

In 2014, Gabon made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government ratified UN CRC Optional Protocol on a Communications Procedure, which allows children to bring complaints to the UN Committee on the Rights of the Child when their rights have been violated. The Government also completed a Rapid Situational Analysis on Child Domestic Work which includes a proposal to address gaps in social services, and launched a program to provide birth certificates to 20,000 Gabonese citizens with birth certificates. However, children in Gabon are engaged in child labor, including in domestic work and street vending. The Government continues to delay the development of a list of hazardous occupations prohibited for children under age 18 and has yet to conduct a proposed study on children trafficked into domestic work.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Gabon are engaged in child labor, including in domestic work and street vending. (1-6) Table 1 provides key indicators on children's work and education in Gabon. Data on some of these indicators are not available from the sources used in this report.

Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|---------------|
| Working (% and population) | 5-14 yrs. | 22.3 (83,073) |
| Attending School (%) | 5-14 yrs. | 94.4 |
| Combining Work and School (%) | 7-14 yrs. | 23.3 |
| Primary Completion Rate (%) | | Unavailable |

Primary completion rate was unavailable from UNESCO Institute for Statistics, 2015.(7)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Deuxième Enquête Démographique et de Santé au Gabon (EDSG-II) Survey, 2012.(8)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

| Sector/Industry | Activity |
|---|--|
| Agriculture | Fishing,* including the production and sale of smoked fish (4, 9, 10) |
| | Raising livestock,* activities unknown (9) |
| | Farming,* activities unknown (9) |
| Industry | Mining,* including in sand quarries* (4, 9) |
| | Working in brick factories* (4) |
| | Domestic work (4-6, 10) |
| Services | Street vending, including cleaning market spaces at night* and carrying heavy loads (1-4, 10) |
| | Garbage scavenging*(4) |
| | Working in transportation* and as mechanics (4, 9-12) |
| Categorical Worst Forms of Child Labor‡ | Forced labor in markets or restaurants,* mining,* farming,* fishing,* domestic work,* and as mechanics,* each sometimes as a result of human trafficking* (11, 13) |
| | Commercial sexual exploitation* sometimes as a result of human trafficking (2, 4, 9, 11) |

* Evidence of this activity is limited and/or extent of the problem is unknown.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182

Gabon

MODERATE ADVANCEMENT







Gabon is primarily a destination and transit country for children from other countries in Central and West Africa who are the victims of child trafficking.(2, 5, 11, 13-15) Boys in Gabon are forced to work as street vendors or mechanics, while girls are forced into commercial sexual exploitation, domestic work, and work in restaurants.(5, 9, 11, 13) There is limited evidence of child trafficking occurring within Gabon as well.(3, 13, 16) In 2011, the Government made plans to undertake a survey on human trafficking. The survey was intended to include human trafficking routes and areas in which forced labor involving children was practiced. However, due to the lack of resources, the survey has yet to be conducted.(10, 16, 17)

According to the Constitution, education is free and compulsory until age 16, but in practice, students were often required to pay for supplies and school fees which may be prohibitive.(9, 18-20) The country also suffers from a shortage of schools and teachers, particularly in rural areas, and the school year has occasionally been disrupted by prolonged strikes.(18, 21-23) Reports suggest that some children, especially girls, are pressured by teachers to have sex in exchange for good grades.(24) The lack of schools and teachers, safe learning environments, and associated costs might increase the likelihood that children will enter into the worst forms of child labor.

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Gabon has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

| Convention | Ratification |
|---|--------------|
|  ILO C. 138, Minimum Age | ✓ |
|  ILO C. 182, Worst Forms of Child Labor | ✓ |
|  UN CRC | ✓ |
|  UN CRC Optional Protocol on Armed Conflict | ✓ |
|  UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓ |
|  Palermo Protocol on Trafficking in Persons | ✓ |

On April 14, 2014, the Government ratified UN CRC Optional Protocol on a Communications Procedure, which allows children to bring complaints to the UN Committee on the Rights of the Child when their rights have been violated. Gabon is the only African country to ratify this optional protocol.(25-27)

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Minimum Age for Work | Yes | 16 | Article 177 of the Labor Code; Article 2 of Decree N° 0651/PR/MTEPS Establishing Individual Exceptions to the Minimum Age for Admission to Employment (28-31) |
| Minimum Age for Hazardous Work | Yes | 18 | Article 177 of the Labor Code (28-30) |
| Prohibition of Hazardous Occupations and/or Activities for Children | Yes | | Article 177 of the Labor Code; Decree N° 275 of 1962 (28-30, 32) |
| Prohibition of Forced Labor | Yes | | Article 4 of the Labor Code (28) |
| Prohibition of Child Trafficking | Yes | | Law N° 09/04 Preventing and Fighting Against Child Trafficking; Decree N° 0031/PR/MTEFP; Ordinance N° 4/2001 (11, 33, 34) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Articles 260 and 263 of the Penal Code; Law N° 09/04 (11, 35) |
| Prohibition of Using Children in Illicit Activities | No | | |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |

