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Report of the Working Group on the Universal Periodic Review*

Gabon

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of Gabon was held at the 3rd meeting, held on 23 October 2012. The delegation of Gabon was headed by Ms. Ida Reteno Assonouet, the Minister of Justice, Human Rights and Relations with Constitutional Institutions. At its 10th meeting, held on 29 October 2012, the Working Group adopted the report on Gabon.

2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Gabon: Czech Republic, Italy and Uganda.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Gabon:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/GAB/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/14/GAB/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/GAB/3).

4. A list of questions prepared in advance by the Czech Republic, Germany, Norway, Slovenia, Spain, the Netherlands and Mexico was transmitted to Gabon through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of delegation, introducing Gabon's report in the second phase of the universal periodic review process, said that Gabon, by engaging in that rigorous evaluation mechanism, was contributing to the effectiveness of the United Nations in protecting human rights.

6. Gabon had prepared its report in consultation with governmental and civil society organizations under a participatory and inclusive national process. The participation of the National Human Rights Commission had been significant. With the support of the United Nations Centre for Human Rights and Democracy in Central Africa, preparatory meetings had been organized in April and May 2012. National civil society organizations, trade unions and religious and ideological associations had had the opportunity to express their opinions on the recommendations submitted to Gabon in 2008, and their input had been taken into account in finalizing the national report. Gabon pledged to include civil society in its action and to turn to the National Human Rights Commission not only for the preparation of national reports but also for other activities related to the promotion and protection of human rights.

7. The delegation noted that human rights were highly valued in Gabon and that respect for them was the cornerstone of democracy. In addition to the Constitution, which recognized and guaranteed the inviolability and imprescriptibility of human rights, Gabon

had a legal framework and action plans to cover all universally recognized fundamental rights. In order to promote and protect human rights, in 2012 Gabon had established the Ministry of Justice, Human Rights and Relations with Constitutional Institutions. The National Human Rights Commission, which had been operational since 2011, had a monitoring, educational and proactive role in relation to the public authorities and citizens. Its independence was recognized and its operating procedures had gradually been improved.

8. The delegation emphasized that the national report concentrated on the recommendations made by 22 States in 2008. Progress had been noted in the areas described below.

9. Five United Nations international legal instruments had been signed, ratified and/or implemented, as indicated in chapter II of the report.

10. Gabon was committed to putting the five recommendations on equality and non-discrimination into effect by amending legislation and adopting new laws. With the introduction of International Widows Day, celebrated annually on 23 June, the Sylvia Bongo Ondimba Foundation had raised the profile of Gabon.

11. With regard to the recommendation regarding the right to education, Gabon had continued its efforts to raise the school attendance rate.

12. With regard to the three recommendations on the rights of the child, Gabon was committed to the exercise of those rights. In 2010, it had adopted a law establishing legal regulations for the protection of minors. In addition, a bill outlawing sexual assault was currently before Parliament.

13. Gabon was concerned about conditions of detention, particularly prison overcrowding, and had decided to build new prisons in the provinces. The law establishing legal regulations for the protection of minors provided for the establishment of independent judicial bodies and the adoption of protective measures to promote the rehabilitation and social reintegration of minors. Pursuant to the Code of Criminal Procedure adopted in 2010, the National Committee on Education and Vocational Training in Prisons had been established.

14. Gabon had received four recommendations on freedom of the press, highlighting the problem of censorship. The Constitution guaranteed that right and the Government was committed to the continued freedom and pluralism of the media. The Government had also set up the National Fund for the Development of the Press and Audiovisual Media, and all press organizations received State financial support annually.

15. With regard to the two recommendations on the rights of minorities, the Constitution denounced all forms of discrimination, including those based on race and ethnic origin. Gabon had ratified several instruments on the protection of the rights of indigenous peoples and made no distinction between the Bantu and the Pygmies in its public policies. While the situation of the Pygmies in Gabon could be further improved, it was not appalling. Pygmies enjoyed the same rights as the Bantu in Gabon.

16. With regard to the three recommendations on its reports to treaty bodies, Gabon had established the National Committee for the Drafting of Human Rights Reports. Since 2010, four national reports had been forwarded to United Nations Headquarters in Geneva.

17. The delegation noted that the efforts of Gabon in the area of human rights policy did not place it above criticism or comment. However, criticism should be viewed as an invitation to improve, as human rights were an ideal. Gabon was working towards that ideal and assured the international community that it would continue to strive to reach it.

B. Interactive dialogue and responses by the State under review

18. During the interactive dialogue, 60 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

19. Belarus referred to a number of international commitments made since Gabon ratified a whole range of international human rights conventions, including the Palermo Protocol. It highlighted efforts aimed at incorporating international standards in domestic legislation. It called upon Gabon to ensure full compliance with its international obligations, to submit reports due to treaty bodies. Belarus referred to the problem of widespread poverty, trafficking in persons, corporal punishment and sexual exploitation of children. Belarus made recommendations.

20. Belgium welcomed the decision made by Gabon in 2010 to abolish the death penalty and for its vote in favour of the adoption of the General Assembly resolution calling for a moratorium on the death penalty. Belgium expressed concern about the increase in ritual killings, most often of children, and frequently left unpunished. Belgium highlighted that domestic rape is not part of any legal domestic provisions. Belgium made recommendations.

21. Benin welcomed progress made in the strengthening of the rule of law, human rights and democracy. It noted with satisfaction the entry into force, in 2010, of legislation abolishing the death penalty and encouraged Gabon to take the necessary measures towards the ratification of the Second Optional Protocol to International Covenant on Civil and Political Rights. Benin invited the international community to support Gabon in its efforts towards the promotion of human rights.

22. Brazil welcomed Gabon's progress in its human development index, the abolition of the death penalty, and the inclusion in its Code of Criminal Procedure of a section on cooperation with the International Criminal Court. Brazil also noted positively the accession of Gabon to the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and to the Optional Protocols to the Convention against Torture (CAT) and to the Convention on the Rights of the Child (CRC) on the involvement of children in armed conflict. Brazil made recommendations.

