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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-second session**  
23 January–3 February 2023

**National report submitted pursuant to Human Rights  
Council resolutions 5/1 and 16/21\***

**Gabon**

**I. Introduction and methodology for preparation of the report**

1. The present report is submitted by Gabon for the fourth cycle of the universal periodic review. It sets out the efforts made to implement the 143 recommendations accepted by Gabon in 2017, following the review of the country during the previous cycle, and wider changes that have taken place in the promotion and protection of human rights at the national level during the period under review.
2. Under the leadership of the Ministry of Justice, the report was prepared by the National Committee for the Drafting of Human Rights Reports, which brings together representatives of the Office of the Prime Minister, ministerial departments, both houses of the parliament, the Economic, Social and Environmental Council, the High Communications Authority, the National Commission on Human Rights, religious denominations and civil society organizations.
3. The present report was prepared through a consultative process, which began in 2018 with an analysis of the review of the country during the third cycle and the dissemination of the recommendations among the members of the drafting mechanism and other stakeholders. For ease of understanding and follow-up, an implementation matrix was then prepared to group the recommendations by theme and the department concerned. Subsequently, to give all stakeholders the opportunity to make an effective contribution to the process, the members of the national mechanism met regularly and participated in several workshops organized in cooperation with the Subregional Centre for Human Rights and Democracy in Central Africa.
4. In its overview of the national human rights situation, the present report has been structured by grouping the recommendations that were accepted into thematic areas in accordance with their similarities. It covers the activities carried out by the Government between June 2014 and July 2016. As explained in the present report, Gabon has also implemented recommendations that were not accepted.
5. At a session held on 21 September 2022, the report was approved by the members of the National Committee for the Drafting of Human Rights Reports and various human rights specialists with the technical support of the universal periodic review team of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva. It was then adopted by the Council of Ministers before being submitted to the Human Rights Council.

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\* The present document is being issued without formal editing.



## II. Human rights developments since the review of Gabon during the third cycle

### A. Normative framework

#### 1. International human rights instruments

6. Gabon is a party to most of the core international human rights treaties, which set the highest standards for the protection of human dignity and the full realization of fundamental rights and freedoms.

7. Gabon acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 22 September 2010.

8. Gabon ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2011.

9. Gabon became a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2014.

10. The process of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled is under way.

11. Gabon has not ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, but domestic law provides for the non-applicability of statutory limitations to crimes against humanity, including genocide and war crimes (Criminal Code of 2019, art. 229-5).

12. As for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, migrant workers are already protected under domestic law. Persons in a regular situation thus enjoy national protection similar to that provided for by the Convention. In addition, the rights of migrant workers who are in an irregular situation are not disregarded insofar as the fundamental rights of such persons are guaranteed.

#### 2. National legislation

13. The Constitution was reformed pursuant to Constitutional Acts No. 001/2018 of 12 January 2018 and No. 046/2020 of 11 January 2021. The following are some of the main areas of progress:

- The introduction of positive discrimination in favour of women to secure equal access to elected office and positions of responsibility in political and professional life for women and men (art. 1 (24)), and the extension of the provisions of article 6, on equality of access to elected office, to young people and persons with disabilities
- The reintroduction of the two-round system for presidential and parliamentary elections
- The institution of the public policy evaluation mechanism as a good governance tool and means of parliamentary oversight of government action
- The establishment of the right of any person, in proceedings before a regular court, to challenge the constitutionality of any law or ordinance that disregards his or her fundamental rights

14. Several laws and regulations have also been adopted, the main examples being the following:

- Organic Act No. 17/2022 of 8 August 2022 on the powers, organization, membership and functioning of the Supreme Council of Justice; in a major overhaul, this text provided for the establishment of a permanent secretariat for the Council

- Organic Act No. 008/2019 of 5 July 2019 on the organization, membership, jurisdiction and functioning of the ordinary courts, which establishes, inter alia, a commercial court and a labour court in each provincial capital and, under the court of first instance (*tribunal de première instance*) and the appeal court in Libreville, specialized units to investigate and rule on cases of specific offences, for example trafficking in persons and financial offences
- Organic Act No. 007/2019 of 5 July 2019 on the organization, rules of functioning, and procedure of the Court of Justice, a special, non-standing court with jurisdiction over crimes and misdemeanours committed by the Vice-President, the presidents and vice-presidents of the constitutional institutions, members of the Government, members of the Constitutional Court and the heads of the high courts (art. 2)
- Act No. 004/2021 of 15 September 2021 amending certain provisions of Act No. 15/72 of 29 July 1972 on the Civil Code, which includes new provisions on the time limits for declaring births, equality between men and women in marriage, the freedom of each spouse to exercise the profession of his or her choice, the prohibition of repudiation and the introduction of more flexible grounds and procedures for divorce
- Act No. 042/2018 of 5 July 2019 on the Criminal Code, which establishes such sexual offences as rape, incest, harassment, procuring and prostitution and the offence of murder committed for the purpose of removing organs, tissue, blood or any other element or items from the body of the victim
- Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018 of 5 July 2019 on the Criminal Code, pursuant to which article 402 (5) was abolished and homosexuality thereby decriminalized
- Act No. 005/2021 of 6 September 2021 amending certain provisions of Act No. 006/2020 of 30 June 2020 on the Criminal Code, which, inter alia, decriminalizes the voluntary termination of pregnancy for women in distress and criminalizes spousal rape
- Act No. 043/2018 of 5 July 2019 on the Code of Criminal Procedure, which brought about several positive developments, most significantly the introduction of the expedited procedures of settlement and plea bargaining
- Act No. 006/2020 of 6 September 2021 on the elimination of violence against women, which is aimed at promoting equality between men and women; it contains various provisions to ensure better care for women victims of violence and sets out mechanisms to protect them from all forms of violence and discrimination in the family and the workplace
- Act No. 022/2021 of 19 November 2021 on the Labour Code, which establishes social dialogue at companies and improves wages and working conditions for employees while promoting gender equality, equality of opportunity and efforts to combat discrimination in all its forms; it also provides for a variety of contractual arrangements for employment
- Act No. 037/2018 of 11 June 2019 on the regulation of the mining sector in Gabon, which determines the distribution of mining revenues among the State, the Local Community Development Fund and the Mining Sector Support Fund and makes operators liable for direct or indirect pollution
- Act No. 003/2018 of 8 February 2019 on the Children's Code
- Ordinance No. 00004/PR/2018 of 26 January 2018 amending, supplementing and abolishing certain provisions of Act No. 07/96 of 12 March 1996 establishing common rules for all political elections. Article 10 of the Ordinance establishes the Gabon Elections Centre, which replaces the Independent and Permanent National Electoral Commission
- Decree No. 00033/PR/MDSFPSSN of 24 January 2018 amending and supplementing certain provisions of Decree No. 252/PR/MFAS of 19 June 2012 on the system for the implementation of social assistance and family protection

