



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding Observations in relation to the initial report of Gabon*

I. Introduction

1. The Committee considered the initial report of Gabon (CRPD/C/GAB/1) at its 210th and 211th meetings, held on 20 and 21 August 2015, respectively, and adopted the following concluding observations at its 224th meeting, held on 31 August 2015.
2. The Committee welcomes the initial report of the State party, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/GAB/Q/1/Add.1) to the list of issues prepared by the Committee.
3. The Committee appreciates the fruitful dialogue held with the State party's delegation during the consideration of the report.

II. Positive aspects

4. The Committee commends the State party for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities (2014).
5. The Committee also commends the State party on a number of initiatives to promote the rights of persons with disabilities, including:
 - (a) Law 21/11 on providing general guidelines for education training and research of February 2012;
 - (b) The National Human Rights Commission in operation since 2011;
 - (c) The Decree on making public buildings accessible to persons with disabilities of January 2010;
 - (d) Ordinance No. 18/PR/2010 of 25 February 2010 amending certain articles of the Labour Code, and its ratifying Act No. 022/2010;
 - (e) Decree No. 304/PR/MCAEPRDH of 31 March 2008 on the establishment and organization of the Directorate-General of Human Rights.

* Adopted by the Committee at its fourteenth session (17 August to 4 September 2015).



A. General principles and obligations (arts. 1-4)

6. The Committee is concerned that the State party has no legal definition of ‘reasonable accommodation’ and ‘universal design’.

7. **The Committee recommends that the State party amend national legislation to include definitions of ‘reasonable accommodation’ and ‘universal design’ in line with the Convention and to provide guidance and training to both the public and private sectors on these concepts and how they can be applied in practice.**

8. The Committee is concerned about the lack of consultation and active involvement of persons with disabilities within the State party.

9. **The Committee recommends that the State party establish permanent mechanisms at the national and local level for participation and consultation with organisations of persons with disabilities in relation to law and policy making, by creating the ‘National Committee for the Insertion of Persons with Disabilities’ and the ‘monitoring and assessment commission on social development’ and guaranteeing the participation of organisations of persons with disabilities in its membership. The Committee also recommends that the State party support organizations of persons with disabilities with the sufficient, independent and continuous financial resources so as to provide the State party with information on the needs and views of persons with disabilities to be taken into account in future planning processes.**

10. The Committee is concerned that: a) national legislation is not fully harmonised with the Convention and the Convention is not enforceable in domestic courts; b) the State party has not adopted a human rights model of disability in legislation and policies; and c) the State party uses stigmatising terminology to refer to persons with disabilities, notably intellectual and psychosocial disabilities.

11. **The Committee recommends that the State party: a) domesticate its national legislation in line with the Convention, including provisions to enforce the Convention in domestic courts, b) adopt a human rights model of disability in legislation and policy, and c) eliminate stigmatizing terminology.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

12. The Committee is concerned about the absence of:

(a) An explicit prohibition of disability-based discrimination and the lack of legal remedies and sanctions to uphold the right to non-discrimination by persons with disabilities;

(b) A dedicated mechanism to deal with cases of discrimination;

(c) Appropriate labour laws and measures to end discrimination in the workplace;

13. **The Committee recommends that the State party:**

(a) **Enact disability anti-discrimination law and establish legal remedies and sanctions to uphold the prohibition of disability-based discrimination in a cross-cutting way to all rights and areas of life;**

(b) **Include in legislation the recognition that the denial of reasonable accommodation is a form of discrimination on the basis of disability;**

(c) **Establish a dedicated mechanism to deal with cases of discrimination and foster the use of available legal remedies by persons with disabilities facing discrimination and inequality;**

(d) **Reform labour laws and adopt measures to end discrimination in the workplace.**

Women with disabilities (art. 6)

14. The Committee is concerned about the lack of specific provisions targeting women and girls with disabilities and the absence of mainstreaming of their rights in legislation, policies and programs concerning women and gender equality such as the Decade on Women (2015-2025), as well as the lack of an explicit definition of discrimination against women. In addition, the Committee is concerned about the lack of implementation of social policies to allocate resources for women and children with disabilities including those living in rural areas and belonging to indigenous populations (pygmy communities) and ethnic minorities, and the lack of participation of women with disabilities in decision-making processes.

15. **The Committee recommends that the State party adopt a twin track approach to ensure measures targeting women and girls with disabilities, comprising the immediate incorporation of a prohibition of discrimination against women which addresses situations of intersectional discrimination including on the basis of disability; the allocation of specific resources for women and girls with disabilities, specifically in the National Strategy on Gender Equality and Equity; as well as the close consultation and active involvement of women with disabilities in decision making processes, including in the above-mentioned strategy and in the Decade of Women of Gabon.**

Children with disabilities (art. 7)

16. The Committee is concerned that girls and boys with disabilities lack access to services to ensure their development, protection and participation, such as suitable health care and education services, in particular in rural areas. It is also concerned that there are inadequate resources to strengthen support services and information to families of girls and boys with disabilities to ensure they are included at home and in the community.

