

## **Gabon (Tier 2 Watch List)**

The Government of Gabon does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government made key achievements during the reporting period; therefore Gabon was upgraded to Tier 2 Watch List. These achievements included increasing the number of trafficking investigations, prosecutions, and convictions; identifying child victims; expanding awareness activities; and signing two bilateral cooperation agreements with neighboring countries aimed at increasing cooperation on cross-border trafficking cases. Despite these achievements, the government did not investigate credible reports of trafficking-related corruption, and it did not enact a proposed amendment to criminalize adult trafficking. It also did not increase efforts to identify, refer, or provide services to adult victims.

### **PRIORITIZED RECOMMENDATIONS:**

Fully investigate credible reports of government corruption related to trafficking, especially allegations of official complicity and judicial staff taking bribes. • Vigorously investigate and prosecute suspected traffickers, and seek to convict traffickers through independent and fair trials. • Regularly convene the Criminal Session of the Appeals Court in order to increase the number of trafficking cases heard. • Enact legislation to criminalize all forms of trafficking, including crimes involving adult trafficking victims. • Expand training for social workers, law enforcement officers, labor inspectors, and judicial staff on existing laws to promote more effective trafficking investigations, prosecutions, and convictions of traffickers found guilty following an independent and fair trial. • Regularly convene the inter-ministerial committee and expand its mandate to include adult trafficking. • Draft a national action plan including measures to address adult trafficking. • Expand awareness-raising campaigns to include information on adult trafficking. • Increase financial or in-kind support to government-run and NGO shelters. • Collaborate with foreign governments to investigate, prosecute, and convict members of transnational trafficking groups and repatriate foreign victims. • Train social workers and first responders on promising practices in the provision of care for trafficking victims.

## PROSECUTION

The government increased anti-trafficking law enforcement efforts. Existing laws did not criminalize all forms of human trafficking. Law 09/04 to Prevent and Combat Child Smuggling criminalized selling children; subjecting them to debt bondage; and bringing them into the country to employ them unlawfully; and prescribed penalties of a “custodial sentence” and a fine of 10 million to 20 million Central African francs (CFA) (\$16,560-\$33,120). Title 1, Article 4 of the Gabonese labor code criminalized forced labor and prescribed penalties of one to six months’ imprisonment or a fine of 300,000 to 600,000 CFA (\$500-\$990). Neither law provided sufficiently stringent sentences. Articles 260 and 261 of the penal code, which specifically criminalized pimping, could be applied to adult and child sex trafficking crimes and prescribed penalties of two to five years’ imprisonment and a fine of 100,000 to two million CFA (\$170-\$3,310). Law 21/63-94 also criminalized forced prostitution of adults and prescribed penalties of two to 10 years’ imprisonment. These penalties were sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. The Senate approved a revised Penal Code in December 2018, which increased punishments for existing child trafficking offenses and criminalized some forms of adult trafficking; the bill was pending presidential approval at the close of the reporting period.

The government reported investigating 17 suspected trafficking cases and prosecuting three of those cases during the reporting period, compared with investigating one trafficking case during the previous reporting period. In March 2019, the government convicted one trafficker under Gabon’s 2004 anti-child trafficking law, sentencing the trafficker to 10 years’ imprisonment and a fine of 10 million CFA (\$16,560). The government did not report convicting a trafficker in the previous six years. Because the government did not report case details, authorities may have charged suspects with trafficking-related offenses. Only the Criminal Session of the Appeals Court was authorized to hear trafficking cases because it is a crime equivalent to murder in the Gabonese legal system; however, the court was backlogged with cases and did not routinely meet, in part because of a lack of funding. In addition, due to a lack of training and widespread corruption, prosecutorial judges tasked with investigating trafficking cases often did not investigate cases brought to their attention, creating significant obstacles to prosecuting trafficking crimes. Furthermore, a lack of coordination between

ministries contributed to the government's limited capacity to collect and manage anti-trafficking law enforcement data. The government did not report investigating, prosecuting, or convicting complicit government employees; however, corruption and official complicity in trafficking crimes remained significant concerns. Some judges allegedly received bribes from traffickers and actively delayed or dismissed trafficking cases. During the reporting period, the government signed bilateral cooperation agreements with Togo and Benin intended to expand law enforcement coordination to address international trafficking networks; however, officials did not report extraditing any trafficking suspects or investigating cross-border cases resulting from the agreements.

