Rights of the Child in Gabon.

217. The Government and civil society jointly take part in the work involved in drawing up and supporting projects for children's rights. This has been the case for all the studies conducted between 2008 and 2012, as can be seen from the documents annexed to those studies, such as participants' lists. Additionally, at the institutional level, the Government in 2012 established a Directorate-General for Associations Working in the Social Services, in the Ministry of Social Affairs.

218. Some 20 NGOs are already developing arrangements for dynamic collaboration with the Government on the range of problems facing vulnerable children. These include *Samba Mwanas*, *Micone*, *Arc-en-ciel et Espoir*, *Association des femmes musulmanes*, *Maison de l'Espérance*, *SOS Mwana*, *Centre Mbandja*, *Chaîne de l'Espoir*, *SIFOS*, *Pont de la vie*, *Graceland*, *MINE*, *Fondation associative santé+humanitus*, *Sida Zéro*, *Espoir vie*, *Association des fils et filles d'Omoye*, *ONG Lumière* and *Groupelement pilote des veuves et orphelins du Gabon*.⁹

219. We would remind the Committee that associations in Gabon are governed by Act No. 35/62, which specifies the conditions and criteria which apply to the establishment, winding-up and operation of all not-for-profit organizations. This means that they have complete freedom and suffer no interference from either Government or local authorities in their activities. The Directorate-General of Human Rights and the National Commission on Human Rights reported that about 200 associations and NGOs attended the forum mentioned above in 2011.

⁸ Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the situation of orphans and other vulnerable children in Gabon), 2011, p. 10.

⁹ Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the situation of orphans and other vulnerable children in Gabon), 2011, p. 63.

d. *Specialization in the judiciary (training for judges and lawyers)*

Article 8 (4)

4. States Parties shall take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with the victims of the offences prohibited under the present Protocol.

220. For several years now, Gabon has been paying a great deal of attention to specialization within the judiciary, and took action both before and after the adoption of Act No. 39/2010 of 25 November 2010.

Before the adoption of Act No. 39/2010 of 25 November 2010

221. In 2006, the Government held a seminar on youth justice in which a number of members of the judiciary took part, drawn both from presiding judges and public prosecutors in Gabon's courts of first instance.

222. In 2007, the Government held a training seminar for a number of judges from courts of first instance in Libreville and Lambaréné.

Since the adoption of Act No. 39/2010 of 25 November 2010

223. Article 19 of Act No. 39/2010 of 25 November 2010 provides that: "judges sitting in youth courts ... shall be required to undertake specialized training before or after their appointment". To give full effect to this recommendation, the Government is currently putting in place a policy of in-service professional training for youth court judges and others involved in the youth justice system.

224. The training programme will have two components: initial training from the academic year 2015-2016 onwards for trainee judges and registrars, and in-service training for serving judges, officers of the court and all others actively involved in the youth justice system.

225. Since the academic year 2012-2013, the National School for the Judiciary has been covering the rights of the child.

K. Right to a fair trial

Article 8 (6)

1. States Parties shall adopt appropriate measures to protect the rights and interests of child victims of the practices prohibited under the present Protocol at all stages of the criminal justice process, in particular:

6. Nothing in the present article shall be construed to be prejudicial to or inconsistent with the rights of the accused to a fair and impartial trial.

226. The right to a fair trial applies throughout the whole of the judicial process, from preliminary questioning until judgment is delivered, particularly since article 1, section 4, of the Constitution provides that in the course of legal proceedings the right of defence is to be guaranteed to all.

227. Article 50 of the Code of Criminal Procedure provides that, where so required for the purposes of an investigation, any persons who are suspected of having taken part in an offence, or have been questioned as witnesses, may be held in custody at the premises of the gendarmerie, the police or any other security force having powers of criminal investigation. Custody cannot exceed 48 hours, but may be extended by a further period of

48 hours on the written authorization of the public prosecutor. As long as a person is held in custody, that person must be properly fed and kept in sanitary conditions.

228. All persons so detained have the right, by any means, to inform a family member or other person of their acquaintance or their employer of the measure to which they are subject. It is also possible, depending on the requirements of the investigation, for a criminal investigation officer to do this in the presence of the person concerned. That officer must inform the public prosecutor immediately (article 52 of the Code of Criminal Procedure).

229. As soon as they are taken into detention, detainees can ask to see a lawyer. If they are not in a position to choose a lawyer, or if the selected lawyer cannot be contacted, they can ask for one to be allocated automatically by the legal aid service in accordance with the statutory and regulatory provisions governing legal aid.

230. Detained persons must be informed by a criminal investigation officer that they have been allocated a lawyer, who communicates with them under conditions which guarantee the confidentiality of the consultation, and must have access to their dossiers (article 54 of the Code of Criminal Procedure).

231. As soon as the preliminary investigation begins, investigating judges must, as required by law, take steps to acquire all information that they judge necessary to establish the truth. Inquiries into the identity of an accused, which are optional where a misdemeanour is concerned, are thus compulsory in the case of minors. They must include obtaining information on the material and moral circumstances of minors' families, their character and background, their school attendance and conduct history, and the conditions in which they have been brought up. An investigating judge has the power to order a medical or medical and psychological examination and to order any other necessary measures (article 77 of the Code of Criminal Procedure).

232. The judge must advise accused persons of their right to choose legal counsel from among the advocates who are registered members of the national Bar (article 98 of the Code of Criminal Procedure).

233. When in custody, after questioning and at any point in proceedings on an offence, the investigating judge has the power to issue a detention order after issuing a substantiated order for the accused to be detained; the latter must be informed of his or her right to the assistance of legal counsel, whether of their choice or appointed of its own motion by a competent authority. The lawyers concerned, whether chosen or officially appointed, must be informed, by any means and without delay, of the measure of detention. Lawyers are free to consult dossiers on the spot and to communicate freely with the accused (article 116 of the Code of Criminal Procedure).

234. During preliminary proceedings in the criminal court, if accused persons have not chosen a defence lawyer, one must be appointed by the presiding judge of his or her own motion, on advice from the President of the Bar or a representative, from among the advocates who are registered members of the national Bar (article 210 of the Code of Criminal Procedure).

IV. Prevention of the sale of children, child prostitution and child pornography

Article 9 (1)

1. States Parties shall adopt or strengthen, implement and disseminate laws, administrative measures, social policies and programmes to prevent the offences referred to in the present Protocol.

Article 9 (2)

2. States Parties shall promote awareness in the public at large, including children, through information by all appropriate means, education and training, about the preventive measures and harmful effects of the offences referred to in the present Protocol. In fulfilling their obligations under this article, States Parties shall encourage the participation of the community, and, in particular, children and child victims, in such information and education and training programmes, including at the international level.

1. Initiatives to combat child trafficking

235. Gabon has built its national policy for combating child trafficking around four strategic priorities: measures to protect and assist victims; training for those involved in combating trafficking; prevention; and the development of inter-State cooperation.

Anti-trafficking measures

236. The fight against child trafficking began in earnest on 9 February 1994, following the World Summit for Children, the theme of which was “A World Fit for Children”. It was then that the Gabonese Government decided to commit to the protection of children for the sake of Gabon’s future as a dignified and prosperous nation, by ratifying the Convention on the Rights of the Child. Although children were protected, child labour regulated and child exploitation prohibited, the offence of child trafficking was not yet established in domestic law and regulation. Thus, following a workshop on child trafficking for domestic service in West and Central Africa, held in Cotonou in July 1998, Gabon became involved in the fight against child trafficking.

237. The Government’s commitment resulted, in 2000, in the organization of a sub-regional consultation on the development of strategies to combat child trafficking for the purposes of exploitation in West and Central Africa, and the establishment of an inter-ministerial Commission to consider the common platform for action produced by the consultation and to monitor its implementation.

238. The Commission met on 20 June 2000 and proposed a framework for action consisting of eight priority objectives, including:

- The establishment of an appropriate legal framework, with a select committee set up in the Ministry of Justice to consider the amendments to the Criminal Code required to incorporate a specific offence of child trafficking; and
- The establishment of a focal point in each ministry.

239. Between 2000 and 2013, Gabon played host on at least nine occasions to nationals of other African countries at seminars, workshops and other activities concerned with child trafficking. It also took part in at least three meetings in other countries on the same issues.

240. In 2012, the Special Rapporteur on trafficking in persons, and especially women and children, Joy Ngozi Ezeilo, paid an official visit to Gabon at the invitation of the Government.

