



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 44 of the Convention

Second periodic reports of States parties due in 2001

Gabon*

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Introduction

1. Gabon submits herewith its second periodic report, in application of article 44, paragraph 1, of the Convention on the Rights of the Child. This report follows up on the initial report on the rights of the child in Gabon (CRC/C/41/Add.10) of 21 June 2000. It provides information on the implementation of and follow-up to the recommendations made by the Committee on the Rights of the Child in its concluding observations adopted in 2002 (CRC/C/15/Add.171), and it is also intended to update information on the implementation of the Convention in Gabon.

2. This report is the product of national deliberations held by a steering committee chaired by the Ministry of Human Rights, with broad participation by civil society, between October 2011 and April 2012. It has been drawn up by the National Committee for the Drafting of Human Rights Reports.¹ All those concerned by the rights of the child were involved; two workshops were held to validate the report.

3. The National Committee for the Drafting of Human Rights Reports first collected data from the various bodies concerned with the rights of the child, in accordance with the general guidelines adopted by the Committee on the Rights of the Child. It then drew up a draft report, which was submitted for amendment to all stakeholders before the report was adopted by the Council of Ministers.

4. This report was drawn up in accordance with the specific guidelines for the form and content of the periodic reports that States parties must submit in application of article 44, paragraph 1 (b), of the Convention on the Rights of the Child.

5. In addition to its annexes, it is composed of two parts, providing respectively a common core document and information on the implementation of recommendations.

Part I Common core document

I. Background information on Gabon

Demographics

6. The country's population is estimated at 1,520,911 inhabitants,² of whom 52 per cent are female and 48 per cent are male. It is mainly urban (80 per cent), and young. Children under 15 account for 45 per cent of the population, and 47.6 per cent of the population is under 18. Children under 5 account for 19 per cent of the population.

Political situation

7. Following the death of Omar Bongo Ondimba on 8 June 2009 in Barcelona, Spain, in accordance with the Constitution, the President of the Senate, Rose Francine Rogombé, assumed the country's presidency on an interim basis (from 10 June to 15 October 2009)

¹ See Decree No. 000102/PR/MDHLCCLCI of 15 January 2007 on the establishment and organization of the National Committee for the Drafting of Human Rights Reports of Gabon.

² Official estimates published in 2005.

and called early elections. Ali Bongo Ondimba won the election held on 30 August 2009 and became President.

8. The country's political landscape consists of a few small political parties and four major blocs:

- The Republican Majority for Emergence (Majorité républicaine pour l'émergence), which supports the policies of the President, Ali Bongo Ondimba;
- The Alliance for Change and Restoration (Alliance pour le changement et la restauration), which includes inter alia the Union of the Gabonese People (Union du Peuple Gabonais) of the late Pierre Mamboundou;
- The Union of Forces for Change (Union des forces du changement), of Louis Gaston Mayila;
- The Union of Forces for Alternating Succession (Union des forces pour l'alternance), of Jules Aristide Bourdes Ogouliguendé.

9. The main themes in the vision for society of the President, Mr. Ali Bongo Ondimba, are as follows: consolidating the rule of law; effectively performing decentralization; ensuring morality in public affairs and governance and in public life; preserving the country's territorial integrity and strengthening relations with its neighbours; diversifying growth and ensuring sustainable development; establishing infrastructure to support development; and combating inequality, poverty and social exclusion.

10. The various government ministries have been assigned the job of implementing the tasks of the Strategic Plan for an Emerging Gabon, which is rooted in a social blueprint entitled "The Future with Confidence".

11. The plan comprises 26 tasks and 132 programmes to be implemented through action on the ground. The first stage (from 2010 to 2016) concentrates on establishing foundations, which include fine-tuning desired outcomes; ensuring operational performance, budget performance and organizational efficiency; and making comments and recommendations. All these activities will be assessed using software that has been adapted to the task and that will make it possible to quantify the implementation of such actions by each government ministry.

Economic situation

12. On 19 October 2009, at the first meeting of the Council of Ministers, held shortly after his accession to the Presidency, the President adopted significant measures to reign in State spending, the implementation of which has helped improve social protection of the population:

- Reduction in the number of members of the Government. The first Government under the new President consisted of 30 members, down from 40 previously (and earlier as many as 49);
- Elimination of the posts of Minister of State and Minister in one's personal capacity;
- Elimination of the private office of the President;
- Elimination of the posts of general coordinators and their assistants within the office of the President;
- Elimination of the posts of High General Representatives and High Presidential Advisers in the office of the President and of Interministerial General Delegates and Commissioners;

- Drastic reduction of the number of advisers in the government ministries and the office of the President;
- Elimination of the right to concurrently hold a seat in the parliament and to serve as the chairman of the board of directors of public or semi-public companies or bodies or of private companies;
- Elimination of facilities accorded to members of the Government;
- Elimination of representative offices of government ministers in their home provinces or departments;
- Establishment of a specific number of staff members for ministers: nine advisers, five research officers and four task officers;
- Capping of monthly salaries at 4 million CFA francs for example for a director-general of a public enterprise or body;
- Capping of monthly salaries at 3 million CFA francs for the chairman of a board of directors, 5 million CFA francs for a director-general, 3.5 million CFA francs for assistant directors-general or accounts officers, 2 million CFA francs for directors and 1.5 million CFA francs for assistant directors.

13. All the economic reforms have begun to bear fruit, both domestically and internationally. At the national level, the Government's efforts have had an effect both on the budget and on economic growth. In 2010, growth stood at 5.4 per cent, up from -1.4 per cent in 2009. The country's growth prospects are good, although less so than in 2011. In 2012, growth is expected to reach 6.5 per cent, as against 6 per cent in 2011.

Table 1
Economic growth rates, 2004–2011 (per cent)

	<i>Year</i>							
	2004	2005	2006	2007	2008	2009	2010	2011
Growth rate	1.1	3.0	1.2	5.3	2.7	-1.4	5.4	6.0

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

Table 2
Budget, 2005–2012

<i>Year</i>	<i>Budget</i>
2005	1 008 201 676 000
2006	1 221 836 758 000
2007	1 153 412 407 000
2008	1 980 607 757 415
2009	1 541 558 439 500
2010	2 214 833 862 568
2011	2 370 795 694 151
2012	2 453 099 959 803

Source: Finance Acts (2005–2012).

Social situation

14. According to a report published by Global Finance, a magazine based in the United States of America, Gabon is the second wealthiest country in Africa after Equatorial Guinea, but fifty-fifth among the 182 countries surveyed worldwide.³ According to macroeconomic forecasts by the International Monetary Fund, our country's gross domestic product per inhabitant increased by 4.1 per cent in 2011, and will reach US\$ 4,376 in 2012, up from US\$ 4,205 in 2010. Since 2004, per capita income in Gabon has been constantly rising (despite slight falls in 2005 and 2009) and is among the highest in Africa.

Table 3
Human development index in Gabon, 2006–2011

<i>Indicators</i>	<i>Year</i>					
	2006	2007	2008	2009	2010	2011
HDI/rank in the world	123	124	119	103	93	106
HDI/rank in Africa			8	3	4 ⁴	6 ⁵
HDI score					0.670	0.674
Life expectancy	54.5 years	54 years	56.2 years	60.1 years	61.3 years	62.7 years
Adult literacy rate	71%	72%	84%	86.2%	86.2%	
Overall enrolment rate	74%	72%	72.4%	80.7%	80.7%	
Per capita income	\$6 397	\$6 623	\$6 954	\$10 941	\$12 746	\$12 249

Source: United Nations Development Programme (UNDP)/World Bank, 2010.

15. The country's human development index (HDI) has improved in the past 20 years. According to the 2011 edition of the UNDP report that measures living standards in each country, for the third year running the country's HDI was the highest in sub-Saharan Africa. Gabon improved its score to 0.674 in 2011, up from 0.670 in 2010, although its world ranking slipped 13 positions, owing to the fact that the later edition included more countries. It is now ranked 106th (as against 93rd in 2010). In Africa, it ranks sixth.

16. An analysis of the three HDI indicators (income, schooling and life expectancy) shows significant improvements in the standard of living. Life expectancy has risen to 62.7 years in 2011 (up from 61.3 years in 2010). The adult gross literacy rate and enrolment rate are among the highest in Africa. With a per capita income (purchasing power parity) of \$12,249, Gabon is among the 10 wealthiest countries in Africa. Per capita income has constantly been on the rise.

17. Unfortunately, this favourable outlook in respect of per capita wealth stands in contrast with a development level considered mediocre for intermediate-income countries in the higher echelon such as Gabon. In other words, the HDI ranking indicates that Gabon

³ The Global Finance study is based on indicators such as gross domestic product per inhabitant and standard of living of the middle class, taking into account fluctuations in the value of the United States dollar.

⁴ Gabon was second among African countries south of the Sahara.

⁵ Gabon was first among African countries south of the Sahara. According to the report of the Mo Ibrahim Foundation, in 2011 Gabon was well above the regional and continental average, with a score of 64/100.

achieves poor social development outcomes, in contrast with the economic situation.⁶ The benefits of economic growth have not been distributed equitably, even though the executive branch is now taking bold and innovative steps to reduce inequality. About 33 per cent of the country's population — nearly 430,000 people — live below the poverty line,⁷ the unemployment rate is very high⁸ and the cost of living too is very high.⁹ The census of the economically disadvantaged population in Gabon identified 224,127 children living in poverty or at the very least in vulnerable situations.¹⁰

18. The situation has been made all the more difficult because the current rise in the costs of food, transport and rent — which already take up 90 per cent of the wages of civil servants — is practically wiping out the effect of such efforts, thus widening still more the gap between the social classes. According to a report from International Living, an organization based in the United Kingdom, in 2010 Gabon placed twenty-eighth in Africa¹¹ for quality of life, which was five positions higher than the previous year, when it had ranked thirty-third. The country's indicators point to shortcomings in particular in transport, health and leisure infrastructure.

19. The HDI level is a result of a lack of allocations for social policies, especially basic services, to systematically and sustainably realize children's and women's rights. The lack of resources earmarked for basic social services makes it impossible to meet the needs for infrastructure for such services in a way commensurate with the problems faced. There is thus poor performance in the social services sector.¹²

20. Since 2009, the country's economic and social policy has been guided by a vision based on the blueprint known as "The Future with Confidence: for an emerging Gabon with a view to 2025". In this reference document, the Government establishes a strong link between economic growth and the duty to show solidarity.

21. Thus, aware of the weakness in the population's purchasing power, in 2010 the Government raised the monthly minimum wage¹³ for all Gabonese workers, with the exception of domestic workers.

⁶ Gabon-UNICEF, *Document de politique nationale de protection sociale*, (National policy document on social protection), 2012, p. 4.

⁷ Gabonese Poverty Assessment and Monitoring Survey (EGEP), 2005.

⁸ According to the Ministry of Technical and Vocational Training, nearly 26 per cent of the active population is unemployed. See *L'Union*, No. 10371, of 8 July 2010, p. 3.

⁹ According to a Mercer study conducted in 2011 on the cost of living in major capitals, Libreville came in twelfth, five ranks lower than in 2010, which might be good news, but for the fact that it is still among the 50 most expensive cities in the world.

¹⁰ 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. 17.

¹¹ Gabon ranks well above the average for countries in the subregion.

¹² Gabon-UNICEF, *Analyse de la situation de l'enfant et de la femme au Gabon* (Analysis of the situation of children and women in Gabon), 2009.

¹³ Decree No. 127/PR/MTEPS/MBCPPPRE of 23 April 2010, which sets the monthly minimum wage at 150,000 CFA francs, establishes that all premiums and compensation are to be counted in that amount.

II. General framework for the promotion and protection of the rights of the child

Cooperation with human rights institutions

22. On 26 April 2006, Gabon, in support of its candidacy to the Human Rights Council, reiterated its commitment to the promotion and protection of human rights.

23. The Government stated that it was ready to strengthen the country's human rights protection and promotion mechanisms at the national, regional and international levels.¹⁴

24. The protection and promotion of human rights have long stood out as a priority and a cross-cutting theme of government policy in Gabon. This major national concern has taken concrete form with the signature and/or ratification between 2002 and 2012 of numerous international and regional instruments to guarantee such rights, as follows.

Table 4

Instruments signed and/or ratified by Gabon, 2002–2012

<i>Main human rights instruments</i>	<i>Signature</i>	<i>Ratification/accession</i>
United Nations Convention against Corruption		13 September 2004
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women		5 November 2004
United Nations Convention against Transnational Organized Crime		10 December 2004
Worst Forms of Child Labour Convention, No. 182 (1999) of the International Labour Organization (ILO)		27 January 2005
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography		10 September 2007
Convention on the Rights of Persons with Disabilities		17 September 2007
Framework Convention on Tobacco Control of the World Health Organization (WHO)		20 February 2009
Minimum Age Convention, No. 138 (1973) of the ILO		1 October 2009
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment		22 September 2010

¹⁴ United Nations, Human Rights Council, Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1, Gabon, Geneva, 8 April 2008, p. 11

<i>Main human rights instruments</i>	<i>Signature</i>	<i>Ratification/accession</i>
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime		October 2010
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict		October 2010
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	December 2004	
International Convention for the Protection of All Persons from Enforced Disappearance	2007	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	2007	
International Convention for the Protection of All Persons from Enforced Disappearance	25 September 2007	
African Charter on the Rights and Welfare of the Child		18 May 2007
Protocol of the Court of Justice of the African Union		18 May 2007
Additional Protocol to the General Convention on Privileges and Immunities of the Organization of African Unity		18 May 2007
African Union Convention on Preventing and Combating Corruption		3 March 2009
African Youth Charter		17 July 2007
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	27 January 2005	
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa	29 January 2010	
African Charter on Democracy, Elections and Governance	30 January 2010	

Source: Compilation by the Directorate-General for Human Rights, May 2012.

Institutional framework

25. The situation of children has been of increasing concern to the Government, which has established particularly important institutions, including the following:

- The National Observatory for Children's Rights (Observatoire national des droits de l'enfant, ONDE), established by Decree No. 00873/PR/MFPEPF, of 17 November 2006;
- The Directorate-General for Protection of Widows and Orphans, established in December 2008;
- The National Commission on Human Rights, established by Decree No. 19/2005, of 3 January 2005;
- The Centre for Children in Difficult Circumstances (Centre d'accueil pour enfants en difficulté sociale, CAPEDS);
- The National School for Hearing-Impaired Children (École nationale des enfants déficients auditifs, ENEDA);
- The National Committee to Monitor the Fight against Child Trafficking (Comité national de suivi de la lutte contre la traite des enfants, CNSLTE).

Legal and regulatory framework for human rights protection mechanisms

26. The legal and regulatory framework for human rights protection mechanisms consists of the following:

- Decree No. 000873/PR/MFPEPF of 17 November 2006 on the establishment, functions and organization of the National Observatory for Children's Rights (ONDE);
- Decree No. 000102/PR/MDHLCCLCI of 15 January 2007 on the establishment and organization of the National Committee for the Drafting of Human Rights Reports of Gabon;
- Decree No. 000103/PR/MDHLCCLCI of 15 January 2007 establishing National Human Rights Day;
- Decree No. 303/PR/MCAEPRDH of 31 March 2008 establishing the procedures for appointment of members of the National Commission on Human Rights;
- Decree No. 304/PR/MCAEPRDH of 31 March 2008 on the establishment and organization of the Directorate-General for Human Rights;
- Decree No. 0191/PR/MFAS of 22 May 2012 establishing a matrix of indicators for the protection of children.

Part II

Implementation of recommendations issued in 2002

I. General measures of implementation

Legislation

The Committee encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:

- (a) **Undertake all steps to harmonize existing legislation, including customary law, with the Convention on the Rights of the Child;**

27. To bring its domestic legislation into line with the Convention on the Rights of the Child, Gabon has adopted a number of enactments:

- Labour Code;
- Civil Code;
- Criminal Code;
- Act No. 09/2004 of 21 September 2004 on preventing and combating child trafficking;
- Act No. 38/2008 of 29 January 2009 on preventing and combating female genital mutilation;
- Act No. 39/2010 of 23 November 2010 establishing a legal structure for the protection of minors;
- Act No. 21/2011 of 14 February 2012 establishing general orientations for education, training and research;
- Decree No. 0031/PR/MTEFP of 8 January 2002 on combating child labour;
- Decree No. 032/PR/MSP of 22 January 2004 establishing conditions for the production, import and marketing of edible salt;
- Decree No. 033/PR/MSP of 22 January 2004 promoting and protecting breastfeeding and regulating the quality, marketing methods and use of baby foods;
- Decree No. 000024/PR/MTE of 6 January 2005 establishing conditions for monitoring and, investigation activities and searches to prevent and combat child trafficking;
- Decree No. 000873/PR/MFPEPF of 17 November 2006 on the establishment, functions and organization of the National Observatory for Children's Rights (ONDE);
- Decree on sexual harassment;
- Decree No. 651/PR/MTEPS of 13 April 2011 establishing individual dispensations to the minimum age for employment;
- Order No. 001/SEAS/UNFG on establishments for healthy children;
- Decision No. 0001/PM/MESI/PDM of 3 June 2006 establishing the procedure to care for and repatriate victims of child trafficking in Ogooué Maritime Province.

(b) Consider the adoption of a comprehensive children's code which will reflect the general principles of the Convention on the Rights of the Child;

28. While Gabon does not yet have a children's code, the various laws in force include provisions that address specific cases involving children. For example, the handbook of procedures to care for victims of child trafficking is drawn heavily from the Palermo Protocol and the Convention on the Rights of the Child. Before drawing up a children's code, Gabon has preferred to carry out a study of the domestic legal framework in order to identify its shortcomings in relation with international standards.

(c) Ensure the implementation of its legislation;

29. Implementation of the legislation benefiting children has made it possible to achieve encouraging results in Gabon:

- Since 2004, over 700¹⁵ girls and boys have been freed from trafficking rings and reintegrated locally or repatriated to their countries of origin;
- The *Sharon*, a vessel sailing from Benin with 300 undocumented persons on board, including 34 children bound for exploitation, was stopped and boarded. The children were removed and given psychological and social support in accordance with the handbook of procedures, until they were handed over to the authorities of their countries;
- Watchdog committees such as those in Ngounié and Ogooué Maritime Provinces detect, free and transport to Libreville an average of five child victims of trafficking, negligence or exploitation every year;¹⁶
- The Government has registered 492 street children in five of the country's nine provinces, and coverage by the Catholic Church's Arc-en-Ciel Centre has gradually risen to 70 per cent;¹⁷
- In 2012, four parents were convicted of child neglect and abandonment in Port-Gentil;
- Establishment of vice squads and juvenile units by the police;
- Establishment of social services at all secondary establishments.

(d) Ratify the African Charter on the Rights and Welfare of the Child.

30. Gabon ratified the African Charter on the Rights and Welfare of the Child on 18 May 2007.

¹⁵ Sectoral reports of the National Committee to Monitor the Fight against Child Trafficking in 2008 and 2012.

¹⁶ Mission Nissi outreach centre, 2011 Annual Report.

¹⁷ Gabon, *Rapport provisoire 2011 de l'étude sur les enfants des rues* (Preliminary report of the study on street children), 2011.

Coordination

- (a) **The Committee recommends that the State party take all necessary measures to establish an effective body or structure for the coordination of the implementation of the Convention on the Rights of the Child with adequate human and other resources and with the appropriate authority, and to develop a comprehensive plan of action;**

31. The National Observatory for Children's Rights (ONDE) is the body or structure established by the State to coordinate implementation of the Convention. Article 3 of Decree No. 000873/PR/MFPEPF of 17 November 2006, the decree that set up the Observatory, reads as follows: "the Observatory shall be responsible for monitoring the implementation of the United Nations Convention on the Rights of the Child, with a view to permanently promoting the rights of children in all areas, particularly: 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".

32. Article 4 adds that "the Observatory shall raise awareness and provide information and advice to the various bodies concerned with the protection and promotion of children's rights, both nationally and regionally".

33. Lastly, article 5 states that "the Observatory shall provide a space for cooperation and concertation between the various public and private stakeholders and associations concerned with the problems of the child. It shall serve as a support and evaluation tool for action carried out for the benefit of children at the national level and shall be responsible for collecting and analysing all related statistics."

34. Article 6 addresses the question of human resources. It establishes that the Observatory has 25 members and is directed by a board of 9 members. Its membership includes representatives of civil society working with the rights of the child.

35. Article 8 specifies that the Observatory's members are appointed by their respective authorities or organizations. Article 9 states that membership does not involve entitlement to any remuneration.

36. As for its activities, the Observatory in February 2010 produced a study on all forms of violence affecting children in the country, which made it possible to draw up a classification of the types of violence encountered. It is thus known that in Gabon, 75 per cent of the violence to which children are subjected is physical and takes place in the home. The Observatory submitted the report of the study to the Government, and the preface to the report was written by the country's President. In 2011, on the occasion of the International Day of the African Child, which was devoted to the theme of street children, the Observatory held a press conference to spread knowledge of the report and to draw the attention of national and international public opinion to the close link between violence committed against children and the phenomenon of children living on the street. To implement the report's recommendations, the Observatory in 2011 began a programme to bolster the communication for development (C4D) capabilities of community teachers in rural areas in all the country's provinces. So far, 80 of the 150 teachers slated for coverage have received this training. This programme was drawn up at the worldwide level by the United Nations Children's Fund (UNICEF) and helps staff in the field to make children's rights better known.

37. In light of the specific problems raised by transborder child trafficking for exploitation, the State has set up an interministerial mechanism to coordinate action against trafficking, the National Committee to Monitor the Fight against Child Trafficking (CNSLTE), which is separate from the Observatory. Since 2004, the Committee has inter alia drawn up and obtained government validation of the handbook of procedures to care

for victims of child trafficking; set up seven provincial watchdog committees (of the nine planned); held several awareness campaigns about trafficking; carried out three cooperation missions to West Africa, the area of origin of child victims; regularly freed children from exploitation; and funded their reintegration into society.

(b) The Committee further recommends that the State party coordinate and implement programmes established within international cooperation.

38. Gabon in 2006 signed the Abuja multilateral agreement between the Economic Community of West African States and the Economic Community of Central African States on regional cooperation to prevent and combat transnational trafficking. Since then, it has drawn up a road map for preventing trafficking and has taken concrete steps to implement the agreement through the actions of the National Committee to Monitor the Fight against Child Trafficking, described above.

39. In respect of this recommendation, Gabon has also signed or ratified a number of international instruments in the past 10 years, as can be seen in table 4, under paragraph 24 of this report.

Independent monitoring structures

The Committee recommends that the State party:

(a) Expedite the activities aiming at the establishment of an office, e.g. within the National Commission on Human Rights, to effectively monitor and evaluate progress in the implementation of the Convention at the national and at the local level in accordance with the Principles relating to the status of national institutions (General Assembly resolution 48/134). This body should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and address them effectively;

40. The National Commission on Human Rights that was recently established is undergoing regulatory reforms to bring it into line with the Paris Principles. Thus, although it has still not fully begun operations, the Commission has in its secretariat a service in charge of handling inquiries and combating human rights violations, established pursuant to Decree No. 0918/PR/MRPICIRNDH of 29 December 2010. That service is responsible inter alia for receiving requests from persons or groups, including children, that are victims of human rights violations. The National Commission on Human Rights and the Observatory make every effort to complement one another in receiving, hearing and protecting child victims of rights violations.