23. Burkina Faso noted positively efforts made towards the respect of the rights of migrants and encouraged Gabon to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). It congratulated Gabon for the adoption of a National Strategy on Gender Equality and the reinforcement of penalties related to sexual assault.

24. Burundi commended Gabon for the implementation of various recommendations from its first review in 2008, notably in the areas of the abolition of the death penalty, the improvement of conditions of persons deprived of their liberty, as well its efforts of law reform to eliminate all forms of discrimination against women. Burundi made a recommendation.

25. Canada asked Gabon what processes and timelines it had put in place for introducing measures to promote conditions in which journalists could operate freely, in compliance with the rights to freedom of expression and of the press. Canada commended Gabon for its efforts to advance the status of women, including the adoption of a national strategy in 2010. Canada remained concerned at reports that domestic violence was widespread and that cases of rape are rarely prosecuted. Canada made recommendations.

26. Cape Verde noted efforts made by Gabon to implement recommendations from its first review under the universal periodic review mechanism. It noted in particular efforts made with regard to international human rights instruments and its legal framework, such

as for example the abolition of the death penalty. Cape Verde remained convinced that the continuous increase in resources will allow the country to ensure the enjoyment of human rights by its population and the reduction of social disparities. Cape Verde made a recommendation.

27. Chad noted with satisfaction the inclusive and participative elaboration of the national report of Gabon, as well as the acceptance by Gabon of 30 recommendations from its first review under the universal periodic review mechanism. It further noted that Gabon is a party of the main international human rights instruments, reflecting the importance it provides to human rights. Chad made a recommendation.

28. Chile appreciated Gabon's willingness to implement the recommendations and voluntary commitments made during its first review under the universal periodic review mechanism. It highlighted in particular the process of political and socio-economic reforms, which have resulted in the adoption of a national strategy on equality and gender, as well as efforts to disseminate the various international conventions on the rights of women and children to which Gabon is a State party. Chile made recommendations.

29. China commended Gabon on its achievements in human rights in the areas of gender equality, advancing women's social status and eliminating discrimination against women, improving access to education and promoting compulsory education for all, preventing the sale of children and protecting children's rights. Gabon still faced with a number of challenges. China made a recommendation.

30. The Congo appreciated efforts made by Gabon, in particular to combat effectively discrimination against women. It also noted efforts made to reinforce the normative framework and procedures to address the problem of children victims of trafficking, efforts in the area of education as well as to provide free medical care to persons living with HIV/AIDS. The Congo further praised Gabon for its actions towards the abolition of the death penalty, the adoption of legislation on the rights of minorities, the ratification of the Rome Statute of the International Criminal Court (ICC).

31. Costa Rica commended Gabon for its progress made, highlighting in particular the adherence of Gabon to CPED, the ratification of the Rome Statute of ICC and the ratification of the Optional Protocol to CAT (OP-CAT), among other measures. It also welcomed Gabon's decision to abolish the death penalty, and progress made in the area of gender equality and reforms introduced to the National Human Rights Commission to harmonized its functioning with the Paris Principles, encouraging Gabon to seek the accreditation of the institution. Costa Rica made recommendations.

32. Côte d'Ivoire welcomed the abolition of the death penalty and the establishment of the National Human Rights Commission and was confident that the implementation of the recommendations by the authorities and other stakeholders would help strengthen the promotion and protection of human rights in Gabon. Côte d'Ivoire made recommendations.

33. Cuba commended Gabon for its spirit of cooperation with the Council, as well as for having put in practice, with encouraging results, the 30 recommendations from its first review under the universal periodic review mechanism that enjoyed its support. Cuba highlighted in particular the functioning since September 2011 of the National Human Rights Commission, the establishment of networks of civil society organizations and the implementation of strategies to combat insecurity, among others. Cuba made a recommendation.

34. The Czech Republic appreciated the active participation of Gabon in the universal periodic review and welcomed the adoption of OP-CAT, as well as Gabon's new legal framework against child trafficking. It asked Gabon to elaborate further on measures against cases of harassment of journalists. The Czech Republic made recommendations.

35. Egypt recognized the progress in the country's legal and institutional framework, namely strengthening of the national normative framework to incorporate international instruments into domestic law and the establishment of a National Commission of Human Rights in September 2011. It expressed support for Gabon's efforts to eliminate human trafficking and the abuse of children. Egypt made recommendations.

36. Ethiopia commended the commitment of Gabon to the universal periodic review mechanism. It noted with satisfaction the implementation of a high number of recommendations. Ethiopia commended Gabon for putting in place a policy to protect persons with disabilities, widows and orphans, children and local communities for its work with NGOs. It encouraged Gabon to further develop its legal framework in line with its international human rights obligations.

37. Finland welcomed Gabon's abolition of the death penalty and the ratification of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. It appreciated the adoption of legislation to combat human trafficking of children and setting up of mechanisms. It raised concerns at the definition of trafficking in the current legislation, which does not cover all forms of exploitation including labour and sexual exploitation, slavery and removal of organs, as well as the limits to protection to victims under the age of 18. Finland made recommendations.

38. France applauded the abolition of the death penalty, efforts to promote press freedom and the ratification of international human rights instruments. It shared the concern of the Special Rapporteur on trafficking in persons over the targeting of children. It asked what steps the State party envisaged to improve detention conditions. France made recommendations.

39. Germany commended the active role taken by Gabon to promote and fulfil its international human rights obligations. It referred to issues regarding discriminatory practices against women, ritual crimes and living conditions for prisoners. Germany made recommendations.

40. Hungary welcomed efforts to address the needs of persons with disabilities, toward achieving high school-enrolment rates and the enactment of a juvenile justice law. Hungary remained concerned about the high mortality rate of the Pygmy peoples in Gabon. Hungary made recommendations.

41. Indonesia appreciated the comprehensive view that the report offers on the implementation of recommendations received by Gabon during its first round of the universal periodic review mechanism. It noted efforts made in the field of education, raising its enrolment rate and its net school enrolment. It commended Gabon for this achievement and encouraged it to keep up its efforts. Indonesia made recommendations.