241. Alongside these discussions, the Government is taking action by training and awareness-raising among various sections of the population including the judiciary, criminal investigation officers and prison officers, making information widely available on Act No. 9/2004 of 21 September 2004 and putting in place agreed collaborative strategies for combating child trafficking and exploitation in Gabon.

Table 6

Action for disseminating the principles and provisions of the Convention on the Rights of the Child

<i>Responsible body</i>	<i>Target audience</i>	<i>Time and place</i>	<i>Subject</i>	<i>Numbers affected</i>
Monitoring Committee on Measures to Combat Child Trafficking	Political, administrative, religious and community leaders	Libreville, Port Gentil, Oyem, Franceville, Lambaréné, Tchibanga and Mouila (2004 to date)	Preventing and combating child trafficking	120 leaders in each province
Monitoring Committee on Measures to Combat Child Trafficking	Business leaders and entrepreneurs	Libreville, Port Gentil, Oyem, Franceville, Lambaréné, Tchibanga and Mouila (2004 to date)	Raising awareness of the ban on child labour	7 major markets in the provincial capitals

Source: Source: summary prepared by the National Committee for the Drafting of Human Rights Reports in Gabon.

242. During 2009, with the support of UNICEF and the participation of civil society through the NGO SIFOS, the Government conducted campaigns to raise awareness among the three communities most affected by child trafficking: the Beninese community (11 July 2009), the Togolese community (16 July 2009) and the Gabonese community (8 August 2009).

Table 7

Other action by the NGO SIFOS for combating child trafficking and exploitation

<i>Responsible body</i>	<i>Target audience</i>	<i>Time and place</i>	<i>Subject</i>	<i>Numbers affected</i>
SIFOS	Young people	26-29 November 2011	Information and awareness-raising workshop on street children and child trafficking and exploitation	103 people trained and deployed in areas of Libreville and Owendo to be alert for and report violence in the community against children, particularly child victims of trafficking and exploitation
SIFOS and <i>Agir Ensemble pour les Droits de l'Homme</i> (AEDH), Lyon	Local authorities, neighbourhood leaders and municipal workers	5-28 December 2012	Raising awareness of cross-border and internal child trafficking and of child exploitation in Gabon Spreading awareness of Act No. 9/2004 on preventing and combating child trafficking in Gabon	68 "peer educators" trained in ways of identifying and rescuing child victims of trafficking and exploitation The local authorities, 97 neighbourhood leaders and more than 100 municipal workers benefited from training and awareness-raising about Act No. 9/2004 on preventing and combating child trafficking in Gabon

Source: Source: SIFOS, November 2014.

243. In keeping with the spirit of Abuja, Gabon is preparing a national route map to allow it to consolidate its commitment to the multilateral agreement for regional cooperation and to the regional process still known as the Libreville process.

Action taken

244. On 17 October 2009, the *Sharon*, with 300 clandestine passengers of West African origin on board, 34 of them children intended for exploitation, was intercepted by the Gabonese Navy in territorial waters On 17 October 2009. All of the children were placed in reception and transit centres pending identification. They were later repatriated to their countries of origin, 24 to Benin, 5 to Togo and 3 to Mali. Through the presence in Libreville of Beninese officers and the exchange of information on the identities of those accompanying the children and of the traffickers, this operation gave the police authorities in Gabon and Benin the opportunity to test collaborative working arrangements for combating child trafficking.

245. Between 6 and 15 December 2010, a police operation codenamed “BANA” targeting child trafficking was conducted in Libreville and Owendo, involving 112 officials including members of the defence and security forces as well as social workers. Carried out in partnership with the International Criminal Police Organization (INTERPOL), the operation was designed to provide capacity-building for 180 players (members of the judiciary, doctors, criminal investigation officers or social workers, lay or religious NGOs) in relation to combating the cross-border exploitation of children, child pornography, paedophilia, sexual violence and child labour.

246. Operation “BANA” resulted in the recovery of 142 children of ten nationalities, who were placed in reception and transit centres for individual identification in preparation for reintegration either in their country of origin or in the country in which they were being cared for. The 17 suspected traffickers and their accomplices were questioned by the criminal investigation branch and handed over to the criminal justice system.

247. It was clear from these two cases, given the large number of children recovered from trafficking as a result of the monitoring arrangements that the Government had put in place, that it was now imperative to discover the routes used for the traffic, circumstances in the countries of origin of the children concerned, and to acquire an in-depth knowledge in order to develop strong collaborative arrangements to prevent and combat the pernicious effects of cross-border child trafficking.

248. Accordingly, a mission from the Monitoring Committee visited Mali, Togo and Benin in December 2010, meeting with various players involved in combating trafficking, and visiting facilities for the reception and onward reference of children and for their reintegration following repatriation. The mission also allowed a basis to be established for future bilateral cooperation agreements with Mali and Togo, and fresh impetus to be injected into the process already under way with Benin. The three draft protocols are now under consideration.

249. In parallel, prevention and enforcement are carried out by those involved from day to day. For example, on 13 November 2012 the Nyanga Watchdog Committee carried out an anti-trafficking operation which resulted in eight children being recovered from a trafficking network, taken to Libreville and placed in the care of a reception centre. Five women suspected of trafficking were arrested and a preliminary investigation was opened.

250. Since 2000, some 800 children have been recovered from trafficking networks, 80 per cent of whom have been repatriated and reintegrated. The children come principally from Benin, Togo, Nigeria, Mali and Guinea Conakry, and the majority are girls.

Table 8
Nationality and gender of children repatriated between 2012 and 2014

Nationality	Year						Total
	2012		2013		2014		
	Boys	Girls	Boys	Girls	Boys	Girls	
Beninese	0	13	1	18	0	3	35
Togolese	0	2	0	1	0	5	8
Malian	0	1	0	0	0	1	2
Nigerian	0	0	0	0	1	0	1
Total	0	16	1	19	1	9	46

Source: Social services, Angondjè reception centre, November 2014.

251. The application of the child protection legislation has produced other encouraging results for Gabon:

- For example, the identification, recovery and transfer to Libreville by the Watchdog Committees of the Provinces of Ngounié and Ogooué Maritime of child victims of trafficking, neglect or exploitation, involving on average five children per year;¹⁰
- The identification by the Government of 492 street children in five of the nine provinces of Gabon and the eventual provision of care to 70 per cent of them by the Rainbow Centre of the Catholic Church;¹¹
- The dismantling in February 2013 of a network trafficking “pygmy” children in the Minvoul area.

Challenges

252. The issues are changing: children working as street vendors are seen on the streets less and less. It appears that the current trend is for exploitation to take place indoors, as the supply of jobs as domestic servants, including nannies and maids, increases.

253. Street children, however, are increasing in number and dealers and gang leaders may be expanding networks of exploitation. The survey of street children found 658 in 2012.

254. One new trend in trafficking is using marriage as a means of sending young girls to Gabon. Most of the marriages involved are arranged by and between family members, with the result that those who know about them are reluctant to report them, or that the victims themselves do not regard the marriages as forced.

255. Moreover:

- Corrupt traffickers are continually adopting new strategies for maintaining their criminal activities;
- Some children are caught up again in trafficking networks after repatriation and sent either to Gabon or to other countries;
- Families involved in the inhuman trade of providing children for trafficking are reluctant to stop because they see it as a way to “get rich quick”;

¹⁰ Mission Nissi reception centre, annual report for 2011.

¹¹ *Gabon. Rapport provisoire 2011 de l'étude sur les enfants des rues* (2011 Provisional report of the survey of street children, Gabon).

- The traditional practice of sending children to live with other family members in exchange for light work, especially in West Africa,¹² contributes to trafficking;
- The fact that not all cases of trafficking are reported owing to widespread ignorance of the law, and especially of the law on trafficking; to the fact that some of the practices involved are tolerated by society; and to fear of reprisal.¹³

Future plans

- Creation of a permanent, integrated, national structure for combating trafficking in persons;
- Revision of Act No. 9/2004 to bring it into line with the provisions of the Palermo Protocol;
- Action to follow up the national route map;
- Creation of a parliamentary select committee on the protection of persons, especially women and children;
- Signature and implementation of bilateral cooperation agreements with countries that are the source of trafficking.

2. Initiatives to combat child labour

256. Gabon has ratified ILO Convention No. 138 on Minimum Age for Admission to Employment. At present, the domestic provisions in force in Gabon are practically in conformity with the Convention.