41. However, in application of Act No. 39/2010 establishing a legal structure for the protection of minors and Act No. 09/2004 on preventing and combating child trafficking, outreach centres and NGOs protecting children systematically bring cases before juvenile judges whenever vulnerable children are received and their cases are taken up. The juvenile judge then opens an investigation, whether the case involves negligence, sexual abuse, abandonment or other immoral acts. The social workers at the outreach centres are thus a key link in the reporting against perpetrators of offences and crimes committed against children, as they draw up individual files each time a child is identified as a victim.

(b) Continue efforts to develop good governance strategies and to combat corruption, especially in the social sector;

42. The establishment of the National Commission to Combat Fraud and the campaigns it has repeatedly conducted since 2003 against the embezzlement of public funds provide

another example of the State's effort to reduce the adverse effect of corruption on the economic rights of families, and thus also on the lives and development of children. In 2003, the Government set up the National Commission to Combat Corruption. More recently, several initiatives and measures have been adopted. On 14 January 2010 the Council of Ministers adopted a draft decree instituting a national day to combat corruption and fraud, which has been commemorated on 9 December every year.

43. As for legislation, in 2010 Gabon adopted:

- Act No. 013/2010 ratifying Order No. 0006/PR/201 of 25 February 2010, which amended certain provisions of Act No. 002/2003 of 7 May 2003 establishing a system to prevent and suppress fraud in Gabon; and
- Act No. 14/2010 ratifying Order No. 021/PR/2010 of 25 February 2010 amending the provisions of article 15 of Act No. 003/2003 of 7 May 2003 providing for the establishment, organization and operation of the National Commission to Combat Fraud.

44. Since 2003, Gabon has been committed to ensuring the conditions required for good governance so as to make it possible to allocate resources more simply to those facilities that provide basic social services, such as the hospitals and schools that have a direct bearing on the fundamental rights of the child. Of note, for instance, is the transfer of functions and assets from the National Social Security Fund to the National Health Insurance and Social Protection Fund, the aim of which was to provide for greater equity and transparency in universal medical insurance.¹⁸

45. A study on budget allocations for the social sector¹⁹ made it possible for the Government, NGOs and international bodies to take stock of the level of protection afforded to children's rights through the social protection system. The study cast light on problem such as low allocation rates, administrative inertia in implementing the budget and human failings in the management of the health and education sectors and services for persons with disabilities. On the other hand, with respect to the rights of persons with disabilities, including children, the Ministry of Social Affairs has brought representative associations into the process for granting subsidies to that group of beneficiaries. Such associations now take part in the process on a quarterly basis.

46. In July 2010 a group of associations supported by the NGO "On ne m'achète pas" ("I Cannot Be Bought") carried out a series of awareness activities to combat corruption in the country's provinces. In Lambaréné, municipal workers, neighbourhood leaders and the local branch of the Catholic Women's Association of Gabon took part in awareness-raising activities and were thus informed of how damaging corruption is for a country. In Mouila, a discussion group was organized on the topic of corruption.

47. From 1 November 2010 to 31 January 2012, a project entitled "Support for Citizens Combating Corruption"²⁰ was implemented by Brainforest, an NGO, with the financial support of the United States embassy.

48. On 22 November 2011 the National Police and the National Commission to Combat Fraud signed a partnership agreement aimed at strengthening the means available for investigations, research, arrest and seizure in combating corruption and fraud. The Commission had often faced difficulties in tracking down and finding persons suspected of

¹⁸ See Council of Ministers session of 8 September 2012.

¹⁹ Gabon-UNICEF, *Analyse du budget consacré à l'enfance en République gabonaise* (Analysis of the budget allocated to children in Gabon), undated.

²⁰ The project's achievements and overall prospects for future work were presented in Libreville on 18 April 2012.

these offences. Through its partnership with the police, it thus found a means of overcoming this disadvantage so as to allow it to perform its investigations.

(c) Seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.

49. 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. Gabon is thus able to use the UNICEF procurement services division in Denmark for all its vaccine orders, transferring funds to cover the cost.

50. The State authorizes and encourages the private sector to conclude partnerships directly with United Nations agencies, with a transfer of funding to such agencies for children's programmes.

51. Such partnerships have been concluded for example by Marathon Oil and UNICEF in the field of child protection or by Total and UNICEF in the field of health services. This kind of tripartite management involving the State, private companies and UNICEF makes it possible ultimately to transfer responsibilities to public services, thus ensuring long-term governance incorporating a human rights approach.

Resources for children

The Committee recommends that the State party:

(a) Develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights and to collect and disseminate information in this regard;

52. To improve knowledge of the budget situation in relation to children's rights, with various types of support from development partners, Gabon has carried out the following studies: analysis of the budget devoted to services for children in Gabon, 2010; study of the development of social policies in Gabon, 2011; and drafting of a national social protection policy document, 2012.

(b) Make every effort to increase the proportion of the budget allocated to the realization of children's rights and, in this context, to ensure the provision of appropriate human resources, and to guarantee that the implementation of child policies are a priority.

53. In respect of policies and investments for children, according to a recent report published by the African Child Policy Forum (ACPF) in 2008, Gabon was ranked twenty-fourth out of the 52 African countries that were evaluated. This relatively admirable 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.²¹

54. A study entitled Analysis of the budget allocated to children in Gabon, carried out by the Government with the assistance of UNICEF in 2010, helped to increase the level of understanding, accuracy and transparency in budget analyses and State expenditures for the

²¹ Gabon-UNICEF, *Analyse du budget consacré à l'enfance en République gabonaise* (Analysis of the budget allocated to children in Gabon), undated, p. 34.

social services. The budgets for education, health and social protection, as updated on the basis of this study, stand as follows:

Table 5
Budgets of social services, 2005–2012
(billion CFA francs)

<i>Social services</i>	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
National education	70.027	79.13	96.002	94.411	101.14			
Higher education	24.058	25.549	29.827	30.584	34.733	156.446	181.501	191.948
Vocational training	2.362	5.593	7.631	11.641	12.622	12.598	27.486	25.765
Public health	50.336	59.442	71.216	68.711	69.176			
Social affairs	11.037	11.728	17.953	9.717	9.071			
Family	3.321	3.338	3.52	3.263	4.349			
Combating AIDS	0	7.011	3.343	3.644	5.086	132.552	115.257	123.576
Total	161.141	191.791	229.492	221.971	236.177	301.596	324.244	341.289

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

55. Overall, the budget for social services increased constantly from 2005 to 2012.

Table 6
Social services budgets as a percentage of the overall budget
(per cent)

	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
Social services budgets as a percentage of the overall budget	15.98	15.70	19.90	11.21	15.32	13.62	13.68	13.91

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

56. Still, the proportion of the budget allocated to social services on average comes to 15.50 per cent of the overall State budget.

Education

Table 7
Education budget, 2005–2012
(billion CFA francs)

<i>Education</i>	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
National education	70.027	79.13	96.002	94.411	101.14			
Higher education	24.058	25.549	29.827	30.584	34.733	156.446	181.501	191.948

<i>Education</i>	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
Vocational training	2.362	5.593	7.631	11.641	12.622	12.598	27.486	25.765
Total	96.447	115.865	133.46	136.636	148.469	169.044	208.987	217.713

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

57. Between 2005 and 2012 there was a significant rise in allocations for education. The budget grew from 96.447 billion CFA francs to 217.713 billion CFA francs, a rise of 125.73 per cent.

Table 8

Education sector budget as a percentage of the overall budget

(per cent)

	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
Education sector budget as a percentage of the overall budget	9.57	9.48	11.57	6.90	9.63	7.63	8.81	8.87

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

58. In the information on the education budget, we see that after rising to its highest level in 2007, the budget decreased again and stagnated in 2011–2012, when it averaged 8.84 per cent of the overall budget.

Health and social protection

Table 9

Health and social protection budget, 2005–2012

(billion CFA francs)

<i>Health and social protection</i>	<i>Year</i>							
	2005	2006	2007	2008	2009	2010	2011	2012
Public health	50.336	59.442	71.216	68.711	69.176			
Social affairs	11.037	11.728	17.953	9.717	9.071			
Family	3.321	3.338	3.52	3.263	4.349			
Combating AIDS	0	7.011	3.343	3.644	5.086	132.552	115.257	123.576
Total	64.694	81.519	96.032	85.335	87.682	132.552	115.257	123.576

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

59. The budget allocated for health and social protection followed a sawtooth pattern between 2005 and 2012, with strong increases in 2007 and 2010 and significant decreases the following years.

Table 10

Health and social protection budget as a percentage of the overall budget

(per cent)

	Year							
	2005	2006	2007	2008	2009	2010	2011	2012
Health and social protection budget as a percentage of the overall budget	6.42	6.67	8.32	4.31	5.69	5.98	4.86	5.04

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

60. The portion of the budget allocated to health and social protection was on average 6.31 per cent of the overall State budget from 2005 to 2012. It too followed a sawtooth pattern.

Health

61. Lack of funding has often been among the main factors limiting an increase in the number and scope of immunization campaigns. The budgets earmarked for health services are in the red.

Table 11

Health budget, 2005–2009

(billion CFA francs)

	Year				
	2005	2006	2007	2008	2009
<i>Social services</i>					
Public health	50.336	59.442	71.216	68.711	69.176
Combating AIDS	0	7.011	3.343	3.644	5.086
Total	50.336	66.453	74.559	72.355	74.262

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

62. In nominal terms there was an increase of approximately 60 per cent between 2005 and 2009 in budget allocations for health services, as the budget rose from 50.336 billion CFA francs to 74.262 billion CFA francs. In accordance with the State's commitments, a specific budget item has been devoted to combating HIV/AIDS since 2006.

Table 12

Health budget as a percentage of the overall budget

(per cent)

	Year				
	2005	2006	2007	2008	2009
Health budget as a percentage of the overall budget	4.99	5.44	6.46	3.35	4.82

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

63. The proportion of the health budget (which since 2006 has included allocations for the government ministry in charge of combating HIV/AIDS) in the overall budget decreased in 2008 and 2009.

64. Funding for health should be about 15 per cent of the overall budget according to the recommendations made by the heads of State of the African Union at their meeting in Abuja. In fact, much more is needed. To achieve the Millennium Development Goals, 20 per cent of the overall budget should be devoted to health services.²²

Social protection

65. The analysis of the budget devoted to services for children in Gabon shows that the social protection of children — the aim of which is to reduce the risks and vulnerabilities that they face — is unsatisfactory.

66. In addition to these tasks, the Ministry of Social Affairs also takes into account subsidies for preschool and childcare services for children whose parents have other obligations (such as work or school).

Table 13

Social protection budget, 2005–2009

(billion CFA francs)

<i>Social services</i>	<i>Year</i>				
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>
Social affairs	11.037	11.728	17.953	9.717	9.071
Family	3.321	3.338	3.52	3.263	4.349
Total	14.626	15.066	21.473	12.980	13.420

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

67. The budget for social services fluctuated between 2005 and 2009, reaching its highest level in 2007. In other words, apart from an increase in transfers in 2007, this budget has been declining.

68. The major changes that have taken place are attributable to an increase in transfers from the National Social Security Fund to the National Health Insurance and Social Protection Fund, which is under the Ministry of Labour.

²² Gabon-UNICEF, *Analyse du budget consacré à l'enfance en République gabonaise* (Analysis of the budget allocated to children in Gabon), undated, p. 60.

Table 14

Social protection budget as a percentage of the overall budget

(per cent)

	Year				
	2005	2006	2007	2008	2009
Social protection budget as a percentage of the overall budget	1.45	1.23	1.86	0.66	0.87

Source: Finance Acts, 2005–2012 and figures from the National Committee for the Drafting of Human Rights Reports.

69. The proportion of the overall State budget devoted to the budget for social protection was on average 1.26 per cent. It approached 0 per cent in 2008 and 2009.

70. Generally, the report analysing the budget devoted to services for children in Gabon shows that progress has been made in respect of funding for health, education and social protection. However, the resources still do not meet comparable international standards. This poses problems in particular in the field of health, where spending is slow in comparison with countries with similar income levels.

Data collection

The Committee recommends that the State party:

- (a) **Develop a system of data collection and indicators consistent with the Convention disaggregated by gender, age, indigenous and minority groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect, or ill-treatment; children with disabilities; Pygmy children; and other children in need of special protection;**

71. In Gabon it is the Directorate-General for Statistics and Economic Surveys that is responsible for collecting data. The National Observatory for Children's Rights (ONDE) for its part is responsible for indicators relating to child protection. In 2012, at the Observatory's request, the Government issued Decree No. 0191/PR/MFAS of 22 May 2012 establishing a matrix of indicators for the protection of children.

72. In extending knowledge about the situation of children, Gabon has carried out several studies with the help of development partners. These include the following: Analysis of the situation of orphans and children made vulnerable by HIV/AIDS, 2003; Analysis of the situation of women and children in Gabon, 2004; Condition of children in Ogooué Maritime Province, 2007; Census of vulnerable orphans and children, 2006; Household survey, 2007; National analysis of sexual exploitation in Gabon, 2008; Subregional study of the phenomenon of transborder child trafficking, 2008; Analysis of the situation of women and children in Gabon, 2009; Analysis of the budget allocated to services for children, 2010; Household survey, 2010; Study of violence against children, 2010; Qualitative study of risk factors for the vulnerability of teenagers to sexually transmitted infections/HIV/AIDS/early pregnancy, 2011; Analysis of the situation of children lacking birth certificates, 2011; Analysis of the situation of orphans and other vulnerable children, 2011; Analysis of the situation of street children, 2011.

73. Thanks to all these studies, the country has since February 2010 had an operational database²³ on child protection, with follow-up indicators and a better understanding of the situation of vulnerable children.

(b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

74. Gabon, which has since 2002 followed the recommendations issued by the Committee on the Rights of the Child, has endeavoured with its partners first of all to obtain a better understanding of the situation of children and to obtain legally and scientifically valid evidence of the abuse, exploitation and violence to which they are subjected. Now that it has sufficient data, the country has drawn up policy documents to promote and protect the rights of the child in certain sectors, including: combating HIV/AIDS and maternal care; national consultations on education and vocational training; a strategy for the provision of care for people living with disabilities; and the prevention of mother-to-child transmission of HIV.

75. However, other policy documents aimed at applying the rights of the child will also be drawn up in accordance with the recommendations of the various studies already available. In particular, these will include a child protection code, a national handbook for the provision of care for orphans and other vulnerable children and a code of criminal procedure for juveniles. This will take some time and require funding that the country is unable to provide on its own.

Cooperation with civil society

The Committee recommends that the State party:

(a) Involve systematically communities and civil society, including children's associations, throughout all stages of the implementation of the Convention, including the formulation of policies and programmes and with respect to civil rights and freedoms;

76. 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.

77. 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 (RESPEG); and
- The National Network for the Protection of the Rights of the Child in Gabon (REPEG).

78. 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.

²³ This database will be supplemented with indicators from the demographic and health survey that is currently under way.

(b) Ensure that legislation regulating NGOs is fully implemented.

79. The activities of associations are governed by Act No. 35/62, which sets out conditions and criteria for the establishment, dissolution and operation of all non-profit organizations. Such associations thus operate in full freedom and are not subject to interference from the Government or local authorities. In 2011, the Directorate-General for Human Rights and the National Commission on Human Rights counted some 200 associations and NGOs during the workshop referred to above. The Committee on the Rights of the Child should note, however, that international human rights or humanitarian organizations are not present in Gabon and thus do not appear in this report, notwithstanding the existence of extremely favourable constitutional provisions and a political and social context that is conducive to their activities for the monitoring, follow-up, evaluation and support of local NGOs.

Dissemination and training on the Convention

The Committee recommends that the State party:

(a) Strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights through social mobilization;

80. The State party remains committed to educating people, sensitizing society and applying the Convention on the Rights of the Child among all social strata. Of all international instruments, the Convention is the one most widely disseminated in Gabon.

Table 15

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
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

<i>Implementing agency</i>	<i>Target group</i>	<i>Date and place</i>	<i>Subject</i>	<i>Number of people covered</i>
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	Merchants 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 toll-free hotlines
International Service for the Training of Street Children (SIFOS), NGO	Beninese and Togolese craftsmen and merchants	Embassy of Benin in Libreville, 2009	Prevention of child trafficking	50 community leaders reached
SIFOS, NGO	Families	Libreville, Owendo, Kango, Ntoun	Right of the child to protection against trafficking and forced labour	2,000 households reached door-to-door
Samba Mwanas, NGO	Students and staff at secondary schools	Cocobeach, Ntoun, Libreville, Owendo (2012)	Sexual abuse and violence against children	12,300 young people and 50 staff members reached

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

(b) Translate the Convention into major written national languages;

81. In Gabon, the official language and the language of everyday communication is French, and the enrolment rate is 96 per cent. The country's local tradition is not written, but oral. For this and other reasons, it would not be of much use to translate the Convention on the Rights of the Child into a local language. On the other hand, some advertising for vaccination campaigns has been done in a few languages (such as Fang, Ndzébi, Punu, Miéné and Kota).

- (c) **Involve systematically community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative measures of communication for illiterate people;**

82. 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.

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

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

85. Mayors, presidents of departmental councils, neighbourhood leaders and heads of cantons, communities and villages 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. In accordance with the provisions of the Civil Code relating to civil rights, in all the provinces, the heads of villages even in the most isolated locations have been made aware of their authority to register births and of their responsibility to transmit birth information to the civil registry office so that birth certificates are issued. Civil service support staff regularly carry out such work. They know that birth certificates ensure that all children have the right to a name and a nationality and that they will be given an education.

86. Another example of creative communication was 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.

- (d) **Undertake systematic education and training on the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;**

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

- 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, with support from the International Organization for Migration (IOM) and the Association of French-speaking Parliamentarians;
- 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, with support from INTERPOL and the United States Department of Justice;
- For 328 monitors at primary and secondary schools, on dissemination of and respect for the Convention on the Rights of the Child at school;
- 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 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, with observance of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

88. The list of actions taken in response to this recommendation demonstrates the Government's strong interest in centring the development of the child in Gabon firmly on the Convention on the Rights of the Child.

(e) Strengthen the focus on children's rights in the educational and advocacy role of the National Commission on Human Rights;

89. In accordance with Act No. 19/2005 of 3 January 2006 establishing and organizing the National Commission on Human Rights, and specifically article 19 of the Act, the Commission has undertaken to place importance on children's rights in carrying out its activities. It involved children's rights NGOs, such as the Association against Ritual Crimes (ALCR) and SIFOS, in its 2011 Assembly, and it has actively participated in the preparation of all national reports on human rights, in assemblies of children's NGOs and in the development of educational activities on human rights as part of the international and national children's rights days.

(f) Introduce human rights education including the rights of the child, into the school curricula, beginning in primary schools;

90. In July 2005 Gabon adopted the 2005–2009 Plan of Action for the World Programme for Human Rights Education, which placed emphasis on the national education system. In 2008, the United Nations Educational, Scientific and Cultural Organization (UNESCO) supported the Government as it drew up a document entitled "School Handbook on Human Rights". The National Pedagogical Institute has introduced chapters on human rights, with a heavy emphasis on the rights of the child, into the primary and secondary school civics textbooks. For example, chapters 15 and 16 of the civics textbook *Mon livret d'éducation civique* (My Civics Book) published by the EDIG publishing house in 1995 are devoted to children's rights. Some of the chapters on life and Earth sciences also deal with HIV transmission and the right of students to non-discrimination.

91. In addition, with a view to preparing young people to act as responsible citizens, the Directorate-General for Human Rights in 2013 began implementing a project systematically integrating instruction in human rights, including the rights of the child, in the national education system. There are plans to extend the same project to schools that train teachers, social workers, judges, gendarmes and police officers.

(g) Seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights and UNICEF.

92. Since 2002, the Government, with cooperation from UNICEF, has organized campaigns and/or traveling exhibits 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.²⁴

²⁴ Directorate-General for the Prevention of AIDS, *Guide de l'enseignant* (Teacher's guide), 2012.

II. Definition of the child

The Committee recommends that the State party set the same minimum age for marriage for girls and boys by increasing the minimum age for girls, and develop sensitization programmes involving community leaders, and the society at large, including children themselves, to curb the practice of early marriage.

93. The Government, through the National Observatory for Children's Rights (ONDE), has chosen to first carry out a national study to comprehensively take stock of shortcomings in the current standards for the protection of children so as to better target the problem of harmonizing domestic law with the Convention. The conclusions of that study are expected in December 2012, and should set Gabon on the path to draw up a children's code that would provide all the essential definitions of the child in accordance with the Convention, the Palermo Protocol and many other instruments.

III. General principles

The Committee recommends that the State party appropriately integrate the general principles of the Convention, in particular the provisions of articles 2, 3, 6 and 12, in all relevant legislation concerning children and apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children. These principles should guide planning and policymaking at every level, as well as actions taken by social and health welfare institutions, courts of law and administrative authorities.

94. The general principles of the Convention are for the most part addressed by the following laws:

- The principles contained in article 2 of the Convention are covered by the Civil Code (non-discrimination);
- Those in article 3 are covered by Act No. 09/2004 on trafficking and Act No. 39/2010 on a legal structure for the protection of minors. They address the best interests of the child and institutions providing care;
- Those in article 6 are related to articles 56 to 60 of Act No. 21/63 of 31 May 1963, addressing minors and criminal responsibility. Articles 210 and 211 of the Act refer to the right to life and prohibit witchcraft, charlatanism and cannibalism. Articles 256 and 262 address abuse and sexual exploitation and may be applicable to cybercrimes and child pornography. Articles 264 to 266 cover the issue of forced marriage;
- Those in article 12 on the opinion of the child too are reflected in Act No. 09/2004 and Act No. 39/2010.

Non-discrimination

The Committee recommends that the State party:

- (a) **Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;**

95. In Gabon, neither the law nor institutions discriminate against children. The procedures for providing care for any vulnerable children are the same for everyone, regardless of nationality, ethnic, racial, social or cultural origin, religion or politics. For

example, at centres for children in difficult circumstances, street children of Gabonese origin and victims of transborder trafficking from Benin or Togo receive the same treatment in terms of food, clothing, attention and health care, etc. Owing to this very high standard of non-discrimination, some children have difficulty leaving the centres for reintegration in their families of origin when conditions there are difficult. The same is true for children from Gabonese indigenous groups and Bantu children, as access to schools and dispensaries is limited in their places of origin.

96. Some structural shortcomings in the provision of basic services can, however, be seen in the provision of care. For example, shortages of medicines at hospitals or a lack of understanding on the part of teachers of the ophthalmologic problems encountered by albino children have been harmful to children. Such problems are not a reflection of bad will on the part of the health or education authorities who must respect children's rights; they are more a consequence of lack of knowledge of certain phenomena.

(b) Prioritize and target social services for children belonging to the most vulnerable groups.

97. To prioritize social services for the most vulnerable groups, the State first carried out studies to improve its knowledge of those groups and of the kind of social service benefits they received (through social service centres, schools, dispensaries and maternity wards). The studies concentrated on (i) budget allocations for social services; (ii) the situation of vulnerable orphans and widows; and (iii) the situation of children without birth certificates.

98. The studies made it possible on the one hand to perform a structural evaluation of the social services and of the quality they offered, and on the other hand to identify the most vulnerable groups. Children of indigenous groups, orphans affected or infected by HIV/AIDS, street children, victims of child trafficking and children with disabilities were identified as most vulnerable.

The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of general comment No. 1 on article 29 (1) of the Convention (aims of education).

99. The Ministry of Education has strengthened the school curricula with civics chapters teaching gender and racial equality and political and religious tolerance. The most formal channels for teaching respect for human rights are teachers and schools; using various types of syllabuses, they directly inculcate in children a sense of their rights and obligations in society. For example, the curriculum designed for all children in conflict with the law at the country's prisons includes a module for children in prison. It begins with information on the Convention on the Rights of the Child and ends with a study of the relationships respectively between the child and the family, the community, the State and the outside world.