- Decree No. 000241/PR/MSF of 4 October 2018 on the organization of mobile medicine in Gabon
  - Decree No. 000111/PR/MS of 26 March 2018 on the introduction of free maternity delivery services at public health facilities
  - Decree No. 148/PR/MESRSTTENFC of 7 June 2021 on scholarship schemes in Gabon
  - Decree No. 0236/PR/MJGSCDH of 15 September 2021 on procedures for the performance of community service in Gabon
  - Decree No. 0212/PR/MJGSCDHEG of 8 August 2022 on protection and social advancement centres for women victims of violence
  - Decree No. 183/PR/MJGSCDHEG of 5 August 2022 on the powers, organization and functioning of the Observatory for Women's Rights
15. In response to the coronavirus disease (COVID-19) pandemic, the legal framework was strengthened through the adoption of the following instruments:
- Decree No. 00101/PR/MEF of 10 April 2020 on the establishment and organization of the COVID-19 Solidarity Fund
  - Decree No. 00102/PR/MEF of 10 April 2020 on rent waivers for persons without an income during the COVID-19 state of emergency
  - Decree No. 00103/PR/MERH of 10 April 2020 on the payment by the State of water and electricity bills issued by the Société d'Énergie et d'Eau du Gabon during the COVID-19 state of emergency
  - Decree No. 00104/PR/MERH of 10 April 2020 banning the Société d'Énergie et d'Eau du Gabon from suspending water and electricity supplies during the COVID-19 state of emergency
  - Decree No. 00105/PR/MPIFDLVFSIHSN of 10 April 2020 on the establishment, organization and functioning of the food bank during the COVID-19 state of emergency
  - Decree No. 00106/PR/MEFPTFPDS of 10 April 2020 on the designation of the public, semi-public and private sector essential services and personnel on call during the COVID-19 state of emergency
  - Decree No. 00108/PR/MS of 10 April 2020 on the introduction of mass COVID-19 testing in Gabon
  - Decree No. 00109/PR/MEFPTFPDS of 10 April 2020 on working hours exemptions during the COVID-19 state of emergency
  - Decree No. 00132/PR/MS of 11 May 2020 on the mandatory wearing of masks in public places to prevent and control COVID-19

## **B. Institutional framework**

16. Gabon has reformed several institutions, including the following:
- The Gabon Elections Centre, which now has a transparent process for the election of members, including the president, who is chosen by a special board composed of equal numbers of representatives of the majority and the opposition political parties or coalitions of parties
  - The High Communications Authority, which, having replaced the former National Council of Communication, is updating and strengthening the communication and audiovisual system in force since 1991
  - The criminal intelligence analysis unit of the national police force, which ensures that anti-crime activities are better targeted

- The Supermwana free call centre, which receives calls at the number 1412 to combat various forms of violence against children
- The free counselling and guidance number, 1404, for receiving reports of violence against women
- The new women's facility at Libreville Central Prison, which provides amenities for women prisoners in line with applicable standards
- The gender-based violence unit at Akanda police station
- The National Observatory for Women's Rights, which is responsible for monitoring indicators, handling communication and combating violence against women in Gabon
- Protection and social advancement centres for women victims of violence

### **C. International cooperation**

17. Gabon continues to engage constructively with international human rights mechanisms. In this context, it prepared the following reports:

- Periodic report under the International Convention for the Protection of All Persons from Enforced Disappearance
- Periodic report under the International Convention on the Elimination of All Forms of Racial Discrimination
- Periodic report under the International Covenant on Economic, Social and Cultural Rights
- Periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Voluntary national review report on the Sustainable Development Goals

18. During the reporting period, Gabon cooperated with the special procedures of the Human Rights Council by responding to the communications transmitted by the Working Group on Arbitrary Detention and to joint communication AL GAB 3/2019.

19. Gabon also maintains close cooperation with OHCHR through the OHCHR regional office in Yaoundé.

20. In 2012, Gabon extended a standing invitation to the special procedures of the Human Rights Council, which remains open.

21. In 2019 and 2020, through the Project to Support the Promotion and Protection of Human Rights in Gabon, the European Union, OHCHR, the United Nations Regional Office for Central Africa (UNOCA) and the United Nations Development Programme helped to strengthen the institutional framework for human rights by providing training for administration officials, members of the National Commission on Human Rights and various civil society organizations.

22. Gabon maintains ongoing and constructive dialogue with States and organizations working on migration issues, including with the International Organization for Migration (IOM) and within the framework of the Global Forum on Migrants and the Global Forum on Migration and Development.

### **D. Cooperation with civil society organizations**

23. The Government works closely with the civil society organizations operating in the country. In fact, most of the programmes and activities detailed in the present report are the result of partnership between the State and civil society.

24. The major achievement of the Project to Support the Promotion and Protection of Human Rights in Gabon, which was funded by the United Nations and the European Union and implemented from September 2019 to March 2020, was the establishment of a national

dialogue and exchange mechanism bringing together the Government, the National Commission on Human Rights and civil society organizations. Through this consultation framework, the participants are able to discuss cases of human rights abuses and violations at monthly meetings and organize joint activities.

