

Gabon - United States Department of State

GABON: Tier 2

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 demonstrated overall increasing efforts compared to the previous reporting period; therefore Gabon was upgraded to Tier 2. The government prosecuted more suspected traffickers; identified an adult victim for the first time; facilitated training for more officials and civil society members; adopted its revised penal code, which explicitly included a trafficking in persons offense for the first time; and finalized and adopted its anti-trafficking national action plan. However, the government did not meet the minimum standards in several key areas. While the government amended its penal code, the law still did not criminalize all forms of trafficking. The government did not effectively address judicial corruption and reported identifying fewer victims overall.

PRIORITIZED RECOMMENDATIONS:

Fully investigate credible reports of government corruption related to trafficking and prosecute complicit officials. • Finalize and resource the Ministry of Justice-led inter-ministerial committee for working level officials. • Vigorously investigate and prosecute suspected traffickers, and seek to convict traffickers through independent and fair trials. • Develop standard operating procedures for identifying and referring adult victims to care. • Increase efforts to proactively identify adult and child victims of trafficking. • Regularly convene the Special Criminal Session in order to increase the number of trafficking cases heard. • Amend the penal code to criminalize all forms of trafficking and to ensure the penalties for adult sex trafficking are commensurate with penalties for other grave crimes, such as a rape. • Develop and institute a course on victim-centered trafficking investigations in Gabon's National Magistrate School to increase law enforcement and judicial officials' ability to prosecute trafficking cases while preventing the re-traumatization of victims. • Launch a nationwide sensitization campaign to raise awareness of trafficking in markets and domestic servitude. • Expand training for social workers, law enforcement officers, labor inspectors, and judicial staff on the 2019 penal code to promote effective investigations, prosecutions, and convictions of traffickers found guilty following an independent and fair trial. • Increase financial or in-kind support to government and NGO shelters and dedicate resources towards implementing the country's anti-trafficking national action plan. • Develop an information management system to capture nationwide investigation and victim identification data in partnership with international organizations.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. In July 2019, the president signed Gabon's revised penal code into law, which explicitly included a trafficking in persons offense for the first time; however, the new anti-trafficking provisions only criminalized some forms of sex trafficking and labor trafficking.

Specifically, the penal code limited the definition of trafficking in persons to crimes involving an “exchange for remuneration or any other advantage or the promise of remuneration or other advantage,” thereby not encompassing all forms of trafficking. Articles 342-350 of the revised penal code prescribed penalties of up to seven years’ imprisonment and a fine of one million Central African francs (CFA) (\$1,730) for trafficking offenses involving adult victims and up to 15 years imprisonment and a fine of up to 100 million CFA (\$172,970) for those involving child victims. These penalties were sufficiently stringent but with respect to adult sex trafficking, not commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the penal code established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to up to 10 years’ imprisonment and a fine of one million CFA (\$1,730) if such factors were involved. Finally, the penal code also conflated the crimes of human smuggling and trafficking in persons.

The government did not maintain comprehensive law enforcement statistics as a result of its systemic information management challenges. A lack of high-level coordination between ministries further contributed to the government’s limited capacity to collect and manage anti-trafficking law enforcement data. Police officers in Libreville reported initiating three investigations for forced labor in 2019 under penal code articles 342-350, compared with investigating 17 suspected child trafficking cases in 2018. A Ministry of Justice representative reported the government submitted 20 cases for prosecution in 2019 under penal code articles 342-350, compared with three child trafficking cases the previous year. The government convicted one trafficker and found one suspect not guilty in a separate trial in 2019, compared with convicting one trafficker in 2018. Only the country’s Special Criminal Session court was authorized to hear trafficking cases because it is a crime equivalent to murder in the Gabonese legal system; ministerial reshuffles at the end of 2019 resulted in the government rescheduling its latest Criminal Session from December 2019 to April 2020.

Due to a lack of training and corruption, prosecutorial judges tasked with investigating trafficking cases did not always investigate cases brought to their attention, which prevented the prosecution of some trafficking cases. Experts alleged some traffickers bribed judges to actively delay or dismiss trafficking cases. Although corruption and official complicity in trafficking crimes remained significant concerns, the government did not report investigating, prosecuting, or convicting complicit government employees.

Law enforcement officials coordinated with the Republic of the Congo to extradite a suspected Gabonese sex trafficker back to Libreville in December 2019, where the suspect is currently awaiting trial for pimping, rape of a minor, endangering the life or health of others, and potentially, trafficking in persons; the case remained ongoing at the close of the reporting period. In January 2020, officials collaborated with an international organization to train approximately 70 law enforcement, social welfare, and civil society actors on victim-centered trafficking investigations. The government hosted a training in October 2019 for more than 50 magistrates in coordination with a donor to enhance justice sector officials’ ability to prosecute trafficking crimes in accordance with the country’s revised penal code.