Respect for the views of the child

The Committee encourages the State party to pursue its efforts to:

- (a) **Promote and facilitate within the family, the school, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity, and in light of article 12 of the Convention;**

100. The views of the child are respected and taken into consideration through various mechanisms. For example, during the study of violence against children conducted in 2010, 1,124 children freely gave their opinions within their families. In school settings, school cooperatives and democratic elections for class representatives provide examples of the expression of children's views.

101. In court, Act No. 39/2010 requires that the views of the child be taken into consideration. The same is true under Act No. 09/2004 for foreign children who are victims of child trafficking. The Youth Parliament too provides a form of expression of the views of children, as do the thousands of associations led by young people, including the scouting movement, young Red Cross volunteers, the Young Christian Students, Youth for Christ and the Christian Youth Union.

102. In November 2011, during the commemoration of the fifth African Youth Day, which was devoted to the role of young people in consolidating democracy and their empowerment through elections, participants adopted a Youth Charter that formalized the involvement of young people in the electoral process. A charter was thus established for the civil participation of young Gabonese people in elections.

- (b) **Provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and the society at large on children's rights to participate and to have their views taken into consideration;**

103. Efforts have been made to provide information as recommended:

- In Gabon, the term "traditional leaders" refers to neighbourhood and village chiefs who are responsible for customary law, conflict resolution in families or clans, funeral ceremonies and other traditional activities. The Directorate-General for Human Rights held training sessions for 140 traditional leaders such as these in Mouila in 2010 and in Port-Gentil and Franceville in 2012;
- As for Gabonese society at large, in 2009, *L'Union*, the newspaper with the widest readership in Gabon, published a 6-day series on the 10 basic rights of the child, including specifically the right to have an opinion on any matters affecting them. Based on a circulation of 25,000 copies per day, at least 150,000 readers were reached over the 6 days. Thus, at least one person per family or community was exposed to information on this right of the child.

104. Training for others engaged in activities involving children is described in the sections addressing the preceding recommendations.

- (c) **Promote the activities and take duly into consideration the decisions of the children's parliament and take care that all groups of children are represented.**

105. The sessions of the children's parliament have become a regular activity at the National Assembly. The children's parliament was established in 2004 with assistance from the Assemblée parlementaire de la Francophonie (Parliamentary Assembly of the French-speaking Countries), which provided support making it possible to extend the parliament to

cover the entire country. The fourth regular session of the Youth Parliament of Gabon was held in Libreville from 3 to 5 April 2012.

106. The parliament now has offices in all the country's provinces, thus making it a genuine national institution. Its membership includes 60 young women and men from the academic world between the ages of 16 and 23, representing the country's nine provinces.

107. Several subjects that were in the news²⁵ were discussed and numerous recommendations were made by the summary session of the third Youth Parliament, held in Libreville from 6 to 8 April 2010.

IV. Civil rights and freedoms

Birth registration

In the light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and consider facilitating procedures of birth registration.

108. In Gabon there are civil registries throughout the country: in 52 town halls, 47 prefectures and 26 subprefectures. As every commune, department and district has a civil registration office, there are a total of 125 civil registries covering 267,667 km². In addition, diplomatic offices provide civil registration services.²⁶ In response to the results of a study conducted to obtain a better understanding of why some children still had no birth certificates, efforts were stepped up to address the problem. In 2000, the demographic and health survey concluded that the registration rate was 89 per cent – among the highest in sub-Saharan Africa. The second demographic and health survey, conducted in 2011 and whose results are expected in 2013, should provide a better snapshot of the situation of birth registrations.

109. In 2006 the Government, with support from UNICEF, organized awareness-raising activities focusing on the situation of indigenous peoples in the provinces of Ogooué Ivindo and Woleu Ntem. As a result of these public awareness campaigns, registration sessions were organized in rural areas and birth certificates were issued. The report produced at the end of the study also recommended that activities providing education on this right of the child should continue for families and public services directly involved in issuing birth certificates (maternity hospitals and town halls).

110. On 15 September 2011, at the Council of Ministers held in Franceville, the Government established that birth certificates should be issued and late registration procedures performed without the payment of fees. The decision was backed up by one of the recommendations made by the study, which called for the State to set up one-stop service windows at maternity hospitals and to eliminate the fees for the certificates of confinement required by civil registration offices in order to issue birth certificates to parents.

111. In addition to the above, members of civil society, including the NGOs Cri de Femme (A woman's cry), the Regroupement économique et social des filles mères (Economic and Social Association of Child Mothers) (RESOFIME) and the Réseau

²⁵ The discussions focused not only on the future of the country, but also on the concerns of youth throughout the world.

²⁶ Gabon-UNICEF, *Analyse de la situation du phénomène des enfants sans actes de naissances* (Analysis of the situation of children without birth certificates), Final report, 2011, p. 12.

national de promotion des droits de l'enfant au Gabon (National Network for the Promotion of the Rights of the Child in Gabon) (RESPEG) have helped to analyse the phenomenon, raise awareness and obtain the issuance of birth certificates for certain target groups.

Torture and ill-treatment

The Committee urges the State party to take all necessary measures:

- (a) **To immediately put an end to these forms of torture or violence against children and to address their causes in order to prevent their recurrence;**

112. The State recognizes the importance of protecting children against any form of violence. It has therefore adopted a series of both legal and institutional measures that take into account the international instruments that it has ratified: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ratified on 8 September 2000) and the Optional Protocol to the Convention against Torture (ratified on 22 September 2010).

113. The following relevant laws have been adopted:

- Constitution (introduction and article 1, paragraphs 1, 8 and 17);
- Criminal Code (chapter 9 deals specifically with offences committed against children, as do articles 235, 236, 257, 261, 264, 265, 266 and 272). Articles 230 to 235 of the Criminal Code provide sanctions, including prison sentences and fines, for anyone who has voluntarily subjected a child to physical abuse;
- Act No. 36/2010 of 25 November 2010 establishing the Code of Criminal Procedure, promulgated by Decree No. 0805/PR of 25 November 2010;
- Act No. 39/2010 of 23 November 2010 establishing a legal structure for the protection of minors.

114. Institutional measures have included the establishment of the following: social services for the non-institutional supervision of minors (known as *action éducative en milieu ouvert*, or AEMO, administered by the Ministry of Family and Social Affairs); social services for prisons; service for the protection of minors in the Ministry of the Interior; Directorate-General for Human Rights; National Commission on Human Rights; National Observatory for Children's Rights; and four juvenile justice courts.

115. Thanks to this full range of laws and the institutional framework, an increasing number of perpetrators of torture and ill-treatment are being punished.²⁷

116. In order to better prevent torture and inhuman or degrading treatment or punishment, the Government has instituted periodic visits to prisons²⁸ by interministerial teams composed of staff of the Ministry of Justice, the Ministry of the Interior and the secretariat of the National Commission on Human Rights, representing civil society. Places of detention are also subject to inspection by staff from the Ministry of Justice and to visits from investigating judges and State prosecutors. To visit the facilities, any other bodies must be in possession of a special authorization from the Ministry of Justice. Since 2010,

²⁷ In January 2012 Omar Ibrahima, a citizen of Niger in his 60s, was jailed at Libreville Central Prison in pretrial detention awaiting a court decision. He is accused of raping a 14-year-old girl of Gabonese nationality, leaving her pregnant. Under article 256, paragraph 2, of the Criminal Code, if convicted, he faces a criminal sentence of up to 20 years of prison without parole.

²⁸ The last visit of this kind took place at Libreville Central Prison in 2010 and was aimed at preventing ill-treatment of persons deprived of their liberty.

the prisons have fallen under the competency of the Ministry of Justice. To reaffirm its commitment to respect for human rights at places of deprivation of liberty, the Government on 30 May 2012 organized an event for National Human Rights Day at Libreville Central Prison on the theme of human rights in places of detention. The Minister responsible for human rights reiterated the prohibition against practising torture and other degrading practices against inmates, and above all against women and children.

(b) To prevent cases of torture through, inter alia, the presence of social workers during investigations and in places of detention;

117. Special measures are in place to protect children in conflict with the law against all inhuman or degrading treatment. Act No. 39/2010 of 23 November 2010 recognizes the rights of children, even if they are in conflict with the law, and protects children by ensuring that a social worker is present throughout the judicial procedure for victims, perpetrators and witnesses of offences (in accordance with the Beijing Rules). Non-institutional supervision of minors (AEMO) was also set up specifically for this purpose.

(c) To establish an independent mechanism to investigate reports of torture and to bring to justice the persons responsible;

118. There are two main independent mechanisms in Gabon: the National Observatory for Children's Rights and the National Commission on Human Rights.

119. In addition, human rights associations (such as RESPEG or the Association against Ritual Crimes) work in complete independence, often carry out inquiries and issue conclusions through the press.

(d) To adopt legislative measures for the fullest compensation and rehabilitation of child victims of torture;

120. Gabon provides compensation and rehabilitation for child victims of torture through a number of legal instruments:

- Articles 230, 231, 234 and 235 and chapter IX of the Criminal Code address offences committed against children and set out penalties such as fines (as compensation) and criminal sentences of imprisonment without parole ranging from 2 months to life;
- Articles 22 and 23 of Act No. 09/2004 of 21 September 2004 set out other penalties for persons not having Gabonese citizenship, such as expulsion and confiscation of property;
- Article 7 of Decree No. 24/PR/MTE of 6 January 2005 provides for the complete assumption of costs for the care of child victims of trafficking.

(e) To establish accessible and child-sensitive structures to receive and address complaints of children;

121. Gabon has established a series of child-friendly structures whose mission is to receive and follow up on children's complaints. These include juvenile justice courts; outreach units of the Directorate-General for the Family and the Directorate-General for Protection of Widows and Orphans; the Youth Protection Service of the Ministry of Justice; vice squads set up at police stations; the social service established in prisons; and the watchdog committees established to track down child victims of trafficking.²⁹

²⁹ See the handbook of procedures to care for victims of child trafficking.

122. In addition, two law offices have signed agreements with the Government under which they provide a pro bono defence for widows and orphans who have been dispossessed or who have been victims of other harmful practices.

(f) To train systematically the police forces, prison staff and the judiciary on the human rights of children.

123. 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. 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.

V. Family environment and alternative care

Parental responsibilities

The Committee recommends that the State party:

(a) Take all necessary measures to provide assistance to single parent families headed by women in order to support them in bringing up their children, in light of article 18 (2) of the Convention;

124. As a first step, the State sought to understand the root causes of certain forms of violence and of phenomena, such as street children. In that connection, the study carried out in 2010 on all forms of violence against children revealed that 26 per cent of children lived only with their mothers, thereby demonstrating the existence of female-headed single-parent households. In response to this situation, and long before the study findings were made public, the State had set up social protection for such families through a series of measures, namely: an annual allowance from the Ministry responsible for family affairs of between 50,000 and 100,000 CFA francs for economically disadvantaged, young unmarried mothers; the establishment of 18 day-care centres for the children of young unmarried mothers in urban areas to allow them to continue normally with their schooling; and the establishment of 15 community preschools in urban and rural areas for vulnerable children, including those from single-parent households.

125. Order No. 0022/PR/2007 of 21 August 2007 on the compulsory health insurance and social security scheme, together with Order No. 0023/PR/2007 of 21 August 2007 on the family benefits scheme for economically disadvantaged Gabonese, provides for assistance for female heads of household.

(b) Undertake an in-depth and comprehensive study on the impact of polygamy with a view to finding out whether polygamy has negative consequences on the upbringing and development of the child and, on the basis of the results of this study, develop measures to address any negative impacts on the realization of the rights of the child within the family;

126. To date, no in-depth, comprehensive study has been conducted in Gabon on the effects of polygamy to determine whether it adversely affects the upbringing and

development of children. However, a study on violence against children and a presentation on the advantages and disadvantages of polygamous marriage have clearly demonstrated that such unions have deleterious effects on children's upbringing and development.

127. According to the presentation on the advantages and disadvantages of polygamous marriages, which was given by Ms. Honorine Félicitée Nzet Biteghe³⁰ at a seminar held by the National Centre for Women's Organizations in Gabon in Libreville on 28 and 29 April 2010, the deleterious effects of this type of union include antagonistic relationships between the children. According to Ms. Nzet Biteghe, some women turn the children into rivals, forgetting that they share the same father. Such pernicious rearing leaves the children with no respect for their father and even less consideration for the co-wives. Thus, polygamous marriage severely erodes the family unit.

Recovery of maintenance

The Committee recommends that the State party:

- (a) **Make widely known the provisions of domestic legislation concerning maintenance allowance, especially to mothers who are illiterate, and support them if necessary in understanding legal actions;**

128. Social centres and family court judges raise public awareness of the need to pay maintenance allowance and apply section VII, article 481, paragraph 3, of the Civil Code on the obligation to pay maintenance, which stipulates that: "legal or biological fathers and mothers have a duty to pay maintenance for their children. This obligation includes the coverage of children born as a result of adultery or incest." The outreach units received 172 maintenance cases between 2008 and 2010, while the Youth Protection Service received 1,562 cases between 2008 and 2011. From February 2011 to July 2012, the Maternal and Child Health Service in La Peyrie received 47 alimony cases. The family court recorded 45 alimony cases between October 2011 and January 2012. These figures, though not exhaustive, show that mothers are increasingly aware of their right to receive maintenance.

- (b) **Ensure that professional groups dealing with this issue are adequately trained and courts are stricter regarding the recovery of allowances from solvent parents who refuse to pay;**

129. Professionals working for social services (social workers and specialized teachers) are trained in child protection in general.

130. There is no problem regarding the payment of maintenance in the case of public servants because there are provisions for payroll departments to deduct maintenance from salaries. However, there are still problems when it comes to the payment of maintenance by fathers who have no income or no income security, and who thus cannot adequately support a child.

131. In such cases, judges and social workers operate on the basis of article 484, paragraph 2, of the Civil Code, which establishes that the amount of the maintenance is determined based on the needs of the person claiming it and the resources of the person owing it.

132. Self-employed persons or persons who set their own salary raise another kind of concern, as it is difficult to apply article 484, paragraph 2, to them. In such cases, judges

³⁰ Ms. Honorine Félicitée Nzet Biteghe is a national human rights consultant who became Minister of Family and Social Affairs in February 2012.

and social workers must therefore set the amount of the maintenance on the basis of a presumed amount.

133. Lastly, article 481 of the Civil Code states that persons are entitled to legal aid for the enforcement of the judgement.

- (c) **Take necessary measures to ensure as much as possible the maintenance of children born out of wedlock and children of single parent families by their parents, particularly their fathers.**

134. The relevant departments strive to enforce the Civil Code, especially article 494, which stipulates that legal or biological fathers and mothers are required to care for and raise their children until they reach the age of majority or are emancipated through marriage. With the help of village and neighbourhood leaders, such departments bring proceedings against parents for infringing article 481, paragraph 6, which sets out that the mother of a child born out of wedlock or, in her absence, the person who is effectively responsible for the child, may take action against the alleged father if he fails to fulfil his obligation to pay maintenance in order to obtain an order for him to assist with the care and upbringing of the child.

Children deprived of a family environment

The Committee recommends that the State party:

- (a) **Urgently adopt a programme to strengthen and increase alternative care opportunities for children including, inter alia, the introduction of effective legislation, the reinforcement of existing structures like the extended family, the improved training of staff and the allocation of increased resources to relevant bodies;**

135. In order to ensure the alternative care of children, the State has put in place effective laws, which provide as follows:

- In the event of the death of one of the parents, the surviving parent maintains custody (art. 527 of the Civil Code);
- In the event of the imprisonment of the parents, the court orders social services to provide custody of the child if the child is not taken in by relatives;
- In the event of divorce, the Youth Protection Service determines which of the parents can ensure the best conditions for the child (art. 273, para. 4, of the Civil Code).

136. The law provides the same degree of protection to the children of parents in unmarried cohabitation as it does to the children of lawfully married couples. As a rule, in the absence of parents, the law encourages reliance on family solidarity.

137. Guardianship and adoption are also types of alternative care for children deprived of a family environment. Article 1, paragraph 14, of the preface of the Constitution places children under the special protection of the State.

138. Article 527 of the Civil Code provides for the guardianship of abandoned children and orphans, while article 445, paragraphs 3 and 4, provide for adoption. Article 56 of the Criminal Code deals with the care of children in conflict with the law.

139. The law provides for two types of adoption: simple adoptions, where the connection with the family is not terminated, and full adoption, which terminates the connection with the family. Conditions for adoption criteria include age, marital status, morals and means of subsistence.

140. Regarding the strengthening of existing structures, such as those provided by the extended family, the State has established:

- The Centre for Children in Difficult Circumstances in Agondjé³¹ is a halfway house that ensures the comprehensive care of children in difficult circumstances aged 0 to 12. It can accommodate 60–80 children and has a staff of 55 social workers.³² Its role is not only to take in, house, feed, reassure, protect, care and educate the children, but also to find solutions to their psychological and social problems. The Centre's budget gradually declined between 2009 and 2012, after reaching a peak in 2008.

Table 16

Budget of the Agondjé Centre for Children in Difficult Circumstances, 2007–2012

(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.

- The Youth Protection Service (specialized social assistance service of the Ministry of Justice), whose mission is to implement any public action 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. Its objective is to prevent and combat social problems affecting children, such as ill-treatment, abandonment, the risk of delinquency, school drop-out, early pregnancy, sexual abuse, sexually transmitted diseases and HIV/AIDS, and to assist children in detention. 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 already vulnerable upon admission to the Centre.

Table 17

Budget of the Youth Protection Service, 2007–2012

(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.

- A service providing for the non-institutional supervision of minors, known as AEMO, whose mission is to provide psychosocial care and education to children falling under its mandate with a view to re-educating, rehabilitating and reintegrating them in their family, school and the work environment as a means of fighting marginalization and poverty. The service also provides psychosocial

³¹ The Centre for Children in Difficult Circumstances in Agondjé is attached to the Ministry of Family and Social Affairs.

³² 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.

support at the Libreville court during proceedings involving children in conflict with the law.³³ The service's preventive and restorative work is focused primarily on street children, children in detention and children failing in school. Its staff includes more than 30 professionals, but it lacks the logistical and material resources to carry out its mandate.³⁴ In 2010, the service received a grant of 36,000,000 CFA francs for its operation.

- Focal Point for Preventing and Combating Child Labour³⁵ (Programme against Trafficking in Children), whose mission 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 18

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 monitoring committee of the Interministerial Commission to Combat Child Trafficking,³⁶ whose mandate is to prevent and combat all forms of trafficking or exploitation of children in Gabon. In other words, its role is to coordinate the formulation and implementation of the strategy to combat trafficking in children and to carry out projects and activities in this domain. Of the 700 child victims of trafficking detected between 2004 and 2011, 80 per cent were repatriated to their countries of origin and 14 per cent were integrated in Gabon, either with relatives, host families or independently.

Table 19

Budget of the monitoring committee of the Interministerial Commission to Combat Child Trafficking, 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.

141. Thus, with the exception of the high point reached in 2008, the budget of government (or public) agencies addressing the problems of vulnerable children or providing care for them saw peaks and troughs between 2007 and 2012.

³³ Ibid., p. 61.

³⁴ Ibid., p. 61.

³⁵ Also known as the Programme against Trafficking in Children, this body is under the aegis of the Ministry of Social Affairs.

³⁶ Established on 8 August 2000, the monitoring committee of the Interministerial Commission to Combat Child Trafficking is attached to the Ministry of Labour.

Table 20

Budget of government agencies providing care for vulnerable children, 2007–2012

(CFA francs)

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

Source: Finance Acts, 2007–2012.**(b) Systematize the hearing of the views of the child concerning his/her placement;**

142. Under article 1, paragraph 14, and article 252 ff., of the Constitution, and also under the Civil Code, the family is protected as the foundation of society and the best setting for the development of the child.

143. The child's right to be heard regarding his or her placement is guaranteed under article 1, paragraph 2, of the Constitution on freedom of conscience, freedom of opinion, freedom of expression and freedom of communication. It is also protected under the provisions on marriage contained in articles 205 to 212 of the Civil Code and Criminal Code provisions on the protection of children's views in the context of trials.

144. In practice, in cases of abuse or imprisonment or when deciding which parent will be granted custody after a separation, the courts request the Youth Protection Service to meet with children to elicit their views.

145. The right of child offenders to an opinion during the social reintegration phase is governed by Act No. 39/2010 on the protection of imprisoned children, while the right of child victims of trafficking and exploitation to an opinion is protected under Act No. 09/2004. In accordance with the handbook of procedures to care for victims of child trafficking, professionals should take into account the best interests and opinion of the child in the context of family reintegration both in the country of origin and in Gabon. However, the entire issue still has to be addressed when the placement of children in alternative care in their best interest has to be reconciled with the economic needs of their foster families.

146. Social service staff also take children's views into consideration in the course of their work. For example, in cases of abuse reported by teachers who notice troubling signs in a child (bruises, injuries or a change in behaviour), the child is first treated, and subsequently interviewed. If placement is deemed necessary in the best interests of the child, the parents are then notified. Some children do not wish to be separated from their families and find excuses for the parents' abuse, saying for instance that they are to blame for the beatings. In such cases, it is explained that the placement is temporary, that the parents can always come to visit and that the placement is in fact necessary.

(d) Review and, if necessary, change its legislation on adoption in order to guarantee that the best interests of the child are fully taken into account as well as other relevant articles of the Convention;

147. The standards for the management of children's outreach centres include several legal, psychological, religious and cultural aspects in a comprehensive process for reintegration in a family. The professionals who place children in alternative care base their decisions on a vulnerability scale that determines, prior to placement, which areas of the child's life are affected (education, means, health, psychology and protection).

(e) Ratify the Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption adopted in 1993 at The Hague;

148. Gabon has yet to ratify the Hague Convention. However, the recommendations issued following the review of the legislative framework currently under way will no doubt help the Government decide to ratify.

(f) Seek assistance from UNICEF in this regard.

149. Gabon and UNICEF are cooperating on the issue of children deprived of a family environment as part of efforts to strengthen the child protection system, in which the legal and institutional framework and the availability of social services come together for the best interests of the child. In that connection, the Government, in line with General Assembly resolution 64/142 on street children and children deprived of a family environment, gives preference to family reintegration or unification over adoption or long-term institutional placement. Accordingly, in 2009, 65 social workers at children's outreach centres were trained in how to conduct family mediation and home visits.

Protection against abuse and neglect

The Committee recommends that the State party:

(a) Undertake a study on violence, including sexual violence, against children within the family, at schools and in other institutions in order to assess the scope, nature and causes of these practices with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;

150. In 2010, the Government approved the report of a study conducted in 2009 on violence against children in Gabon. In 2011, the National Observatory for Children's Rights (ONDE) presented the main findings of the study, according to which 77.7 per cent of children suffer physical violence either in the home (40.6 per cent), the community (32.4 per cent), school (12.9 per cent), the legal system (1.4 per cent) or centres for troubled children (0.2 per cent). The causes of the violence are social and psychological (64.6 per cent), economic (5.2 per cent), cultural (9.4 per cent) and political (1.1 per cent).

151. The findings spurred the Government and civil society, through the National Observatory for Children's Rights, to develop an action plan, the initial activities of which included: dissemination of the findings via a press conference; advocacy for the inclusion of awareness-raising efforts in the budget starting in 2012; the drafting and enactment of a law on child protection indicators in order to better monitor the most frequent forms of violence encountered in Gabon; and the adoption of a Ministry of Education order banning corporal punishment in schools.