42. Iraq valued the report, which reflects serious desire to enhance and protect human rights, in particular the ratification of various international instruments. Iraq paid tribute to all efforts made to increase school enrolment, showing one of the highest levels in Africa, and the efforts to set up the network for protection of child rights. Iraq urged more efforts to support and protect children from all forms of violence and trafficking in persons and minority children. Iraq made recommendations.

43. Italy asked how the Government intended to address child trafficking in the light of the visit of the Special Rapporteur on trafficking in persons, and whether it had a specific strategy to combat child abduction. It also asked what progress had been made on the appeal to raise funds for juvenile detention and rehabilitation centres.

44. Latvia thanked Gabon for the comprehensive national report and their constructive engagement in the UPR process. It noted with appreciation that Gabon had extended invitations to the Special Rapporteur on trafficking in persons, especially women and

children and the Special Rapporteur on the right to education to visit the country. Latvia made a recommendation.

45. Malaysia was encouraged to note progress made in the implementation of recommendations from the first review of Gabon, in particular in the areas of health, education, women and children, and social, political and human development. It was encouraged by the ratification of a number of international human rights instruments and the cooperation it has shown with international human rights mechanisms. It highlighted in particular the operationalization of its National Human Rights Commission in 2011. Malaysia made recommendations.

46. Mauritania commended Gabon for its engagement in the promotion and protection of human rights, as well as for its adhesion to various international human rights instruments. It appreciated the political, legislative and administration measures undertaken by Gabon to implement recommendations from their first review under the universal periodic review mechanism. Mauritania encouraged Gabon to pursue efforts for the promotion of human rights with the assistance of the international community.

47. Mexico recognized legislative measures undertaken to prevent the trafficking and sale of children, the promotion of the inclusion of diverse ethnic groups in decision-making positions and to abolish the death penalty. It commended recent progress and the implementation of recommendations from the first review, as well as the establishment of the National Human Rights Commission. Mexico made recommendations.

48. The delegation said that Gabon could not be held responsible for child trafficking since that practice had no part in the country's traditions and culture. However, other countries did use Gabon for child trafficking. Gabon considered trafficking in persons to be a violation of human rights and strongly condemned slavery. Gabon continued to cooperate with the Human Rights Council and had received a visit from the Special Rapporteur on trafficking in persons, especially women and children, from 14 to 18 May 2012, so that she learn about the measures taken in terms of prevention, cooperation at borders, security, identity checks, victim protection, the return of victims, investigations and prosecutions. The delegation stressed that Gabon welcomed immigrants and condemned child trafficking.

49. With regard to freedom of the press, Gabon ensured that the press enjoyed freedom of expression and was aware that such freedom was essential to any democracy. Democracy as practised in Gabon was open to the discussion of ideas, clashes of opinion and a variety of points of view. The Constitution protected the freedom of the press, provided that public order was upheld.

50. Ritual crimes were not recognized as offences in Gabon's criminal legislation. In one year, Gabon had made considerable efforts to organize mobile court hearings to unearth cases dating back to the 1980s and to try all murders and similar crimes. The exercise would be continued in November 2012.

51. Gabon had introduced stiffer penalties for the crime of marital rape, which primarily affected women, in order to deter offenders.

52. Regarding forced marriage, Gabon recognized that traditional marriages had no legal value. The recommendations made to Gabon in 2008 referred mainly to sex discrimination. Gabon prohibited discrimination in general, particularly discrimination related to sex, and had taken appropriate measures, including legislative measures, to guarantee women's exercise and enjoyment of human rights and fundamental freedoms on an equal footing with men. It was in that spirit that, with the Sylvia Bongo Ondimba Foundation for the Family, Gabon had launched a project aimed at legalizing traditional marriages. The objective was to pass legislation on traditional marriage that would enable women, who were so often neglected by tradition, to fully enjoy their inherent dignity.

53. Regarding human rights in prisons, Gabon guaranteed prisoners' rights to life, health and education, among others; any violation of their rights was severely punished.

54. Regarding juvenile courts, the law establishing legal regulations for the protection of minors was in force. The juvenile justice system was operational and protective measures were in place to ensure the rehabilitation and social reintegration of minors. Furthermore, Gabon had started to provide education for minors in detention.

55. In conformity with United Nations rules, more prisons would be built in the near future and more minors would be separated from adults. Juvenile courts had been established; training courses were provided for detainees; the National Committee on Education and Vocational Training in Prisons was operational; and training courses on the regulations prohibiting and punishing the use of torture were organized for security officers.

56. Regarding the rights of minorities, Gabon took into account the rights of the Pygmies on the same basis as those of all other population groups. The Pygmies were closely attached to their environment. The delegation pointed out that leprosy no longer existed in Gabon and that the Pygmies were knowledgeable about plants which kept them in good health.

57. With regard to health, Gabon had put in place a new mechanism: a national health insurance and social security fund, which symbolized national solidarity and mutualisation. Staff of the national fund had criss-crossed the country to register the country's poor, who could not afford health care. Henceforth, those with more resources paid to help the most needy.

58. The delegation emphasized that the President of the Republic had placed environmental protection at the top of his agenda and had set up a climate change programme. Gabon had 13 national parks, which covered a third of the country, and considerable efforts had been made to protect the environment. Moreover, some high-ranking officials had been imprisoned for poaching. A number of countries had congratulated Gabon on its efforts to protect the environment.

59. The delegation of Gabon reiterated that the observations made during the discussion should enable it to progress with the consolidation of the rule of law. The observations would be recorded so that the necessary action could be taken and so that, during the next review, Gabon could report on other measures taken.

60. Morocco welcomed Gabon's ratification of CPED, OP-CAT, and the Second Optional Protocol to the International Covenant on Civil and Political Rights. It praised the Government's opposition to discrimination against women and its commitment to increase schooling access.