257. Article 177 of the Labour Code provides that children under the age of 16 may not be employed in any concern in the absence of a derogation made by decree at the joint proposal of the Ministries of Labour, Health and Education, taking account of the circumstances and the tasks the children may be asked to perform.

258. That provision applies also to foreign children resident in the territory of Gabon who would in appropriate circumstances be refused a work permit by the Ministry of Employment on age grounds.

259. Article 178 of the Code provides that children cannot remain in work which is known to be beyond their physical strength but must be assigned to suitable work.

260. The President of the Republic has sought to protect children by issuing Decree No. 0031/PR/MTEFP of 8 January 2002 on combating child labour.

261. Decree No. 651/PR/MTEPS of 13 April 2011 establishes arrangements for individual derogations from the minimum working age in the Republic of Gabon. It provides that individual derogations may be given to children below the age of 16 for the following:

- Participation in the performing arts;
- Performing light work unlikely to be detrimental to the child's health, development, school attendance or participation in career advice or vocational training programmes; and;

¹² Joy Ngozi Ezeilo. Report of the Special Rapporteur on trafficking in persons, especially women and children. Mission to Gabon (14-18 May 2012), 2013, p. 4.

¹³ Joy Ngozi Ezeilo. Report of the Special Rapporteur on trafficking in persons, especially women and children. Mission to Gabon (14-18 May 2012), 2013, p. 4.

- Work in establishments where only members of the family are employed, under the supervision of the child's father, mother or guardian.

262. Participation in these activities is subject to the prior written consent of the parents exercising parental authority and, in the case of light work, the advice of an occupational doctor. The child may not work more than 15 hours per week.

263. In June 2011, a number of amendments were made to the Labour Code on matters including child labour.

264. In Gabon, under the supervision of the public prosecutor, the security forces are under instructions to take in charge any child under the age of 16 found in conditions of exploitation. The same power is available to Labour inspectors in the performance of their duties.

265. In spite of this array of legal provisions, there are cases in the transnational trafficking of children — which is largely invisible and therefore hard to get to grips with — in which children's rights in relation to work are violated.

266. Many measures have been taken to make communities aware of the risks involved in employing child labour (see the table on p. 46).

267. In 2011, specially tailored training was provided for 210 senators and deputies on the Convention on the Rights of the Child, and first and foremost on child labour and cross-border trafficking.

3. Right to a fair trial

268. In Gabon, there has been no specific study into the sexual exploitation of children: statistics from the criminal investigation branch are the only available source of information on the subject. From police operations in the casinos and night clubs and around the large hotels in Libreville and Port Gentil alone, it is apparent that exploitation does exist and takes a number of forms.

269. One of the few studies in this field was done in 2005 in Port-Gentil. This study of 60 girls highlighted the existence of the phenomenon of sexual exploitation of girls for commercial purposes. Several features could be identified in this cosmopolitan city that receives large numbers of white-collar workers as a result of its intensive oil-industry operations.

270. First, a relatively large proportion of the girls who sold their bodies (42 per cent) attended secondary school, whereas 32 per cent were not in school. Of even greater concern, 13.3 per cent of the girls were of primary school age.

271. In addition, in most cases the girl victims of commercial sexual exploitation in Port-Gentil had to deal with a premature and sometimes unstable family life. Nearly 20 per cent of them had children, who most likely could not enjoy all the maternal protection they would need, meaning that they later might be caught in the same spiral of sexual exploitation.

272. Although the study showed that European and Asian clients were preferred targets for 50 per cent of the girls, as opposed to 35 per cent who favoured Gabonese oil company employees, half of them nonetheless stated that the skin colour and social and/or professional status of the clientele were of little importance.

273. The income generated by this activity is relatively high. For an African client, the girls command fees of 20,000 CFA francs, as opposed to amounts ranging from 40,000 to 50,000 CFA francs for European or Asian clients.

274. In Gabon there is not as yet an official, documented policy for the protection of the victims of sexual exploitation, as no specific survey is yet available. Forthcoming work on a national manual of procedures for dealing with vulnerable children will, however, include a chapter on the victims of commercial sexual exploitation.

275. Pending the adoption of a policy for combating the sexual exploitation of children, the Government organized a capacity-building seminar, in 2013, for members of the judiciary, criminal investigation officers and prison officers.

276. At a practical level, despite the efforts of the media, NGOs and State agencies to raise awareness of them, the issue of problems relating to adolescent sexuality remains taboo within the family.

4. Initiatives to combat abuse and violence towards children

277. The Gabonese State recognizes the importance of protecting children against all forms of violence and abuse, and has accordingly taken a range of measures involving legislation, institutional and administrative measures and the justice system.

278. At the institutional level, in keeping with the provisions of the Convention, Gabon has put in place a number of services, including the following:

- Clinical psychology services in the mobile treatment centres, the transit centres for children in social difficulty;
- Three information, listening and advice centres in the local authorities of Libreville and Owendo;
- Social services in all secondary schools;
- Social services in prisons;
- Vice and child protection squads in the criminal investigation branch ;
- A youth protection service attached to the courts;
- The Directorate-General for Human Rights; and;
- The National Commission on Human Rights.

279. Nevertheless, following analysis of the situation of orphans and vulnerable children carried out in 2011, Gabon recognizes that the resources that it has are insufficient in terms of both quantity and quality. The social services do not yet provide nationwide coverage and human resources are insufficient for the physical and psychological rehabilitation of victims. Issues of neglect and exploitation are better managed by frontline social centres and the courts. An average of four children are reintegrated into families every month from the four outreach centres attached to the Ministry of the Family.

280. Traditional corporal punishment also continues to be practised and, in parents' eyes, is the right way to bring up children properly. Reporting it is seen as an intrusion into private family life.

281. The results of research carried out by the Government in 2009, confirmed by the report by the NGO Samba Mwanas on its campaign of awareness-raising and preventive education about sexual abuse and violence against children, clearly show that children are suffering various forms of violence and sexual abuse stemming from underlying economic, psychological, social and cultural reasons. Some experts believe that this is the result of insufficient public awareness and lack of knowledge about the law.

282. Educational action has been taken to address this situation:

- Modules on the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child have been added to the curriculum in the colleges training teachers, the judiciary, criminal investigation officers, social workers, labour inspectors, doctors and nurses;
- In 2010, a campaign was held to raise awareness among the judiciary, police, gendarmes and prison officers of the need to treat people with fairness, humanity and understanding;
- In 2010, a training seminar was held for police officers, gendarmes and representatives from government departments on how to identify and assist child victims of trafficking;
- A training seminar entitled “Operation Bana” was held in 2010 for the staff of organisations with social missions such as the justice system, the police forces and prison officers;
- A national capacity-building seminar was held for parliamentarians in Libreville in 2010 to create conditions conducive to combating child trafficking;
- Regular inter-ministerial visits to prisons have been introduced, involving the Ministries of Justice and the Interior and the secretariat of the National Commission on Human Rights representing civil society, to strengthen arrangements for the prevention of torture and other cruel and degrading treatment. Prisons are also inspected by officials of the Ministry of Justice and visited by investigating judges and other staff of the public prosecution service;
- Capacity-building measures were taken in 2010 for government employees dealing with issues of torture and ill-treatment;
- Capacity-building measures were taken in 2010 for members of the security forces, public prosecutors, law officers and judges on trafficking in persons;
- Training on child protection has been provided for community pre-school teachers throughout the country;
- Awareness-raising and training on the rights of the child have been provided for criminal investigation officers, administrative support staff and teachers;
- An awareness-raising event was held in 2013 for children at the Angondjè reception centre who had been victims of trafficking, enslaved or exploited as beggars or child labourers;
- An increase in so-called ritual crimes was reported and condemned in the strongest terms by the National Commission on Human Rights in 2013;
- Training sessions were held in 2013 in Libreville and in the interior of the country for psychological and social counsellors, aimed at helping staff caring for orphans and vulnerable children improve their techniques and practices and at promoting the rights of these children, who form a group on the margins of society that suffers ill-treatment in a variety of forms;
- A workshop was held at Libreville in 2013 on “inter-community dialogue on sexual violence against children”;
- Advocacy addressed to the Government for a budget for awareness-raising to be established for the period from 2012 onwards;
- Adoption of the Act on child protection indicators to make it easier to detect those forms of violence which remain most prevalent in Gabon;

- A decree banning corporal punishment in schools has been issued by the Ministry of Education;
- An awareness-raising campaign on “human rights in prisons” was held in 2010 at Libreville central prison;
- An awareness-raising campaign was launched in 2012 at Libreville central prison, using posters in police and gendarmerie stations and other places of detention to prevent acts such as torture, inappropriate or illegal methods of investigation and illegal or arbitrary detention;
- A seminar was held in 2014 to raise the awareness of women employed in the defence and security forces about violence against girls and provide them with information; and;
- A seminar and “open conversation” was held at Bikélé in Libreville and Tchibanga in the interior on “preventing and combating domestic violence against children”.