(b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;

152. The Ministry of Education has taken steps, including the adoption of the order, to ban corporal punishment in schools. A survey of 1,124 children conducted in five provinces in 2010 provided some heartening information, as just 12.9 per cent of respondents identified school as a place where they suffered violence. However, no specific law on domestic violence has been adopted.

- (c) **Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators with due regard given to guaranteeing the right to privacy of the child;**

153. To counter the abuse suffered by some children, articles 230 to 235 of the Criminal Code provide for strict penalties to restore order and protect children from such types of punishment. The sentences range from 2 months' to life imprisonment, in combination with fines.

- (d) **Provide services for the physical and psychological recovery and social reintegration of the victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;**

154. Gabon has set up many services to meet this recommendation. Clinical psychology services have been introduced in outpatient care centres, where psychologists provide assistance to victims of sexual abuse, among others. Patients receive counselling and undergo medical tests and psychosocial or medical treatment. In addition, in Libreville and Owendo, UNICEF and Tullow Oil have built three information, outreach and advice centres (CIEC) for young people addressing issues related to sexuality, sexually transmitted diseases and HIV/AIDS. Clinical psychology services for victims of gender-based or sexual violence are also provided at halfway houses for troubled children. Lastly, all secondary schools have a social services department responsible for identifying child victims of sexual abuse and providing them with counselling, guidance, psychosocial care and legal assistance.

155. The vice squads and juvenile protection units of the investigative police have become highly specialized in dealing with this type of violation of the rights of the child and have established a useful database. The Ministry of Family and the Mbandja Centre of the Sylvia Bongo Ondimba Foundation run counselling units whose staff also handle this sort of case.

156. Nevertheless, in the light of article 39 of the Convention and the report issued in 2011 on the situation of orphans and vulnerable children in Gabon, the Government acknowledges that services are lacking in 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 integrated into families every month from the four outreach centres attached to the Ministry responsible for family affairs. In order to offset this shortfall, the Government is working to train and recruit 200 social workers in 2013.

- (e) **Take into consideration the recommendations of the Committee adopted on its days of general discussion on children and violence (CRC/C/100, para. 688 and CRC/C/111, paras. 701–745);**

157. The Government's response was to carry out a study of all the forms of violence in Gabon through which a classification of violence against children was established. The recommendations of the Committee on the Rights of the Child continue to be implemented through government programmes, with the multifaceted support of United Nations agencies, including UNICEF and the United Nations Population Fund (UNFPA).

- (f) **Seek technical assistance from, among others, UNICEF and the World Health Organization (WHO).**

158. In 2009, the Government, in collaboration with UNICEF, carried out a study on violence against children with a view to providing decision makers with specific scientific data on how the issue manifests itself around the country. However, much remains to be done in terms of developing procedures for post-trauma care, building the capacities of health-care providers and training law enforcement officers in criminological techniques. For example, it would be advisable to have at least one forensic medical examiner in each province to conduct tests and issue medical certificates for the purpose of bringing to justice child rapists.

VI. Basic health and welfare

The Committee recommends that the State party:

- (a) **Reinforce its efforts to allocate appropriate resources and develop and implement comprehensive policies and programmes to improve the health situation of children, particularly in rural areas;**

Allocation of resources³⁷

159. In nominal terms, the budget allocated to the health sector increased by approximately 60 per cent between 2005 and 2009, rising from 50,336 billion to 74,262 billion CFA francs. In addition, since 2006, a separate budget has been set aside for fighting HIV/AIDS, in keeping with the State's relevant commitments. However, while the increase in resources is an important step forward, it apparently has not been very effective.

160. The share of the health budget (which since 2006 has included allocations to the ministry responsible for combating HIV/AIDS) in relation to the total budget declined in the 2008 and 2009 fiscal years.

161. Funding for health care, which amounts to about 5 per cent of the country's overall budget,³⁸ should account for 15 per cent of the total budget pursuant to the recommendations of the World Health Organization (WHO) and those made by the heads of State of the African Union at a meeting held in Abuja in 2001. In reality, much more is needed: in order to reach the Millennium Development Goals, the health sector should receive 20 per cent of total budget allocations.³⁹ The State has, however, set up an alternative payment mechanism to make medical care for children more affordable: the health insurance scheme of the National Social Security Fund covers private sector workers (nearly 16 per cent of the population), and there is also the National Health Insurance and Social Protection Fund. Mutual health schemes and the Bamako Initiative provide other channels of funding.

162. The Council of Ministers on 10 March 2011 noted that 83,000 people had been affiliated (primary beneficiaries and dependents). The statistics indicate that nationwide, 390,000 economically disadvantaged individuals have been identified and are now insured, with coverage extending to them and their dependents.

³⁷ For this part of the recommendation, please refer to tables 11 and 12.

³⁸ In practice, though, problems with budget disbursements further reduce this figure (Gabon, *Document de politique nationale de protection sociale* (Paper on the national social protection policy), 2012, p. 7).

³⁹ Gabon-UNICEF, *Analyse du budget consacré à l'enfance en République gabonaise* (Analysis of the budget allocated to children's affairs in the Republic of Gabon), not dated, p. 60.

163. The National Health Insurance and Social Protection Fund covers at least 80 per cent of medical bills, based on a list of approved medications and statutory rates. Pregnant women receive 100 per cent coverage up to the statutory maximum.⁴⁰

164. Regarding the provision of health services, agreements have been signed with nearly 40 public and private hospitals and health centres as well as with some 30 pharmacies and dispensaries across the country.

165. A national training workshop on national health accounts was held in Libreville from 19 to 23 March 2012 for senior officials from inter alia the Ministry of Health, the Ministry of the Economy and the Ministry of Defence. The goal was to teach them the basics for developing the country's national health accounts as a decision-making tool to assess total spending on health care and medical equipment on an annual basis. The health accounts will verify not only whether spending corresponds to budget allocations, but also whether the budget items are in line with the health-care priorities set forth in the 2010 national health policy.

166. There are not enough health-care professionals, their knowledge is inadequate and they are disproportionately located in urban rather than rural areas. The problem is worse among specialists and midwives (60 per cent according to the 2005 Gabonese Poverty Assessment and Monitoring Survey). In 2008, 3 out of 45 outlying health districts had a surgeon able to perform caesareans (2008 Health Map).

Policies and programmes

167. The Government, with the support of WHO and UNICEF, has launched a vast awareness-raising campaign on health, child mortality and maternal mortality, which has led to the establishment of a number of programmes, including, in 2004, the integrated management of childhood illness (IMCI) programme. This programme promotes exclusive breastfeeding, child nutrition, childhood vaccination, the use of iodized salt in food and good hygiene, to prevent diarrhoea.

168. Initially, the IMCI programme was rolled out in Owendo and Libreville, where 60 per cent of health-care professionals received training in how to implement the new management programme. The programme's national coverage remains low in clinics: health-care professionals at 4 out of 10 health regions (Libreville-Owendo, Centre Moyen Ogooué, Centre Est Ogooué-Lolo and Centre Sud/Ngounié) have received training in clinic-based implementation of the programme. Community-based implementation is still under study. A pool of instructors is available.

169. The authorities' antimalarial strategy is to focus on prevention and the treatment of cases. Throughout the country, treated mosquito nets are thus distributed free of charge to pregnant women and priority is given to providing such nets for children under 5.

170. The strategy stems from the country's endorsement of the Roll Back Malaria initiative and the objectives adopted in Abuja in 2004 to ensure universal access for pregnant women and children under 5 to antimalarial measures. The objectives for 2011 in respect of children were:

- At least 80 per cent of children should use insecticide-treated mosquito nets with long-term effectiveness to prevent and combat malaria;
- At least 80 per cent of children under 5 should receive appropriate treatment within 24 hours of a malaria episode.

⁴⁰ Gabon, *Document de politique nationale de protection sociale* (Paper on the national social protection policy), 2012, p. 11.

171. In order to address the fact that nearly 64 per cent of pregnant women are affected by malaria, the Government runs instructor training workshops on strategies to prevent malaria during pregnancy. In 2006, the approach selected for these workshops was intermittent preventive treatment in pregnancy, in keeping with WHO recommendations.

172. The current policies and programmes are proving effective. Data gathered by the National Anti-Malaria Programme between 2001 and 2009 showed significant progress, such as a drop in the hospitalization rate of children under 5, from 84 per cent in 2001 to 42 per cent in 2009. The mortality rate from the disease also fell from 3 to 0.8 per cent between 2005 and 2009.

173. In addition, in order to reduce the negative effects of intestinal parasitosis, the Government introduced deworming for children aged 6 to 12 in the 2007 comprehensive health campaign. Given the high cost of such efforts, strengthening healthy habits such as hand washing and good hygiene at home and at school and the use of safe drinking water and food is a better option.

- (b) **Facilitate greater access to primary health services; reduce the incidence of maternal, child and infant mortality; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; and promote proper breastfeeding practices;**

Access to primary health services

174. The vision behind President Ali Bongo Ondimba's national health policy is to establish, by 2020, a coherent and efficient health-care system that places the individual at the heart of universally accessible services and that relies on a primary health-care strategy.

175. To this end, the Government adopted the National Health Policy in 2010 and the National Health Development Plan in 2011. The new Plan for 2011–2015 demonstrates the Government's determination to step up the essential work required to enable the country not only to achieve the Millennium Development Goals, but also to respond effectively to other major health issues and various epidemics.

Reduction of maternal and child mortality

176. Gabon has been associated with all international initiatives to reduce maternal and neonatal mortality.⁴¹ To put its commitments into practice, the Government has inter alia conducted awareness-raising and capacity-building activities.

177. The Government, in partnership with UNFPA and the Gabonese Family Welfare Movement, organized a workshop to raise awareness about the Maputo Plan of Action⁴² on sexual and reproductive health and rights in May 2011 in Libreville. The objectives of the workshop included taking stock of the implementation status of the Maputo Plan of Action in Gabon, raising awareness among stakeholders of the issues involved therein, putting in place monitoring and supervisory mechanisms and identifying stakeholders' roles and responsibilities.

178. Progress has been made in the policies and laws for the implementation of the Plan. Particularly noteworthy is the 2008 national road map to reduce maternal morbidity and

⁴¹ 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. 20.

⁴² The Maputo Plan of Action is an operational plan designed to guide African countries, including Gabon, towards universal access to comprehensive sexual and reproductive health services. It was put in place to accelerate the achievement of the Millennium Development Goals with regard to mothers and children.

mortality, the 2006 plan to ensure safe reproductive health products, Order No. 001/95 on a national health policy framework and Act No. 12/95, ratifying Order No. 001/95.

179. However, there is still a need to define a clear national strategy to facilitate access to reproductive health services. Overall, this effort to harmonize national intervention strategies for universal access to sexual and reproductive health care should enable more people to enjoy access to comprehensive services in this area by the year 2015.

180. In December 2005, the health-care professionals in Port-Gentil received training aimed at reducing maternal mortality. Held under the Government's reproductive health services project, with the support of UNFPA, the seminar was aimed at increasing health-care workers' knowledge of family planning.

181. As part of the health sector support project, the Government held a training workshop in Libreville on 20 May 2010 on the mother and child health monitoring and evaluation handbook. Set up to ensure that information was available to manage the activities of health system actors effectively, the goal of the workshop was to submit the monitoring and evaluation plan for endorsement. Among the Government's health priorities is the improvement of maternal and child health, which is why it has made the commitment to implement the road map to reduce maternal, neonatal and infant mortality.

182. The efforts made by the Government, with the support of its partners, to reduce the high rates of infant morbidity and mortality are focused on vaccination, malaria control, nutrition, vitamin A supplements for children aged 6 to 59 months, promotion of the use of iodized salt, breastfeeding, integrated management of childhood diseases and primary health services, hygiene, access to safe drinking water and the deworming of children aged 12 to 59 months.

183. With a view to meeting its commitment to reduce maternal and neonatal mortality by two thirds by 2015, the Government has also taken the following steps to improve maternal and child health:

- A project to raise awareness of the community health centres in Owendo, as a joint initiative of the Government, the Owendo municipal authorities, the Canadian embassy and UNICEF;
- Organization for the first time of "Days to fight maternal and neonatal mortality in Gabon", in September 2010, with the aim of improving patient care.

Prevention of and struggle against malnutrition

184. Child nutrition in Gabon was recently evaluated as part of the second Demographic and Health Survey. The information currently available is based on data from the 2000 and 2012 national demographic and health surveys, which found the following indications of problems with child nutrition: low birth weight (affecting 14 per cent), cases of chronic malnutrition (21 per cent, of which 7 per cent are severe), slight underweight (12 per cent, of which 2 per cent are chronic) and micronutrient deficiencies, particularly for iodine and vitamin A. The departments responsible for addressing child nutrition issues are neglected, as they are not covered in the National Health Development Plan or the Growth and Poverty Reduction Strategy Paper.

185. Although a nutrition and health education centre has been established, it is unable to fulfil its mandate because of insufficient funding. As a result, its main activities now consist in providing guidance on child nutrition, nutrition classes and rehabilitation for malnourished children, which are all activities routinely carried out in health centres. Such problems only make infant morbidity and mortality worse.

186. The following measures have been taken with regard to iodized salt:

- Adoption in 2004 of a decree on the importation, sale and distribution of iodized salt;
- A moratorium on the sale of iodized salt.

187. In March 2011, the Government chose to remove natural salt from the market (ban on the marketing of natural salt) and replace it with iodized salt. The enforcement of such measures had already led to a greater number of households using iodized salt in 2009.

Promotion of breastfeeding

188. Gabon remains among the countries whose performance in respect of child nutrition practices, policies and programmes is not up to standard. A study conducted between 2005 and 2007 on essential community practices found that the exclusive breastfeeding rate was 37.7 per cent. It still remains, in any case, low.

189. The Gabon Association for the Promotion of Breastfeeding, which is a member of the International Baby Food Action Network, thus held a feedback workshop on the World Breastfeeding Trends Initiative (WBTI) at the National Nutrition Centre in Libreville on 18 November 2010.

190. The main goal of the workshop was not only to build the participants' capacity through the assessment tool for national implementation of the Global Strategy for Infant and Young Child Feeding, but also to raise awareness with a view to the ratification of the Maternity Protection Convention, 2000 (No. 183) of the International Labour Organization (ILO). This Convention establishes minimum protection standards for all pregnant employees and addresses issues related to social protection, maternity leave, employment benefits, non-discrimination and difficulties encountered by breastfeeding mothers.

191. The Government has officially adopted a national infant and child feeding policy, which promotes exclusive breastfeeding for the first six months and continued breastfeeding up to and beyond age 2. It has also established a National Committee on Breastfeeding to advocate for the breastfeeding of infants and young children.

(c) Develop high-quality and affordable health care in light of the Bamako Initiative;

192. The effect of the Bamako Initiative is still weak in outlying areas. The Initiative has not been systematically implemented as part of a national plan for the promotion of primary health care. There have nonetheless been some positive experiences with some partners helping refurbish clinics and medical centres, providing essential medicines and assisting with cost-sharing through community funding (for example, at the Bongolo and Schweitzer hospitals).⁴³

(d) Take the necessary measures to deal with emergency situations, including to combat epidemics of diseases such as the Ebola virus;

193. In response to this recommendation, the Government has set up a surveillance and response system for potentially endemic diseases; it is headed by the Epidemiology and Endemic Diseases Control Institute. Epidemiological units have been established at airports and border crossings. These measures make it possible not only to detect early warnings of an epidemic, but also to respond more rapidly to them.

194. Regarding Ebola haemorrhagic fever, the following recommendations have been issued:

⁴³ Gabon, *Guide national sur les soins de santé primaire au Gabon* (National guide on primary health care in Gabon), p. 8.

- Immediately notify the competent authorities of the particulars of the case;
- Isolate the suspected case from other patients and take strict precautionary measures;
- Take samples;
- Strengthen standard precautions in the entire medical facility;
- Treat and manage the patients by providing comfort care;
- Monitor those who have come into contact with the patient and actively seek out for other cases.

(e) Pursue additional avenues for cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.

195. In 2009 and 2011, the United Nations Office for the Coordination of Humanitarian Affairs and experts in emergency situations from the regional office of UNICEF ran workshops to train 50 officials to act as focal points for humanitarian emergencies. The country thus now has a map of emergency situation responders and a directorate-general dealing with natural disasters.

196. Gabon receives the support of several multilateral and bilateral partners, namely the African Development Bank, the Office of the United Nations High Commissioner for Refugees (UNHCR), WHO, UNICEF, UNFPA, the World Bank, the United States of America, Canada, Italy, Spain and France. The leaders and facilitators of this partnership network are the African Development Bank, WHO and France.⁴⁴

197. The multilateral partners, especially those of the United Nations system (WHO, UNICEF, UNFPA), the European Union and the World Bank, provide multifaceted support (technical, material and financial) for the survival of children in Gabon in the context of their specific mandates. At the technical level, they provide expertise to help the Government formulate policies and strategies to combat disease as well as support for capacity-building, implementation, monitoring and evaluation. They support the country's efforts to mobilize resources, including by ensuring eligibility for grants from the Global Fund to Fight AIDS, Tuberculosis and Malaria for initiatives relating to HIV/AIDS and malaria, and also facilitate strategic partnerships with other actors (for example in joint UNICEF-Total Gabon health projects in Libreville, Owendo, Port-Gentil and Lambarené).

198. The development partners also do advocacy work with decision makers to encourage the allocation of sufficient resources to ensure the survival of children.

199. According to the 2008 United Nations Development Assistance Framework (UNDAF) report,⁴⁵ United Nations system partners had committed US\$ 2,831,000 to combat maternal and infant mortality over the period 2007–2011.

200. The expected outcome referred to in the report cites improved access of women of child-bearing age and children under 5 to good quality health care by 2011.

201. In 2008, the United Nations system focused on supporting two things: the broad outlines of national strategies such as the road map and the child survival plan.

202. In October 2010, in order to better combat maternal and infant mortality, UNFPA provided the Gabonese Midwives Association with medical equipment, primarily for the provision of prenatal care.

⁴⁴ Gabon-European Community cooperation, *Rapport d'étude préparatoire à la programmation du 10e FED* (Report of the preliminary study on the agenda for the 10th European Development Fund), 2006, p. 41.

⁴⁵ The UNDAF report provides a framework for coordination among United Nations agencies.

203. In 2004, WHO and UNICEF lent their support for the training of workers to raise awareness of the benefits of iodized salt.

204. Gabon receives technical and financial support for anti-malaria efforts from WHO, UNICEF and funding from the Global Fund. Treated mosquito nets and anti-malarials, purchased with Global Fund financing, are provided free of charge to children under 5.

205. Private-sector partners provide two types of support: funding for health-care facilities serving their staffs, which admit their employees' children and those living in their catchment area, and donations to public health campaigns, including a large-scale campaign conducted in 2007 involving the distribution of insecticide-treated mosquito nets, vaccination against measles and the administration of vitamin A and the national vaccination day for the eradication of poliomyelitis. They also fund strategic partnership projects, either on a one-off basis or in projects targeting clearly defined areas. A strategic partnership with two corporations, Total Gabon and Shell Gabon, has been forged through specific projects.

206. Regarding civil society, the Sylvia Bongo Ondimba Foundation has adopted a comprehensive maternal health policy on the premise that improving the health of women, as the mainstay of the family, benefits children and communities. Accordingly, the Foundation has launched a programme under the title "Tous unis pour la santé de la mère et de l'enfant" (United for maternal and child health), which includes a range of actions to reduce maternal, neonatal, infant and child mortality.

Vaccination

The Committee recommends that the State party continue and strengthen its efforts, including the provision of financial resources, to extend the vaccination coverage to all parts of the country.

207. In order to reduce infant mortality by two thirds between 1990 and 2015, the Government has taken the following steps in respect of vaccination:

- The establishment in August 2004 of a technical commission responsible for carrying out vaccination efforts nationwide, in support of the Expanded Programme on Immunization and the inter-agency coordination committee;
- The complete funding of the supply of vaccines administered in Gabon, through the UNICEF Supply Division in Copenhagen;
- The adoption in 2005 of "Atteindre chaque district"⁴⁶ (Reach all districts), a strategy to achieve 90 per cent vaccination coverage by 2011 for the final dose of diphtheria-pertussis-tetanus vaccine (DPT3);
- The implementation in 2006 of an emergency plan under the Expanded Programme on Immunization, the primary goal of which was the vaccination of children under 5 against tuberculosis, diphtheria, tetanus, pertussis, poliomyelitis and measles;
- The expansion of the number of antigens, as the DPT vaccine has been replaced with Pentavalent since April 2010. The budget allocated to ensuring vaccine independence has risen from 500 million to 708 million CFA francs. By August 2012, coverage with Pentavalent 3 had reached 81 per cent.

⁴⁶ The objective of this approach to vaccination was to carry out so-called front-line strategies in neighbourhoods and communities by targeting each child in his or her living environment. The approach led to a rise in DPT3 vaccination coverage, from 33 per cent in 2004 to 82 per cent in 2008.

208. Vaccinations are provided free of charge to pregnant women and children under 5 through the Expanded Programme on Immunization. Vaccination of these children is carried out in public, semi-public and community health-care facilities. This is an example of a public health initiative involving parents, communities, local authorities, the health-care system and development and private-sector partners.

The Committee also recommends that the State party seek further assistance from, among others, WHO and UNICEF.

209. The Government has mobilized resources to ensure vaccine independence in terms of the purchase of vaccines. However, it receives the support of partners in its efforts to ensure universal vaccination coverage. The following noteworthy steps have been taken in this connection:

- The signing in October 2005 of a partnership agreement between the Government, UNICEF and Total Gabon to fund vaccination campaigns. The agreement *inter alia* provided for a budget of 217,515,200 CFA francs over two years;
- The development and funding of a multi-year plan for the period 2008–2009, with support from development partners (WHO and UNICEF) and a corporation (Total Gabon). The development partners provided support for vaccination campaigns, which raised coverage of children with the DPT3 vaccine to 82 per cent.

Adolescent health

The Committee recommends that the State party:

- (a) **Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes with particular attention to the prevention of STDs and early pregnancies, notably through new efforts to educate adolescents about contraception;**

210. Since 2010, the Government and NGOs, in particular through the AIDS Prevention Committee of the Ministry of Education and the Global Fund, have stepped up efforts to combat teenage pregnancy among girls aged 13 to 19, both enrolled and not enrolled in school. In that connection, the Government held an international conference on early pregnancy⁴⁷ in Libreville on 26 and 27 May 2010, the aim of which was to shape strategies to make children's rights protection and prevention mechanisms more effective and thereby better address the issue of early pregnancy.

211. Following the conference, an awareness-raising campaign on HIV/AIDS and sexually transmitted diseases and infections was conducted on the campus of Léon M'Ba Secondary School and at the Tropicana hotel to encourage young people to behave responsibly. A workshop took place on 28 and 29 October 2011 to raise awareness of HIV/AIDS, early pregnancy and literacy among troubled youths.

⁴⁷ Several topics were addressed during the conference, including culture, education and early pregnancy; international and national children's rights instruments; health and early pregnancy; and early pregnancy and its economic consequences.

- (b) **Strengthen mental health and adolescent-sensitive counselling services and make them accessible to adolescents.**

212. In addition to the AIDS Prevention Committee of the Ministry of Education, the Government, with the support of UNICEF, the Sylvia Bongo Ondimba Foundation and Tullow Oil, continues to set up information, outreach and advice centres for adolescents on issues related to HIV/AIDS and reproductive health.