61. The Netherlands commended Gabon on the abolition of the death penalty. It noted that mechanisms, policies and laws to prevent and combat trafficking existed in Gabon, both at national and provincial levels. Still, legislation was not regularly enforced and coordination had proven to be insufficient. Improvements in this field needed to be made, as noted also by the Special Rapporteur on trafficking in persons, when she visited Gabon in 2012. The Netherlands made a recommendation.

62. Nicaragua acknowledged progress made by Gabon since 2008. It highlighted the ratification of international human rights instruments, the cooperation with different mechanisms of the Council, as well as the implementation of national strategies to address discrimination and domestic violence against women and violence against children. It valued reforms in the justice system, particularly those regarding obsolete practices in the treatment of persons deprived of their liberty. Nicaragua made recommendations.

63. Nigeria noted with satisfaction policies put in place by the Government to improve the quality of citizens' lives and protect their fundamental freedoms and rights. It urged Gabon to do more to protect the rights of migrants and refugees following reports by the Office of the United Nations High Commissioner for Refugees of humiliating treatment meted out to some refugees.

64. Norway highlighted a number of areas for improvement, such as freedom of expression, human trafficking, gender equality and protection mechanisms for victims of contemporary slavery, forced labour, sex trafficking and trafficking in organs and other body parts. It was concerned that children were being targeted in Gabon for human trafficking. Norway made recommendations.

65. Palestine welcomed the adoption of legislation on preventing child trafficking and the United Nations Plan of Action (2005–2009) for the World Programme on Human Rights Education. It commended Gabon on pursuing a more practical policy to combat discrimination against women trying to increase public awareness of the conventions it had ratified. Palestine made a recommendation.

66. The Philippines commended Gabon on the ratification of international human rights instruments and the adoption of a national strategy on equality and gender. It was encouraged by Gabon's commitment to protecting the fundamental rights of migrant workers and their families and ensuring their fair treatment. The Philippines made recommendations.

67. Portugal particularly welcomed the abolition of the death penalty, but acknowledged that there were a number of remaining challenges, not least addressing trafficking in persons. It asked what further steps would be taken to fully implement the recently adopted legislation to combat the scourge. Portugal made recommendations.

68. The Republic of Moldova saluted progress made on gender equality, especially in the areas of women's access to health, education and employment. It welcomed the development of new policies and legislation to protect children and improvements in legislation to help prevent the trafficking and financial exploitation of children. The Republic of Moldova made recommendations.

69. Rwanda commended Gabon on advances in human rights, particularly the abolition of the death penalty, improving access to education and school attendance, and the establishment of the National Human Rights Commission. It recognized efforts to promote and protect women's rights, especially regarding health, education and career opportunities in politics and public administration. Rwanda made a recommendation.

70. Senegal noted Gabon's ongoing commitment to promoting and protecting human rights and its efforts to ensure greater protection for vulnerable persons, especially women and children, by improving access to health and education and ensuring women's participation in political life. The National Human Rights Commission would help strengthen the general human rights framework. Senegal made recommendations.

71. Singapore noted that Gabon had made good progress in several areas such as raising school attendance and reducing infant and maternal mortality. It considered education to be the key to promoting economic and social development and the better enjoyment of human rights and welcomed the Government's emphasis on building its human capital. Singapore made recommendations.

72. Slovakia commended Gabon on the abolition of the death penalty and welcomed its ratification of key human rights instruments such as the OP-CAT, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and CPED. It also welcomed its accession to the new third Optional Protocol to the CRC on a communications procedure. Slovakia made recommendations.

73. Slovenia commended Gabon for its accession to the Optional Protocol on the Convention on the Rights of the Child on communication procedure. It noted the positive developments made in the field of children's rights but raised concerns with the trafficking and economic exploitation of children's rights, the establishment of juvenile justice in prisons and the birth registration. Slovenia made recommendations.

74. South Africa welcomed the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of ICC and OP-CAT. It commended the National Human Rights Commission being operational since September 2011, and referring to the Paris Principles. South Africa made recommendations.

75. Spain commended Gabon for the abolition of the death penalty in 2010. It encouraged Gabon to continue its efforts to attain higher levels of well-being for its citizens and to continue complying with the recommendations from its first review under the universal periodic review mechanism. Spain made recommendations.

76. Sri Lanka commended the efforts made by Gabon in combating discrimination against women, protecting the rights of children, establishing conditions for controls of child trafficking. It also noted Gabon's commitment to implement public policies to provide persons with disabilities particularly children. It welcomed Gabon's education policy based on a 10-year agreement (2010–2020). Sri Lanka made a recommendation.

77. The Sudan appreciated having Gabon highlight the developments and challenges in the field of promotion and promotion of human rights, and commended the efforts made in the advancement and promotion of the rights of women and creating the principles of gender equality at the legislative and executive levels. The Sudan commended also efforts to establish and promote the enjoyment of the right to education and work, to implement the recommendation, to raise the enrolment rate. The Sudan made a recommendation.

78. Thailand noted Gabon's strengthened national normative framework in 2010 to incorporate international instruments. It praised the National Health Development Plan for 2011–2015. It applauded the expansion of free care and anti-retroviral drugs for HIV/AIDS patients. It encouraged Gabon to prevent and persecute all cases of violence against children. Thailand made recommendations.

79. Togo welcomed the ratification of OP-CAT and the abolishment of the death penalty. It noted Gabon's commitment to increase the school attendance rate and promote equality between sexes in access to education. Togo remained concerned about the upsurge of ritual crimes. It invited the Government to improve its policies towards the vulnerable especially the disabled persons.

80. Tunisia noted the ratification of the Rome Statute and OP-CAT. It congratulated Gabon for its National Commission on Human Rights and encouraged its establishment in accordance with the Paris Principles. Tunisia noted Gabon's initiatives to implement the recommendations relating to the fight against discrimination, human trafficking and the promotion of the right to health and education. Tunisia made recommendations.

81. Uganda commended Gabon for its impressive achievements in the area of education, especially the law that made education compulsory for all citizen children and foreign children up to the age of 16. Uganda lauded Gabon for submitting regularly its national reports to treaty bodies, notably to the Committee on Economic, Social and Cultural Rights (2011) and the Committee against Torture (2006–2011). Uganda made a recommendation.