### **III. Promotion and protection of human rights on the ground**

25. Gabon is a member of the Human Rights Council, having been elected in October 2020. During the first year of its membership, Gabon was one of the sponsors of resolution 47/4 on menstrual hygiene management, human rights and gender equality, which was adopted by the Council on 12 July 2021.

26. On 8 June 2022, Gabon was elected to the Executive Board of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) for the period 2023–2025, reflecting its efforts to improve the status of women.

27. In a step forward for the gradual process of harmonizing national law with international human rights law, recommendations 118.18–118.24 have been implemented through the incorporation of amendments to the Constitution, the Children’s Code, the Criminal Code, the Civil Code, the Labour Code and other regulatory texts mentioned above.

28. Human rights education (recommendation 118.5) continues to be provided at the national level for ministerial departments, civil society organizations and communities. These activities are carried out with the support of the United Nations and/or solely at the Government’s initiative, for example as part of awareness-raising campaigns or to mark commemorative human rights days.

29. The National COVID-19 Pandemic Response Strategy, which was implemented with the support of multilateral and bilateral development partners, helped to contain the spread of the virus.

30. The implementation of the Strategy to Promote Women’s Rights and Reduce Gender Inequality has made it possible to strengthen the regulatory framework in place to ensure gender equality and combat violence against women in the light of international standards.

31. On 23 March 2021, in response to recommendation 118.8, the Council of Ministers approved a national plan of action for the implementation of Security Council resolution 1325 (2000) on women and peace and security over the period 2018–2021.

32. A thematic compilation of recommendations arising from the universal periodic review or received from other international and regional human rights monitoring bodies was prepared and approved in preparation for the National Human Rights Action Plan. The Action Plan is aimed at helping the public authorities to reshape the policymaking process at the central and local levels, taking a human rights-based approach.

33. Gabon has rejoined the Extractive Industries Transparency Initiative, which is helping to gradually improve transparency in the management of mining, oil and gas revenues.

34. As part of a criminal record digitization project that is being implemented by the Forensic Police Directorate, 13,385 of a total of 33,000 records have been registered to date.

35. Legislative elections were held on 6 and 27 October 2018 to elect the 143 members of the National Assembly. The ballot was conducted in a transparent and satisfactory manner, according to observers (recommendation 118.17).

36. The intensified political dialogue between Gabon and the European Union is set to conclude in December 2022.

37. In continuation of a measure introduced in 2020 during the COVID-19 pandemic, school and urban transport remains free of charge in Libreville.

## IV. Implementation of recommendations from the previous cycle

38. During the period under review, Gabon strove to implement the 143 recommendations that had been accepted.

### Political dialogue (118.1–118.3)

39. The following are some of the ways in which the recommendations arising from the Agondjé political dialogue have been implemented:

- A committee consisting of members of the majority and opposition parties has been established to monitor and evaluate the outcomes of the political dialogue
- The President is now elected through a two-round majoritarian system instead of a one-round system
- The legislative election districts have been reorganized and the number of deputies increased from 120 to 143
- The number of senators has been reduced from 102 to 70
- The Independent and Permanent National Electoral Commission has been replaced by the Gabon Elections Centre, whose president is now elected by a special board rather than being appointed by the Constitutional Court
- Responsibility for declaring election results has been transferred from the Minister of the Interior to the president of the Gabon Elections Centre
- The term of office of constitutional judges has been limited to nine years, non-renewable

### National Commission on Human Rights and mechanism for the prevention of torture (118.25–118.30 and 119.6–119.15)

40. With a view to strengthening the National Commission on Human Rights and bringing it into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), an inclusive process was initiated involving the Government, the Commission itself and civil society, with technical support from OHCHR and UNOCA, to amend the law governing the institution. The bill that emerged from this process is currently under discussion in the National Assembly, having been adopted by the Council of Ministers in April 2022 and by the Senate in June 2022. It incorporates all the views and recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Association for the Prevention of Torture.

41. The main innovations of the bill include provisions on strengthening the mandate of the National Commission on Human Rights through the establishment under it of a national mechanism for the prevention of torture, expanding the Commission's responsibilities, making changes to the Commission's membership and organization in order to increase its independence, and introducing mechanisms for receiving complaints and imposing penalties.

### Right to freedom of expression, association and assembly and protection of human rights defenders (118.96–118.105)

42. During the period under review, the constitutional right to freedom of expression was strengthened by the adoption of Ordinance No. 12/PR/2018 amending and supplementing certain provisions of Act No. 019/2016 of 9 August 2016 on the Communications Code. In a major step forward, article 199 bis of the Ordinance puts an end to custodial sentences for press offences.

43. In 2019, to clean up the media scene, the Commission for the Accreditation of Journalists and Film Professionals considered 200 applications and issued 186 press cards. In 2021, 93 applications were considered and 71 press cards issued. In addition, the annual press subsidy, which ranges from 200 to 500 million CFA francs (CFAF), remains in place despite resource constraints, which have been made worse by the COVID-19 pandemic.

44. In view of the crucial role played by the media in promoting peace and democracy, the Government, with technical support from UNOCA and the United Nations Educational, Scientific and Cultural Organization (UNESCO), organized several workshops during the period under review to build the professional capacities of media representatives, whether men or women, in such areas as ethics and professional conduct, journalistic professionalism and the role of the media in the conduct and promotion of elections.

45. The stability and equilibrium of Gabon are constantly ensured by the plurality of the country's media outlets, the extent of its community-based networks and its democratic pluralism.

46. It is prohibited for the defence and security forces, in the performance of their law-enforcement tasks, to use force except where necessary and in moderation, in accordance with operational requirements.

47. The defence and security forces receive initial and in-service training in crowd management, consistent with human rights and law enforcement legislation.

48. On 15 June 2018, the Réseau des défenseurs des droits humains en Afrique centrale (Central African Human Rights Defenders Network) conducted a national advocacy campaign to disseminate the Guidelines on Freedom of Association and Assembly in Africa of the African Commission on Human and Peoples' Rights among members of the Senate and the Government.