213. All secondary schools and post-secondary establishments are now equipped with infirmaries that are headed either by doctors or senior nurses. Social workers cover almost all establishments, except those in the small administrative departments.

HIV/AIDS

The Committee recommends that the State party:

- (a) **Increase its efforts to prevent HIV/AIDS, taking into consideration the recommendations of the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);**

Policies and programmes

214. Regarding policies and programmes directed at young people, the Government is implementing a strategy to integrate HIV/AIDS in lower and upper secondary curricula. The AIDS Prevention Committee was established in the Ministry of Education for this purpose. After a slow start between 2008 and 2010, implementation of this strategy targeting young people, who are the group most vulnerable to HIV/AIDS, has picked up since 1 December 2010.

215. Regarding the Pygmy population, the Government maintains contact with the Movement of Indigenous and Pygmy Minorities in Gabon.

216. At the institutional level, the Government has set up Multisectoral Provincial Committees to Combat AIDS.⁴⁸ At the beginning of every year, the Government holds a meeting at which the Committees report on their activities during the previous year and determine or harmonize their workplans for the upcoming year. The Government allocates 13 million CFA francs annually to each Committee.

217. The 2012 action plan should focus on raising awareness in schools and among the security forces, hotel managers and truck drivers and on holding discussions with pregnant women, political and administrative authorities and local leaders.

218. The provincial coordinators of the multisectoral programme to combat AIDS are tasked with establishing AIDS information clubs in schools.

Prevention

219. Article 2 of Decree No. 001308/PR/MLSPVO of 28 December 2007 requires the managers of hotels, inns and all other types of accommodation to ensure that their customers have access to condoms at all times.

220. Prevention efforts are also carried out under the programme on mother-to-child transmission of HIV/AIDS. In 2011, 100 prenatal care facilities were equipped with a mother-to-child transmission unit. There were just three in 2001.

⁴⁸ The Committees are responsible for running activities in the country to reach the targets set in the 2008–2012 national strategic plan on AIDS.

221. In 2007, the results of this programme showed that the prevention message seemed to be getting through to the target audience and that women were agreeing to undergo screening. Some 78.6 per cent of infected women received treatment prior to giving birth and 62 per cent gave birth in a maternity ward. Furthermore, of 382 children born HIV-positive, 353, or 92.4 per cent, received treatment from birth.

222. The efforts undertaken as part of the prevention of mother-to-child transmission programme have yielded promising results. In 2011, of nearly 32,000 pregnant women attended to at prenatal care facilities, 29,000 agreed to undergo HIV/AIDS testing, although only 25,000 did so in the end, and 1,200 were diagnosed as HIV-positive. Moreover, 630 babies underwent early HIV testing, 8 per cent of whom were found to be infected. Lastly, the rate of new infections among young people has fallen and the number of persons receiving treatment has risen.

223. Thus, the prevention of mother-to-child transmission programme has led to considerable progress, even though much remains to be done, especially with regard to children born with HIV. According to Michel Sidibé, Executive Director of UNAIDS, the programme has achieved only 25 per cent coverage in Gabon.

224. Considerable efforts have been made with regard to training. Midwives, paediatricians and doctors have received training on how to care for HIV-positive women during both pregnancy and delivery. For example, a capacity-building workshop on the prevention of mother-to-child transmission programme was held in Libreville from 31 January to 5 February 2011 for midwives from the country's 10 health districts.

225. A number of recommendations have been made, including: posting psychologists to every health-care facility in order to better care for patients living with HIV/AIDS; providing all professionals in the areas of maternity care, maternal and infant health, paediatrics and obstetrics with training in HIV screening (quick test); extending free HIV screening to cover children born to HIV-positive mothers; making milk available in all outpatient care centres and health-care facilities in rural areas; and making reagents available in delivery rooms.

226. A workshop was held in Libreville from 2 to 3 February 2011 to support the operational communication plan for behavioural change, drawn up as part of the campaign against HIV/AIDS and sexually transmitted diseases. The aim was to bring about a drastic change in people's attitudes towards issues relating to HIV/AIDS screening and care, the prevention of mother-to-child transmission and the treatment of sexually transmitted diseases.

227. A survey carried out by the Government in 2009 found that the vast majority of the population, i.e., those living in the interior of the country, have trouble obtaining condoms, which could explain the 3.6 per cent HIV prevalence rate among 15 to 24-year-olds. In response, the Government held a practical workshop on 18 and 19 October 2011 to lay the groundwork for the development of a multi-year strategic action plan to promote the use of male and female condoms nationwide. The establishment of a comprehensive, countrywide programme promoting the use of condoms will not only significantly reduce the spread of HIV/AIDS and sexually transmitted diseases and infections, but also reduce the number of teenage pregnancies and clandestine abortions that cause families irreparable pain.

228. Primary prevention is the responsibility of the Ministry of Health (which has a programme to combat sexually transmitted diseases and HIV/AIDS). The Directorate-General for the Prevention of AIDS coordinates the efforts of those most involved in prevention, namely schools (90 per cent)⁴⁹ and the CIEC information, outreach and advice

⁴⁹ There are both classroom-based activities (information on HIV/AIDS and sexual and reproductive health) and extracurricular activities (AIDS information clubs) at schools.

centres set up in 2010. On 5 December 2012, the Directorate-General issued a progress report on the implementation of the UNICEF programme in Gabon. In the part devoted to HIV/AIDS prevention and promotion of sexual and reproductive health, the Directorate-General found that:

- For schools:
 - (a) Manuals⁵⁰ on teaching sexual and reproductive health were designed and published for preschool and primary school teachers and teachers of life and Earth sciences and civics, printed as follows:
 - 5,000 manuals for preschool and primary school teachers;
 - 1,000 manuals for life and Earth sciences teachers (secondary level);
 - 1,000 manuals for civics teachers (secondary level);
 - (b) 1,000 information and activity booklets for children and adolescents were distributed to AIDS information clubs;
 - (c) Peer educators have been trained and AIDS information clubs were set up at all secondary schools in the province of Nyanga;⁵¹
- For the CIEC information, outreach and advice centres:
 - (a) Three centres were established, in Owendo, the Léon M'Ba district and Léon M'Ba Secondary School;
 - (b) A programme of work for 2012 was drawn up for all three of these centres;
 - (c) The centres conducted community-level awareness-raising in their designated areas.

Table 21

Report on activities conducted by CIEC information, outreach and advice centres, as at 5 December 2012

<i>Centres</i>	<i>Activities</i>	<i>Outcomes</i>
Léon M'Ba	Awareness-raising at the centre	832 students aged 9 to 25
	Neighbourhood and school mobilization	129 persons screened, including
	Screening	78 students (1.55 % HIV-positive)
Owendo	Awareness-raising with pre- and post-test	541 children, including 362 at the primary and 179 at secondary level
Lumière	Awareness-raising in secondary schools	300 students from Berthe et Jean Secondary School
	Awareness-raising at churches and testing with the support of the programme to combat sexually transmitted diseases and HIV/AIDS	200 young participants, 150 tests conducted

Source: Gabon-UNICEF. Annual review, 4–5 December 2012. Programme component 2: Capacity-building for survival, development and protection.

⁵⁰ The distribution and use of these manuals, starting in the 2012/13 academic year, will strengthen the capacities of over 60 per cent of schools countrywide.

⁵¹ Strengthening the capacities of peer educators and increasing the involvement of teachers and school principals will help to make awareness-raising efforts more extensive.

229. The other main actor is the Ministry of Education and its anti-AIDS committees, i.e., the Ministry's AIDS Prevention Committee and the Committee of the Ministry of Higher Education and Scientific Research. Other ministries are also involved in multisectoral efforts to combat HIV/AIDS: the Ministry of Social Affairs, the Ministry of Communication, the Ministry of Defence, the Ministry of Labour, the Ministry of the Interior, the Ministry of the Budget, the Ministry of Mines and the Ministry of Justice.

230. Between 2001 and 2006, the AIDS Prevention Committee of the Ministry of Education held two workshops on the introduction of sexual and reproductive health in the curricula of primary and secondary schools and teacher training institutes. This topic has been a part of life and Earth sciences and civics courses since 2002; a reference book on HIV and sexually transmitted infections and a teacher's guide on these issues have been published.⁵² A booklet entitled "What you need to know about HIV/AIDS and risk-free sex" was made available to schools on 11 May 2011.

231. New primary and secondary level curricula have been designed that incorporate information on sex and reproductive health, including HIV/AIDS prevention. Capacity-building efforts have been carried out for life and Earth sciences teachers, civics teachers (435) and student leaders (477 of a planned 2,800) in five of the country's nine provinces. Some 104 AIDS information clubs have been set up out of a planned 1,400. Training has also been given to 71 inspectors and guidance counsellors at the secondary level and 60 at the primary level, and to 35 career counsellors at the National Pedagogical Institute. Sexual and reproductive health education is now being taught at a proportion of the country's schools, and it is being expanded to others as more training seminars are conducted.

232. The Government, taking a participatory approach, announced on 1 December 2010 that it would step up awareness-raising in the provinces, at schools and among other target groups and take the lead in encouraging the competent authorities to increase resources allocated to combating the AIDS pandemic.

233. As part of the multisectoral programme to combat AIDS, between 12 and 14 March 2012 the Government carried out awareness-raising activities in Oyem among the owners of 103 beauty parlours, including 26 hair salons and 77 manicure and pedicure salons.

234. In keeping with its ongoing commitment to combat HIV/AIDS, the Government adopted the following prevention measures at the meeting of the Council of Ministers of 1 June 2011:

- A 150 per cent increase of the AIDS fund, from 1 billion to 2.5 billion CFA francs, for the purchase of antiretrovirals and HIV/AIDS prevention activities;
- Free prenatal and obstetric care for all pregnant women living with HIV/AIDS;
- Free HIV/AIDS tests, laboratory analyses and treatment of opportunistic infections, with the cost covered by the National Health Insurance and Social Protection Fund;
- Revitalization of AIDS Prevention Committees in each of the country's provinces and departments, under the supervision of the provincial governors;
- Intensification of HIV/AIDS awareness-raising campaigns for the overall population and target groups;
- Strengthening of the operational capacities of AIDS Prevention Committees in all institutions, ministries, local governments and private companies, which are required to include funding in their annual budget to combat the disease;

⁵² In November 2005, the AIDS Prevention Committee of the Ministry of Education distributed training and awareness-raising materials on sexually transmitted diseases and HIV/AIDS to the heads of primary and secondary school districts.

- Stepping up of the national response through the inclusion of a module on HIV/AIDS prevention and sexual and reproductive health in the training curricula for teachers and instructors so that they may, in turn, apply the HIV/AIDS training curricula;
- Revitalization of AIDS information clubs and sexual and reproductive health education at all schools and universities;
- Introduction of a genuine social marketing strategy for condoms in order to make them accessible and available throughout the country, including in hotels and shops;
- Greater involvement of political leaders, public and private administrators, religious figures and heads of associations in raising public awareness of HIV/AIDS;
- The replacement of the Directorate-General for the Prevention of AIDS with the Directorate-General for Combating AIDS and sexually transmitted infections.

(b) Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;

235. The Government has established the Directorate-General for Protection of Widows and Orphans, which runs a counselling service that provides psychosocial care to orphans either infected with or affected by HIV after the death of a parent.

236. Some 3,000 copies of the Directorate-General's report on orphans and vulnerable children were printed to raise public awareness of the issues these children face. In addition, on 7 May 2012, six psychologists interviewed 65 orphans at five Libreville secondary schools to assess the extent of the difficulties they encountered. The Government and UNICEF have distributed 570 school kits to members of this vulnerable segment of the population.

(c) Involve children in formulating and implementing preventive policies and programmes;

237. One of the activities of the AIDS information clubs, which are made up of students, consists in conducting awareness campaigns to explain the dangers associated with HIV infection and to make young people at school conscious of the risks. Church-based youth groups, such as the Christian Youth Union, the Young Christian Students and the Young Christian Workers, are among the most active in raising awareness among their peers.

(d) Seek further technical assistance from, among others, UNAIDS.

238. Gabon receives multifaceted support from multilateral partners (United Nations agencies, the International Monetary Fund (IMF) and the World Bank), bilateral sources (France, Japan) and partners in civil society. France and UNESCO are the leaders and facilitators of this system of partnerships.⁵³ However, since Gabon is an upper-middle-income country, technical and financial partners (UNFPA, WHO, UNICEF, UNAIDS) typically provide limited funding that is primarily earmarked for capacity-building.

239. The support provided by the United Nations agencies is coordinated under the United Nations Development Assistance Framework, in which combating HIV is a key element. The various rules and training in the prevention of mother-to-child transmission

⁵³ Gabon-European Community cooperation, *Rapport d'étude préparatoire à la programmation du 10e FED* (Report of the preliminary study on the agenda for the 10th European Development Fund), 2006, p. 41.

have been implemented through the support of UNICEF, and UNFPA has made possible the establishment of six centres that provide sexual and reproductive health counselling.

240. In 2003, UNICEF analysed the situation of orphans and children made vulnerable by HIV/AIDS. In 2011, UNICEF also provided multifaceted support to the Government in carrying out a study on the situation of orphans and other vulnerable children in Gabon.

241. Regarding the diagnosis and surveillance of the disease, a reference laboratory was set up under the microbiology and virology department of the faculty of medicine in order to make early diagnoses using equipment provided by the Government (through its ACCES programme), and with the support of UNICEF. The laboratory works closely with a network of sentinel laboratories for disease control, such as the Franceville International Medical Research Centre.

242. Between 2001 and 2006, the AIDS Prevention Committee of the Ministry of Education, working with UNESCO, held two workshops on the introduction of sexual and reproductive health in the curricula of primary and secondary schools and teacher training institutes.

243. Gabon has received funding from the Global Fund for efforts to combat malaria and AIDS (2004, 2005, 2008). Between 2004 and 2008, funding rose from US\$ 3,154,550 to 15,264,383 euros.

244. With the assistance of the French Agency for Development and UNAIDS, the Government held a workshop from 7 to 10 February 2011 in support of the monitoring and assessment evaluation handbook and the 2011 operational plan.

245. The Government, in partnership with the French Agency for Development, approved an operational communications plan for combating AIDS.

246. French cooperation activities, through the Red Cross and the ESTHER Group, an NGO which promotes network-based hospital care, provide operational support and equipment for outpatient care centres.

247. On 15 March 2012, the Embassy of Japan, under that Government's support programme for local microprojects, donated 52 million to the Government of Gabon to strengthen infrastructure at the Libreville outpatient care centre.

248. In March 2011, the United States military provided assistance in the fight against HIV/AIDS by donating a computer, a printer, filing cabinets, a photocopier, a beamer and several reagents for HIV testing at the AIDS information centre of the 4th military district in Franceville.

249. Private sector partners finance workplace initiatives, in cooperation with the Government and other partners. The Gabonese Employers Confederation provides a framework for discussion among employers on HIV/AIDS issues. In the period between 2001 and 2006 the employers' organization held a training seminar that helped mobilize the private sector to establish enterprise committees based on the guidelines issued by the International Labour Office.

Children with disabilities

The Committee recommends that the State party:

- (a) **Ensure that adequate and comprehensive data are used in the development of policies and programmes for these children;**

250. Sectoral efforts are being made to meet the needs of children with disabilities through government funding. They are provided assistance not through an integrated approach taking into account their family, health, nutrition, need for protection, education and leisure activities, but on a case-by-case basis. The data currently available is sectoral and is generated by the Centre for Children in Difficult Circumstances, the National School for Hearing-Impaired Children, Horizon Nouveau Foundation, the Rehabilitation and Equipment Centre for Persons with Disabilities,⁵⁴ paediatrics departments and the 123 social services centres⁵⁵ in the country's nine provinces.

251. Based on the recent analysis of the situation of orphans and other vulnerable children conducted in November 2011, the Ministry of Social Affairs had identified 9,000 persons living with a disability in 1993. Unfortunately, this figure was not disaggregated by gender, age, disability or location. According to the Directorate-General for Social Affairs, only 4,000 persons received assistance for a disability in 2010.

252. Needless to say, the relevant ministry should establish and equip a specific department to identify and keep statistics on persons with disabilities and to provide them with care in an integrated manner.

- (b) **Review the situation of children with disabilities in terms of their access to suitable health care, education services and employment opportunities;**

Access to health care

253. The Directorate-General for Social Affairs is responsible for providing health assistance to persons with disabilities. The National Health Insurance and Social Protection Fund, for its part, provides family allowances for children with disabilities and assists with medical transfers to more developed countries (Tunisia, South Africa) for the treatment of certain birth defects.

Access to education

254. The National School for Hearing-Impaired Children⁵⁶ is the only public school specialized for children with this disability in Gabon. It operates under the Directorate-General for Social Affairs and unfortunately has huge operational problems of all types. In other words, the fact that the school exists does not at all mean that demand for such services is being met. Since it opened in 1983, allocations for the school have been woefully inadequate to meet its needs.

⁵⁴ Of the approximately 30 patients who received prostheses or orthoses in 2010, nearly half were children. (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. 73.)

⁵⁵ Gabon, *Document de politique nationale de protection sociale* (Paper on the national social protection policy), 2011, p. 17.

⁵⁶ Each year, the school cares for some 157 children of both genders, aged 3 to 21, who are attended to by 73 professionals, some of whom are hearing-impaired. The children are divided into 11 sections, by level.

255. During the National School's second open house, in April 2012, the main message that the teachers and students put across in all possible forms of expression was that hearing-impaired children can be schooled. Thus, the open houses are a means of raising the awareness of parents who, for one reason or another, are still keeping their children with disabilities at home and of familiarizing the public with the work done at the National School.

256. The Horizon Nouveau Foundation⁵⁷ focuses its efforts on visually-impaired persons with normal intelligence levels, persons with intellectual impairments such as Down syndrome and persons with developmental disorders such as autism.⁵⁸

257. There is also a centre for the hearing-impaired in Lambarené (the Martin Luther King Centre); the Directorate-General for Social Affairs is currently holding talks with that centre.⁵⁹

258. Other types of disabilities are addressed by private entities and other associations that, unfortunately, are not within everyone's reach.

Access to employment appropriate for children with disabilities

259. It is particularly difficult to find employment for children with disabilities because of the lack of secondary education and above all because there are no specific policies and programmes to assist them. After the second year of middle school, it is thus up to their families to care for them. It is striking that most often, the children with disabilities who manage to obtain an education all have trouble finding employment opportunities or prospects for integration. Act No. 19/95, which encouraged companies to recruit persons with disabilities, has never really been enforced.

“The few companies that did take on interns when the Horizon Nouveau Foundation's work was at its high point have since reneged on their commitment, according to the management. No quota policy has been implemented, and all these young people who have managed to get training by their own means, overcoming their respective disabilities, feel that they have been left to their own devices. The future of these children as professionals is in jeopardy, which demotivates members of graduating classes, such as the ones who protested at the National School for Hearing-Impaired Children.”⁶⁰

(c) Allocate adequate resources to strengthen services for children with disabilities, to support their families and for training of professionals in the field;

260. Resources are regularly allocated and are included in the Finance Act. For example, in 2010, the Directorate-General for Social Affairs earmarked 10,315,000 CFA francs for surgical operations allowing 13 children with hydrocephalus to receive treatment.

261. Persons with disabilities registered with the Directorate-General for Social Affairs can have their prescriptions filled at no cost through a pharmacy in Libreville. The Directorate-General also has a specific appropriation of 150 million CFA francs for the purchase of orthopaedic equipment; on 20 April 2012 the Government was thus able to begin providing such equipment to persons with disabilities. In all, 225 tricycles, 285 forearm crutches, 271 crutches, 100 wheelchairs and other items with a total value of 104

⁵⁷ The Foundation was established in 1996 by the late Mrs. Edith Lucie Bongo Odimba and is recognized as a public-interest NGO by the Government.

⁵⁸ 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. 72.

⁵⁹ Ibid., p. 98.

⁶⁰ Ibid., p. 102.

million CFA francs were distributed to persons previously registered with the Directorate-General. This example of active solidarity was also continued in the interior of the country.

262. The National Health and Social Work School, which became the National Training Institute for Health Care and Social Work, has been training special education instructors and teachers since 1996.

263. The Horizon Nouveau Foundation provides training for its own staff of 60, and the Government provides 38 special education instructors and teachers. However, there are no full-time psychologists and the two support counsellors that are available hold administrative posts at the Foundation.⁶¹

(d) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;

264. This recommendation was echoed in a recommendation by the study on all forms of violence against children, which mentions the pressing need to adopt a procedure to provide care for victims of violence, including children with disabilities who are neglected by their families or are mistreated in institutions offering poor conditions.

265. The strengthening of policies and programmes began with the publication of a national vulnerability scale, on the basis of which social workers and health and education professionals can design specific responses for each vulnerability. For example, if a child with disabilities does not attend school, lives with a parent whose monthly income is 50,000 CFA francs, is exploited for a supplemental income and has never seen a psychologist, the child is assigned to level 2 on a scale from 1 to 3 and the case presents a combination of health, education, financial, protection and psychological issues.

266. Field staff must now be trained how to use the scale and operational procedures and the minimum package of services for each level of vulnerability must be drawn up.

(e) Sensitize the population to the human rights of children with disabilities;

267. An event devoted to the theme of protecting children with disabilities was held with the participation of the government ministers responsible for social affairs and human rights at the National School for Hearing-Impaired Children on 16 June 2012, to mark the International Day of the African Child. In front of the media and the children's families, a few children with disabilities shared their experiences, and NGOs made a very moving presentation to the Government and United Nations agencies.

268. Civil society is very involved in raising awareness of the rights of persons with disabilities. There are about a dozen associations working for children with disabilities (three for deaf and hearing-impaired children, one for visually impaired ones and a few working on issues related to sports or gender issues). The National Federation of Disabled Persons Associations and the National Association of Persons with Disabilities of Gabon do advocacy work and concentrate mainly on raising awareness, but do not fully embrace children's issues.⁶² On the other hand, another NGO, Liebe Handicap,⁶³ works on sending children with disabilities and underprivileged persons to school.

269. Liebe Handicap is involved in disability prevention and the integration of children with disabilities. It is currently following up on the cases of 130 such children.

270. In 2010, an awareness-raising campaign promoting the integration of persons with disabilities, including pupils and students, was carried out in Libreville schools by an NGO

⁶¹ Ibid., p. 72.

⁶² Ibid., p. 71.

⁶³ This NGO was established 10 years ago and was officially recognized in 2006.

called “Organisation des personnes handicapées” (Organization of Persons with Disabilities). The topic was persons with disabilities and the problems they encounter at school.

- (f) **Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s recommendations adopted at its day of general discussion on the rights of children with disabilities (see CRC/C/69);**

271. The State has taken note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, in particular rules 17 to 21 (disability and handicap), rule 22 (prevention), rule 23 (rehabilitation) and rules 24 to 27 (equalization of opportunities). The country’s successive Governments, along with civil society, have been working on this question despite the complexity of the issue and growing challenges in other aspects of human development. The information reported above confirms the country’s determination to continue implementing the Rules in a favourable cultural context, where children with disabilities are protected more by their families than by Government services.

- (g) **Seek assistance from, among others, UNICEF and WHO.**

272. Given the status of Gabon as an upper-middle-income country, United Nations agencies have, in their cooperation programmes, opted to leave some subjects for the State to address. However, they also make use of the Committee on the Rights of the Child as a venue to advocate for an increase in aid to Gabon for the social sector. Children’s rights know no boundaries between poor and middle-income countries.

273. Emerging issues in highly urbanized countries such as Gabon, which have high proportions of undocumented migrants who for humanitarian reasons cannot be turned back, should receive additional funding, as government services are provided not only to citizens, but also to foreigners in our country.