283. As a Government initiative, a civic education road show on “preventing and combating immorality in Gabon” toured the principal towns of the provinces and departments in 2014. For six months, the multi-disciplinary team fielded by the Government worked, using educational dialogue, discussions, debates and other means of direct engagement with communities, to encourage everyone to take part in supporting the struggle against social immorality.

284. The road show placed particular stress on the need to be more aware of offences of rape against minors, and the need to report them, particularly since this appalling offence is rapidly rising year on year, as borne out by a non-exhaustive list of cases of rape against children below the age of 15 heard between 2010 and 2013 by the appeal courts in Libreville, Port-Gentil, Franceville and Moila.

285. At the road show’s first stop at Lambaréné, those attending included religious leaders, neighbourhood leaders, social workers, psychologists, members of the judiciary, senior figures from the prison service and the military authorities, criminal investigation officers, doctors and a range of other officials, prominent local personalities, women¹⁴ and 500 young people¹⁵ aged between 16 and 27.

286. In his keynote address, the UNICEF representative underlined the weakness of the legal framework, the ineffectiveness, in multi-disciplinary terms, of the care provided and the influence of local traditions built around a rule of silence.

287. He suggested that the current law should be amended, as it defined rape against a minor by reference to the age of 15, rather than 18 as stipulated by the Convention on the Rights of the Child. He added that the situation of child victims of sexual abuse could be improved through training on psychological, social and legal assistance for those involved in providing it - the police, the gendarmerie, social workers and, first and foremost the doctors and nurses without whom the nature of the rape could not be medically certified.

288. As a result of this array of legal provisions, and the administrative measures adopted by the Government, more and more of the perpetrators of acts of torture or ill-treatment against children are being brought to justice. Thus, the Senator for Kango was relieved of his parliamentary immunity in 2012-2013 to answer to the charges against him, after being accused of involvement in a violent crime.

¹⁴ Five thousand Christian women had assembled for an annual seminar held by the Christian Missionary Alliance of Gabon.

¹⁵ Five hundred young people were present, representing the nine provinces of Gabon and brought together by the Gabonese Red Cross for its first youth camp.

289. The Government had earlier decided, in 2011, to hold ordinary and circuit court sessions to hear criminal cases in the principal towns of the provinces. Between 2011 and 2012, 78 cases of violent crime and 90 of rape against minors were heard.

290. During the first criminal session of 2014 at Libreville, 130 cases were tried, 51 of them of rape against minors under the age of 15.

Table 9

Cases of rape against minors under the age of 15 heard between 2010 and 2013 by the appeal courts of Libreville, Port-Gentil, Franceville and Mouila

<i>Period</i>	<i>Number of rapes</i>
2010-2011	29
2011-2012	41
2012-2013	84
Total	154

Source: Olivier NDEMBI, *Face à la dépravation des mœurs au Gabon. Le gouvernement peaufine les préparatifs d'une caravane d'éducation civique* (Faced with deteriorating morals in Gabon, the Government puts the finishing touches to a civic education road show) *L'Union*, No. 11580, 14 July 2014, p 6-6.

Table 10

Chronology of rapes committed between 2012 and 30 March 2014 and reported in the daily *L'Union*

<i>Date</i>	<i>Age of victim</i>	<i>Age of perpetrator</i>	<i>Location</i>
18 January 2012	6	about 20	Lébamba
31 January 2012	14		PK 7 Libreville
1 March 2012	2 (two)	27	PK 8 Libreville
5 May 2012	48	17	Nkoltang
3 June 2012	24	18	Bambouchine
3 June	24	22	Bambouchine
12 June 2012	21	over 30	
1 October 2012	minor	32	Franceville
30 October 2012	38	62	
3 November 2012	9	22	behind the prison
3 November 2012	12	14	behind the prison
18 December 2012	55	30	Fougamou
14 January 2013	10	38	Lambaréné
23 January 2013	18	20	PK 9
25 February 2013	5	12	Awoungou
13 May 2013		31	Lambaréné

<i>Date</i>	<i>Age of victim</i>	<i>Age of perpetrator</i>	<i>Location</i>
15 May 2013	6	27	Port-Gentil
24 June 2013	13	60	Port-Gentil
4 July 2013	6		Kango
1 August 2013	15	39	Port-Gentil
21 October 2013	6	40	Fougamou
6 January 2014	13	24	Port-Gentil
24 January 2014	20	32	Libreville
10 February 2014	14	41	
19 February 2014	13	69	Fougamou
7 March 2014	12	65	Libreville
30 March 2014	7		Mitzic
5 April 2014	14	35	Port-Gentil

Source: Data collected by Jean Baudouin ALOUNGA, *L Union*, No.11504, 10 April 2014, p. 15.

Table 11

Summary: cases of violence against minors dealt with by the vice squad, 2009-2011

<i>No.</i>	<i>Charges</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
1	Infanticide	3	8	5
2	Rape against minors	41	52	62
3	Rape involving incest	8	6	6
4	Abduction and holding captive (children)	8	3	
5	Holding captive		5	14
6	Statutory rape	17	3	12
7	Ill-treatment of children	3	2	5
8	Trafficking and child exploitation	6	3	2
9	Gang rape	11	10	7

Source: Vice squad (criminal investigation branch).

291. Despite the efforts of Gabon to eliminate ill-treatment and violence towards children, a lot remains to be done in developing procedures for providing post-traumatic care and building the capacity of staff in the health services and the security forces in law enforcement techniques. For example, it is desirable to have at least one forensic doctor in each province to carry out examinations and provide medical certification so that it is possible to prosecute those who commit rape against children.

5. Information measures in schools

292. In 2005, Gabon adopted the Action Plan for 2005-2009 of the World Programme for Human Rights Education, which focuses on the national school system. In this context,

Gabon produced a handbook for schools on human rights in 2008. The National Teaching Institute has included chapters on human rights generally, with a strong focus on children, in textbooks on civics for primary and secondary schools. Chapters 15 and 16 of “My Book of Civics”, published in 1995, deal with the rights of the child. Some chapters in textbooks on life and earth sciences deal with the right to non-discrimination.

293. Schoolteachers foster children’s awareness of their rights and duties in society. For example, the curriculum for children in conflict with the law in all prisons in Gabon includes a module beginning with the rights of the child and concluding with the child’s relationships with others, including the family, the community, the State and the outside world.

294. In 2015, the Government intends beginning to implement a project to integrate the teaching of human rights, including the rights of the child, into the Gabonese education system, including the colleges where teachers, social workers, law officers, gendarmes and police officers are trained.

295. As of the academic year 2013-2014, human rights are being taught in the Faculty of Law and Economic Sciences at Omar Bongo University for level II Occupational Masters degrees.

296. The implementation of the capacity-building programme for State employees in schools (heads and deputy heads, monitors (“surveillants généraux”), social workers and care staff) continued during 2014 at Tchibanga and Mouila, focusing on violence against children and respect for the rights of the child.

297. To date, the Government has delivered training and awareness-raising to 328 monitors in primary and secondary schools and *lycées* on how to promote knowledge of and respect for the Convention on the Rights of the Child.

298. Problems connected with abuse and violence against children have become so persistent in Gabon that people can no longer be prevented from speaking out. Many victims are managing to make their voices heard, whilst the fact that others continue to be reduced to silence for various reasons makes it all the more urgent to tackle barriers to expression and break taboos.

299. In that context, the NGO Samba Mwanas ran a campaign of awareness-raising and preventive education in the Estuaire Province in 2012-2013 on sexual abuse and violence against children. During the campaign, 313 children, 82 were boys and 231 girls, disclosed that they had been victims of sexual abuse and violence of all kinds, whether within the family unit, at school or in the streets. The cases revealed included 70 of rape, 61 of incest, 53 of sexual harassment, 47 of sexual groping, 31 of homosexuality, 18 of indecent exposure, 12 of physical violence, 6 of pornography, 6 of ritual abuse, 4 of paedophilia and 4 of female genital mutilation.