PROTECTION

The government decreased efforts to identify and protect victims according to incomplete statistics officials provided. The government uses a Trafficking in Persons Procedural Manual, developed in coordination with an international organization that defines standard procedures for the identification, extraction from exploitive situations, short-term care and repatriation of child victims. Experts described the referral process as appropriate for children, although the government does not have standard procedures for identifying adult victims. Social welfare and law enforcement officers in Libreville reported identifying and referring 31 trafficking victims—30 children removed from forced labor and Gabon's first identified adult victim—to shelters providing medical, legal, and psychological care. Officials reported identifying 50 child trafficking victims in 2018 and 65 in 2017. The government maintained inadequate funding to NGOs providing shelter and services to victims, and a lack of shelter space to accommodate all trafficking victims persisted. The government continued to fund two NGO-run shelters offering holistic services to trafficking victims, orphans, and street children, providing financial and in-kind support, including funding for social workers, medical support, psychological services, legal assistance, and tuition. Some officials continued to use their own money to fill gaps in government funding 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 had the authority to permit adult male victims to leave shelters unchaperoned but not adult female victims, stating concerns related to safety and preventing re-trafficking.

The Ministry of National Solidarity, in coordination with foreign embassies, assisted in the repatriation of 12 foreign child trafficking victims, compared with zero in 2018 and 42 in 2017. The government could provide a victim with immigration relief and resettle them in Gabon if the victim faced threats to their safety in their country of origin, but officials did not report any victims utilizing this legal alternative during the reporting period. While the government encouraged victims to cooperate with authorities to provide testimony for the prosecution of alleged traffickers, law enforcement officers admitted they sometimes took victims' testimony at the time of the arrest of the suspected traffickers or identification of the victim, acknowledging this approach is neither victim-centered, nor the most effective. Police officers in Libreville reported they had modified their approach to interviewing victims, causing them to delay questioning until the victim was prepared to cooperate, after receiving training from the government and an international organization. While the government has sought restitution for trafficking victims in the past, it did not report doing so during this 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 authorities detained, fined, or jailed victims for unlawful acts committed as a direct result of being subjected to trafficking; however, due to nascent efforts to identify adult trafficking victims, some may have remained unidentified within the law enforcement system.

PREVENTION

The government increased prevention efforts. The Ministry of Justice reported Gabon's prime minister approved the anti-trafficking national action plan in early 2020. In July 2019, the government—with support from an international organization and in collaboration with civil society—organized an awareness campaign against trafficking and other forms of violence against children, reaching 861 individuals. Additionally, the Ministry of Social Affairs led a training for social workers and first responders in August 2019 on child protection issues, including trafficking in persons, in the northeastern province of Ogooué Ivindo. Between November 2019 and January 2020, the government supported a Gabonese NGO's sensitization campaign in Libreville by providing access to official venues. Officials did not disclose funding levels for Gabon's anti-trafficking programming and decreasing oil revenue and seven ministerial reshuffles in 2019 resulted in dysfunctional high-level coordination hindering the government's ability to support working level law enforcement officers, social welfare officials, and civil society representatives. The government did not report efforts to reduce the demand for commercial sex acts. 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 exploit girls in forced labor in domestic service, markets or roadside restaurants; force boys to work as street vendors, mechanics, microbus transportation assistants, and as laborers in the fishing sector; and coerce West African women into domestic servitude or commercial sex within Gabon. West African traffickers reportedly exploit children from their countries of origin to work in Libreville markets such as N'Kembo, Mont Bouét, PK7, and other urban centers including Port-Gentil. In eastern provinces within the country, shopkeepers force or coerce Gabonese children to work in markets. In some cases, smugglers who assist foreign adults migrating to Gabon subject those migrants to forced labor or commercial sex 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. Roadside bars—or “*macquis*”—are a common sector where traffickers sexually exploit women, and the Libreville neighborhood of Lalala is an area where some brothel owners reportedly exploit minors in child sex trafficking.

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 and take advantage of Gabon's porous borders and unguarded beaches to import victims by car or boat. Authorities report some transnational organized crime rings profit from human trafficking in addition to smuggling counterfeit medication and

illicit drugs. Experts report the nationality of the actors involved in trafficking rings generally depends on the stage of the trafficking process. Fraudulent recruiters in source countries such as Benin and Togo often share the nationality of the victim; transporters or “*passeurs*” generally come from transit countries such as Nigeria and Cameroon; and West African residents or Gabonese are predominantly the final beneficiaries of the exploitation.