Standard of living

In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) **Reinforce its efforts to provide support and material assistance to economically disadvantaged families, notably in suburban and rural areas, and to guarantee the right of children to an adequate standard of living;**

274. Employment trends in the country have been mixed in the past five years, especially because of the world economic slowdown that began in 2008. From the caseload of the National Employment Office, it is clear not only that there has been a constant increase in job seekers, but also that a relatively high proportion of them are young people looking for their first job. In Libreville and Port-Gentil, approximately 55 per cent of job seekers are between the ages of 16 and 49.

275. In 2011, in order to bring the law into line with new developments in society, a number of amendments were made to the Labour Code addressing subjects such as contracts, the authorized age for fixed-term employment, daily contracts, termination of contracts, the retirement age, child labour and professional organizations.

276. In addition, the State is increasingly aware of the precarious situation that people face. It has thus adopted the following laws to strengthen its social benefits system:

- Decree No. 874 of 17 November 2006 on the establishment and organization of a special emergency assistance fund for families in difficult circumstances, as a mechanism for the transfer of resources;
- Order No. 49 of 26 January 2007 on the terms for allocating emergency assistance to families in difficult circumstances;
- Order No. 80 of 26 May 2007 on the establishment, mandate, organization and functioning of outreach units for families in difficult circumstances;
- Decree No. 0741/PR/MTEPS of 4 July 2011 establishing the amount of family benefits for low-income families.

277. Given that young people make up nearly 60 per cent of the unemployed, a draft technical document on youth employment was prepared in Libreville by a tripartite commission composed of the Ministry of Labour, the National Employment Office and young job seekers. During a workshop held in Libreville in May 2011, the content of the document was confirmed.

278. In 2011, the 600 young people from all parts of the country who had already received training under a project entitled “Support for Vocational Training” entered the job market. Thus, 1,200 young people received training and/or found a job, some through preliminary contracts.

279. The Support for Vocational Training project has a target group of 12,000. The objective of the pilot phase⁶⁴ is to train and provide employment for 1,200 of the young people identified through the national census.

280. At its meeting of 28 June 2011, the Council of Ministers adopted a draft decree establishing the amounts of family benefits for disadvantaged Gabonese families. Pursuant to article 15 of Order No. 0023/PR/2007 of 21 August 2007, the decree sets the amounts of these benefits as follows:

- Family allowance: 4,000 CFA francs per child per month;
- Back-to-school allowance: 5,000 CFA francs per child per year;
- Childbirth grant: 50,000 CFA francs for each birth, paid in kind in the form of baby clothes.

281. These benefits are paid twice during the school year, in October and June. For example, by the 5 November 2012 deadline, the National Health Insurance and Social Protection Fund had disbursed a total of 4,580,193,000 CFA francs in family allowances (4,031,088,000 CFA francs) and back-to-school allowances (549,105,000 CFA francs) for disadvantaged Gabonese families throughout the country.

282. Pursuant to a memorandum of understanding signed on 27 August 2010 between the Government and trade union confederations, the following social measures⁶⁵ were adopted:

- A 5 per cent value added tax was applied to bags of cement;
- A 5 per cent value added tax was applied to the water and electricity bills of households whose water and electricity consumption is subsidized;

⁶⁴ Funding for the Support for Vocational Training project was provided through the ninth European Development Fund of the European Union.

⁶⁵ The measures took effect in January 2011.

- A 10 per cent value added tax was applied to the water and electricity bills of households whose consumption is not subsidized;
- The special contribution per cubic metre of water was reduced by 15 per cent;
- The special contribution per kWh of electricity was reduced by 2.5 per cent;
- The meter fee included in electricity bills was reduced;
- The price of a 12 kg bottle of butane gas was reduced from 6,000 to 5,450 CFA francs.

283. On 8 November 2010, the Government adopted a draft decree establishing the terms for allocating social assistance. Pursuant to the provisions of article 51 of the Constitution, the decree addresses the following:

- Categories of persons who are entitled to such assistance;
- How to apply for assistance;
- Disbursement of assistance and support;
- The National Assistance and Support Commission.

284. The mandate of the National Assistance and Support Commission includes:

- Issuing opinions in response to requests submitted by the Directorate-General for Social Affairs;
- Authorizing the disbursement of assistance;
- Verifying applications;
- Determining the amounts to be granted.

(b) Cooperate and coordinate its efforts with civil society and local communities;

285. Gabonese civil society cooperates with government bodies in several participatory projects designed to improve children's lives. NGOs and religious organizations have been considerably involved in the various studies mentioned in many of the replies to the Committee's recommendations.

286. However, it must be said that the State's difficulties are keenly felt by civil society organizations, which lack structure in their work and the necessary means to fulfil their missions.

(c) Provide adequate financial resources to the social security system to restore free access to health services for children;

287. The Government has taken steps to assist disadvantaged families and ensure that children have a decent standard of living and access to health care. It is with these goals in mind that the National Health Insurance and Social Protection Fund was set up on 19 December 2008, its objectives being to:

- Improve access to good quality health care for all segments of the population;
- Help to improve the range of available health-care services;
- Provide social coverage for the most underprivileged segments of the population;
- Fight poverty and exclusion.

288. Consisting of three funds, the country's universal health insurance has covered all registered persons since 2009.

289. All registered persons and their dependants may now, in the case of illness, seek treatment from the 80 hospitals and health centres and over 80 pharmacies and dispensaries nationwide that are partners of the National Health Insurance and Social Protection Fund.

290. The registry of disadvantaged Gabonese currently contains the names of 390,000 insured persons. Family benefits are paid out on the basis of a government decision taken on 10 March 2010 regarding children up to age 20 whose financially disadvantaged parents are insured with the National Health Insurance and Social Protection Fund and whose names appear in the Fund's registry. The amounts received in family allowances and back-to-school allowances has risen from 17,000 to 30,000 CFA francs for dependants not in school and to 35,000 CFA francs for those attending school.

(d) Provide information to families on their social rights.

291. This recommendation is cross-cutting and complex. The Government uses different channels of communication to inform the population of its social rights, including the right to housing and many others. Nevertheless, the Government does recognize that the public is insufficiently informed and that the available services are inadequate for a growing population. As the custodian of rights, the Government will do all in its power to meet the social and economic needs of the people, despite the current economic downturn.

VII. Education, leisure and cultural activities

The Committee recommends that the State party:

(a) Take the necessary measures to identify the causes of the high rate of repetition and drop-out in primary schools and to provide remedies to this situation;

292. Between 2000 and 2010, the State took several decisions and measures to develop Gabonese schools that would be competitive in both qualitative and quantitative terms. The education policies of these 10 years produced a number of significant advances.

293. Among other things, these decisions and measures consisted in identifying the causes of the high repetition and drop-out rates in primary schools. One of the issues examined by the 2009 study analysing the situation of children and women in Gabon, for example, was the reason for the high repetition and drop-out rates in primary schools.⁶⁶

294. According to the study, the explanation can be found by looking at the access to, quality of and activities carried out by primary schools in Gabon. There are two kinds of factors, which are closely linked: those internal to schools, such as violence against learners, the absenteeism of students and teachers, the shortage of personnel and classrooms, the lack of instructional and teaching material and the low level of teacher recruitment. Other causes included imprecision in the assessment of student learning and the scarcity of in-service training for teachers and teaching inspectors.

295. There are also underlying causes — factors outside the schools themselves — mainly related to the remoteness of settlements, especially in rural areas; parents' abdication of their responsibility to supervise and guide their children's school progress; and child abuse and malnutrition.

296. There are structural causes. Many parents are poor and can no longer bear the financial costs associated with having children attend school. Also, there is a lack of family solidarity. In the nation as a whole, disadvantaged families receive little support.

⁶⁶ In 2007–2008, the average repetition rate nationwide was 35 per cent.

297. In order to address the causes of high repetition and drop-out rates in primary education and thus provide a remedy, the Government held national consultations on education, research and employment targeted training. This event took place in Libreville on 17 and 18 May 2010.

298. Those national consultations produced a draft 10-year plan covering the period from 2010 to 2020, with an overall cost (excluding as yet unbudgeted expenditures) of 1,170.192 billion CFA francs.

299. Beginning in 2011, there are plans to retrain 928 teachers; to quickly recruit 1,000 middle school teachers; to recruit 3,000 more high school teachers, with a view to having a total of 5,000 teachers by 2020; to build and fit out 221 schools with a total of 1,326 classrooms and 221 workshops and schoolyards; and to construct 1,500 housing units in rural areas, including 300 in 2011.

300. At the primary level, the main measure is the elimination, beginning with the 2012/13 school year, of the middle school admissions examination for students who have earned a primary school-leaving certificate (CEP). It has also been announced that 3,654 high school teachers are to be recruited and trained; 4,000 classrooms and 800 housing units are to be refurbished, re-equipped and made safe; and 331 schools, 3,000 housing units and 80 instructional centres are to be built and provided with teaching materials and equipment.

301. Implementation of the recommendations of the national consultation on education also requires a regulatory framework. A law establishing general guidelines for education, training and research in Gabon has in fact been adopted. Unlike the previous laws providing general guidelines for education, Act No. 16/66 of 9 August 1966, which had long governed the country's educational and training system, Act No. 21/2011 of 14 February 2012⁶⁷ places learners at the centre of educational activity, formally recognizing their right to conditions suitable for learning and personal development, in line with the possibilities of the State. Drawn up in line with the Millennium Development Goals and the UNESCO strategic plan for quality education and vocational training, this Act paves the way for all learners to gain access to employment and is consistent with the fundamental principle according to which schools should never practise social exclusion. As soon as learners enter a preschool class, they are given a unique identification number, codified and assigned by the central registry of the Ministry of Education.

302. At the primary level, learners who are held back a grade can be tracked by the school council, taking into account the aptitudes they have shown at the preschool level, into basic vocational training if they are at least 12 years of age, or into sports training or, if they have demonstrated disabilities, into a special education school. During middle school or the first years of high school, if such a learner has demonstrated aptitude and other talents, he or she may be given a placement by the school council. Learners who have a first-cycle school-leaving certificate (BEPC), a technical diploma (BT) or a vocational studies certificate (BEP) and who are experiencing difficulties in the later years of high school can be steered by the school council into a vocational training centre or a high-level sports training institution.

303. At the preschool and primary levels, there are plans to make preschool available to all as of 3 years of age and to open science laboratories at all schools, so as to immerse learners in the scientific, technological, environmental and civic spirit and awaken their interest in it.

⁶⁷ The Act provides an operational framework; it is a powerful tool for the modernization of the system for education, training and research.

304. In primary schools in particular, pupils are introduced to science and technology and to a sense of social, civic and environmental citizenship.

305. Regarding students' financial means, the Council of Ministers meeting of 6 October 2011 adopted a draft decree on the procedures through which the State covers the costs incurred by scholarship students in Gabon and abroad. Formulated pursuant to the provisions of Act No. 16/66 of 9 August 1966, this reform redefines scholarship categories, caps the payment of registration fees and establishes rules relating to the conditions for payment by the State of the transport costs incurred by students over the course of their studies.

(b) Establish bridges between formal and non-formal education;

306. Moreover, Act No. 21/2011 of 14 February 2012 paves the way to employment for all learners and is consistent with the principle by which schools should never practise social exclusion. Since 2008, in Port-Gentil, with the assistance of an oil company, at least 100 young people a year with nothing but a non-specialized educational background have been serving apprenticeships in the oil industry as part of an informal programme funded by the companies, which later recruit from the pool. Approximately 400 young people have thus been given uncertified training in oil-industry trades. Another example is the training the Gabon military engineering service has given to 65 children in conflict with the law at its work sites through intensive apprenticeships in masonry, plumbing and cooking.

(c) Take necessary measures to remedy the low quality of education and improve the internal efficiency of the management of education;

307. With a view to improving the quality of primary education, the Government on 10 August 2005 adopted Order No. 1809 and Order No. 1810 establishing, with help from the Canadian cooperation agency, the basic-skills approach, reorganizing instruction at the primary level and establishing rules for the operation of private schools. Teacher-training schools have been refurbished in Franceville, Mouila and Libreville. The recruitment of trainees and continuous training of teachers already on board are carried out on an annual basis.

(d) Raise awareness about the importance of early childhood education and develop programmes to increase the enrolment at the preschool level;

308. The State's obligations include its responsibility to ensure that children under 5 years of age are exposed to early childhood stimulation activities. Thus, the 10-year agreement (2010–2020) between the intelligentsia and political leaders for the development of schools, training and research in Gabon includes objectives such as generalizing preschool education; recruiting and training trainers; and building capacity in infrastructure and equipment.

309. Regarding preschool education, the State initiated an instructor recruitment and training drive beginning with the reconversion of 928 teachers in the 2011/12 academic year, at a cost of 300 million CFA francs. In addition, there was a fast-tracked recruitment drive to train, using modules, 1,000 preschool teachers holding the certificate of completion of the first stage of secondary education (BEPC), at a cost of 916 million CFA francs. Lastly, in 2011, 3,000 preschool teachers with secondary educations were recruited and trained at teacher training schools at a cost of 1.7 billion CFA francs, with a view to having 5,000 preschool teachers in service by 2020.

310. In practical terms, the State has undertaken the construction of preschools, nurseries,⁶⁸ community-based facilities and kindergartens at primary schools.

(e) Extend resources to help children to continue their education at the secondary level;

311. To address the lack of resources that exacerbates exclusion from the school system, the State has put in place a policy of social transfers. These transfers take the form of allowances disbursed at the beginning of the academic year. The allowance was more than doubled at the start of the 2009/10 school year. According to a study on the development of social policies carried out in 2010 by the Government in collaboration with UNICEF, at least one third of State workers have benefited from this allowance in the past 10 years. In 2000, the corresponding total amount paid out was 1,236,175,000 CFA francs, for a total 49,440 children. The number of children declined and remained lower than that until 2007 (49,031 children), before gradually rising to 69,098 (in 2008), 74,469 (in 2009) and 79,919 (in 2010). The budget for this allowance also grew over the same period, from 1,727,450,000 CFA francs in 2008 to 4,654,312,500 CFA francs in 2009 and nearly 5 billion CFA francs in 2010.⁶⁹

312. Beginning on 5 November 2012, for example, the National Health Insurance and Social Protection Fund paid family benefits and allowances for the new school year to economically disadvantaged Gabonese throughout the country. The amount allocated by the State for this payment was 4,580,193,000 CFA francs, and broke down as follows: 4,031,088,000 CFA francs for family benefit payments and 549,105,000 CFA francs for allowances for the new school year.

313. In addition, since 2003, the Government has had in place a support fund for teenage mothers that pays out some 50,000 CFA francs a year to teen mothers enrolled in grade 9 and 75,000 CFA francs a year to those officially enrolled in high school. In the interior of the country, the allowance increases to 75,000 CFA francs for students in grade 9 and to 100,000 CFA francs for those in high school. Each year, the fund disburses a total of 1 billion CFA francs.

314. In November 2010, with media support from the press and the public television service (RTG), the Government's Directorate-General for the Protection of Widows and Orphans provided 600 orphans and vulnerable children attending school and integrated in the community or living in institutions with scholarships and school supplies valued at 16 million CFA francs to enable them to continue their studies.⁷⁰

(f) Take measures to enable children with disabilities to have access to regular schools and to ensure that these children have access to formal and vocational educational opportunities;

315. Following the national consultation on education, the Government pledged to:

- Propose strategies for access to compulsory education for all;
- Create specialized bodies to encourage school attendance by handicapped students, after the fashion of the Horizon Nouveau Project and the National School for Hearing-Impaired Children.

316. In November 2011 the Government thus organized a meeting to raise awareness of the issue of children's preschool learning difficulties and early intervention. The meeting

⁶⁸ Order No. 2089/PM/MFPEFP of 19 November 2005 establishing the Nursery Project.

⁶⁹ Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the conditions of orphans and other vulnerable children in Gabon), 2011, pp. 48–49.

⁷⁰ *Ibid.*, p. 145.

focused on making it possible to gain the knowledge and acquire the references required to better understand and guide children with disabilities, to comprehensively help these children and their parents, to encourage parents to become more involved in the care provided to their children and to encourage the full development of all such children through time spent in preschool. The participants made some suggestions. The Government should, *inter alia*, set up special structures for the care of children with learning difficulties and raise public awareness of the work of urologists and speech therapists. Also, parents should stimulate their children's motor activity to enable early detection of any impairments.

(g) Ensure that all girls and boys, wherever they live, including the least developed areas, have equal access to educational opportunities;

317. Article 3 of Act No. 21/2011 of 14 February 2012 establishing general orientations for education, training and research states that "the right to equal access to education, instruction, culture and training is guaranteed to all, regardless of creed, religion, race, sex, political affiliation or any other social distinction".

318. In 2003, to prevent the exclusion of teenage mothers and girls in difficult circumstances, the Government initiated a national programme for the construction of day-care centres. The aim of the programme is to help teenage mothers continue their studies without worrying about who will look after their children while they learn; it was designed to enable girls to leave their children in day-care centres for a negligible fee of 500 CFA francs per month. Community facilities that play the same role as the day-care centres have been built in rural areas. They take in children aged 1 to 5 years, at no charge.

(h) Orient education towards the aims mentioned in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education;

319. The Gabonese education system is in compliance with article 29 of the Convention on the Rights of the Child. For example, the expansion of preschool classes to all schools to ensure early childhood development is a reflection of the implementation of subparagraph (a). Subparagraph (e) is implemented through the existence of 13 national parks — 10 per cent of the national territory — and the early age at which children are taught the importance of biodiversity. The aims of subparagraphs (b) and (d) are reflected in civic education programmes.

(i) Implement the ban on corporal punishment in schools and train teachers in the use of alternative measures of discipline;

320. In view of the abuse that some children are victims of, articles 230 to 235 of the Criminal Code provide for firm penalties so as to restore order and protect children.

321. In 2010 and 2011, the Government, working with UNICEF, organized awareness-raising campaigns and workshops for school supervisors in Libreville, Owendo, Makokou, Franceville and Oyem. The main aim of these activities was to prohibit the worst forms of corporal punishment of children at school.

(j) Encourage the participation of children at all levels of school life;

322. The organization and coordination of extracurricular activities, social work, preventive medicine and health and safety monitoring are all characteristics of school life. Consequently, the Government, with a view to furthering all aspects of school life, has established a Directorate-General for School and University Affairs.

323. In preschools, activities are organized and coordinated by female preschool teachers. Article 25 of Act No. 21/2012 of 14 February 2011, includes provisions to cover certain

aspects of preschool life, including classrooms, early-stimulation rooms, language laboratories, play areas and cafeterias.

324. Secondary school associations are very active, with school societies and cooperatives run directly by the students themselves. The role of the school societies is to promote socioeducational, cultural and sporting activities. Schools generally form cooperative boards between 15 and 30 October of each year.

325. The scouting movement and other groups are also active in the schools. The Department of Youth and Sport has a budget to support such activities.

(k) Seek assistance from UNICEF and UNESCO.

326. Both the Ministry of Education and the city of Omboué have community radio stations, the result of support from United Nations agencies in efforts to increase children's participation in their education.

VIII. Special protection measures

Refugee, asylum seeking and unaccompanied children

The Committee recommends that the State party:

(a) Implement the legislation;

327. Gabon, welcoming all peoples from Africa and the world, makes every effort to meet its international commitments, in keeping with its tradition of hospitality.

328. In December 2010, there were more than 13,000 refugees and asylum seekers in Gabon (13,086 according to the statistics of the National Commission for Refugees and 13,147 according to the Gabon office of UNHCR). These refugees and asylum seekers were of 25 different nationalities. Unlike what may happen in other countries, the refugee populations live side by side with Gabonese nationals. UNHCR noted in a 2007 report that the Government had issued identity cards to refugees in September 2006 to ensure their freedom of movement within the country and that the situation regarding job prospects and protection problems had improved.

329. On the whole, Gabon treats refugees resident in the country as well as possible, guaranteeing them access to justice, employment, housing, health and education, etc., in accordance with the law. The office of UNHCR, in Gabon oversees the handling of challenges in this area without impediment.

330. Until 2010, nationals of the Congo accounted for more than 70 per cent of the population of refugees and asylum seekers in Gabon. They were followed by nationals of Chad and the Democratic Republic of the Congo, with more than 12 and 9 per cent, respectively.

331. Men accounted for the majority — over 56 per cent — of the refugee and asylum-seeking population, which included men and women of all ages. Most (more than 61 per cent) were aged between 18 and 59 years old.

332. Refugees and asylum seekers in Gabon may be either resettled or repatriated.

333. Between 2001 and 2010, it was nationals of the Congo who benefited most from repatriation operations under UNHCR supervision, accounting for 86.65 per cent of departures. These repatriations took place between 2001 and 2005, with a peak in 2003.

Strengthening the protection of refugee children

334. Act No. 05/98 on the status of refugees in Gabon does not explicitly mention the protection of child refugees; however, the legal provisions on child protection in article 1, paragraphs 8, 16, 17 and 18, of the Constitution of Gabon also apply to child refugees. Consequently:

- Three hundred and five orphans and vulnerable children and children from vulnerable families, including 155 girls, have been given school kits (with supplies and textbooks);
- Sixteen adolescents have had their apprenticeships or vocational training paid for;
- Two hundred and six child refugees in primary and secondary schools have taken national examinations;
- Twenty-nine teenage mothers have completed tailoring and sewing apprenticeships;
- A few families with special needs have had access to microcredit in order to reduce the vulnerability of the children living with them;
- An evaluation of the best interests of the child has been undertaken for children separated from their parents whose host families are resettled.

335. Between 2007 and 2011, no cases of unaccompanied minors were recorded. Although some children were at one time or another involuntarily separated from their biological parents, they were taken in by other family members who, by custom, have a responsibility to them. In many cases, it has been hard to determine the exact relationship, as the heads of household presented these children as their own. No cases of abuse of these children have been brought to the attention of the local office of UNHCR. The investigations carried out so far have found no cases of abuse or exploitation of child refugees at work.

Maximizing refugee children's access to education

336. Of the 1,100 children aged 6 to 11 years expected to enrol in primary school, 908, including 475 girls, are enrolled, or 83 per cent. Of 579 children aged 12 to 17, 331, including 181 girls, are enrolled in secondary school, 57 per cent, more than the 20 per cent that had been forecast.

337. For the 2010/11 academic year, 1,267 children were regularly enrolled in public schools, including 1,011 in primary school (399 boys and 410 girls aged 6 to 12 years, for a total of 809 students in this age group; 88 boys and 114 girls, for a total of 202 students in the 12–16 age range) and 256 (89 boys and 92 girls aged 10 to 17 years; 40 boys and 35 girls aged 18 and over). The number of students is thus evenly divided between girls (50.5 per cent) and boys (49.5 per cent).

338. The Government of Gabon includes children with disabilities in its national education programmes. In 2007, UNHCR thus supported only a very small number of such children by placing them in specialized institutions or paying medical expenses for those who were extremely vulnerable.

Child refugees' access to health

339. In terms of health, child refugees are taken into account when national vaccination campaigns are conducted. Likewise, persons living with HIV/AIDS, including child refugees, have access to public medical facilities and antiretroviral therapy.

Fair and efficient determination of status

340. 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.