300. After the campaign, the NGO produced an advertisement in which the children themselves were the principal performers.

301. According to Samba Mwanas, seven people were imprisoned between 2013 and 2014 for violence against children: one was a teacher, one a member of the armed forces, one a neighbour and one a grandfather, while three were the fathers of victims.

Table 12

Types of abuse and violence disclosed by students during an awareness-raising campaign by the NGO Samba Mwanas in secondary schools in Estuaire Province in 2012

<i>No.</i>	<i>Type of abuse or violence</i>	<i>Number</i>	<i>Percentage</i>
1	Rape	30	25%
2	Sexual harassment	19	15.83%
3	Indecent exposure	18	15%
4	Sexual groping	12	10%
5	Incest	12	10 %
6	Physical violence	7	5.83%
7	Homosexuality	7	5.83%
8	Ritual abuse	6	5%
9	Paedophilia	4	3.33%
10	Female genital mutilation	3	2.5%
11	Child pornography	2	1.67%
Total		120	100%

Source: NGO SAMBA MWANA. *Conscientisation et éducation préventive sur les abus sexuels et violences envers les enfants. Rapport d'activité.* 2012 (Awareness-raising and preventive education on sexual abuse and violence against children. 2012 Activity Report), p. 15.

Table 13

Numbers of cases by setting

<i>No.</i>	<i>Setting</i>	<i>Number</i>
1	Family	70
2	School	33
3	Street	17
Total		120

Source: NGO SAMBA MWANAS. *Conscientisation et éducation préventive sur les abus sexuels et violences envers les enfants. Rapport d'activité.* 2012. (Awareness-raising and preventive education on sexual abuse and violence against children. 2012 Activity Report), p. 16.

Table 14

Scale of abuse by setting

<i>No.</i>	<i>Setting</i>	<i>Percentage</i>
1	Family	64%
2	School	25%
3	Street	11%
Total		100%

Source: NGO Samba Mwanas, November 2014.

Table 15
Commonest forms of abuse and violence by setting

<i>Type of abuse or violence</i>	<i>Family</i>	<i>Street</i>	<i>School</i>
Rape	x	x	-
Sexual groping	x	-	x
Sexual harassment	x	-	x
Paedophilia	x	x	-
Incest	x	-	-
Female genital mutilation	-	-	-
Indecent exposure	x	-	x
Child pornography	x	x	-
Homosexuality	-	-	x
Ritual abuse	x	x	-
Physical violence	x	x	-

Source: NGO SAMBA MWANAS. *Conscientisation et éducation préventive sur les abus sexuels et violences envers les enfants. Rapport d'activité.* 2012. (Awareness-raising and preventive education on sexual abuse and violence against children. 2012 Activity Report), p. 17.

302. During 2014, Samba Mwanas took action on two fronts: raising the awareness of teachers about the harmful effects of violence and sexual abuse against children, and making children aware of the importance of not remaining silent about perverted behaviour by adults at school or in the home.

303. Those who attended the meeting at Owendo, including criminal investigation officers, court staff and public authorities with responsibility for social matters and those in charge of reception centres for street children and the victims of trafficking, agreed on the need to tackle the problem head-on and take the need for solutions much more seriously.

304. In summary, Samba Mwanas took the following action between November 2012 and November 2014 with the aim of putting an end to all violence against children.

Table 16
Action taken by Samba Mwanas between November 2012 and November 2014

<i>Action</i>	<i>Target audience</i>
Awareness-raising and preventive education in educational establishments	Students and staff
Awareness-raising through community workshops	Elected local officials, traditional chiefs, religious leaders, parents' associations, neighbourhood leaders, head teachers
Psychological and social follow-up of victims	Child victims and their families
Medical, legal and judicial support	Child victims

Source: NGO Samba Mwanas, November 2014.

Table 17

Outcomes of activities conducted by Samba Mwanas between November 2012 and November 2014

	<i>Number</i>
Adults subject to awareness-raising	2 427
Children and young people subject to awareness-raising	20 134
Cases of sexual violence noted	1 560
Deaths reported	3
Schools covered	104

Source: NGO Samba Mwanas, November 2014.

305. Finally, with technical cooperation from the NGO SIFOS and in partnership with UNICEF, the Government organized a seminar at Libreville in 2014 to train young people as “peer educators” on the Convention on the Rights of the Child. Several young students from schools in the capital took this training, which introduced them to their rights and obligations.

6. Action for vulnerable children by the police services

306. Government Order No. 59/76 of 1 October 1976 on the protection of minors prohibits minors below the age of 21 from being in public places after 9 p.m. Article 2 of the order prohibits entry by minors aged 16 or under to bars, dance halls, night-clubs and all similar premises.

307. Moreover, article 108 of Decree No. 103/PR of 14 February 2012 promulgating Act No. 21/2011 on the overall direction of education, training and research further stipulates that “in a school or university setting, both within establishments and adjoining them, the sale or consumption in any form whatever of alcohol, drugs, narcotics or any other harmful substance presenting a danger to health, the school or university environment or the educational community as a whole shall be prohibited”.

308. The Criminal Code provides penalties against operators of cafés, clubs and other establishments serving alcohol who allow minors under the age of 18 into their premises. For example, under article 209 *bis* “those responsible for cafés and others serving alcohol who serve persons who are manifestly inebriated or who allow into their premises, or serve spirits and alcoholic drinks to, minors below the age of 18 who are not family members, shall be liable to imprisonment for a term of between one month and one year and a fine of between 20,000 and 200,000 francs, or to one of these penalties solely”.

309. Spurred on by a reminder to the Government by the Head of State of the constitutional obligation on the State to ensure “the protection of young people against exploitation and moral, intellectual and physical neglect”, the Council of Ministers meeting on 8 November 2010, also issued an instruction to the ministers concerned to do everything in their power to ensure that no child of school age, whether a Gabonese or a foreigner living in Gabon, is exploited in any way. Any parent who abandons his child or does not report any association which is against the law or good morals will be liable to prosecution in accordance with the law, which is currently being strengthened to prevent and, if necessary, punish any deviant behaviour, as well as the consumption, possession or sale of drugs and similar products.

310. In accordance with the above provisions, in June 2012, bars and drinks outlets adjoining schools in Libreville and Owendo were permanently shut down in a joint

operation by local authority officers, the Libreville public prosecutor's office and the national police.

311. On 7 February 2013, some 10 bar operators and about 40 students in school uniform were detained in a raid carried out by the public prosecutor in collaboration with others and accompanied by officers of the national police. The minors and students in school uniform were arrested, along with the bar operators who had been serving them alcoholic drinks. The students were released after questioning, while the bar operators were held on remand in accordance with article 209 *bis* of the Criminal Code.

312. Since 2005, the national police have been taking targeted action to discourage perpetrators of the crimes covered by the Protocol.

Table 18

Main targeted police action, Libreville

<i>Date</i>	<i>Actions</i>
March 2005	Targeted operation against trafficking and exploitation at Mont-Bouet market
28 December 2005	Targeted operation against trafficking and exploitation
30 January 2006	Targeted operation against trafficking and exploitation in collaboration with the Directorate-General for Social Action
5 May 2006	Targeted operation against begging by <i>Talibés</i> (child beggars)
14 June 2006	Targeted operation against trafficking and exploitation
13 December 2006	Targeted operation against trafficking and exploitation
20 July 2007	Targeted operation against prostitution and exploitation

Source: Vice and child protection squad (criminal investigation branch).

313. In December 2010, a police operation codenamed "BANA" targeting child trafficking was conducted in Libreville and Owendo, involving 112 officials including members of the defence and security forces as well as social workers. The operation was designed to provide capacity-building for 180 players (members of the judiciary, doctors, criminal investigation officers or social workers, lay or religious NGOs) in relation to combating the cross-border exploitation of children, child pornography, paedophilia, sexual violence and child labour.

314. Operation "BANA" resulted in the recovery of 142 children of ten nationalities, who were placed in reception and transit centres for individual identification in preparation for reintegration either in their country of origin or in the country in which they were being cared for. The 17 suspected traffickers and their accomplices were questioned by the police and the gendarmerie and handed over to the criminal justice system.

315. The fact that the offences covered by the Protocol recur can be explained in part by the scale of the problem of street children, whose extreme vulnerability requires regular police intervention.