Table 4. Laws and Regulations Related to Child Labor (cont)

| Standard | Yes/No | Age | Related Legislation |
|--|--------|-----|--|
| Minimum Age for Voluntary Military Service | Yes | 20 | Act N° 004/98 (36) |
| Compulsory Education Age | Yes | 16 | Article 1 of the Constitution; Article 2 of Act N° 21/2011; Article 344.8 of the Penal Code (19, 20, 35) |
| Free Public Education | Yes | | Article 1 of the Constitution; Article 2 of Act N° 21/2011 (19, 20) |

* No conscription (36, 37)

Article 177 of the Labor Code prohibits children under the age of 18 from being employed in work considered as the worst form of child labor, but this does not apply to children without a formal employment contract.(30, 38) Additionally, the Labor Code does not comprehensively prohibit the categorical worst forms of child labor as described in ILO C.182, nor does it explicitly prohibit the use, procuring, or offering of a child for illicit activities. Existing legislation is not specific enough to facilitate enforcement.(6, 29) According to Article 177 of the Labor Code, the Ministries of Labor and Health, in consultation with employers and workers' organizations, are responsible for drafting a list of hazardous occupations and activities prohibited for children and setting the age limit to which the prohibition applies. However, these ministries have not begun this task and the hazardous work list has not been updated since 1962.(6, 29, 32)

In addition to the prohibitions against hazardous work, Article 178 of the Labor Code permits labor inspectors to require health exams for anyone under age 21 who may be asked to perform work that is considered "high risk" to their health. However, the Labor Code does not specify the types of work that are considered "high risk."(29) Additionally, Article 2 of Decree N° 0651/PR/MTEPS Establishing Individual Exceptions to the Minimum Age for Admission to Employment permits children under age 16 to perform light work with parental permission. However, it does not set a minimum age for light work or include a list specifying the kinds of light work allowed.(31) The ILO Committee of Experts has also expressed concern over this gap in the law.(38)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|--|
| Ministry of Labor, Employment, and Professional Training (MLEPT) | Receive, investigate, and address child labor complaints through its inspectors.(4) Maintain a free helpline for victims of child trafficking that provides monitoring, counseling, and information services. Oversees the procedure for returning victims of child trafficking and exploitation to their families.(13, 17, 39) Refer cases of child trafficking to the Ministry of the Interior's Police Force.(10) |
| Ministry of Health and Social Welfare (MHSW) | Provide social services and assistance to vulnerable children; assist in repatriation or resettlement processes for victims of child trafficking; operate shelters for victims of child trafficking.(10) |
| Ministry of the Interior's Police Force | Investigate child labor law violations and refer cases to the Ministry of Justice for prosecution.(4, 40) |
| Ministry of Justice | Enforce child labor laws by prosecuting child labor complaints.(4, 9) Assist in supporting victims of child trafficking while prosecutors and investigators prepare their case.(10) |
| Local Vigilance Committees | Monitor potential cases of child exploitation and human trafficking at the local level. Identify and intercept children at risk of becoming victims of child trafficking and coordinate assistance to children in need.(13, 17, 34, 40-42) |

Law enforcement agencies in Gabon took actions to combat child labor, including its worst forms. However, the president re-organized his cabinet in January and October 2014, initiating significant changes to the ministries charged with overseeing social issues, and causing possible disruption to their oversight on child labor issues.(23, 43)

Labor Law Enforcement

In 2014, one newly-hired labor inspector received training at the Regional African Center for Administration Work in Cameroon, but there was no specific training on child labor for most labor inspectors.(4) Although the government employs approximately 2,000 labor inspectors, social workers, police officials and other individuals to fight against child exploitation, the exact number of

Gabon

MODERATE ADVANCEMENT

labor inspectors the Government employed is not publicly available. Research indicates that the number of inspectors is sufficient in urban centers, but not in rural areas.(4, 30) Additionally, the country's heavily forested terrain in rural areas and a lack of resources such as transportation, fuel, and office supplies limits inspectors' ability to conduct investigations.(4, 13, 30)