Family reunification

341. Family reunification is provided for in article 3, paragraph 1, of Act No. 05/98 of 5 March 1998, which states that “refugee status granted to one person is extended to the family members who accompany him or her or join him or her later, unless they are of a nationality other than that of the refugee and enjoy the protection of the country of which they are nationals”. Practice in Gabon limits the application of this provision, as it requires persons with refugee status to apply to the National Commission for Refugees before they are joined by their family members. This application of article 3 is no doubt attributable to the sensitive nature of issues related to child trafficking and the fact that Gabon is a country of high immigration. The commission’s practice is therefore guided by its concern to keep illegal immigration in check and to curb attempts to take advantage of this situation to engage in child trafficking.

342. When spouses and/or children are seeking urgent reunification of the family, it is not always easy to obtain civil registry records. Similarly, when a crisis breaks out, it is not always so simple for people to bring full documentation proving their claims of family ties. In the absence of the required documents, the request for family reunification is often rejected.

Civil registry records

343. 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 more numerous than Gabonese nationals, 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.

Termination of refugee status for refugees and asylum seekers from the Congo

344. The presence of refugees from the Congo is followed especially closely by the two countries, Governments and UNHCR. On 11 September 2010, Gabon, the Congo and UNHCR signed a tripartite agreement. In April 2010, a survey was taken to determine whether Congolese refugees intended to return.

345. In 2010, on World Refugee Day, observed on 20 June, Gabon turned its attention to the return of Congolese refugees to their country, which had enjoyed a degree of stability for some years. The repatriation will be voluntary under the tripartite agreement entered into by Gabon, the Congo and UNHCR. On this subject, a meeting was held in Libreville from 14 to 18 June 2010 and a road map was signed on 25 February 2010 by the Governments of Gabon and the Congo in the presence of UNHCR representatives. Together, they chose 31 July 2011 as a deadline.

346. On 26 and 28 July 2011, two preparatory interministerial meetings were held, bringing together the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Defence, the Ministry of Human Rights, the Directorate-General for Documentation and Immigration and the secretariat of the National Commission for Refugees. During these meetings, an agreement was reached to develop methods of organizing the departure of Congolese refugees. The Ministry of the Interior issued a circular with instructions to its departments on the procedures and conduct to adopt for the return of refugees, in particular to strengthen supervision of repatriation convoys. A need has also arisen to devise a strategy to continue normalizing the status of Congolese refugees whose cases are under consideration by the Directorate-General for Documentation and Immigration. The strategy covers both diplomatic matters and aspects linked to respect for fundamental human rights and human dignity, in conformity with Gabon's international commitments and national legislation. It was decided that the Government would in any case continue to give special attention to refugees still in Gabon, pending an administrative regularization of their status or their return home.

347. The Government of Gabon issued a reminder that the 31 July 2011 deadline for the termination of Congolese refugee status would not be changed, following which the President of the Committee of African Refugees in Gabon, together with the UNHCR spokesperson, held a press briefing to inform the Congolese refugees about the measures adopted, which were consistent with the international commitments of all the parties engaged in the repatriation process. The aim was to prevent misinformation and misunderstandings about the process. In actual fact — and this has been confirmed by the President of the Committee of African Refugees in Gabon — there has never been a plan to deport Congolese refugees and asylum seekers. Throughout the process, which is ongoing, the Government of Gabon has called on all the authorities to ensure the protection of the refugees and asylum seekers, in accordance with Act No. 05/96 of 5 March 1998 and Decrees Nos. 646, 647 and 648. With the aid of UNHCR, every adult who agreed to be repatriated was given a grant of 100,000 CFA francs and every child 50,000 CFA francs. UNHCR also gave all applicants for a Gabonese residence permit 150,000 CFA francs. No Congolese nationals whose applications for residence permits were pending were ever threatened or arrested, even after the 31 July 2011 deadline.

348. In all, about 450 refugees applied for voluntary repatriation, and several convoys were organized between 1 and 5 August 2011. An arrangement with mobile teams was set up along the main routes used by the Congolese refugees, namely the Franceville–Moanda and Lambaréné–Mouila–Tchibanga roads. Nearly 1,000 Congolese refugees applied for residence permits, and as of late July 2011, 217 had received them.

349. The voluntary repatriation of Congolese refugees living in Gabon, which was administered under the guidance of the official responsible for external relations at the regional UNHCR office in Kinshasa, Democratic Republic of the Congo, has been a real success according to UNHCR,⁷¹ thus attesting to the effective cooperation between the Gabonese authorities and their partners. The refugees receive support even in their home country so as to enable them to rebuild their lives. With that in mind, the UNHCR office in Congo organized a monitoring initiative in the receiving localities to assess the conditions of reintegration of the repatriated persons. First, it was agreed that by August 2011 the monitoring committee would be reactivated, and it met on 8 August 2011 with the participation of the Ministry of Defence and the Directorate-General for Documentation and Immigration. All ongoing options were to be terminated by a 30 August deadline,

⁷¹ In January 2012, the Ambassador of the Congo to Gabon also welcomed the successful outcome in 2010 of the project relating to the repatriation of a number of Congolese who had left the Congo to seek refuge in Gabon during the painful events that the Congo had experienced some years earlier.

including voluntary repatriation, the issuance of residence permits and consideration of applications for exemptions and resettlement.

350. Beginning on 22 July 2011, joint teams composed of representatives of UNHCR, the National Commission for Refugees and the Gabonese Red Cross in the provinces of Haut-Ogooué, Nyanga and Ngounié repatriated 349 Congolese refugees; from 1 January 2011, 388 Congolese refugees were repatriated. The same teams also worked in Ogooué-Maritime Province as part of this operation. A total of 443 residence permits, including 339 for which UNHCR paid the administrative fees, were issued in Libreville. As of August 2011, a mobile team of the Directorate-General for Documentation and Immigration had processed 512 applications for residence permits submitted by Congolese refugees in the provinces of Nyanga and Ngounié. In all, 1,715 applications for residence permits were submitted to the decentralized services of the Directorate, of which 760 are still under consideration, primarily in Franceville and Libreville. The Ministry of Foreign Affairs received a total of 48 applications for exemptions, which are considered by the Subcommittee on Eligibility.

351. In view of the sensitive nature of the process and the disinformation orchestrated by certain refugees and persons acting in bad faith, UNHCR, together with the Ministry of Foreign Affairs, adopted a communication strategy using electronic, audiovisual and print media to make the activities inherent in this repatriation process more visible and objective. During the repatriation of the Congolese refugees, no news or reports of either security incidents or arrests by the police or the gendarmerie were received in Libreville or in the hinterland. With a view to bringing the repatriation of Congolese refugees to a successful close, the Government of Gabon is providing temporary protection to 306 refugees whose resettlement applications are in abeyance pending replies from new host countries such as the United States and the Nordic countries. Nonetheless, on 26 and 29 August 2011, in a continuing spirit of cooperation with UNHCR, the National Committee on Eligibility met to consider about 85 applications for exemptions filed by refugees seeking to prolong their status; its conclusions will be forwarded to the Government.

352. In June 2010, in response to concerns raised by some diplomatic missions about respect for the human rights of irregular migrants detained by the immigration services of Gabon before their return home, a facility was built on the premises of the Directorate-General for Documentation and Immigration to hold persons with irregular immigration status pending repatriation.

353. The centre, which meets international human rights standards, has a 130-bed capacity (80 for men and 50 for women). For entertainment, there is a large flat-screen television in a spacious dining room adjacent to the bedrooms, which are equipped with modern showers and toilets.

354. The construction of this centre makes it possible for those in irregular situations to be housed with dignity and in accordance with the standards required by international human rights bodies. This investment sets the stage for the construction of a large, modern holding centre in the municipality of Owendo, for which the State recently allocated 500 million CFA francs in the capital investment budget of the Directorate-General for Documentation and Immigration.

(b) Consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

355. With a view to incorporating the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness into domestic law, Gabon has chosen first to bring domestic law into line with international law, in particular

with a revision of the Nationality Code, which recognizes the principles of *jus solis* and *jus sanguinis*.

(c) Continue its cooperation with such international agencies as UNHCR and UNICEF.

356. Gabon is home to a UNHCR office whose efforts have been crucial since the civil war in the Republic of the Congo in 1997. For almost five years, the Government has received multifaceted support from UNHCR to strengthen the capacities of the security forces on the borders and the National Commission for Refugees. The two parties cooperate to support refugees in Gabon and provide them with assistance.

Economic exploitation, including child labour

The Committee recommends that the State party:

(a) Consider ratifying the ILO Minimum Age Convention, 1973 (No. 138);

357. Gabon ratified ILO Convention No. 138 in 2010. Today, the internal regulations in place in Gabon are for all intents and purposes in line with the Convention. In Gabon, the minimum age for admission to employment is 16 years (art. 177 of the Labour Code). In addition, Decree No. 651/PR/MTEPS of 13 April 2011 establishes individual exemptions to the minimum age in Gabon.

(b) Adopt and implement the national plan of action to prevent and combat child labour;

358. A national action plan is in place under the responsibility of the National Committee to Monitor the Fight against Child Trafficking.

359. However, it applies only to child victims of transnational trafficking for the purposes of work. As for Gabonese children, they are protected by the Labour Code, which prohibits the worst forms of labour and sets the minimum age for employment at 16 years.

(c) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to further strengthen their capacity to effectively monitor the full implementation of child labour legislation;

360. This question requires another study to provide a satisfactory response that takes into account problems related to protection and social welfare. The current study of street children should also provide some useful information.

361. For the time being, the area in which it has been possible to achieve convincing results is that of trafficking linked to child labour. Such labour takes the form of informal trade, street vending, washing cars, looking after children and begging, etc.

(d) Continue to seek the assistance of ILO/International Programme on the Elimination of Child Labour.

362. Since the end of the Project to Combat Child Trafficking in West and Central Africa (LUTRENA), there has been no ILO presence in the fight against child labour in Gabon.

Trafficking and abduction

The Committee encourages the State party to pursue its efforts:

- (a) **To set up a comprehensive programme to prevent and combat the sale and trafficking of children;**

363. Act No. 09/2004 criminalizes trafficking in children. There is a handbook of procedures for the provision of assistance, and personnel are given training in the prevention and control of trafficking and social reintegration of victims. However, the failure to bring traffickers to justice remains a weak link. The lack of judgements handed down against alleged traffickers completely undermines the work done by other services.

- (b) **To implement appropriate policies and programmes for the rehabilitation and recovery of child victims and for access to basic services by children who are awaiting repatriation;**

364. Gabon has identified four crucial strategic themes around which it has built its national policy on combating trafficking in children: protection and assistance for victims of trafficking; training for those working to combat child trafficking; prevention; and development of cooperation between States.

365. The country has developed a standard-setting instrument that takes into account international standards for the care of trafficking victims – the national handbook of procedures to care for victims of child trafficking. It defines the roles and responsibilities of each person responsible for providing assistance to child victims of trafficking, for removal of victims until their repatriation and, where appropriate, and always in the child's best interests, for the reintegration of victims in Gabon.

366. 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 (albeit not tailored to their specific traumatization), but they do not attend school (or not frequently), as they are awaiting repatriation and generally have very low academic levels. After approximately 15 special operations carried out by the national police, and with support from the Les Arcades hotline (initially toll-free, but in fact no longer free of charge), 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 obvious and well-documented lack of bilateral cooperation agreements with Benin, Nigeria and Togo.⁷²

- (c) **To monitor the bilateral agreement with Benin and extend this cooperation to other countries where trafficked children come from, as well as envisage signing agreements with these countries;**

367. Although there is not yet a duly signed bilateral agreement with Benin and the other countries that children come from, Gabon cooperates closely with the countries concerned to effectively combat the scourge of trafficking in children.

- (d) **To carry out an awareness-raising campaign to prevent this phenomenon.**

368. Prevention is one of the priority areas around which Gabon has developed its national policy on combating child trafficking. The Gabonese Government, through the National Committee to Monitor the Fight against Child Trafficking, has made every effort

⁷² Gabon-UNICEF, *Analyse de la situation des orphelins et autres enfants vulnérables au Gabon* (Analysis of the conditions of orphans and other vulnerable children in Gabon), 2011, pp. 104–105.

to carry out awareness-raising campaigns targeting all socioeconomic groups in general and source-country communities in Gabon in particular.

369. In 2009, with a view to spreading the word about Act No. 09/2004 of 21 September 2004 on preventing and combating child trafficking in Gabon, the Government, with the support of UNICEF and the cooperation of civil society (the NGO SIFOS), undertook campaigns to raise awareness in the three communities most heavily affected by the phenomenon of child trafficking: the Beninese community (11 July 2009), the Togolese community (16 July 2009) and the Gabonese community (8 August 2009); the campaigns also aimed to initiate joint strategies for cooperation in the fight against the trafficking and exploitation of children in Gabon.

370. In the provinces, moreover, Gabon is setting up watchdog committees to prevent and combat trafficking in children (the most recent date to 2011). In principle, the establishment of such committees is topped off with an information and awareness-raising campaign targeting the province in question.

In addition, the Committee recommends that the State party ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in 2000, and the Convention on the Civil Aspects of International Child Abduction adopted at The Hague in 1980.

371. With a view to bringing domestic law into line with the principles of international treaties, Gabon adopted Act No. 09/2004 of 21 September 2004 on preventing and combating child trafficking.

372. It should nonetheless be noted, as regards article 20 of the Act, that the punitive mechanism is cumbersome.⁷³ Under this article, child trafficking is criminalized in Gabon. Like all crimes, child trafficking is tried by the Criminal Court, but that court meets just twice a year. Consequently, even if they are threatened by the justice system, traffickers have an entirely free hand to continue having children brought in, practically with total impunity. Since the entry into force of the Act, no accused person has been tried, owing to the high cost of criminal hearings and difficulties in arranging for cooperation in the exchange of information with the States of origin of the persons in question.

373. Discussions were held in 2010 and 2011 with a view to bringing the criminalization of trafficking of children into line with international standards. The aim of these discussions was to amend Act No. 09/2004 in order to make it a more effective weapon against child traffickers.

Street children

The Committee recommends that the State party:

- (a) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**

374. The social services department responsible for non-institutional supervision of minors (AEMO) provides psychosocial and educational support for the children under its purview with a view to reforming them, rehabilitating them and reintegrating them into their families, society and the work environment.

⁷³ Under article 20 of the Act, child traffickers incur imprisonment and a fine of 10 million to 20 million CFA francs.

375. However, the Arc-en-Ciel Centre of the Catholic Church is the only programme working in the areas of the recuperation, reception, education, psychosocial care and reintegration of street children.

(b) Ensure that these children are provided with recovery and reintegration services when they are victims of physical, sexual and substance abuse; protection from police brutality; and services for reconciliation with their families and community;

376. In this particular case, there are multifaceted activities:

- Holding one-on-one interviews (in order to win the children's trust);
- Raising individual and collective awareness of social ills such as HIV/AIDS, other sexually transmitted diseases and paedophilia;
- Making efforts to determine the identity of the parents and their places of residence;
- Educating parents in order to win their trust and have them take on their role;
- Making preparations for release from prison (so that released prisoners are more in touch with reality outside prison and to facilitate their return home);
- Supporting children before, during and after release from prison;
- Integrating and reintegrating children into school and work:
 - Refresher courses for incarcerated children;
 - School visits;
 - Support and advice for parents for the return to school and the educational supervision of children released from prison and of street children;
- Readyng street children for placement in an institution or a return to a family environment;
- Providing detoxification for young drug addicts.

(c) Undertake a study on the causes and scope of this phenomenon and establish a comprehensive strategy to address the high and increasing number of street children with the aim of preventing and reducing this phenomenon.

377. The findings of the study, already under way, will be available for use in 2013. However, a 2009 study of the situation of children and women in Gabon addressed the causes and extent of the phenomenon of street children.

378. The study found that the phenomenon of children living on the streets, which arose in the late 1990s, is a reality in Gabon. These children, the overwhelming majority of whom are boys, are visible in all major cities. In Libreville, Port-Gentil, Oyem, Franceville, Mouila, Tchibanga, Moanda, Koulamoutou, Bitam and other cities, street children are omnipresent, especially around markets, restaurants and business districts, or at bus stations, major crossroads, department stores, city-centre car parks, taxi stands, bus stops and landfills (some live there).

379. Social workers from the Ministry of Social Affairs and NGOs active in the sector estimate the number of street children in the country at approximately 1,000. One third are reportedly street children in the strict sense of the word and two thirds are children on the street.⁷⁴

⁷⁴ Gabon-UNICEF, *Analyse de la situation de l'enfant et de la femme au Gabon* (Analysis of the situation of children and women in Gabon), Final report, 2009.

380. In June 2005, a study conducted in Port-Gentil drew attention to a massive influx of young people using the streets and main roads of the city as a safe haven. Of these young people, mostly boys, whose numbers had been estimated at approximately 230, 80 lived continuously on the street, meaning that they were completely disconnected from their families, whereas around 150 occasionally returned to their parents' homes.

381. According to the few studies done, children decide to make the streets their place of subsistence or employment owing to abuse, poverty, neglect and susceptibility to peer pressure. Indeed, for want of adequate financial support, some children have deliberately chosen to live and engage in income-generating activities on the streets in order to continue their education.

382. There are also problems because of neglect on the part of working parents who refuse to recognize children born out of wedlock and owing to the impact of single-parent households headed by mothers.

383. The period of time spent on the streets ranges from 8 months to 10 years, with the average being around 3.4 years. Life on the streets for those who have already spent some time there is interrupted by brief stays in prison for petty crimes.

384. These children, who are part of the informal economy, mainly work washing cars by day and keeping watch over cars around nightclubs at night.

385. According to social workers, most of these children are Gabonese. The very few foreign nationals involved are Congolese, Beninese, Cameroonian or, rarely, from Equatorial Guinea.

Commercial sexual exploitation and pornography

In light of article 34 and other related articles of the Convention, the Committee recommends that the State party:

(a) Undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution and pornography;

386. In 2009, the study of the situation of children and women in Gabon addressed the causes and extent of the phenomenon of sexual exploitation of children. According to the study, the phenomenon of sexual exploitation in Gabon is multifaceted. However, the only data that sheds light on this issue comes from criminal investigation departments; no specific studies have been done. If the police operations in casinos, nightclubs and the surroundings of the major hotels in Libreville and Port-Gentil, the two main cities, are anything to go by, the problem does indeed exist. A few years ago several girls were removed from the prostitution circuit by the criminal investigation department. The Government is fully committed to carrying out a scientific study of this phenomenon, as it has done for the situation of street children, child victims of trafficking or those without birth certificates; the respective reports now serve as domestic and international references.

387. 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.

388. 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. The vast majority of the girls were between 16 and 17 years old.

389. 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 fall into the same trap.

390. 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.

391. 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.

- (b) **Implement appropriate policies and programmes to prevent this practice and for the rehabilitation and recovery of child victims in accordance with the Declaration and Agenda for Action and the Global Commitment adopted respectively at the First and Second World Congresses against Commercial Sexual Exploitation of Children, in 1996 and 2001.**

392. There is no policy document for the protection of victims of sexual exploitation, as a specific study is not yet available.

393. However, work may progress more swiftly by drawing inspiration from the studies of the causes of vulnerability among adolescents and on the situation of orphans and vulnerable children. In addition, the coming preparation of a national handbook of procedures to care for vulnerable children will include a chapter on the victims of commercial sexual exploitation.

Administration of juvenile justice

The Committee recommends that the State party take additional steps to reform the legislation concerning the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

As part of this reform, the Committee particularly recommends that the State party:

- (a) **Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of trained juvenile judges in all regions of the State party;**

394. In response to the recommendation above and to arguments put forward by Gabonese jurists,⁷⁵ Gabon, with the assistance of UNICEF, adopted Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors.

⁷⁵ Georges Taty, "La protection juridique de l'enfant" (The legal protection of children), *Hebdo-Information*, No. 261, 3 November 1992; Gabriel Nzet Biteghe, "Réponses aux questions sur la protection de l'enfant et la répression de la délinquance au Gabon" (Replies to questions about protecting children and fighting crime in Gabon), in *La protection juridique et sociale de l'enfant* (The legal and social protection of children), Brussels; Bruylant, 1993; Georges Taty, "Présent et avenir de la protection des droits de l'enfant au Gabon" (Present and future of the protection of the

395. This Act, article 1 of which explicitly refers *inter alia* to the Convention on the Rights of the Child, repeals the provisions of the Criminal Code and the Code of Criminal Procedure (Act No. 39/2010 of 25 November 2010).

396. Article 4, for its part, assigns both civil and criminal functions to the courts.

397. Regarding civil matters, when the health, safety or morals of persons under the age of 18 are in danger or if the conditions of their upbringing are seriously compromised, the juvenile judge or the juvenile court may order measures of protection for minors, which, if necessary, can be re-examined or changed (see arts. 11–13 and 47–73).

398. In the criminal sphere, articles 5 to 10, 14 to 19, 22 to 46 and 61 to 73 provide for the establishment in each criminal court of an autonomous body responsible exclusively for the investigation, prosecution and adjudication of cases involving minors. This special judicial structure is applicable in courts of first instance and in appellate courts.

399. In courts of first instance, all offences committed by minors are examined by a juvenile judge, who rules on them with the assistance of a registrar (for minor offences (art. 15)); for major offences it is the juvenile court that rules, in which case it is composed of the President of the court of first instance or of the separate judicial section and two associate judges, including the judge who has examined the case and a professional judge, plus a registrar (art. 16). The Public Prosecutor's Office is, in any event, represented by the prosecutor responsible for juvenile affairs (art. 17).

400. Articles 37 to 39 of Act No. 39/2010 provide for the establishment, in each appellate court, of a juvenile division comprising a President, associate judges and a member of the Public Prosecutor's Office acting as prosecutor. This division is responsible for hearing appeals of civil and criminal decisions handed down by juvenile judges or courts.

401. Article 19 of Act No. 39/2010 of 25 November 2010 states that the juvenile court judges are appointed by the Supreme Council of Justice on the basis of a list of suitable candidates drawn up every three years by the Ministry of Justice.

402. Pursuant to that article, the Supreme Council of Justice, during its session in August 2011, established juvenile courts and appointed the first judges responsible for presiding over them. The courts concerned were the courts of first instance of Libreville, Port-Gentil, Franceville and Oyem and the appeals courts of Libreville, Port-Gentil and Franceville.

403. Article 81 of Act No. 39/2010 applies provisionally to jurisdictions that have not been provided with juvenile courts and judges. It states: "Until the actual establishment of juvenile courts, the ordinary courts shall continue to deal with cases involving minors in both criminal cases and cases involving protection. However, once such courts are established, the cases shall be assigned to them as they stand."

(b) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pretrial detention and ensure that the lawfulness of this detention is reviewed by a judge without delay and then regularly;

404. In Gabon the decisions to detain minors are taken only exceptionally. When such a decision is taken or handed down, it can be appealed.

rights of the child in Gabon), in *La protection juridique et sociale de l'enfant*, Brussels; Bruylant, 1993; Alphonse Nkourouna, "La protection juridique et sociale de l'enfant en Afrique" (The legal and social protection of children in Africa), in *Aujourd'hui le droit*, Libreville, No. 14, January 2003; Alphonse Nkourouna, "Pour une réforme du traitement des mineurs délinquants" (For reform of the treatment of juvenile offenders), in *Hebdo-Informations*, No. 539, 30 June–14 July 2007.

Detention: an exceptional measure

405. The Constitution of Gabon establishes freedom as a basic rule; detention is the exception. Several provisions of Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors are consistent with that principle:

- In the prosecution stage: Under article 23 of the Act, a settlement or mediation, both of which rule out custodial sentences, may take the place of prosecutions;
- In the investigation stage: Although article 31 of the Act authorizes juvenile judges to issue all warrants against children, including detention orders, this is only an option; article 29 states that they may issue substantiated provisional orders calling for any measure to protect, assist, supervise or educate the minor or to place the minor in the care of any trustworthy person, including the parents.