Table 19
Numbers of street children by nationality

Nationality		Gender		Total
		Boys	Girls	
Gabonese		534	61	595
Foreign	Mali	8	0	8
	Benin	8	10	18
	Congo	6	0	6
	Chad	1	0	1
	RCA	1	0	1
	Cameroon	11	6	17
	Angola	1	0	1
	Côte d'Ivoire	1	0	1
	Guinea Conakry	1	0	1
	Ghana	0	1	1
	Nigeria	5	0	5
	Togo	1	0	1
	Niger	1	0	1
	Burkina Faso	1	0	1
Total foreign children		46	17	63
Total		580	78	658

Source: Gabon - UNICEF. *Analyse de la situation des enfants des rues au Gabon* (Analysis of the situation of street children in Gabon), 2013.

Table 20
Estimated numbers of street children by gender and town

Provinces		Gender				Total	
		Boys		Girls		Number	%
		Number	%	Number	%		
Estuaire	Libreville	191	20.03	6	0.91	197	29.94
	Owendo	20	3.04	1	0.15	21	3.19
	Ntoun	12	1.82	9	1.37	21	3.19
Haut Ogooué	Franceville	45	6.84	7	1.06	52	7.90
	Moanda	14	2.13	0	0.00	14	2.13
Moyen Ogooué	Lambaréné	28	4.26	5	0.76	33	5.02
Ngounié	Mouila	49	7.45	1	0.15	50	7.60
Nyanga	Tchibanga	44	6.69	8	1.22	52	7.90
Ogooué Ivindo	Makokou	20	3.04	4	0.61	24	3.65
	Boué	7	1.06	0	0.00	7	1.06
Ogooué Lolo	Koulamoutou	38	5.78	16	2.43	54	8.21
	Lastourville	6	0.91	6	0.91	12	1.82

<i>Provinces</i>		<i>Gender</i>				<i>Total</i>	
		<i>Boys</i>		<i>Girls</i>		<i>Number</i>	<i>%</i>
		<i>Number</i>	<i>%</i>	<i>Number</i>	<i>%</i>		
Ogooué Maritime	Port-Gentil	73	11.09	2	0.30	75	11.40
WoleuNtem	Oyem	27	4.10	9	1.37	36	5.47
	Bitam	6	0.91	4	0.61	10	1.52
Total		580	88.15	78	11.85	658	100.00

Source: Gabon - UNICEF. *Analyse de la situation des enfants des rues au Gabon* (Analysis of the situation of street children in Gabon), 2013.

Table 21
Average age of street children by gender and locality

<i>Provinces</i>		<i>Gender</i>		<i>Overall average</i>
		<i>Boys</i>	<i>Girls</i>	
		<i>Average age</i>	<i>Average age</i>	
Estuaire	Libreville	14.69	12.77	13.73
	Owendo	15.83	15.74	15.65
	Ntoun	14.50	14.44	14.48
Haut Ogooué	Franceville	14.32	14.25	14.29
	Moanda	12.62	-	-
Moyen Ogooué	Lambaréné	15.55	15.50	15.53
Ngounié	Mouila	14.55	14.79	15.03
Nyanga	Tchibanga	14.95	16.67	15.25
Ogooué Ivindo	Makokou	14.80	14.25	14.71
	Boué	11.71	-	-
Ogooué Lolo	Koulamoutou	13.46	13.88	13.59
	Lastourville	16.17	16	16.08
Ogooué Maritime	Port-Gentil	15.58	16.50	16.04
WoleuNtem	Oyem	12.87	9	12.47
	Bitam	14.00	11.75	13.1
Total		14.38	14.48	14.76

Source: Gabon - UNICEF. *Analyse de la situation des enfants des rues au Gabon* (Analysis of the situation of street children in Gabon), 2013.

7. Specific measures in relation to unaccompanied foreign minors

316. Gabon has taken specific measures in relation to refugees in general, and unaccompanied foreign minors in particular.

317. In terms of legislation:

- Act No. 5/98 of 5 March 1998 on the status of refugees in Gabon;

- Decree No. 646/PR /MAECF of 19 July 2000 establishing the powers, structure and operation of the Sub-committee on Eligibility;
- Decree No. 648/PR/MAECF of 19 July 2000 establishing the powers, structure and operation of the National Commission for Refugees;
- Order No. 1145/PM/MAEC establishing identity cards for refugees and specifying arrangements for their issue and renewal.

318. Although financial resources are inadequate, the National Commission for Refugees does not experience organizational problems. It bases its activity on the Convention on the Rights of the Child, which stipulates that every child has the right to protection and to effective care. It also acts with reference to article 10 of Act No. 5/98 of 5 March 1998 on the status of refugees in Gabon, according to which refugees are to benefit from the same treatment as Gabonese citizens in relation to access to education, rights of enrolment in schools and universities, university student welfare centre charges and the social benefits linked to whether or not they engage in a professional activity.

319. In addition, the arrival, protection, care and, where appropriate, return of minors require the involvement of several ministries in accordance with the provisions of Decree No. 646/PR/MAECF of 19 July 2000 establishing the powers, structure and operation of the Sub-committee on Eligibility. Those involved include the Ministries of Foreign Affairs, Justice, Defence, Finance, Employment, Higher Education, the Interior, Transport, Health, Education and Social Affairs, and the representative of those NGOs officially recognized as active in the area of human rights.

Increased protection for child refugees

320. Although Act No. 5/98 of 5 March 1998 on the status of refugees in Gabon does not specifically mention protection for child refugees, the legal provisions on child protection contained in Article 1, paragraphs 8, 16, 17 and 18, of the Gabonese Constitution apply equally to child refugees.

321. The National Commission for Refugees does not encounter many cases of unaccompanied minors, as most children are accompanied. Accordingly, it is the accompanying family members who provide information on the background to the case and on the reasons for leaving their home country. These are usually connected with war, rape and similar issues.

322. Between 2007 and 2011, no case of an unaccompanied minor was recorded. While some children have become involuntarily separated at one time or another from their biological parents, they have been able to be cared for by other family members who traditionally take responsibility for them. In many cases, it has been difficult to establish the exact nature of family relationships, as heads of family present such children as their own. No case of ill-treatment of such children has been brought to the attention of the representatives of the High Commissioner for Refugees. No case of abuse or exploitation of child refugees by way of child labour has been identified as a result of inquiries carried out to date.

323. The measures taken on the arrival of minors bear on their protection, enrolment in school and access to health care.

Fair and efficient determination of status

324. Family refugee status is granted to dependents of refugees in accordance with article 3, paragraph 1, of the Act on the status of refugees in Gabon. In practice, however, the Subcommittee on Eligibility that deals with this question is of the view that family members who later join the refugee must show that they have entered the country legally

and submit civil registry records demonstrating their relationship with the person. In Gabon, such status is applicable only to spouses and minor children.

Civil registry records

325. The authorities have an obligation to issue civil registry records to persons of concern to UNHCR. Such records are issued by the registrar - the mayor in urban centres and the prefect in other places in the provinces. Until several years ago, however, it was noted that in some remote locations where refugees are present in greater numbers, the relevant authorities expressed reluctance to issue birth certificates to refugee and asylum-seeking children. UNHCR had to take up the issue with the authorities, but as the period for the declaration of birth had elapsed, the parents of these children were forced to go through the courts to obtain birth certificates for their children. Thanks to awareness-raising conducted as a result of this situation, other children have received birth certificates.

326. Overall, Gabon ensures that refugees residing in its territory receive the best possible treatment, in accordance with the law, guaranteeing them among other things access to the courts, housing, health care and education. The local Office of the High Commissioner for Refugees in Gabon is able to monitor unhindered any problems that occur.

8. Special preventive measures for vulnerable children

Programmes and strategies for prevention

327. Preventive measures are one of the main components around which Gabon has built its national policy for combating child trafficking. The Government has spared no effort in the awareness-raising campaigns it has carried out aimed at every level of society generally and, in particular, at communities of nationals of the countries at the source of trafficking who are resident in Gabon.

328. In 2013, working with the National Directorate for Private Catholic Education, the NGO SIFOS launched a national programme of awareness-raising about violence against children in catholic schools, colleges and lycées.

329. Gabon is also setting up watchdog committees in the provinces (most recently in 2011) to prevent and combat child trafficking; this is designed to result in a campaign of information and awareness-raising for the provinces concerned.