82. The United Kingdom of Great Britain and Northern Ireland noted the progress made since the first UPR of Gabon, particularly the abolition of the death penalty in 2010. It expressed concern at the self-censorship many journalists exercise for fear of retribution

illustrated by the recent closure of two opposition newspapers without a transparent process. It made a recommendation.

83. The United States of America applauded Gabon for its efforts to address human trafficking to ensure that victims of human trafficking receive access to necessary protective services. It was however concerned by the increased restrictions on the media and freedom of expression. It encouraged efforts towards even broader engagement with civil society. It made recommendations.

84. Uruguay welcomed progress made by Gabon since its first review in 2008, notably the ratification of three main international human rights instruments, the abolition of the death penalty and the establishment of the crime on trafficking. It made reference to the problem of trafficking in persons, as noted by the Special Rapporteur on trafficking who visited the country in 2012, with the worst forms being in the domestic work for young girls, servitude and force and early marriage. Uruguay made recommendations.

85. The Bolivarian Republic of Venezuela noted that, notwithstanding the economic challenges confronting Gabon, it shared its progress and challenges in the area of human rights at this review. It noted the functioning of the National Human Rights Commission, which has been subject of reforms to bring it in line with the Paris Principles. It noted progress made in the ratification of international human rights instruments, and its commitment to abolish the death penalty. Venezuela made a recommendation.

86. Algeria was encouraged with the progress made in several areas in implementing recommendations, particularly the ones made by Algeria on the right to education through raising school attendance and achieving the objectives of the 10-years pact for education. Gabon had taken significant steps protection of children and in health area. Those efforts need to be consolidated through international cooperation. Gabon made progress in other areas including the ratification of international instruments and the level of cooperate with human rights mechanisms and the operationalization of the National Human Rights Commission. Algeria made recommendations.

87. Angola noted the ratification of several international instruments in the areas of human rights, and most importantly the abolition of the death penalty. This reflects the commitment of Gabon to ensure human dignity and to the promotion and protection of human rights and welcomed the legal reforms resulting from the first cycle. It noted measures taken, such as free elementary and primary education mandatory for everyone. Angola made recommendations.

88. Argentina commended Gabon for the ratification of CPED, the Rome Statute of ICC and OP-CAT. It further welcomed the abolition of the death penalty. Argentina made recommendations.

89. Australia commended the abolition of the death penalty. It commended the Government for expanding free medical care and free anti-retroviral drugs to all persons testing HIV including refugees and pregnant HIV-positive women. It noted with concern reports that media laws are used to restrict political criticism and opposition support. Australia made recommendations.

90. Bangladesh noted the legal provisions guaranteeing the rights of migrant workers and their family members. Bangladesh praised the high school-enrolment rate with almost full gender parity. It praised the high level of participation of women in senior posts in public administration, private sector and decision-making bodies. Bangladesh made a recommendation.

91. The delegation said it was grateful for the interest shown in Gabon and above all in human dignity, and emphasized that the concerns put forward were shared by the Gabonese Government.

92. The delegation pointed out that the gender approach had not been discounted; for example, there were four women generals in the security and defence forces. Efforts were being made to achieve gender equality and prevent gender discrimination. Gabon had set up the Observatory for Women's Rights and Parity to protect the rights of women, families and children. Since 25 January 2010, Gabon had been working to enhance women's skills and strengthen organizations led by women. Training on microcredit had been provided for several women running associations and groups. The President of the Republic had recently asked the Government to establish mechanisms to systematically use performance-based assessments of Gabonese managers, especially women managers.

93. The delegation said that civil society played a dynamic, influential and proactive role in Gabon. Civil society sometimes overstepped the mark and got involved in politics, but it also served as a barometer and stimulus. The Government spokesperson said she was attentive to civil society and the Government took notice when it sounded the alarm.

94. The press was free in Gabon, where freedom was supported, not stifled. Insults and incitement to ethnic hatred were not human rights. Gabon was a haven of peace, and recognized as such in the international arena and in the subregion. It had not experienced war; peace was a precious gift that the President of the Republic had inherited from his predecessors and wished to perpetuate. Using journalists to incite ethnic hatred, insults and war was beyond the pale, and the press was not censored in Gabon except in such cases. The delegation noted that Gabon had recently revised its Media Code, which decriminalized press offences.

95. Gabon had signed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in December 2004, and its ratification was the subject of a nationwide debate. Gabon's legal framework guaranteed the fundamental rights of all migrant workers and members of their families. Indeed, Gabon welcomed people from Africa and from across the world. It was an essentially hospitable country. The Government was particularly attentive to the outcomes of national and regional discussions on the free movement of persons and goods within the Central African Economic and Monetary Community (CEMAC). The rights of entry to and residence in Gabon, the right to exercise an occupation and the rights to family reunification, access to the courts, health care, education and housing were all guaranteed to migrant workers.

96. The delegation said that indigenous peoples represented 1 per cent of the Gabonese population. Under the Constitution, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, Gabon was committed to protecting indigenous peoples, who were a source of cultural and intellectual riches. Gabon was doing all it could to promote the integration of the Pygmies.

97. As far as education was concerned, the delegation pointed out that Gabon had adopted the action plan of the World Programme for Human Rights Education, which focused on national school systems. In Gabon, education was open to all children without distinction and was compulsory between the ages of 6 and 16. The figures for the various education levels in 2010 were: (i) *Preschool*: there was capacity for 11,230 pupils in 445 classrooms; following the recommendations received in 2008, the Government had launched a project to build and equip a further 1,500 classrooms and 14 preschools; (ii) *Primary*: there were 1,447 schools; (iii) *Secondary*: there was capacity for 148,556 students in 128 schools; the Government had recently launched a project to build eight junior and five senior high schools; (iv) *Higher education*: there was capacity for 20,803 students, in three large State universities comprising three faculties, and in three *grandes écoles* (university-level institutions with competitive entrance examinations) and four institutes. The Government had also launched a project to increase capacity in the three universities and two of the *grandes écoles*.