49. On 9 February 2022, the Gabon country coalition of the Réseau des défenseurs des droits humains en Afrique centrale was launched with the support of the President of the African Commission on Human and Peoples' Rights and in the presence of government representatives as a way of providing a firm organizational foundation for its activities. Its main goal is to secure the adoption of a law on the promotion and protection of human rights defenders in Gabon. Discussions concerning the establishment of a formal framework for dialogue between the State and civil society human rights organizations are under way.

## **Torture, ill-treatment and improvement of conditions of detention (118.25–118.39)**

50. As noted in paragraph 40, a bill on the reorganization of the National Commission on Human Rights is currently before the National Assembly. One of the main innovations provided for in the bill concerns the establishment under the Commission of a national preventive mechanism specifically responsible for dealing with all forms of torture and other cruel, inhuman or degrading treatment or punishment, to carry out its work in all places of deprivation of liberty without restriction.

51. To ensure the financial independence of the national preventive mechanism, the bill provides for it to have a budget of its own within the overall budget of the National Commission on Human Rights. The mechanism will also be administratively independent: it will have a commission with its own activities, staff and procedures.

52. To strengthen respect for the fundamental rights of persons deprived of their liberty, the Government has adopted legislative and regulatory measures to reshape its criminal policy. Alternatives to imprisonment, namely, victim compensation orders, forfeiture or restriction of certain rights, and community service, have been introduced in accordance with two amendments to the Criminal Code.

53. The application of Decree No. 00236/PR/MJGSCDH of 15 September 2021 on the performance of community service in Gabon will allow the courts gradually to reduce prison overcrowding.



54. The new Code of Criminal Procedure also provides for alternatives to prosecution. The public prosecutor now has the option of proposing a settlement to the parties within clearly defined parameters. This procedure may be applied only in respect of offences that do not involve bodily harm.

55. There is also a plea bargaining procedure that may be proposed by the public prosecutor ex officio or requested by the defendant.

56. Gabon intends to strengthen the measures at its disposal to ensure respect for fundamental legal safeguards in practice. The draft of the revised Criminal Code currently under consideration includes several offences covering abuses and violations of the rights of individuals by law enforcement officials.

57. With regard to the enforcement of sentences, the reform not only introduces tools for reducing sentences, such as parole, presidential pardons and amnesty, but also establishes the post of sentence enforcement judge, also known as the parole judge.

58. To identify and resolve the issue of unlawful detention, an ad hoc commission responsible for reviewing the lawfulness of detentions in prisons was set up in Libreville and in the interior of the country by decision No. 009/MJGSCDH/SG of 24 November 2020.

59. At Libreville Central Prison, 529 of the 843 persons reported as being unlawfully detained have had their situations reviewed. The work done so far has led to the release of 207 prisoners (including 104 men, 4 women and 19 boys), accounting for 24 per cent of cases, and to 91 convictions (against 78 men, 4 women and 9 boys), accounting for 11 per cent.

60. The State's commitment to improving conditions of detention is evident in the programmes under way to expand and renovate the prison estate. The women's facility in Libreville, which was built in accordance with international standards and has a capacity of 106 places, has been operational since April 2022. In addition, the construction of a detention centre for minors and a school at Libreville Central Prison is nearing completion. The renovation of Lambaréné, Makokou and Oyem prisons should begin in 2023, and the project proposals and cost estimates have already been drawn up.

61. The families and lawyers of prisoners are able to visit them and now have access to two rooms for that purpose. In addition to receiving visits, prisoners can make telephone calls through the social service.

62. Remand and convicted prisoners are held separately at the women's facility. The same will be the case at other facilities, notably the detention centre for minors that will soon open.

63. The food ration for prisoners has been increased from one to two varied meals per day. Prisoners who are unwell receive twice the daily ration and special food packs if they have tuberculosis.

64. With regard to medical care, all prisons in Gabon have a medical unit staffed by doctors, nurses, midwives and laboratory technicians who treat prisoners and, in the most serious cases, transfer them to the appropriate hospital facilities. The Libreville prison also has two psychologists.

65. Between 2020 and 2022, the following measures were taken to strengthen the services provided by the health centre:

- Access to various health programmes, including programmes focused on HIV, sexually transmitted diseases, tuberculosis, major endemic diseases and women's cancers, was made free of charge
- The laboratory was supplied with medical equipment for diagnosing tuberculosis (GeneXpert)
- A unit was opened to screen and provide treatment for tuberculosis, HIV and COVID-19

66. The following should be noted with regard to hygiene:

- The implementation of an agreement with the Hygiene and Sanitation Institute

- The creation of a system to manage and treat prison wastewater
- The implementation of a system and programme for collecting and disposing of prisons' domestic waste
- The overhaul of the water distribution network and the strengthening of supply capacities

67. Over the period 2017–2020, measures were taken to provide a high level of training for prosecutors, judges and criminal police and prison officers on preventing and combating torture, in accordance with applicable standards.

### **Combating so-called ritual crimes (118.40–118.41)**

68. Articles 223-4.1 and 224-2 of Act No. 006/2020 of 30 June 2020 on the Criminal Code make it an offence to commit murder with the aim of removing organs, tissue, blood or any other element or items from the body of the victim for commercial or ritual purposes.