406. In addition, the pretrial detention of minors is shorter than that of adults. Under articles 31 and 33 to 35, the provisions for pretrial detention are as follows:

- It may not exceed 3 months for lesser offences, although at the end of the period, the detention may be extended, on an exceptional basis, for a period not to exceed 3 months. In all, pretrial detention in such cases may thus not exceed 6 months;
- For more serious offences, it may not exceed 6 months, although it may be extended, on an exceptional basis, for a period not to exceed 6 months. In all, pretrial detention in such cases may thus not exceed 1 year;
- At the trial stage: Minors may not be the subject of detention orders in two cases:
 - The first case is covered under article 41: If minors have not acted knowingly, they are to be acquitted and the charges dropped, and if they are detained, the detention order is lifted. Only measures of protection, assistance, supervisory or educational measures may be ordered;
 - The second case is covered by article 42. Even if minors are convicted, the court may discharge them and therefore not deprive them of liberty.

Detention of minors: a measure subject to appeal

407. If the limit to the initial period of pretrial detention is not respected, or if the conditions for the extension thereof are not met, the minors or their lawyers, parents, guardians or any persons responsible for their custody, as well as the Public Prosecutor's Office, may petition for their unlawful or unjustified detention to be repudiated by the court's indictments division, which is responsible for hearing appeals against decisions handed down by investigating judges, including juvenile judges (art. 66).

408. When a trial court issues a decision placing a minor under the authority of the justice system, this decision may be appealed before the juvenile division by the persons referred to above (art. 62 ff.)

(c) Provide children with legal and other assistance at an early stage of the procedure;

409. An "early stage of the procedure" is understood to mean the extrajudicial phase (namely, during the preliminary inquiry) and the judicial phase (prosecution, examination and judgement).

Assistance for minors during extrajudicial procedures (preliminary inquiry)

410. 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 benefit from their presence. This provides a kind of “family aid”, as criminal investigation officers may question minors only in the presence of those persons or a person authorized for that purpose (art. 20, paras. 2 and 3, and art. 21).

411. Minors must also be informed of their right to the assistance of counsel or a lawyer, thus genuinely making plain their absolute right to legal assistance (art. 20, para. 2).

Assistance for minors during judicial procedures

412. 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 invoke the settlement or criminal mediation procedures set out by article 23 of Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors in Gabon, 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 remains in place;
- *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 to defend them during this phase of the procedure, article 25 lays down unequivocally: “Minors who are prosecuted must be assisted by a lawyer or court-appointed defender. Before the first hearing, if a minor or his or her representative does not have a lawyer, the juvenile judge shall ensure that one is appointed by the President of the Bar. In courts that do not have local lawyers available, the appointed public defender shall be chosen from the roster drawn up yearly by the Ministry of Justice.” That provision applies to the Court of First Instance of Libreville, as the Bar Association of Gabon is located there, where nearly all the country’s lawyers have their offices. For the effective implementation of that provision in courts that have no lawyers available, the technical departments of the Ministry of Justice (the Division of Penal Matters and Pardons, in particular) are working to draft a set of regulations, inter alia, establishing the conditions for the appointment and training of the non-lawyer public defenders referred to in article 25;
- *Assistance for minors during the trial.* The lawyer or the official appointed in accordance with article 25 by the investigating juvenile judge assists the minor not only before the judicial investigation authority but also before the trial court (a juvenile judge, juvenile court or juvenile division).

(d) Provide children with basic services (e.g., schooling);

413. In civil and criminal cases,⁷⁶ under articles 11 and 41 of Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors, protection, assistance, supervisory or educational measures may be ordered for the benefit of children.

⁷⁶ Article 41 establishes that even in criminal cases — that is, when minors are in conflict with the law — measures of protection are taken for their benefit.

414. In criminal cases and in relation to sanctions, the recommendation of the Committee has been taken into consideration with particular care, specifically through an array of activities since 2008.

415. In 2008 the social services unit of Libreville Central Prison had already set up a library and a centre for training in sewing and tailoring in order to reduce stress among detained minors, to refresh their mental outlooks and restore their motor skills, and also to improve their aptitude for learning to read and sew.

416. In January 2011, the First Lady, Sylvia Bongo Ondimba, made a donation of basic medical equipment to the prison, as a result of which the infirmary's laboratory is now equipped with automated biochemistry and haematology analysers, centrifuges, stills, water baths and stirrers, etc. This equipment will make it possible to improve prisoners' health diagnoses, to perform specialized tests based on needs and to provide laboratory monitoring of patients suffering from identified pathologies.

417. In the same prison, a school for minors deprived of liberty is currently under construction.

418. Basic services are not provided only in Libreville. Franceville Central Prison too provided monitoring and counselling services to minors and detainees to enable them to study for a first-cycle school-leaving certificate (BEPC) in 2012, and some received the certificate.

(e) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country; and in the meantime by guaranteeing separation from adults in all prisons and in pretrial detention places all over the country;

419. Article 74 of Act No. 39/2010 of 25 November 2010 categorically sets out that minors deprived of liberty, whether convicted or in pretrial detention, are to be separated from adults.

420. These provisions are implemented in some of the country's correctional facilities, such as the Libreville and Port-Gentil prisons, which include sections reserved especially for juvenile detainees.

421. Following the recommendation of the Committee on the Rights of the Child, and with a view to the strict and effective application of article 74 throughout the country, the Government has decided to build new prison facilities taking into account modern standards for the respect of human rights in general and the rights of minors deprived of liberty in particular. The prisons are to be built in the provinces of Estuaire, where the political capital of the country is located, and Ogooué-Maritime, home to the economic capital. The same prison construction programme will certainly be extended to the country's other provinces.

(f) Ensure that children remain in regular contact with their families while in the juvenile justice system;

422. Article 77 of Act No. 39/2010 of 25 November 2010 states that "All minors are entitled to regular and frequent visits from the members of their families. They are entitled to communicate with the person of their choice and to receive correspondence."

423. Pursuant to that article, minors communicate freely with their lawyers or defenders in order to prepare their defence and may also receive records of their interrogations and/or hearings.

424. Parents of minors, for their part, are issued with visiting permits by the courts or prison authorities.

425. Civil society too is involved in the implementation of this article. The NGO DIA-Amour, for instance, promotes contact between minors in conflict with the law and their families by holding awareness-raising meetings for those involved. In 2011, for example, this organization held a meeting with 20 juvenile inmates from Libreville Central Prison, enabling 10 of them to re-establish contact with their families.⁷⁷

(g) Introduce regular medical examination of children by independent medical staff;

426. Two articles of Act No. 39/2010 of 25 November 2010 demonstrate that this provision is effectively applied.

427. First, article 78 states that all minors in detention have the right to be examined by a doctor on admission and to receive appropriate medical care. If there are no medical facilities in the establishment, priority is to be given to treating them elsewhere.

428. For the implementation of this provision, Decree No. 00102/PR/MISPD of 17 October 2002 establishing the Department of Prison Health calls for each of the country's prisons to have a medical service unit.

429. Second, article 28 of the same Act states that the juvenile judge shall order a medical examination and, where appropriate, a psychiatric or psychological examination. The wording implies that these examinations may be performed by health personnel who are not part of the prison security service.

(h) Establish an independent child-sensitive and accessible system for complaints for children;

430. 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 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. This provision thus establishes a special referral mechanism that is an exception to the general rule under which minors lack the legal capacity to initiate civil proceedings;
- *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 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 incidental independent complaints 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 prosecutors responsible for juvenile affairs (arts. 17, 19 and 22 of Act No. 39/2010) and recognizing their right to seek appropriate recourse from a civil court in the event of victimization of a

⁷⁷ DIA-Amour, *Rapport d'activités 2011* (2011 annual report).

child, juvenile law in Gabon has established an independent complaints mechanism. Minors can complain to the prosecutor, just as they can complain to the court; they thus have an indirect referral mechanism.

(i) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;

431. A distinction must be made between the actions taken before and after the adoption of Act No. 39/2010 of 25 November 2010 establishing a legal structure for the protection of minors.

Actions taken before the adoption of Act No. 39/2010 of 25 November 2010

432. In April 2006, the Government of Gabon, in collaboration with UNICEF, organized a workshop on juvenile justice which was attended by several judges and public prosecutors of the country's courts of first instance.

433. In 2007, the Ministry of Justice, with the assistance of the French Agency for Development, organized a training seminar on this subject for certain judges of the courts of first instance of Libreville and Lambaréné.

434. In June 2010, an initiative to give inmates vocational training was launched following the establishment of the National Committee on Education and Vocational Training in Prisons by Order No. 00353/PM of 6 May 2010. In that connection, a draft decree on the establishment of schools in prisons will be submitted for comments to the Interministerial Council and the Council of State. Once it is adopted, the Government will launch an appeal for funding for juvenile detention and reintegration centres.

Training activities carried out since the adoption of Act No. 39/2010 of 25 November 2010

435. Article 19 of Act No. 39/2010 states that: "Judicial officials of the juvenile courts [...] are required to undergo specialized training before or after their appointment." In order to effectively implement this recommendation, the Ministry of Justice is in the process of putting in place a sustainable policy on training for juvenile court judges and other persons involved in the juvenile justice system.

436. The training programme will include two components: traditional training as of the 2012/13 academic year for students studying to be judges and registrars (courses, seminars, workshops and/or talks) and ongoing training for serving judges, officers of the court and all other persons involved in the juvenile justice system.

(j) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;

437. The specificity of juvenile criminal law is that its aim is more to rehabilitate minors and to effect their social reintegration than to punish them. To that end, the authorities and Gabonese civil society play an important role.

Public policy responses

438. In June 2010, the heads of the prison security service and the chief administrative officials of Libreville Central Prison set up an initiative to give minors deprived of their liberty vocational training, focusing first on agricultural skills.

439. In response to the recommendation of the Committee on the Rights of the Child concerning the rehabilitation and reintegration of children in conflict with the law, one

minor provision and two major ones were included in Act No. 39/2010 of 25 November 2010, thus attesting to the consideration that recommendation received.

440. The minor provision is in article 23 of the Act, which, by providing for mediation and/or a settlement, is directed more at rehabilitating and/or reintegrating minors than at prosecuting or sentencing them.

441. The major provisions are contained in articles 42 and 46 of the Act, which state, *inter alia*, that minors may be discharged when they have been rehabilitated, that the sentencing can be suspended if the minors' rehabilitation is under way and that their criminal record can be expunged if it is shown that they have been rehabilitated.

442. In 2012, to implement the two provisions above, the Government, with various types of support from UNICEF, initiated a vocational training project for vulnerable children, including children in conflict with the law. The goal of the project is to contribute to the social inclusion of young people in conflict with the law through short vocational courses in the building and hospitality sectors, followed by a post-training follow-up programme.

443. In its pilot phase, in the short term, the project is targeting children in conflict with the law at Libreville Central Prison; it will subsequently be extended to the country's other correctional facilities. In the same vein, a workshop to review proposals for the placement and social reintegration of these young people was held on 23 February 2012 in Libreville. Of the 114 persons detained at Libreville Central Prison, 65 will be given training in the building and hospitality trades.

Action taken by civil society

444. As stated previously, NGOs such as DIA-Amour and Espoir support public policy for the rehabilitation and reintegration of minors in detention and those released from prison.

(k) Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203–238);

445. The Government has taken note of the recommendations of the Committee (CRC/C/46) and is working to bring all national policy on the protection of children in conflict with the law, from policing to the courts, into line with the Beijing Rules, the Riyadh Guidelines and the Tokyo Rules.

(l) Request technical assistance in the area of juvenile justice and police training from, among others, the Office of the High Commissioner for Human Rights, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

446. Gabon recognizes that it cannot put in place an efficient and effective system of juvenile justice entirely on its own. It has often needed and will continue to need the assistance and support of international organizations.

447. In 2005, UNICEF thus funded a study on the situation of children in conflict with the law in the province of Ogooué-Maritime.

448. Technical assistance from UNICEF was also requested during the drafting of Act No. 39/2010 of 25 November 2010.

449. The vocational training project for vulnerable children, including children in conflict with the law, begun in 2012, has received support from UNICEF in various forms.

450. As part of the implementation of its coming policy for the training of personnel involved in juvenile justice, the Ministry of Justice has already sought the support of UNICEF and of other international organizations, such as the World Bank.

Minorities

The Committee urges the State party to:

- (a) **Undertake a study to assess the situation and the needs of Pygmy children and to elaborate a plan of action involving leaders of the Pygmy community to protect the rights of those children and ensure their social services;**

451. According to Judith Knight (2008), in 2005, Gabon had already adopted an Indigenous Peoples Plan of its own as part of an agreement with the World Bank related to a loan designed to support the forestry sector. That was the first time that the Government had officially recognized its responsibility towards indigenous peoples. Later, in 2007, Gabon was present at the United Nations Permanent Forum on Indigenous Issues in New York, where the United Nations Declaration on the Rights of Indigenous Peoples was adopted.

452. The report of the 2011 study of orphans and vulnerable children demonstrates the scale of the social problems of the indigenous peoples of Gabon. Their village of Ikobey was taken as a sample for research. A national vulnerability scale was drawn up with their participation.

- (b) **Seek adequate means to ensure birth registration, health care, etc.**

453. The Gabonese population includes one minority that accounts for 1 per cent of the Pygmies.⁷⁸

454. On the ground, failure to attend school is an obvious problem. The problem was apparent both in Makokou, where nearly all the children taking part in (some 15) focus groups did not attend school, and in Tranquille, a small village near Ikobey, where the school was not open and most young girls had dropped out before finishing primary school as a result of their becoming mothers.⁷⁹

455. The original indigenous peoples face problems connected with the geographical and financial accessibility of the health-care system. Paradoxically, they are also victims of their mastery of traditional medicine, both within their own communities (where treatment with plants can sometimes lead to serious delays in seeking medical care; in other cases, reliance on “modern” medicine can cause them to disregard their own knowledge, bringing discredit upon it) and in the eyes of health-care personnel (who sometimes neglect them for reasons having to do with social discrimination and a belief that their problems are not a priority because indigenous people can always use their traditional knowledge to treat their ailments).⁸⁰

456. Drawing on the United Nations Declaration on the Rights of Indigenous Peoples, Gabon, together with civil society and a number of development partners, is taking steps to

⁷⁸ According to Pascale Paulin’s 2010 doctoral dissertation, the Pygmy population of Gabon is estimated to be approximately 4,500 people (or 0.3 per cent of the total population). The main ethnic groups that have been identified are the Koa, Bongo, Baka/Bibayak, Bakoya/Bakola, Barème and Barimba (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. 90).

⁷⁹ Ibid., p. 93.

⁸⁰ Ibid., p. 94.

protect the rights of indigenous peoples through discussions in the media and the provision of medical, educational and economic assistance.⁸¹ In 2007, to protect and better promote their integration, the State, with help from UNICEF, set up an integrated Pygmy community development project in the provinces of Woleu-Ntem (Minvoul) and Ogooué-Ivindo (Lopé, Zadié and Ivindo). The project focuses mainly on issuing birth certificates to Pygmy children,⁸² vaccinating children under 5 years of age, ensuring coordinated development (with the establishment of microprojects), bringing such basic social services as education, health, literacy and village water supplies to Pygmy communities and setting up a team of traditional health and hygiene advisers.

457. As to the introduction of basic social services in Pygmy communities, the Government's work has consisted in better promoting their rights. Thus, 80 per cent of Pygmies are informed and aware of hygiene practices conducive to the health and development of children and women.

458. A team of traditional advisers (52 in all) on health and hygiene was set up and 78 young peer educators were given training in outreach techniques and methods of communicating on priority issues.

459. The provision of birth certificates proceeded in four stages: awareness-raising in the Pygmy community of the benefits of registering their children at birth; birth registration; issuance of birth rulings in lieu of certificates by the courts in the two provinces concerned; transcription of the rulings into birth certificates.

460. The mission undertaken by UNICEF in May 2007 to the Baka people around Minvoul in northern Gabon made it possible to officially issue 93 birth certificates, free of charge, to a population estimated at about 350 people.⁸³ After that operation, nearly 90 per cent of the Pygmy children in 29 villages had birth certificates.

461. With regard to immunization, the goal was to vaccinate 80 per cent of the children under 5 years of age in the selected villages against the diseases covered by the Expanded Programme on Immunization. Eighty-five per cent of the Pygmy children of 29 villages were thus vaccinated against measles, polio, hepatitis and tuberculosis.

462. In addition, 80 per cent of Pygmies are informed and aware of hygiene practices conducive to the health and development of women and children.

463. Gabonese civil society is highly concerned about the marginalization of the indigenous peoples. Accordingly, in December 2009, the Gabonese Association for Aid to Native and Indigent Women (AGAFI)⁸⁴ travelled to the villages of the indigenous (Pygmy) community of the Haut-Ntem (Minvoul) and Woleu (Oyem) Departments. The purpose of this mission was to do exploratory work in preparation for the implementation of one of the NGO's projects, which involved educating and training the indigenous peoples living on the fringes of Minkébé National Park, in the interests of sustainable biodiversity management.

464. On 29 and 30 April 2010, at the Avaro Centre of Omar Bongo University in Libreville, the Movement of Indigenous and Pygmy Minorities in Gabon (MINAPYGA)

⁸¹ Ibid., p. 90.

⁸² In 2007 it was estimated that approximately 30 per cent of Gabonese children did not have birth certificates. The children most likely not to have them were from indigenous communities. A study conducted in some indigenous villages showed, for example, that 93 per cent of children were not registered. Not having a birth certificate naturally makes it harder to obtain other important documents, such as identity cards or voter identification cards (ibid., p. 91).

⁸³ Ibid.

⁸⁴ AGAFI is an NGO that for several years has been fighting tirelessly for the recognition of the rights of the Pygmy community in Gabon.

held a training workshop to develop a programme related to a census of indigenous peoples. The aim of the project is to persuade Gabonese policymakers of the importance of promoting indigenous peoples' access to citizenship. Plans have also been made to raise indigenous peoples' awareness of the need to be counted in order to receive the personal identity documents enabling them to enjoy their civil and political rights as full citizens of Gabon. The initiative is also aimed at promoting school attendance and the rights of indigenous peoples. After this workshop, this NGO actually took a census of the Bakoya of Mékambo, the results of which are as follows: children from 0 to 18 years (551 in all) account for 55.5 per cent of the total population.

465. In October 2010, the chief executive of MINAPYGA convened an awareness-raising meeting in Minvoul. At that meeting, he asked the Pygmies to reach out to others and to leave the forests (but not to abandon them), as they are part of the population of Gabon. As a result, they should have rights and responsibilities and obtain personal identity papers. Adults were also recommended to send their children to school and to register with the National Health Insurance and Social Protection Fund (CNAMGS) in order to benefit from the services it offers.

466. From 16 to 21 April 2012, Brainforest, an NGO, and the Brainforest Foundation held a training workshop for legal interns to increase their knowledge of the rights of forest communities, including the indigenous peoples of Gabon. In other words, the training focused on strengthening the legal interns' multidisciplinary expertise to enable them to better address the problems they will face as they put their skills to use alongside local stakeholders.

467. Despite these various efforts, it is clear that the children of indigenous peoples are among the most vulnerable of the children of Gabon: the inaccessibility of hospitals, schools, basic social services, civil registration and employment adds up to heightened vulnerability.⁸⁵

468. Despite the good intentions and the emergence of a scattered network of associations in indigenous society, there are no local or central government action plans for the social protection of the most vulnerable of the vulnerable.

469. However, that situation has to do with the weakness of the social safety net in Gabon. That weakness affects society as a whole and all families, regardless of ethnic or historical origin.⁸⁶

470. There are some barriers specific to the indigenous peoples.⁸⁷ First, there is the traditional practice of childbirth (which precludes issuing a certificate of delivery). Giving birth in a clinic is not common practice among the indigenous peoples, who prefer the traditional practice, which involves giving birth in the home. This practice is an obstacle to the systematic declaration of births, as indigenous leaders are unaware that they have the authority to declare the births of children to the civil registration office. In addition, parents are not always aware of the usefulness of the certificate; when they are, they are discouraged by the distances to government offices and the high cost of administrative procedures (made higher still by the corruption of employees grown used to making money from them). The second barrier has to do with the social relationships with the Bantu populations. The indigenous peoples are stigmatized by the Bantu. This discriminatory behaviour discourages indigenous women from going to hospitals for prenatal examinations

⁸⁵ 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. 90.

⁸⁶ Ibid.

⁸⁷ Gabon-UNICEF, *Analyse de la situation du phénomène des enfants sans actes de naissance* (Analysis of the phenomenon of children without birth certificates), Final report, 2011.

and deliveries. For these reasons, and despite the handful of awareness campaigns run by the Government with support from UNICEF and civil society, indigenous populations register births at low rates.

IX. Optional protocols to the Convention on the Rights of the Child and acceptance of the amendment to article 43, paragraph 2, of the Convention

The Committee recommends that the State party ratify and implement the two Optional Protocols to the Convention on the Rights of the Child and encourages the State party to accept the amendment to article 43 (2) of the Convention.

471. Gabon has ratified the three Optional Protocols. It ratified the third Optional Protocol in October 2012, making it the second country to do so, after Thailand.

X. Dissemination of documentation

Finally, the Committee recommends that, in light of article 44, paragraph 2, of the Convention, the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

472. In 10 years, Gabon has done a great deal to spread the word about the Convention on the Rights of the Child at various levels: at meetings between UNICEF and government officials, at conferences with government officials when international days of the child are observed, and at the sectoral level. Nearly all those involved directly or indirectly in children's affairs have been given relevant training by a variety of actors (including the Directorate-General for Human Rights and Samba Mwana, an NGO, with the support of the Women's World Summit Foundation, during the 19 days of activism in Gabon to prevent sexual abuse of and violence against children).

473. Discussion of the Convention on the Rights of the Child has never been so popular as it was between 2008 and 2012, when UNICEF concluded communication for development agreements with a growing number of community radio stations.

Conclusion

474. In line with President Ali Bongo Ondimba's vision of emergence for the country's development, Gabon is gradually pursuing initiatives and reforms in order to fulfil its commitment to children and thereby guarantee them a healthy and appropriate environment.

475. All the measures and reforms that we have presented and discussed in this report attest to the determination of Gabon to promote children's rights and protect children from any practice that could strip them of their rights and their dignity.

476. Gabon is therefore taking steps to:

- Develop policy documents on the implementation of children's rights: a child protection code, a national handbook of procedures to care for orphans and other vulnerable children, a code of criminal procedure for juveniles;

- Respect comparable international standards on the share of revenue allocated to children;
- Do an in-depth, comprehensive study of the effects of polygamy that will identify its impact on education and child development;
- Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- Pass a law on domestic violence;
- Define a clear national strategy for access to reproductive health services;
- Improve performance in the area of infant feeding practices, policies and programmes;
- Strengthen the implementation of the Bamako Initiative in outlying areas;
- Establish and equip a unit specialized in identifying, counting and providing comprehensive care for persons with disabilities;
- Develop specific policies and programmes for children with disabilities;
- Set up special structures for the care of children with learning difficulties and raise public awareness of the work of urologists and speech therapists;
- Amend Act No. 09/2004 of 21 September 2004 on preventing and combating child trafficking in Gabon to make it a more effective tool in combating child traffickers;
- Carry out studies to determine the scope of commercial sexual exploitation of children, including prostitution and pornography;
- Prepare a policy document on the protection of victims of sexual exploitation;
- Develop policies and programmes to bring the children of indigenous peoples out of the most vulnerable segment of the population.
