



Inter-Parliamentary
Union

STRENGTHENING THE CAPACITY OF GABONESE
PARLIAMENTARIANS FOR CONSOLIDATING AN
ENVIRONMENT CONDUCTIVE TO THE FIGHT
AGAINST CHILD TRAFFICKING AND LABOUR

National Seminar for Parliamentarians and Their Collaborators,
Jointly Organized by the Inter-Parliamentary Union and the
Parliament of Gabon

Libreville, 27-28 April 2011



Parliament of Gabon

SUMMARY RECORD

With the present mobilization of efforts and renewal of interest required for the fight against child trafficking and labour, we, parliamentarians and parliamentary staff, representatives of the executive branch, international institutions, local communities and civil society in Gabon, have gathered at the National Assembly in Libreville, from 27 to 28 April 2011, to discuss the theme *Strengthening the capacity of Gabonese parliamentarians for consolidating an environment conducive to the fight against child trafficking and labour*.

In pursuance of the Declaration of Cotonou, a roadmap for parliamentary action to help eradicate the scourge of child trafficking and labour, the purpose of our meeting is to examine the specific case of trafficking in Gabon. It also aims to survey the situation through a complete evaluation of measures taken to readjust current strategy in favour of more targeted action responsive to the new necessities created by this scourge.

We have been edified by the information brought to our attention by the experts in describing the heightened awareness among Gabonese authorities, dating back to the previous decade, about the magnitude of child trafficking and labour and their determination to take every available measure to eradicate it. The economic conditions in Gabon, which are relatively good in comparison to other countries in the region, have encouraged strong migratory movement into our country. These migratory flows, of adults as well as children, destined for domestic work and other forms of servitude, have essentially made Gabon a destination for child trafficking.

Resolved to put a halt to this situation, Gabon has taken every opportunity available to achieve that objective. It has taken part in several regional and subregional meetings for the purpose of defining and executing a combination of measures to intensify the fight against child trafficking and labour.

Internally, significant legal provisions have been made in Gabon for the fight against child trafficking and labour:

- Decree 00031/PR/MTEFP, of 8 January 2002, concerning child labour and authorizing security forces, inspectors and workplace supervisors to apprehend any person employing minors.
- Law 009/2004, of 22 September 2004, concerning the prevention of and fight against child trafficking in the Gabonese Republic.

- Decree 000024/PR/MTE, of 5 January 2005, establishing the conditions for police controls, investigations and searches for the prevention of and fight against child trafficking in the Gabonese Republic.

This set of legal provisions has been supplemented by national procedures for reuniting child victims of trafficking with their families and by the ratification of international and regional instruments, including the United Nations Convention on the Rights of the Child and ILO Convention No. 182 on the Worst Forms of Child Labour, the Protocol to the United Nations Convention Against Transnational Organized Crime to prevent, suppress and punish trafficking in persons, especially women and children,¹ and the African Charter on the Rights and Welfare of the Child. This legal arsenal has been reinforced by the establishment of specially adapted institutional infrastructure, including the Arcades Appeal Centre, the Angondjé Centre and the vigilance committees established in the main departments of Gabon.

We have also pointed out that this entire apparatus is the result of action taken by all of the actors involved in the fight against child trafficking and labour. Indeed, it was the Gabonese parliament that took the initiative, drafting and adopting Law 009/2004, concerning the prevention of and fight against child trafficking.

We have also welcomed the significant contribution of international institutions, and in particular UNICEF, which distinguished itself through the material and financial support it provided for efforts to reunite trafficking victims with their families.

Civil society has been a no less determined partner, joining in these general mobilization efforts to cooperate in strengthening the operation of social structures established for this purpose.