### **Trafficking in persons (118.43–118.61)**

69. In accordance with international minimum standards on human mobility and combating trafficking in persons, the Government is making considerable efforts to address the issue of irregular migration in the context of trafficking in persons. The following may be noted with regard to public policies and measures:

- Penalties for trafficking in persons have been incorporated into national law, and the offence of migrant smuggling and exploitation of minors in the commission of such acts will soon be established
- A “humanitarian corridor” has been established to facilitate and secure the migratory movements of “refugees” and “separated children”
- Associations and non-governmental organizations (NGOs) are involved and receive assistance to support child victims of trafficking and vulnerable migrants
- The responsibilities of the Centre for Children in Difficult Circumstances have been expanded to include the provision of support for child victims of trafficking
- Qualified civil servants have been seconded to Arc en ciel, a private transit centre that takes in child victims of trafficking
- The process of establishing a migration observatory with the assistance and financial support of IOM to improve the management of migratory movements is at a very advanced stage
- Two bilateral agreements were signed in 2018, one with Benin and the other with Togo, on preventing and combating trafficking in juvenile migrants
- 182 migrants, including 3 Gabonese nationals who had been in African countries and Europe, were returned to their countries of origin and reintegrated with the support of IOM and the United Nations Children’s Fund (UNICEF)
- Gabon was moved to the Tier 2 Watch List in the 2019 Trafficking in Persons Report produced by the Department of State of the United States of America

70. However, Gabon faces major challenges, including the following:

- The slowness and complexity of the process of returning migrants and ensuring their family reintegration in their countries of origin
- The lack of genuine cooperation among countries of origin, transit countries and Gabon – as the country of destination – with regard to protection
- The weakness of tools and services for support and protection, the effectiveness of which essentially depends on cooperation among all national and international actors

71. With regard to the recommendation that Gabon should establish a permanent, integrated national structure for combating trafficking in persons, it should be noted that, by ministerial decree, the Government established the National Council for the Prevention of Child Trafficking in Gabon.

72. A text on the establishment, powers, organization and functioning of a national commission to prevent and combat trafficking in persons in Gabon is being drafted. The goal is to have a single national body responsible for dealing with trafficking in persons in Gabon that will implement the existing national programme. The commission will consist of a monitoring and strategic development council and a national unit to coordinate efforts to combat trafficking in persons.

73. Under the national judicial system for child protection, all child protection professionals must undergo specific training before assuming their duties.

74. A national plan to combat trafficking was drawn up in 2020.

75. Awareness-raising and training campaigns are organized with the support of international organizations and in cooperation with civil society. Examples include the following:

- 861 social workers and child protection workers received training on trafficking in 2019
- 50 judges underwent capacity-building training on conducting investigations focused on victims of trafficking in October 2019
- 70 law enforcement officials, social welfare officers and civil society representatives also received training in January 2020
- 40 judges from all regions attended a UNICEF-supported national seminar on mutual legal assistance in combating organized child trafficking in June 2022

### **Economic, social and cultural rights (118.106-118.124)**

76. To improve quality of life for the people and adjust the measures already adopted, the Government introduced a three-year plan to stimulate and transform the Gabonese economy with a budget of 3 trillion CFA francs. It is a reference document for sectoral strategies and current and future policy interventions aiming to change the perspective of public policies by focusing on the problems, interests and aspirations of the people.

77. With regard to access to water and sanitation, the implementation of the Integrated Drinking Water Supply and Sanitation Programmes in Greater Libreville and the Access to Basic Services in Rural Areas Project is progressing at an encouraging pace and is currently 25 per cent complete.

78. The National Health Development Plan for the period 2017–2021, which was drawn up in the light of the Sustainable Development Goal on health, provides for several measures to ensure equal access to care for communities.

79. The following measures were taken to boost the mobile medicine strategy, which is focused on general medical care, minor surgery, laboratory tests and prenatal and postnatal consultations:

- 162 Cuban doctors were recruited and deployed in the provinces
- 30 double cabin, four-wheel drive vehicles were delivered to the provincial directorates

80. The implementation of the strategy in the various provinces resulted in the following:

- Over 6,000 persons received medical care
- Over 500 children aged under 1 year were vaccinated
- Family planning outreach activities were carried out

81. Mobile teams vaccinated 76,226 persons against COVID-19.
82. Between 2018 and 2020, 29,539 women benefited from the free maternity delivery services that are currently available.
83. The Gabonese SAMU Social (mobile emergency service) remains active throughout the country, providing access to quality care on a strictly free-of-charge basis, and without any distinction whatsoever, to those who are completely destitute (older persons, single women with or without children, isolated children, those in physical or psychological distress and women victims of violence).
84. The SAMU Social operates a toll-free number (1488), an “emergency shelter”, a “mobile assistance team” and a “psychological medical centre”. As at 31 December 2019, 25 per cent of the Gabonese population, or 351,500 persons, had received care throughout the country. In 2020, this figure increased, with an additional 250,000 persons receiving health and social services free of charge.
85. The implementation of the plan to combat HIV/AIDS involved the following:
- The adoption of a “test and treat” policy, the decentralization of treatment and comprehensive care for HIV-positive pregnant women
  - The inclusion of Dolutegravir in the first-line regimen, including for pregnant and breastfeeding women
  - The use of GeneXpert devices for early diagnosis (polymerase chain reaction) and HIV viral load testing in all provinces
  - The strengthening of civil society involvement in the response to HIV, tuberculosis and other pandemics, although much remains to be done in this regard
  - The decriminalization of homosexuality in July 2020, which fostered better access to services and an environment conducive to reducing stigma and discrimination
86. Although the involvement of community actors has improved the situation, persons living with HIV/AIDS were particularly vulnerable during the COVID-19 crisis owing to the slowdown in HIV-related activities and difficulties in obtaining care for opportunistic diseases.
87. Women’s cancers are on the rise in Gabon. During the Pink October campaign in 2020, 2,023 persons were reached through awareness-raising activities (414 men and 1,609 women), 629 women were screened (395 for breast cancer and 234 for cervical cancer), and 21 suspected cases were identified (11 cases of breast cancer and 10 of cervical cancer). During the 2021 campaign, 12,342 persons (3,385 men and 8,957 women) were reached through awareness-raising activities, 2,187 women were screened (1,210 for breast cancer and 977 for cervical cancer) and, as a result, 75 suspected cases were identified (37 cases of breast cancer and 38 of cervical cancer) and 54 biopsies performed.
88. During the pandemic, Gabon took the following measures to combat COVID-19:
- The health emergency law was adopted
  - A steering committee was established for the plan to monitor and combat the COVID-19 pandemic
  - A toll-free number, 1410, was set up for persons with symptoms
  - Information about the epidemiological situation and updates on data, challenges and appropriate solutions were made available daily
  - 19 doctors and 40 members of medical staff received training at the Military Health Service Training School in Libreville
  - 55 intensive care doctors and 100 members of paramedical staff received training on treating severe cases
  - A national plan on preparing for and responding to COVID-19 was developed