In 2014, inspectors responded to complaints of child labor violations from NGOs, but did not proactively undertake any investigations. It is not known how many total investigations occurred, although research indicates it was insufficient to adequately enforce labor laws and the Government acknowledges more inspections are needed.(4, 30, 38) Moreover, although Article 178 of the Labor Code permits inspectors to make unannounced visits, none occurred during the reporting period.(4, 28, 29) Inspections were conducted through site visits and in languages spoken by the children being interviewed.(4) The Ministry of Labor, Employment, and Professional Training (MLEPT) referred victims of child labor violations to the Ministry of Health and Social Welfare (MHSW) for social services, and 14 received assistance in 2014.(4)

Although inspectors can suggest penalties, they do not have the authority to assess penalties.(4) Additionally, the number of calls made to the child protection hotline that were related to child labor is unknown.

Criminal Law Enforcement

In 2014, investigators did not receive any specific training on child labor and the exact number of investigators is unknown.(4) Like labor inspectors, the number of investigators in rural areas is insufficient and inspectors lack resources for conducting investigations such as transportation and fuel.(4) However, the Government has reportedly stopped penalizing victims of exploitative child labor and does not treat them as criminals or try them as adults. There were at least 16 investigations into cases of human trafficking, and one prosecution. However, the defendant fled the trial and has not yet been recaptured.(4, 10, 44)

The MHSW referred victims of child trafficking to Government-run or NGO-run shelters for care and assistance. The MHSW provided assistance to at least 14 victims of child trafficking in 2014 and assisted in the repatriation of 12 of these children.(10) The Government did not provide any publicly available information on the total number of investigations conducted, prosecutions, convictions or penalties assessed during the reporting period.

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established a mechanism to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|---|--|
| Inter-ministerial Committee for the Fight Against Child Trafficking (IMC) | Coordinate national efforts against child trafficking and other worst forms of child labor by facilitating communication and coordinating enforcement actions among ministries. Led by the MLEPT, it includes the Ministry of Human Rights; Ministry of Justice; Ministry of Interior; MHSW; law enforcement agencies charged with the protection of minors; and local NGOs.(4, 10) Maintains provincial offices and centers for child trafficking victims. Removes children from exploitative labor situations, provides shelter, assists victims with prosecution, and repatriates victims when necessary.(4, 10, 11, 16, 40, 45-47) |

As a result of a cabinet reorganization in January 2014, the Ministry of Economy transferred leadership for the Inter-ministerial Committee for the Fight Against Child Trafficking (IMC) to the MLEPT in January 2014, which may have affected the IMC's effectiveness.(4, 10) Moreover, the IMC did not have sufficient funds to effectively coordinate efforts among ministries and was unable to fully implement its Plan of Action for 2014.(10, 11) However, the IMC continued to respond to complaints of child trafficking, refer victims to social service providers, and work with the courts to prosecute child trafficking violations.(4, 10) A lack of communication between ministries also limited the Government's ability to collect data on the prevalence of human trafficking issues.(10)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Gabon has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|--|--|
| 2014 Action Plan of the IMC† | Aims to address the worst forms of child labor by identifying and prosecuting those who use child labor, building capacity to enforce laws against human trafficking, and increasing cooperation with embassies of source countries for child trafficking victims. Led by the IMC, assigns actions to be taken by ministries and NGOs as well as a timeline.(4, 17) |
| National Manual of Procedures for the Care of Child Victims of Trafficking | Establishes a series of procedures to return a victim of child trafficking to their country of origin or facilitate their integration into Gabon.(16) |
| Education Policy (2010-2020)* | Aims to make pre-primary education widely available, improve the quality of primary education throughout the country, and improve the quality and access to secondary education.(19) |
| National Youth Policy of Gabon* | Aims to establish a ministry devoted to youth and strengthen the technical and operational capacities of existing ministries dealing with youth issues. Encourage youth participation in democratic practices by creating a National Youth Council and strengthening the existing Youth Parliament.(48) Improve the lives of youth by providing more professional opportunities, fostering patriotism, and developing good citizenship.(49-51) |
| UNDAF (2012-2016)* | Establishes six priority areas in alignment with the Millennium Development Goals: (1) promote sustained and diversified growth; (2) develop good infrastructure; (3) improve economic governance; (4) consolidate democratic governance; (5) promote decentralized government; and (6) promote human and social development.(52) |

* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

† Policy was approved during the reporting period.

Although the Government of Gabon has adopted the 2014 Action Plan of the IMC, research found no evidence of a general policy to address child labor.