98. With regard to prison conditions, the delegation said that medical staff provided prisoners with at least primary care and transport by ambulance to hospital, but such staff were poorly trained and in short supply. In terms of prison security, a capacity-building programme for prison officers to improve the supervision of prisoners ran throughout the year. Prisoners were free to practise their religion and family visits were authorized. Prisoners could also submit uncensored written complaints to the judicial authorities and call for inquiries into their living conditions. The Government had introduced independent monitoring of prison conditions by organizations like the International Committee of the Red Cross and the NGO Cri de Femmes.

99. With regard to child trafficking, Gabon had adopted the National Procedural Manual for Assisting Trafficking Victims. In 2008, in accordance with Act No. 09/2004, Gabon had hosted a regional conference on child trafficking organized by OHCHR in collaboration with the Economic Community of Central African States. Gabon had established four reception centres in Libreville and one in Port-Gentil to combat violence against children and to protect child victims of cross-border trafficking and domestic abuse. Mechanisms to prevent trafficking were in place across the country, in the form of a national committee and provincial committees.

100. Two special branches of the police were responsible for protecting child victims of trafficking — who were not Gabonese — and a national observatory for children's rights had been set up. Gabon had ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The security services and the criminal investigation police carried out targeted operations against trafficking and exploitation. Moreover, a child protection code had been adopted and a law specifically criminalizing violence in the home, schools and institutions was in the process of being adopted.

II. Conclusions and/or recommendations**

101. **The recommendations formulated during the interactive dialogue/listed below have been examined and enjoy the support of Gabon:**

101.1 **Consider ratifying international human rights instruments that have not been ratified by Gabon yet (Nicaragua);**

101.2 **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);**

101.3 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

101.4 **Follow-up on the commitment of abolishing death penalty by ratifying the second Optional Protocol of the International Covenant on Civil and Political Rights whose aim is to abolish the death penalty for all crimes in all circumstances (France);**

101.5 **Ratify the First and Second Optional Protocol to the ICCPR, the Optional Protocol to ICESCR, the Optional Protocol to the Convention on the Rights of Persons with Disabilities (Spain);**

101.6 **Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD) (Hungary);**

** Conclusions and recommendations have not been edited.

- 101.7 Continue efforts to incorporate a human rights perspective in the ongoing processes of law and institutional reform (Nicaragua);
- 101.8 Review its legislation regarding discriminatory practices against women (Germany);
- 101.9 Bring its legislation in line with the principle of gender equality, and that the government effectively enforces the laws already in place, especially those pertaining to domestic violence and rape (Norway);
- 101.10 Adopt penal legislation in order to hold those responsible for marital rape criminally responsible (Belgium);
- 101.11 Move and speed up the amendment of the criminal code to punish sexual violence, and to adopt a comprehensive law to punish violence against women and children (Rwanda);
- 101.12 Reinforce the application of laws prohibiting the trafficking of persons, including the trafficking for forced marriages, inter alia by adopting measures aiming at protecting and assisting victims and prosecuting and punishing those that engage in trafficking, and raising awareness among the population (Canada);
- 101.13 Bring the national legislation on trafficking in persons in accordance with the Palermo Protocol and international human rights law by, inter alia, amending the definition of trafficking, expanding the scope of protection and assistance to all victims without discrimination, and including a human rights based approach in the combat against trafficking in persons (Finland);
- 101.14 Take necessary measures to enforce the legislation on trafficking and economic exploitation of children, and connected judicial protection of minors (Slovenia);
- 101.15 Amend the existing legislation in order to address the gaps in the protection of victims of contemporary slavery, as well as to criminalize child trafficking in accordance with international standards (Norway);
- 101.16 Strengthen the legal framework for the protection of children (Republic of Moldova);
- 101.17 Consider redrafting its media law to align it with the needs of media development and media freedom (Brazil);
- 101.18 Amend its sanction and regulation system (on freedom of press) so it falls within the purview of the judicial authority and not the administrative authority (France);
- 101.19 Intensify its efforts to align its national legislation with the provisions of the Rome Statute (Tunisia);
- 101.20 Increase its efforts to obtain the A status in conformity with the Paris principles for the National Commission of Human Rights created in September 2011 (Portugal);
- 101.21 Ensure that the composition and functions of the National Human Rights Commission and its work is in accordance with the Paris principles (Republic of Moldova);
- 101.22 Make available the necessary resources to the National Human Rights Commission to ensure it is able to operate effectively (South Africa);

- 101.23 Promptly establish a national mechanism for the prevention of torture (Tunisia);
- 101.24 Better disseminate good practices, namely to disseminate the broad implementation of human rights public policies based on the collaboration between the State and civil society (Chile);
- 101.25 Continue implementing public policies that allow the enjoyment of human rights of the people of Gabon (Cuba);
- 101.26 Continue its national efforts, with the support and assistance of the international community, in the promotion and protection of human rights particularly in the realization of economic, social and cultural rights of the people of Gabon (Bangladesh);
- 101.27 Follow-up with a policy to combat trafficking in persons based on prevention, prosecution in accordance with the international law; (Egypt);
- 101.28 Adopt additional public policies aimed at eradicating discrimination against women in rural areas (Spain);
- 101.29 Strengthen the respect for human rights throughout the country especially in the area of health and education for everyone (Cote d'Ivoire);
- 101.30 Strengthen training and education programmes on human rights for law enforcement officials (Algeria);
- 101.31 Continue public awareness programmes against corporal punishment of children in schools (Angola);
- 101.32 Institutionalize consultation mechanisms with human rights organizations of the civil society (Mexico);
- 101.33 Extend a standing invitation to all special procedures of the Human Rights Council and submit regular reports to the treaty bodies (Czech Republic);
- 101.34 Issue a standing and open invitation to the special procedures of the Human Rights Council (Belgium);
- 101.35 Continue the cooperation with the international human rights protection system by extending an open standing invitation to the Human Rights Council Special Procedures (France);
- 101.36 Step up the cooperation with the special procedures of the Human Rights Council and eventually consider extending a standing invitation to all special procedures mandate holders of the Human Rights Council (Latvia);
- 101.37 Issue a standing invitation to all special procedures of the Human Rights Council (Portugal);
- 101.38 Invite for visits to the country, the Special Rapporteur on torture, the Special Rapporteur on human rights defenders and the Special Rapporteur on the independence of judges and lawyers (Belarus);
- 101.39 Continue the promotion of the rights of women (Senegal);
- 101.40 Continue its efforts to enhance the protection and empowerment of women (Singapore);
- 101.41 Ensure the implementation of the National Strategy on Equality and Gender (Indonesia);