330. Gabon remains committed to education and awareness-raising about, as well as the implementation of, the Convention on the Rights of the Child at all levels of society. Of all international instruments, the Convention is the most widely publicized in Gabon.

Table 22

Activities to disseminate the principles and provisions of the Convention on the Rights of the Child

<i>Implementing agency</i>	<i>Target group</i>	<i>Date and place</i>	<i>Subject</i>	<i>Number of people covered</i>
Ministry of Human Rights	Monitors at secondary schools	Libreville, 2010	Understanding and putting the Convention into practice in schools	Libreville: 128
		Oyem, 2011		Oyem: 100
		Makokou, 2011		Makokou: 100
Ministry of Human Rights	Heads of classes at secondary schools	Libreville and Owendo, 2008 and 2009	Training of peer educators on the Convention	60 peer educators trained

<i>Implementing agency</i>	<i>Target group</i>	<i>Date and place</i>	<i>Subject</i>	<i>Number of people covered</i>
Ministry of Human Rights	Members of civil society organizations	Libreville, 2011	Networking and specialization of civil society on subjects related to the rights of the child	200 NGOs and associations trained
Ministry of Human Rights	Children's communities	Libreville, with dissemination through the media	Day of the African Child Anniversary of adoption of the Convention	Activities carried out by children, organized by NGOs, for other children
National Committee to Monitor the Fight against Child Trafficking	Political and administrative authorities and religious and community leaders	Libreville, Port-Gentil, Oyem, Franceville, Lambaréné, Tchibanga and Mouila (2004...)	Preventing and combating child trafficking	120 persons in each province
National Committee to Monitor the Fight against Child Trafficking	Tradespeople and directors of companies	Libreville, Port-Gentil, Oyem, Franceville, Lambaréné, Tchibanga and Mouila (2004...)	Awareness-raising about the prohibition of child labour	7 major affected markets in provincial capitals
Ministry of Family and Social Affairs	Families and communities protecting orphans	9 provincial capitals since 2008 National media coverage	Awareness-raising about the rights of orphans Orphans' Days	Over 100 families reached directly; over 200 orphans covered
Ministry of Family and Social Affairs	Social workers	9 provinces	Awareness-raising about international protection instruments	309 social workers received direct training
Ministry of Family and Social Affairs	Girls and boys at the beach	Beaches, Libreville	Awareness-raising about prevention of sexual violence	Use of SMS and freephone numbers
NGO SIFOS	Beninese and Togolese craftsmen and merchants	Embassy of Benin in Libreville, 2009	Prevention of child trafficking	50 community leaders reached
NGO SIFOS	Families	Libreville, Owendo, Kango, Ntoun	Right of the child to protection against trafficking and forced labour	2,000 households reached door-to-door

<i>Implementing agency</i>	<i>Target group</i>	<i>Date and place</i>	<i>Subject</i>	<i>Number of people covered</i>
NGO SIFOS	Students	Libreville 19-20 March 2014	Training of peer educators on the Convention	120 young peer educators from schools, colleges and <i>lycées</i> trained on the Convention and in identifying victims of violence in schools and communities
NGO SIFOS	Children, students, adolescents and older people	Libreville 2014	Awareness-raising on the Convention	Awareness raised among more than 20,000 children, young people, adolescents and older people. During the campaign, SIFOS distributed 624 copies of “Guide to my Rights and my Future” to children ¹⁶
NGO Samba Mwanas	Students and staff at secondary schools	Cocobeach, Ntoun, Libreville, Owendo (2012-14)	Sexual abuse and violence against children	12,300 young people and 50 staff members reached

Source: Review prepared by the National Committee for the Drafting of Human Rights Reports.

331. A capacity-building seminar for administrative support staff (State employees, neighbourhood leaders, locally-elected officials and the criminal investigation branch) was held at Port Gentil on understanding and applying international human rights instruments Gabon has adopted. The aim was to improve the capacity and practice of everyone in regular contact with children.

332. Several figures known both locally and internationally are now partners of the Government for the implementation of programmes to raise awareness and implement the Convention on the Rights of the Child. During the Africa Cup of Nations tournament in January and February 2012, the First Lady, Ms. Sylvia Bongo Ondimba, and renowned soccer stars such as Pelé and Samuel Eto'o helped to raise awareness and change behaviour in order to prevent HIV/AIDS.

333. Women members of parliament have set up an association to promote behaviour that respects the rights of women and children. During the rounds they make in their electoral districts, they raise awareness of a number of human rights.

334. In accordance with Act No. 09/2004, the nine governors of the provinces preside over the local committees monitoring the fight against child trafficking.

¹⁶ In connection with the application of article 42 of the Convention on the Rights of the Child, the SIFOS has prepared a booklet entitled *Guide de mes droits et de mon avenir* (Guide to my Rights and my Future). The guide reproduces the full text of the Convention, translated into simple French with brightly-coloured illustrations.

335. Mayors, presidents of departmental councils, neighbourhood leaders and heads of cantons, communities and villages, and representatives of the different faiths have been the subject of training or other awareness-raising activities to provide them with information on the Convention, harmful practices, child survival through vaccination and deworming activities and child development issues.

336. There was also the broadcasting, for one month, of advertisements in the form of skits and SMSs to point out that it is illegal to dispossess widows and orphans and that they have a right to protection.

337. Apart from the awareness campaigns mentioned under the preceding recommendation, targeted training activities have been held, as follows:

- In 2009, 2010 and 2011, for 80 criminal investigation officers and judges, on the rights of the child and techniques to provide care for victims of sexual abuse, exploitation and violence;
- In 2011, for 210 members of the Senate and the National Assembly, on the Convention on the Rights of the Child, and specifically on child labour and transnational trafficking issues;
- For at least 200 social workers and teachers specialized in social work, on a children's rights-based approach to the provision of psychological and social care;
- For 4 juvenile court judges, 25 prison guards, 12 non-commissioned officers from the military engineering service and 20 technical teachers, on the Convention as it applies to children in conflict with the law, in compliance with the Beijing Rules.

338. At an institutional level, ONDE has been set up in Gabon to raise awareness, inform and advise the various bodies involved in protecting the rights of the child both nationally and regionally.

V. International assistance and cooperation

339. In Gabon, CNPEVT, the security and defence forces and the judicial authorities are taking all necessary measures, including international cooperation, to protect the victims of child trafficking.

Article 6

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations and criminal or extradition proceedings brought in respect of the offences set forth in article 3, paragraph 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their domestic law.

340. Although Gabon does not have comprehensive legislation on mutual judicial assistance and has yet to receive any request for such assistance in relation to the offences covered by the Protocol, as the law stands, mutual assistance can be provided where it relies on bilateral or multilateral agreements drafted on the basis of national law and the principle of reciprocity. On this basis, Gabon is able to cooperate with another state over a criminal

case involving the offences covered by the Protocol, relying on the applicable regulations and procedures established in domestic law to meet requests for mutual assistance.

341. On 28 January 2004, an agreement on judicial cooperation was signed by the members of CEMAC. Under the agreement, the States parties undertook mutually to provide each other with the most extensive assistance possible in any proceeding involving criminal, civil, commercial, administrative, personal and family law (article 2).

342. Article 14 of the agreement further provides that:

“In accordance with their law and regulations in force, the contracting parties shall take the necessary measures for mutual assistance in detecting, pursuing and arresting individuals involved in the offence of person trafficking.

The assistance shall as a minimum include the following:

- (a) Identifying and locating persons suspected of trafficking in persons or of being an accessory to the commission of the offence or a related offence;
- (b) Identifying and locating victims;
- (c) Serving writs;
- (d) Gathering testimony or statements;
- (e) Searching for, seizing, freezing and confiscating the proceeds or instruments of crime;
- (f) Making available in original form or as certified copies pertinent documents or records, including administrative, banking, financial and commercial records or company documentation;
- (g) Inspection of items and site visits;
- (h) Providing information, items of evidence and expert opinions;
- (i) Facilitating the appearance of witnesses;
- (j) The temporary transfer of persons detained held in custody to appear as witnesses in the requesting State;
- (k) Protecting victims of trafficking who are cooperating in enquiries and prosecutions and providing them with care and social welfare services they need.;
- (l) The production of judicial or official archives;
- (m) Identifying and locating proceeds of crime, assets, instruments or other items for the purpose of evidence-gathering;
- (n) The arrest or detention of any person implicated with a view to extradition; and
- (o) The application in the requested State of judgments handed down by criminal courts in the requesting State, in so far as permitted under the law of the requested State”.