We have learned, however, that despite these efforts, there are signs that child trafficking and labour persist. For instance, the ship *Sharon*, boarded and searched in October 2009, was found it to be carrying 300 passengers, 34 children of whom were destined for exploitation, including forced marriages for two girls. During the operation known as *Bana*, in December 2010, out of 141 rescued children at least 51 were found to be victims of trafficking. Similarly, the vigilance committee of Ogooué Maritime department revealed that it had repatriated 12 girls, including six teenage mothers, in 2010. The 2005 report from that same department describes cases involving the sexual exploitation of girls. The placement of girls as nannies and housekeepers continues, as does child labour in markets, workshops, construction sites and restaurants.

Troubled by this situation, we have undertaken a minute examination of the apparatus put in place to combat the problem. This examination revealed inadequacies that are hindering the proper functioning of the measures taken. Law 009/2004, concerning the prevention of and fight against child trafficking, does not reflect the principal international and regional instruments for the fight against trafficking. These shortcomings have resulted in an apparatus that is misdirected and ineffective. We have therefore underscored the need to revisit this law and bring it back into line with the spirit behind its initial introduction and design, enabling it over time to respond to the new necessities generated by trafficking. To do so, we considered that it would be easier for parliament to

¹ Known as the Palermo Protocol.

amend this law, having initiated it, to incorporate provisions from the Palermo Protocol and the Multilateral Agreement of Abuja,² of July 2006. Awareness about and familiarity with these instruments remain a prerequisite. From this perspective, it is indispensable for the Gabonese parliament to organize for its elected members training workshops on these instruments and on the functioning of bodies responsible for overseeing their application. Familiarizing parliamentarians with these instruments and the mechanisms for applying them would enable Gabon's parliamentarians to adapt national legislation for the fight against trafficking, through of targeted action. Equipped with better tools, we will strengthen our messages as parliamentarians to heighten public awareness and disseminate information among local residents during our visits to the field. Aware that the measures put in place can only be effective if there is continuous monitoring of the application of laws and the functioning of structures put in place to combat trafficking, we have advocated systematic evaluation of the actions taken by parliament, in general and for the fight against child trafficking and labour in particular. This evaluation will enable parliament to determine what additional measures are required to contain and ultimately eradicate the trafficking phenomenon.

We also realize that the apparatus described above is essentially juridical in nature. While juridical measures are an essential component of this strategic effort, we consider that the true causes of the trafficking phenomenon must be attacked. We should therefore revisit social policies such as family planning, education and training and government policies designed to eradicate poverty, in accordance with the Millennium Development Goals. From this perspective, we should give particular attention to the inequality of development policies. To do so we recommend using resources advisedly and in a spirit of equity. We must also be aware that Gabon is not immune from the effects of severe poverty, which can cause others to desire to come to our country but can also encourage trafficking in Gabonese children, within the country and abroad. Consequently, we need to be vigilant and ensure that Gabon does not become the point of origination for a network of child trafficking.

The social structures in place are cruelly lacking in financial and material resources, which severely undermines their functioning.

With regard to the suppressive aspect of the mechanism for the fight against trafficking, Gabonese justice faces difficulties in terms of the content of legal texts as well as the financial and logistical resources available.

Indeed, child trafficking is a crime in Gabon but a lesser offense in other countries, particularly those in West Africa. Inconsistencies in the treatment of this scourge represent a major obstacle to cooperation among countries and harmonization of the necessary measures. Accordingly, we have recommended that the Gabonese authorities take the initiative, with the concurrence of the executive branch and in a framework of parliamentary cooperation, to enter into discussions with the parliaments concerned.

² The Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa was signed by 26 member countries of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS), on 7 July 2000, under the auspices of UNICEF and the International Labour Organization (ILO). It includes provisions for cooperation in the prevention and suppression of trafficking and the protection, rehabilitation and reintegration of victims.

The financial and logistical difficulties affecting the Gabonese justice system prevent it from effectively prosecuting child traffickers. It is our understanding that the resources available are barely sufficient to organize such prosecution.

To ensure a firm commitment to the suppression of trafficking throughout the international community, and considering that exemplary justice in criminal cases requires more financial and logistical resources, we have recommended that additional resources be made available to the justice system to train investigators, organize special criminal sessions to ensure swift justice for child trafficker and facilitate the work of investigating judges, who often resort to rogatory commissions in their search for the truth. This being the case, and given the difficulties inherent in the establishment of such commissions, we appeal for swift and exemplary cooperation between the parliaments of Gabon and other countries in order to clear obstacles to such proceedings.