- 101.42 Continue to implement its national equity and gender strategy (Republic of Moldova);
- 101.43 Adopt as a matter of priority, legislative and other measures to guarantee gender equality and strengthen efforts to eradicate customs and traditions that discriminate against women, in particular cases of early or forced marriage (Czech Republic);
- 101.44 Continue to implement appropriate measures and allocate necessary resources to ensure that the objectives of its national strategy on equality and gender are achieved (Philippines);
- 101.45 Adopt the necessary measures to guarantee easy and effective access to free birth registration, including to Pygmy children (Mexico);
- 101.46 Establish mechanisms to ensure easy and effective access to birth registration of all children and the effective and free provision of birth certificates (Uruguay);
- 101.47 Intensify the fight against the so called ritual crimes (Algeria);
- 101.48 Undertake intensive public awareness programmes of the population relating to ritual murders (Belgium);
- 101.49 Strengthen the fight against ritual crimes above all ritual murders (Germany);
- 101.50 Continue to fight the “Upsurge” in Ritual Crimes (Uganda);
- 101.51 Exert efforts to improve prison conditions (Egypt);
- 101.52 Take all necessary measures to ensure that detention conditions be made compatible with international laws and standards, particular articles 9 and 10 of the ICCPR (France);
- 101.53 Improve conditions of detention and imprisonment, inter alia by ensuring an adequate nutrition of detainees and by reducing overcrowding in prisons (Canada);
- 101.54 Improve the living conditions for prisoners (Germany);
- 101.55 Develop a strategy to improve living conditions of persons deprived of their liberty, to combat malnutrition, lack of hygiene and to end the detention of children with adults (Spain);
- 101.56 Implement UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the “Bangkok Rules” as part of its work on the prison system (Thailand);
- 101.57 Adopt all necessary measures to comprehensively implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (France);
- 101.58 Improve enforcement and coordination of national legislation and policies on the trafficking of persons, especially women and children, and to raise the awareness on this issue amongst the public (Netherlands);
- 101.59 Continue its combat against child trafficking from any origin and use of child labour in all forms, especially in auto industry, and to strengthen its measures for rehabilitation and education for the child victims of trafficking (Thailand);

- 101.60 Step up efforts in the fight against trafficking in human beings, including the full implementation of the recommendations from the Special Rapporteur on trafficking, after her visit to Gabon in May 2012 (Belarus);
- 101.61 Study the possibility of adopting additional measures to fight against trafficking in persons (Argentina);
- 101.62 Implement a comprehensive policy to fight the trafficking in persons, with special focus on boys, girls and adolescents, with a view to give visibility to the problem and understand the trends, forms and manifestations of the problem of trafficking in the country with a view to ending it (Uruguay);
- 101.63 Strengthen measures and frameworks to combat trafficking in persons to enable the safe return and repatriation of victims of trafficking (Sri Lanka);
- 101.64 Reinforce efforts to eliminate trafficking and abuse of children including the conduct of efficient awareness-raising campaigns (Slovakia);
- 101.65 Redouble its efforts to combat more effectively and to eradicate trafficking and violence against children (Republic of Moldova);
- 101.66 Take measures to eradicate trafficking in persons, with particular attention to the trafficking of children (Spain);
- 101.67 Increase prosecutions and strengthen sentencing of human trafficking offenders, and fully implement the Palermo Protocol to prohibit and penalise all forms of trafficking (United States of America);
- 101.68 Comply with the recommendations of the Rapporteur on trafficking in persons, especially in women and children and send an invitation to the Rapporteurs' to perceive the human rights situation in the country (Iraq);
- 101.69 Develop and implement a comprehensive national strategy to fight the worst forms of corporal punishment of children (Belarus);
- 101.70 Implement legislative and judicial level measures to ensure that there is no impunity in cases of ritual murders (Belgium);
- 101.71 Increase efforts to ensure accountability for trafficking in persons by investigating, prosecuting and adjudicating trafficking and by providing effective legal remedies for the victims (Finland);
- 101.72 Ensure effective implementation of the juvenile justice law by providing training to law enforcement officials and judges and by establishing separate detention facilities for minors (Hungary);
- 101.73 Ensure compliance with article 19 of the ICCPR and works towards an environment conducive to a free and open press (Norway);
- 101.74 Clarify and publicly document the processes and guidelines for dealing with complaints against the press, including who can make them, who they can make them to and which penalties are considered to be appropriate; as well as a rationale for these decisions (United Kingdom of Great Britain and Northern Ireland);
- 101.75 Discontinue overly broad restrictions on the media and freedom of expression, and engage in regular dialogue with journalists to create an environment that encourages free expression without fear of censure (United States of America);