343. More specifically, Gabon and France both signed “the Convention on mutual judicial assistance, the enforcement of judgments and extradition” on 23 July 1963.

344. Mutual legal assistance between Gabon and other countries is governed by the United Nations Convention against Transnational Organized Crime, known as the Palermo Convention, to which Gabon has been party since 10 December 2004. The Convention establishes a universal framework for the implementation of international cooperation on policing and judicial matters resulting in improved prevention and prosecution of organized crime.

Article 10

1. States Parties shall take all necessary steps to strengthen international cooperation by multilateral, bilateral and regional arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts involving the sale of children, child prostitution, child pornography and child sex tourism.

345. In 2006, to comply with article 10 of the Protocol, Gabon signed the multilateral Abuja Agreement on regional cooperation between the Economic Community of West African States and the Economic Community of Central African States to prevent and combat transnational trafficking. The objectives of the agreement are:

- To develop a common front for preventing, suppressing and punishing trafficking in persons through international cooperation;
- To protect, rehabilitate and reintegrate victims of trafficking and return them to their place of origin where appropriate;
- To provide mutual assistance in investigating, arresting and prosecuting offenders through the relevant central authority in each State; and
- To promote friendly cooperation between the parties in order to achieve these objectives.

346. The agreement applies to the fight against trafficking in persons, and especially women and children, in areas including prevention, suppression, protection, repatriation, family reunification, rehabilitation, reintegration and cooperation.

347. Since the agreement was signed, Gabon has prepared a route map on the prevention of trafficking and has given effect to the agreement through the actions of the National Committee to Monitor the Fight against Child Trafficking set out earlier.

348. Gabon has also signed or ratified a number of international instruments over a ten-year period.

349. Gabon played an important part in the process which led to the signature of a resolution on the fight against trafficking in persons, and especially women and children, between the nations of West and Central Africa, in collaboration with ECCAS. It was also thanked for agreeing to host the meeting of regional experts.

2. States Parties shall promote international cooperation to assist child victims in their physical and psychological recovery, social reintegration and repatriation.

350. Although there is as yet no duly signed bilateral agreement with Benin and the other countries from which children are trafficked, Gabon is cooperating closely with the countries concerned to achieve the physical and psychological recovery of child victims and their social reintegration and repatriation.

351. In this connection, the National Handbook of procedures to care for the victims of child trafficking stipulates that embassies are responsible for:

- Establishing the true parentage of victims and providing the competent authorities of the country of origin with the information needed to find the victim's biological family; and
- Providing consular documentation.

352. Embassies contribute to repatriation costs in accordance with article 11, point (g), of the Multilateral Agreement for Regional Cooperation in Combating Trafficking in Persons, and Particularly Women and Children, in West and Central Africa.

353. In practical terms, in identifying a long-term solution, CNPEVT and the Watchdog Committee, working with the Monitoring Committee and the embassy of the country of origin, must put in hand action to find documents and information from the child's country of origin in order to assess whether or not it is appropriate to reunite children with their family or community and return them to their country of origin.

354. The Ministry of the Interior is also able to take up cases with the competent authorities in countries of origin, through the good offices of INTERPOL, in order to obtain information and documentation allowing CNPEVT, in collaboration with the Monitoring Committee, to take a properly-founded decision on the placement of the child.

355. When children are returned, the embassy concerned organizes the documents needed to allow them to travel and informs the competent authorities in the country of origin of children's arrival.

3. States Parties shall promote the strengthening of international cooperation in order to address the root causes, such as poverty and underdevelopment, contributing to the vulnerability of children to the sale of children, child prostitution, child pornography and child sex tourism.

356. The special "self-help" programme of the Embassy of the United States of America in Gabon regularly provides subsidies to associations, cooperatives and small businesses to encourage community development across the country. The programme finances activities in a variety of sectors including agriculture, animal husbandry, environmental and community-based tourism, conservation of the environment, education, micro-businesses, health and social matters.

357. The Ambassador's special "self-help" fund is a programme which channels finance directly to social and economic micro-projects set up by community groups to improve social welfare. In 2013, the Embassy made grants totalling 17.5 million francs in the enterprise and community health sectors.

358. In 2013, the recipients were: the "Chain of Hope" association, "the Hand-of-God Clinic", the "Look" association, the "Forum for African Women Teachers", "Solidarity for the Indigenous Women of Gabon", the "La Colombe Foundation", "Medical Ophthalmology Days", St Genevieve's private school and "The Fight against Skin Depigmentation."

359. The Minister for the Family presented diplomas to 25 young women aged between 16 and 35 following their training in functional literacy based on small business. This training programme, funded to the level of 7.5 million CFA francs by the United Nations Educational, Scientific and Cultural Organization (UNESCO), is the third of its kind and forms part of the UNESCO Participation Programme for 2012-2013. The functional literacy programme, which began in 2009, has to date led to the training of 45 young women.

360. A project to support vocational training and entry to the labour market, funded to the level of 3.4 billion CFA francs by the European Development Fund, was launched on 18 October 2013 in Libreville. Its focus is on training 2,000 young people and getting them into the world of work between now and 2018.

361. The project envisages that the most entrepreneurial young people should be able not only to learn a profession, but also to be given support to set up in business on their own account as part of the promotion of self-employment and the creation of small and medium-sized businesses.

362. The social reintegration of vulnerable young girls remains a major priority for the joint programme for cooperation for 2012-2016 between Gabon and the United Nations Population Fund (UNFPA). Accordingly, UNFPA is placing special emphasis during this

period on training, organizing income-generating activities and providing start-up equipment. In January 2013, a workshop was held at the National Employment Office and was attended by about 40 vulnerable young girls. The training was designed to put them in a position to become self-sufficient.

4. States Parties in a position to do so shall provide technical, financial or other assistance through existing multilateral, regional, bilateral or other programmes.

Awareness-raising under the auspices of UNICEF

363. UNICEF has always provided Gabon with invaluable support over child protection.

364. Since 2002, the Government, with cooperation from UNICEF, has organized campaigns and/or roadshows to raise awareness and inform the public about the rights of the child. In 2012, UNICEF, the Ministry of Health and the Ministry of Education drew up a guide for educators at the primary and secondary levels on adolescent reproductive health, the right to health and the right to non-discrimination in the classroom of all children who are infected with or affected by chronic disorders.

365. Gabon-UNICEF cooperation programmes were drawn up for 2007-2011 and 2012-2016 to implement the Convention on the Rights of the Child. In the context of the United Nations Development Assistance Framework (UNDAF), and pursuant to the mission of UNICEF, the programmes are aimed at strengthening the capacities of the main stakeholders involved in the realization of children's rights and at promoting a decent environment for children, both institutionally and in the community.

366. Targeted training has been provided for 25 prison officers and 4 juvenile court judges on the Convention as it applies to children in conflict with the law, in accordance with the Beijing Rules.

367. UNICEF has financed the publication of the National Handbook of procedures to care for the victims of child trafficking.

368. In 2011, with support from UNICEF in Niger and the International Bureau for Children's Rights (IBCR), the director of the Gabonese gendarmes' academies and a teacher from the national police academy received training in Niamey on how to design courses on the Convention on the Rights of the Child for security forces. This has made it possible to educate the security forces on the rights of the child from the outset of military training.

369. Since 2010, UNICEF has provided training to prison guards responsible for social affairs on the subject of the rights of the child and a protective environment for children. In addition, in August and September 2012, 25 military engineering instructors took part in capacity-building activities devoted to the Beijing Rules and Act No. 39/2010, conducted at the Baraka military camp in Libreville.

Annex

List of the institutions represented at the meeting on the compilation and approval of the national report on the Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

<i>No.</i>	<i>Institution</i>
01	Association pour le développement de la culture des peuples Pygmées du Gabon (Association for the development of the culture of the Pygmy peoples of Gabon)
02	Ministry of Justice
03	Ministry of Health and Social Security
04	Ministry of the Interior, Public Security, Immigration and Decentralization (National police service)
05	Ministry of Foreign Affairs, Francophony and Regional Integration
06	Ministry of Human Rights, Equal Opportunities and Gabonese Abroad (Directorate-General for Human Rights)
07	Ministry of Labour, Employment and Vocational Training
08	NGO Mission Nissi
09	NGO Samba Mwanas
10	NGO SIFOS
11	National Network for the Protection of the Rights of the Child in Gabon
12	United Nations Children's Fund (UNICEF)