While resource allocation is a prerogative of the executive (the ministries of justice and finance in particular) we believe that parliament, in a spirit of republican dialogue, should call on the executive to strengthen the budget for this activity. In that spirit, parliament, and its Finance Committee, should make this question a priority.

In view of the foregoing, our recommendations can be summarized as follows:

I. With respect to the political, juridical and social structure for combating child trafficking and labour:

1. Amend Law 009/2004, concerning the prevention of and fight against child trafficking in the Gabonese Republic, to bring it into conformity with relevant international and regional standards.
2. Allocate more resources to the Council on Prevention and the Follow-Up Committee established by Law 009/2004, to make it more operational throughout national territory.
3. Strengthen the capacity of existing shelters and build new structures to alleviate overcrowding.
4. Strengthen frontier controls and surveillance.
5. Reduce inequalities in economic and social development and foster the equitable redistribution of national resources.
6. Strengthen the capacity of public agents, particularly in the Ministry of Social Affairs, for the fight against child trafficking and labour.
7. Make the arrangements necessary to hold four criminal sessions per year, as the texts provide.
8. Organize special criminal sessions for child trafficking cases.
9. Strengthen cooperation with other States concerned about child trafficking by exchanging information and experiences.
10. Organize a multi-sector forum for reflection on the fight against child trafficking and labour.
11. Conduct a diagnostic assessment of trafficking in persons as the basis for proposing appropriate solutions.

12. Sign and secure ratification of all instruments for the fight against trafficking.

II. With respect to the role of parliament in strengthening the legislative and institutional framework for the fight against child trafficking:

1. Amend Law 009/2004, concerning the prevention of and fight against child trafficking in the Gabonese Republic, so as to involve parliamentarians in the eradication of this scourge.
2. Increase the budgets allocated for shelters in order to better accommodate children.
3. Allocate more financial and logistical resources, during consideration of the budget, to the justice system for the rapid organization of sessions to judge cases of child trafficking.
4. Raise awareness about existing laws against child trafficking and labour.
5. Arrange for collaboration between parliamentarians in the trafficking victim's country of origin and host country.
6. Transpose the provisions of international legal instruments into domestic law, by adopting specific legislation.
7. Strengthen the capacity of parliamentarians for the fight against trafficking through the organization of seminars and conferences.
8. Put in place structures for dealing with the issue in both chambers.
9. Prepare and submit the annual legislative report to both chambers.
10. Organize parliamentary days devoted to child trafficking and labour.
11. Organize an "annual forum of parliament" enabling national elected members to interact with citizens.
12. Establish a new type of relationship among the parliament, NGOs, the associative movement and the media.

III. With respect to the consolidation of all anti-trafficking initiatives and the decisive action of parliament:

1. Raise public awareness about the dangers of child trafficking.
2. Adopt a national plan of action to combat this scourge.
3. Foster coordination among the various actors engaged in this fight (institutional actors and actors in the field).
4. Increase the number of regional and subregional meetings for the purpose of regularly taking stock of the situation and exchanging experiences on strategies for the fight against trafficking.
5. Put focal points in place to ensure monitoring and evaluation of the measures taken with respect to bilateral and multilateral cooperation against this scourge.

The above recommendations are reflected in a joint plan of action attached to this document.

We wish to thank all who contributed to the success of this meeting, and in particular, the President of the National Assembly, who personally encouraged his organization. We express our sincere gratitude to the Inter-Parliamentary Union, which has spared no effort in seeking to consolidate the capacity of the Gabonese parliament. We hope to be able to benefit from its support in implementing this plan of action. We extend our thanks, finally, to the international and national experts who, despite having occupations of their own, took part in and enriched this seminar with their knowledge and experience.

Done at Libreville, 28 April 2011

The Seminar