- An outreach and communication strategy with a focus on prevention was formulated to reach the most isolated communities
- COVID-19 treatment guidelines were approved and periodically updated

89. Gabon is pursuing a policy aimed at upholding the right to education and improving the quality of teaching and training at all levels. The various steps that have been taken include the drawing up in 2021 of the National Education Development Plan, which sets out measures to strengthen education governance and management instruments and improve teaching quality, access to education and the school environment. With regard to facilities, several construction projects have been completed and delivered, including:

- The Bikélé Nzong and Owendo school complexes
- The Bikélé technical high schools and the Lébamba agricultural high school
- The Igoumié-Carrière primary and secondary school complex and the Bizango primary school

90. In accordance with the “leave no one behind” principle, Gabon has strengthened the right to education for detained minors by:

- Creating a multimedia room for computer literacy training
- Building a school
- Setting up an examination centre for those registered to sit the examinations for the primary school certificate, certificate of completion of the first stage of secondary education or baccalaureate

91. The National Agency for Vocational Education and Training and the Nkok International Multisectoral Centre for Vocational Education and Training, which has 11 branches, were established in 2020 and 2021, respectively, in implementation of public policy in the area of self-employment and training-employment matching.

92. The issue of inclusive education has been discussed in several forums bringing together associations and NGOs. A group of persons with disabilities met to explore mechanisms to address the issue of school exclusion, which has long been lamented.

93. In recognition of the benefits of keeping girls in school, empowering them and ensuring gender equality, Gabon has:

- Set up a service to carry out training and outreach activities at schools on sexual and reproductive health for adolescents and young people
- Raised awareness among parents, via parent-teacher associations, of adolescent and youth health issues and their impact and of parent-child communication in particular
- Trained members of NGOs/associations working on the ground
- Implemented a programme, since 2020, to install and renovate lavatories at schools, especially in the interior of the country, where the work in question has already begun

94. On 7 April 2022, 10 Gabonese young people participated in “A taxi, a job”, a youth empowerment project enabling jobseekers registered with the National Employment Office who have a baccalaureate and a driver’s licence to become taxi owners without putting down a deposit. Over the course of this project, the Government is aiming to make 90 new vehicles available to young people to be used as taxis throughout the country as a way of empowering them.

95. In response to the emerging COVID-19 epidemic, and despite the challenges posed by the lack of resources, distance learning was organized for primary and secondary school students. With UNICEF support, hand-washing stations and health products were also provided at 757 schools, for over 450,000 students and members of staff.

96. Remote work, which was trialled during the COVID-19 pandemic lockdown, has been given a legislative basis in article 53 of the Labour Code and promotes the employability of all categories of people, especially those with disabilities.

## Women's rights and gender equality (118.63–118.84)

97. To ensure respect for women's rights and gender equality, Gabon adopted the Strategy to Promote Women's Rights and Reduce Gender Inequality (Gabon Égalité). The Strategy, which was developed on the basis of extensive consultations with representatives of the full spectrum of Gabonese society and international benchmarking, sets out 33 measures in the areas of education, health, family law, politics, the economy and combating violence against women.

98. In this connection, legislative measures have been taken in the form of amendments to the Criminal Code and the Civil Code, and a specific law on violence against women has been adopted.

99. This specific law is aimed at preventing, protecting and eliminating violence and discrimination against women. The law thus provides for the establishment of the following:

- A shelter for women victims of violence, which, among other services, has a legal clinic to provide them with support, counselling, guidance and assistance
- A national observatory for women's rights to measure the impact of the reforms against pre-defined indicators and handle communication regarding women's rights and efforts to combat violence against women

100. The Criminal Code now establishes more stringent penalties for perpetrators of violence against women. In addition, the following measures have been taken:

- The aggravating circumstances for such offences as grievous bodily harm, rape and murder have been expanded
- The offences of psychological and sexual harassment have been broadened and made clearer
- The protection of women victims of violence has been strengthened from the moment they file a complaint, as civil servants face penalties for pressuring them to waive their rights
- Complementary penalties have been introduced for persons guilty of violence against women, including socio-judicial monitoring aimed at preventing repeat offences
- Civil or criminal judges may grant emergency protection orders
- The State ensures specific protection of the right of victims of violence to their image
- Victims have the right to receive information free of charge and social and legal assistance
- Victims receive special protection in the workplace, for example flexible working hours, priority for relocation, and internal transfers

101. Under the revised Civil Code, a husband is no longer able to apply to the courts to have his wife barred, in the interests of the family, from working. In addition, both spouses are now able to exercise the profession of their choice. In general, the husband is no longer designated as the head of the family and the sole financial decision maker.

102. The following measures have also been taken:

- The time limit for declaring the birth of a child has been extended, and the medical facility where the birth takes place is required to issue documents
- The minimum age for marriage has been increased from 15 to 18 years for women
- Women may freely perform salaried work and manage their own finances
- The concept of divorce by mutual consent has been introduced

103. During the period under review, measures to raise awareness of and promote gender equality were put in place at the national level, including with media participation. From September 2021 to February 2022, these measures were strengthened through work to

disseminate the new standards among 2,600 members of the judiciary, civil registry officials, social workers, teachers and civil society representatives.

104. With regard to violence against women and domestic violence, the Government set up a platform to enable the reporting of perpetrators of violence and the provision of support for victims, including via the toll-free helpline (1404). During its first eight months, over 2,500 calls, including 85 from victims of physical violence, were registered.

105. To strengthen the provision of legal assistance for women victims of violence, the country's various police stations have set up standby teams ready to respond to a 1404 alert at any time.