- 101.76 **Adopt legislative and other measures to guarantee in law and practice protection of freedom of expression and independence of journalists (Czech Republic);**
- 101.77 **Take the necessary measures to ensure freedom of expression, the press and peaceful assembly, inter alia by ensuring that those responsible for acts of intimidation, harassment or violence against persons for having exercised their rights are held accountable (Canada);**
- 101.78 **Undertake further measures to ensure freedom of the press based on the decriminalization of press offences and respect for the legitimate rights of the press (Australia);**
- 101.79 **Respect the plurality and freedom of the press, particularly the application of neutral sanction measures by the regulatory organs, such as the National Communication Council (Spain);**
- 101.80 **Encourage functioning of its civil society; in particular human rights NGOs (Slovakia);**
- 101.81 **Foster increased dialogue with civil society, especially regarding strengthening electoral processes (United States of America);**
- 101.82 **Strengthen and enhance the role of women especially in the decision making area (Palestine);**
- 101.83 **Continue strengthening economic, social and cultural rights and improve the living conditions of the population, for which the support and solidarity of the international community is very important (Venezuela (Bolivarian Republic of));**
- 101.84 **Continue with its poverty reduction strategy and speed its economic and social development so it can better promote and protect the various human rights of its people (China);**
- 101.85 **Step up efforts in alleviating poverty and further improve wealth distribution in order to achieve Millennium Development Goal 1 on poverty reduction by 2015 (Malaysia);**
- 101.86 **Intensify its efforts to fight poverty and for the prosperity and welfare of all its citizens (Tunisia);**
- 101.87 **Improve access to health care for all and in this regard, provide adequate resources to its health care system, including by providing necessary training to improve its health services (Malaysia);**
- 101.88 **Take additional steps to fight different pandemics and ensure access of population to basic medical services, especially in rural areas (Belarus);**
- 101.89 **Take all necessary measures, using the expertise of the Rapporteur on education, to address the causes of the decreasing school attendance and the high wastage rate, including by making available the necessary funding to provide adequate training for teachers and improve the curricula (Hungary);**
- 101.90 **Establish specific programmes to prevent dropout from school and support the continuation of studies (Mexico);**
- 101.91 **Take steps to reduce school wastage rate, having in mind that today 25 percent of a given class did not complete primary school (Brazil);**

- 101.92 In cooperation with UNESCO and relevant UN agencies continues to enhance its education system and improve access to quality education by all (Singapore);
- 101.93 Continue to engage its development partners like the African Development Bank and the New Partnership for Africa's Development (NEPAD) to ensure it meets its aims in the education sector (South Africa);
- 101.94 Redouble its efforts to implement the outputs of the general conference of education, training and research held in May 2010 and to seek technical assistance from relevant United Nations organizations (Sudan);
- 101.95 Strengthen the protection of the rights of persons with disabilities (Senegal);
- 101.96 Adopt effective measures to guarantee and protect the rights of minorities without discrimination and provide them with all rights (Iraq);
- 101.97 Continue efforts to combat the various forms of discrimination and strive for the respect of the rights of minority ethnic groups (Argentina);
- 101.98 Take additional measures to ensure the integration of indigenous peoples in public institutions (Burundi);
- 101.99 Pay attention to the rights of minorities and equality and non-discrimination of women (Cape Verde);
- 101.100 Encourage the participation of minorities, such as the Pygmies, in the political, economic and social life of the country (Costa Rica);
- 101.101 Adopt a specific plan to protect the rights of indigenous peoples and a strategy to make basic services more accessible to the Pygmy minority (Slovenia);
- 101.102 Strengthen its policies designed to better integrate the Pygmies in the society (Angola);
- 101.103 Ensure full and equal access to public health services for Pygmy peoples in all areas of the country in particular by increasing the number of health care facilities and ensure proper registration of children at birth (Hungary);
- 101.104 Protect the rights of Pygmy minority and elevate their health conditions and make all health services accessible to them, while facilitate their attainment of different health services in an easy way (Iraq);
- 101.105 Keep the necessary measures to combat continued deforestation in order to ensure the effective enjoyment of economic, social and cultural rights (Egypt).
102. The recommendations below did not enjoy the support of Gabon:
- 102.1 Lift its reservations made during the ratification of the Convention against Torture (Chad);
- 102.2 Speed up the consideration of the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (Chile);
- 102.3 Consider accepting the jurisdiction of the treaty bodies to receive complaints, conduct inquiries and take urgent actions (Costa Rica);

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- 102.4 **Ratify international instruments in the area of human rights that have yet to be ratified by Gabon, such as the optional protocols to the International Covenant on Civil and Political Rights (Côte d'Ivoire);**
- 102.5 **Speed up efforts in the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Indonesia);**
- 102.6 **Remain engaged in discussion on the human rights of migrants, irrespective of their status (Philippines);**
- 102.7 **Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and their Families (Philippines);**
- 102.8 **Ratify the 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness (Slovakia);**
- 102.9 **Fully align its national legislation with all obligations under the Rome Statute of the International Criminal Court, including by incorporating the provisions to cooperate fully and promptly with the ICC (Slovakia);**
- 102.10 **Continue with its efforts to ratify the International Convention on the Protection of the Rights of All Migrant Workers and their Families (Argentina).**
103. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

[English/French only]

Composition of the delegation

The Delegation of Gabon was headed by S.E. Mme. Ida Reteno Assououet, Ministre de la Justice, Garde des Sceaux, des Droits Humains et des Relations avec les Institutions Constitutionnelles, Porte-parole du Gouvernement and composed of the following members:

- S.E.M. Baudelaire Ndong Ella, Ambassadeur, Représentant Permanent de la République Gabonaise auprès de l'ONU à Genève;
- Maître Homa Moussavou Bertrant, Président de la Commission Nationale des Droits de l'Homme;
- Pr. Guy Rossatanga Rignault, Vice-président de la Commission Nationale des Droits de l'Homme;
- Monseigneur Patrick Nguema Edou, Vice-président de la Commission Nationale des Droits de l'Homme;
- M. M. Eric Dodo Bounguendza, Directeur Général des Droits Humains;
- M. Landry Mboumba, Premier Conseiller à la Mission Permanente de la République Gabonaise auprès de l'ONU à Genève;
- Mme. Edna Paola Biyogou ép. Minko, Directeur de la Promotion des Droits de l'Homme;
- M. Anicet Gervais Ondo Nguema, Directeur de la Protection des Droits de l'Homme;
- M. Didace Mayombo, Conseiller chargé des Affaires Juridiques et des Droits de l'Homme à la Mission Permanente de la République Gabonaise auprès de l'ONU à Genève;
- M. Hervé Nze, Aide de camp de Madame le Ministre.