The Government of Gabon has drafted separate agreements with Benin, Nigeria, Cameroon, Guinea, Togo, and Mali to combat child trafficking, but they have not been signed by both parties.(5, 18, 30, 53)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms. (Table 8)

Table 8. Social Programs to Address Child Labor

| Program | Description |
|--|--|
| Global Action Plan on Child Labor Issues Project (2011-2016) | \$15 million USDOL-funded 6-year project implemented by the ILO in approximately 40 countries to support the priorities of the Roadmap for Achieving the Elimination of the Worst Forms of Child Labor by 2016 established by the Hague Global Child Labor Conference in 2010. Aims to strengthen legal protections and social service delivery for child domestic workers in Gabon.(54) In 2014, completed a Rapid situational Analysis on Child Domestic Work including a proposal assessing and addressing gaps in social services.(54) |
| Gabon Emergent Strategic Plan (2011-2016)‡ | Government program that outlines President Ali Bongo Ondimba's vision for the country's development, which includes a component on improving work conditions and eliminating child labor.(55, 56) |
| Shelters for Children in Need‡ | Shelters operated by the Government and civil society organizations supported by UNICEF that provide victims of child labor, child trafficking, and orphans and other vulnerable children with health care, education, financial support, psycho-social support, and reintegration services.(4, 10, 13, 40, 47, 57, 58) |
| Repatriation Programs‡ | Overseen by the IMC. Resettles children in their country of origin when possible or provides resettlement assistance in Gabon if repatriation is not possible.(10, 11, 59) If the country of origin is unable to provide financial restitution or support for victims of child trafficking, the Government of Gabon absorbs these costs.(10) |
| Birth Certificate Program†‡ | Ministry of Interior and MHSW program to provide 20,000 Gabonese citizens with birth certificates.(10, 44) |
| Africa Contingency Operations Training and Assistance Program‡ | Government program to provide anti-trafficking in persons training to Gabonese peacekeepers as part of their preparation for deployment to the UN Support Mission for the Central African Republic. This program was reactivated in 2014 and provided training to approximately 450 peacekeepers.(10, 44) |

Gabon

MODERATE ADVANCEMENT

Table 8. Social Programs to Address Child Labor

| Program | Description |
|--|---|
| Decent Work Country Program (2013-2016)* | Promotes decent work conditions with a focus on creating job opportunities for youth and promoting social protection.(60) |

*The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Gabon.

Although Gabon has programs that target child labor, the scope of these programs is insufficient to fully address the extent of the problem. The Government continued to support existing programs related to child labor in 2014, but reduced funding for these programs as well as the IMC.(4, 10)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Gabon. (Table 9)

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|---------------------|--|-------------------|
| Legal Framework | Ensure hazardous occupations and/or activities prohibited for children are specific enough to facilitate enforcement. Ensure that the legal framework prohibits the use of children in illicit activities and in hazardous occupations for children in all relevant sectors in Gabon. | 2009 – 2014 |
| | Ensure that laws specify the types of work that are considered “light work” and set a minimum age for light work no younger than 13. | 2013 – 2014 |
| Enforcement | Strengthen enforcement of child labor laws by: <ul style="list-style-type: none"> ■ Providing additional training on child labor issues; ■ Increase the number of labor inspectors responsible for enforcing laws related to child labor in order to provide adequate coverage of the workforce, particularly outside urban areas; ■ Ensuring adequate resources for inspectors to conduct investigations; ■ Proactively planning inspections and including unannounced inspections; and ■ Authorizing inspectors to determine and/or assess penalties. | 2009 – 2014 |
| | Make statistics regarding the enforcement of child labor laws publicly available, including the number of inspections, prosecutions, violations and citations/penalties assessed and disaggregate the number of complaints related to child labor that are made to the child protection hotline. | 2009 – 2014 |
| Coordination | Ensure the Inter-ministerial Committee for the Fight Against Child Trafficking has sufficient funds to carry out its mandate, including improving communication and coordination among ministries. | 2013 – 2014 |
| Government Policies | Integrate child labor elimination and prevention strategies into the Education Policy, National Youth Policy of Gabon, and UNDAF. | 2014 |
| | Sign agreements with origin countries to combat child trafficking. | 2014 |
| Social Programs | Conduct research to determine the specific activities carried out by children working in agriculture and the informal sector to inform policies and programs. | 2014 |
| | Ensure children have access to education by eliminating school fees, increasing the number of teachers and schools in rural areas, and ensuring schools are free from sexual abuse. | 2010 – 2014 |
| | Carry out the proposed survey on child trafficking. | 2011 – 2014 |
| | Assess the impact that existing programs may have on child labor. | 2013 – 2014 |
| | Expand existing programs to address the scope of the child labor problem. | 2010 – 2014 |

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