106. In 2021, a dedicated gender-based violence unit was set up at Akanda police station as part of a pilot project. Between 2021 and August 2022, the station registered 580 complaints, received 68 reports by telephone and took in 573 women and girls who were victims of violence of various forms.

107. The law on quotas is gradually improving women's participation in public life. For example, during the 2018 legislative elections, 10 (19) women deputies were elected compared with 15 during the previous legislative period. Since 2020, successive Governments have also ensured strict compliance with this measure.

108. In 2022, to foster an environment conducive to women's involvement in politics, several awareness-raising activities were organized, with the support of development partners, for women and girls and for political parties.

109. The key moments in the implementation of measure No. 6 (Mentoring for young women in politics), which is aimed at promoting the involvement of young women in politics and civic action, have been the identification of framework documents, the selection of 101 women mentors and, through an inclusive process, 64 women to be mentored, and the approval of training modules. The next steps, which are planned for the coming months, will focus on training.

110. In the area of health, voluntary termination of pregnancy has been decriminalized for women in distress. The abortion time limit has been increased from 10 to 12 weeks. One benefit of the reform is that there is now more time for any fetal abnormalities to become visible. This reform also addresses the issue of the prevalence of clandestine abortions.

111. To reduce discrimination against rural women, several programmes have been implemented with the support of development partners and in cooperation with civil society organizations in such areas as health, education and the workplace. One example is the "universal service" scheme operated by the telecommunications regulatory authority, which provides Internet access to rural communities, including women and girls without an income.

112. Gabon is strongly committed to ending inequality of opportunity and treatment between men and women in employment. To this end, the new Labour Code establishes women's right of equal access to work, a prohibition against all forms of discrimination in access to work, the principle of professional equality between men and women, women's right of access to company positions of all kinds and the principle of equal remuneration for men and women throughout their careers. The need to respect parity is now taken into account in recruitment, competitive selection procedures and job advertisements.

113. Strategies have been put in place to eliminate social stereotypes, cultural practices and traditions at variance with women's fundamental rights, particularly in the education sector, where examples include civic education classes, moral and civic education and student clubs. To the same end, several activities targeting neighbourhood and village leaders and communities have been carried out.

### **Children's rights (118.85–118.94)**

114. Following a regional workshop organized jointly by the Economic Community of Central African States and the Office of the United Nations High Commissioner for Refugees (UNHCR) to raise awareness of statelessness and legal identity and foster a coordinated

dialogue on those topics, which took place in N'Djamena, Chad, on 11 and 12 December 2018, Gabon set up a multidisciplinary working group to undertake a national study on nationality and statelessness. Among other activities, the working group is exploring the possibility of ratification of one or both of the conventions relating to statelessness and is seeking to ensure that all children born in Gabon, regardless of race, origin or religion, are registered and are issued with birth certificates.

115. Regular operations have been carried out to identify children without birth certificates, which has enabled most such children and their ascendants to be identified and registered with the National Health Insurance and Social Protection Fund.

116. The campaign initially targeted 15,000 children in Estuaire Province but was extended to all nine provinces with the technical support of the United Nations through the Joint Sustainable Development Goals Fund. The aim was to identify and enrol 1,000 children per province.

117. Despite the impact of the COVID-19 pandemic, social services, the courts and civil registry offices at town halls, prefectures and sub-prefectures were able to identify on average 15,000 children and parents without birth certificates. Their files were then examined by doctors, who issued certificates of apparent age; the courts, which issued declaratory judgments; and town halls and prefectures, which issued the birth certificates. Ultimately, 15,000 children and parents from both the most isolated areas and urban areas were able to obtain their birth certificates and register with the National Health Insurance and Social Protection Fund.

118. Article 83 of Act No. 003/2018 of 8 February 2019 on the Children's Code strengthens the legal framework on sexual exploitation and trafficking by strictly prohibiting any form of violence against the child.

119. In accordance with a ministerial decree adopted in the same year, the Government set up a mechanism on violence at schools, universities and vocational training centres, which performs prevention, warning, rapid intervention and monitoring functions with a view to mounting an effective response to this scourge.

120. In the course of two years, the call centre mentioned in paragraph 14 of the present report, Supermwana, which means "super child" in the Bantu language, received 11,429 calls in connection with such issues as abuse, physical violence, maintenance payments, malnutrition, neglect, child abandonment and rape.

121. The Children's Code and the Criminal Code strengthen the provisions of Decree No. 0651/PR/MTEPS of 13 April 2011 establishing individual dispensations to the minimum age for employment in Gabon, which states that: "No minor aged under 16 years may be employed by a company."

122. Individual dispensations may be granted for the participation of minors in artistic performances, in light work that is not likely to be harmful to their health or development or to prejudice their attendance at school and, under the supervision of their father, mother or guardian, in activities carried out at establishments where only members of the family are employed. This provision highlights the link between cross-border trafficking in children and their economic exploitation in activities identified as being suitable only for adults under the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138), and Worst Forms of Child Labour Convention, 1999 (No. 182).

### **Rights of Indigenous Peoples (119.16–119.18)**

123. The activities carried out to benefit Indigenous Peoples include the following:

- A cooperation agreement was signed with the Forest Stewardship Council on 31 January 2020 to provide for the participation of local citizens, including Indigenous Peoples, in sustainable forest management and forest certification
- A programme on assistance for primary school pupils from Indigenous families in Ngounié, Ogooué-Ivindo and Woleu-Ntem Provinces was implemented with the



support of UNICEF to reduce school dropout rates and involved the distribution of 2,000 school kits

- The team responsible for the Establishing a Legal Basis for Sustainable Forests and Livelihoods Project provided training, in February 2022, to build the capacities of community technical assistants and communities on the management of community forests in the Provinces of Ogooué-Ivindo and Woleu-Ntem
- Indigenous Peoples participated in the revision of the Social Protection Code, which led to the creation of the category of independent and mobile workers, who enjoy specific social protection
- In 2020, a sustainable development plan was put in place for Indigenous Peoples in the Provinces of Woleu-Ntem, Ngounié, Ogooué-Ivindo and Haut-Ogooué
- In 2020, an HIV/AIDS outreach campaign was organized in Minvoul with the support of the Joint United Nations Programme on HIV/AIDS (UNAIDS)
- In 2021, a COVID-19 outreach campaign was organized in Ogooué-Ivindo Province

124. With regard to participation in the management of public affairs, it should be noted that a member of the Indigenous community was elected as a deputy in Ivindo Department during the 2018 legislative elections.