## **PROTECTION**

The government marginally decreased efforts to identify and protect victims. Officials identified and referred 50 child labor trafficking victims to shelters providing medical, legal, and psychological care, compared with 65 in 2017. The government did not report identifying any adult trafficking victims and did not provide victims with trafficking-specific resources. The government decreased funding to NGOs that provided shelter and services to victims for the fifth consecutive year, and there continued to be a lack of shelter space to accommodate all trafficking victims. The government continued to fund two NGO-run shelters offering services to orphans and street children vulnerable to trafficking, providing financial and in-kind support, including funding for social workers, medical support, psychological services, legal assistance, tuition, and food and furniture vouchers. Some government workers reportedly used personal funds to assist victims. The same services were available for male, female, foreign, and Gabonese victims, including those repatriated from abroad. There were no government or NGO-run shelters specifically designated for adult victims, although adult victims could potentially access government services for victims of domestic abuse or other forms of violence. The government did not report any victims using these services during the reporting period. Shelters provided services to adults and some allowed child trafficking victims to remain after they reached 18 years of age; however, the government did not report referring any adults to such facilities during the reporting period. Officials have the authority to permit adult male victims to leave shelters unchaperoned but not adult female victims, allegedly for their safety and to prevent re-trafficking.

The Ministry of Health, Social Protection, and National Solidarity, in coordination with foreign embassies, assisted in the repatriation of an unknown number of foreign child trafficking victims, compared with 42 during the previous reporting period. If victim repatriation was not an option, the Ministry of Social Affairs could provide a victim with immigration relief and resettle them in Gabon, but the government did not report any victims utilizing this legal alternative. While the government encouraged victims to cooperate with authorities to provide testimony for the prosecution of alleged traffickers, prosecutors, police, and magistrates routinely took victims' testimony at the time of the arrest of the suspected traffickers or identification of the victim; this approach is neither victim-centered, nor the most effective. While the government has sought restitution for trafficking victims in the past, it did not report doing so during the reporting period. Victims could file civil suits against their traffickers, but there were no known cases of such action, in part due to lack of knowledge of the option. There were no reports the government detained, fined, or jailed victims for unlawful acts committed as a result of being exploited; however, due to negligible efforts to identify adult trafficking victims, some may have remained unidentified in the law enforcement system.

## **PREVENTION**

The government increased prevention efforts. Unlike previous years, the government—with support from an international organization—conducted three awareness raising campaigns in 2018 incorporating radio, television, print, and social media focused on preventing child trafficking and violence against minors; however, the government suspended the inter-ministerial child trafficking committee's budget in 2018. The inter-ministerial child trafficking committee conducted a training in July 2018 with the support of an international organization to improve coordination on child protection issues. The government convened a drafting committee in January 2019 to create a five-year anti-trafficking action plan by the end of the year. The government did not make any discernible efforts to reduce the demand for commercial sex acts or forced labor. Officials, with foreign donor support, continued to provide anti-trafficking training to approximately 450 Gabonese troops prior to their deployment on an international peacekeeping mission in the Central African Republic. The government did not provide anti-trafficking training for its diplomatic personnel.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Gabon, and traffickers exploit victims from Gabon abroad. Traffickers subject girls to domestic servitude and forced labor in markets or roadside restaurants; force boys to work as street vendors, mechanics, microbus transportation assistants, and as laborers in the fishing sector; and force West African women into domestic servitude or prostitution within Gabon. In eastern provinces within the country, shopkeepers exploit Gabonese children in markets to forced labor. In some cases, smugglers who assist foreign adults migrating to Gabon then subject those migrants to forced labor or prostitution after they enter the country via plane or boat with falsified documents. Some victims are economic migrants transiting Gabon from neighboring countries en route to Equatorial Guinea. Traffickers appear to operate in loose, ethnic-based criminal networks, at times involving female traffickers—some of whom are former trafficking victims—in the recruitment and transportation of victims from their countries of origin. In some cases, families willingly give children to intermediaries who fraudulently promise education or employment, and instead subject the children to forced labor through debt bondage. Some traffickers procure falsified documents for child trafficking victims identifying them as older than 18 years to avoid prosecution under the child trafficking law. Traffickers often operate outside the capital to avoid detection by law enforcement.