### **Rights of persons with disabilities (118.123–118.129)**

125. During the period under review, numerous measures were taken at various levels, for example:

- Persons with disabilities are taken into account in the Labour Code (art. 2)
- A special scholarship (*bourse i*) was introduced for pupils and students with disabilities
- 13 access ramps were installed at the Léon Mba school complex, and these measures will also be taken at other institutions
- The National School for Hearing-Impaired Children was renovated, the staff underwent capacity-building, 10 children were provided with hearing aids, and teaching resources were made available
- *Osons soutenir l'éducation inclusive* (Let's Dare to Support Inclusive Education), a documentary, was produced and broadcast as part of the national inclusive education campaign
- The first independent national union of professionals with disabilities or in similar situations was established on 9 July 2022
- Presidents and members of local commissions received disability inclusion training for the October 2022 legislative by-elections
- Every year, an action plan is developed and implemented on the occasion of the International Day of Persons with Disabilities (3 December) in cooperation with the National Federation of Associations of and for Persons with Disabilities
- On National Human Rights Day, the provisions of Act No. 006/2021 of 6 September 2021 on the elimination of violence against women were disseminated in a range of formats (audio, large print and Braille) for persons with different disabilities, and the various transcripts were produced by persons with disabilities

### **Refugee law**

126. Under Gabonese law, refugees have a right to education and vocational training. In 2020, 214 refugee children attended school, 115 of them public schools.

127. With the support of UNHCR, measures have been taken to provide refugees with vocational training and microloans, reaching over 100 refugees.

128. Most refugees who have been living in Gabon for around 30 years receive support for local integration or voluntary repatriation. Accordingly, 189 eligible refugees were granted residence permits in 2020.

129. Gabon has also granted nationality to long-term refugees who have shown a genuine desire to integrate.

130. The launch of Central African Economic and Monetary Community biometric passports for refugees on 15 May 2022 is reflective of a real desire to protect vulnerable people in the country.

### **Recommendations noted: 2016 post-election crisis (120.8–120.10)**

131. On 21 September 2016, while the national investigations were under way, Gabon requested the International Criminal Court to conduct an investigation into the allegations of crimes against humanity and other offences committed in the wake of the presidential election of August 2016.

132. On 21 September 2018, the Office of the Prosecutor of the International Criminal Court issued a report on its preliminary examination of the situation in Gabon during the post-election period beginning on 31 August 2016. The investigation concerned crimes allegedly committed in Gabon that potentially fell within the Court's jurisdiction.

133. The report states that the Court, after conducting a thorough analysis of the facts and law, concluded that "the information available does not provide a reasonable basis to believe that the crimes allegedly committed in this situation fall within the Court's jurisdiction. Accordingly, there is no reasonable basis to proceed with an investigation."

134. Regarding the action taken in response to the criminal investigation opened following the 2016 elections, the three persons charged were released in September 2020 and September 2022 after serving their sentences.

## **V. Identification of achievements, best practices, challenges and constraints**

### **A. Achievements**

- Adoption by the upper house of the parliament of a bill on the reorganization of the National Commission on Human Rights
- Creation of a toll-free number, 1412, for the Supermwana service for victims of child abuse
- Creation of a toll-free number, 1402, for women victims of violence
- Gender-based violence unit
- Improved prison conditions
- Operationalization of the women's prison facility

### **B. Best practices**

135. With regard to best practices, the following are of note:

- The national dialogue and exchange mechanism
- The issuance of Central African Economic and Monetary Community biometric passports to refugees

- The implementation of the criminal records digitization project
- The Strategy to Promote Women's Rights and Reduce Gender Inequality

### **C. Constraints**

136. The implementation of the recommendations met with certain challenges and constraints:

- (a) Lack of a database, which constitutes a major impediment to timely reporting;
- (b) The fact that the National Committee for the Drafting of Human Rights Reports does not have permanent members;
- (c) Lack of material and financial resources.

## **VI. National priorities, initiatives and commitments undertaken to overcome challenges and constraints**

137. In order to overcome the difficulties encountered in implementing human rights at the national level, the State has set itself the following priorities:

- Strengthening national human rights bodies
- Strengthening and protecting the rights of vulnerable groups
- Aligning national legislation with international instruments
- Providing more training for State and civil society actors
- Strengthening cooperation with all international mechanisms
- Establishing a civic human rights culture by raising public awareness and disseminating the relevant instruments
- Ensuring the protection of human rights by punishing the perpetrators of human rights violations

138. In its actions, both in national policy and on the international stage, the Government of Gabon is guided by the universality, indivisibility and interdependence of human rights, which are mutually reinforcing.

139. With regard to commitments, Gabon will continue to fully comply with its obligations and to strengthen the various national mechanisms for the protection and promotion of fundamental rights and freedoms, including the National Commission on Human Rights. Through regular reporting – including as part of the universal periodic review process – and dialogue, it will pursue its cooperation with the various international institutions at the heart of the global human rights framework, in order to put these rights into practice.

## **VII. Expectations in terms of capacity-building and technical assistance**

140. Gabon renews its expectations regarding technical and financial assistance in the area of human rights, inter alia for the following groups:

- Members of the judiciary (judges, lawyers and other law enforcement professionals)
- Journalists
- Political authorities and other public officials
- Civil society organizations
- National Committee for the Drafting of Human Rights Reports
- High Communications Authority

- Gabon Elections Centre
  - National Commission on Human Rights
-