17. **The Committee recommends that the State party review the situation of girls and boys with disabilities in terms of their access to suitable health care, and education services; allocate adequate resources to strengthen support services for girls and boys with disabilities and their families, to raise awareness among parents and the community; and to train professionals in the field.**

18. The Committee is concerned that girls and boys with disabilities are not given adequate support and opportunities to express their views and exercise their right to be heard, including in consultations in the drafting of laws and policies.

19. **The Committee recommends that the State party establish national mechanisms to enable girls and boys with disabilities to express their views (and receive support if they request it) to fully participate in decision making concerning their lives.**

Awareness raising (art. 8)

20. The Committee is concerned that awareness raising campaigns for persons with disabilities focus on the prevention of disability and that negative attitudes towards persons with disabilities persist.

21. **The Committee recommends that the State party, in consultation with organisations of persons with disabilities, target the general public, persons with disabilities, organizations of persons with disabilities, the media, employers, health and educational professionals to foster the human rights model of disability and overcome entrenched gender and disability stereotypes by promoting the positive image of persons with disabilities, their rights, and their contributions to society.**

Accessibility (art. 9)

22. The Committee is concerned about the lack of implementation of legislation on the accessibility of built environment, in particular new buildings and constructions, as well as transportation. Furthermore the Committee is concerned by the absence of legislation on accessibility of information and communications technology and other services.

23. **The Committee recommends that the State party: implement legally enforceable accessibility standards, including effective sanctions for non-compliance; allocate financial resources; and, in close consultation with organisations of persons with disabilities, develop a comprehensive national accessibility action plan complete with timeframes, indicators, monitoring and evaluation, and which binds all public procurement processes in line with General Comment No. 2.**

Right to life (art. 10)

24. The Committee is concerned about the practice of ritual crimes in the State party, including against persons with disabilities.

25. **The Committee recommends that the State party adopt all appropriate legal, administrative and educational measures, including awareness-raising programs, to absolutely eradicate all instances of ritual crimes.**

Situations of risk and humanitarian emergencies (art. 11)

26. The Committee is concerned about the lack of emergency and disaster risk reduction strategies and policies that are inclusive of persons with disabilities.

27. **The Committee recommends that the State party adopt a national risk reduction policy and emergency management protocols that are accessible to and inclusive of persons with disabilities, developed in close consultation with them and their representative organisations. In addition, ensure that all related information and humanitarian relief are distributed in accessible formats and ways to persons with disabilities.**

Equal recognition before the law (art. 12)

28. The Committee is deeply concerned about substituted decision-making and guardianship regimes for persons with disabilities.

29. **The Committee strongly recommends that the State party repeal regimes of substituted decision-making enshrined in articles 618 and 640 of the Civil Code, among others, and replace them by supported decision-making regimes which uphold the autonomy, will and preferences of persons with disabilities.**

Access to justice (art. 13)

30. The Committee is concerned at the lack of accessibility to the justice system, including physical access, legal aid and sign language interpreters in court rooms as well as procedural accommodations.

31. **The Committee recommends that the State party implement physical, informational and communicational accessibility, such as the provision of professional sign language interpreters, Braille and other procedural accommodations, and the training of court staff, judges, police and prison staff to uphold the rights of persons with disabilities including the right to a fair trial.**

Liberty and security of the person (art. 14)

32. The Committee is concerned about the involuntary detention of persons in specialised institutions on the basis of their impairment as well as the deprivation of liberty based on disability, including psychosocial disability.

33. **The Committee recommends that the State party repeal all legislation that authorises institutionalisation without the free and informed consent of the person, including cases where consent is substituted by a third party, and repeal laws that allow for the deprivation of liberty on the basis of disability.**

34. The Committee is concerned about the lack of information about persons with disabilities who are allegedly involved in crimes and about the application of the rule of law in such cases.

35. **The Committee recommends that the State party ensure that all persons with disabilities, particularly persons with psychosocial or intellectual disabilities, are guaranteed the same substantive and procedural guarantees as others in the context of criminal proceedings, including the presumption of innocence and the right to a fair trial.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

36. The Committee is concerned that the State party has not adopted a definition of torture, including mental torture, or explicitly criminalised torture, in the Criminal Code.

37. **The Committee recommends that the State party adopt a definition of torture, including mental torture, and that it ensure that all relevant mechanisms and programs incorporate the absolute prevention of cruel, inhuman or degrading treatment against persons with disabilities.**

Freedom from exploitation, violence and abuse (art. 16)

38. The Committee is concerned that there is no law on violence against women, and women and girls with disabilities are not included in the process of consultation regarding proposed legislation on the matter and that frequently they are considered not to be credible witnesses by families, communities and the authorities leading to low reporting and investigation rates. The Committee is further concerned about the lack of accessible services for persons with disabilities experiencing violence, the lack of training of interlocutors working with those experiencing violence to raise their awareness about the rights of persons with disabilities, and the reluctance by authorities to open investigations and prosecutions, which lead to impunity of perpetrators.

39. **The Committee recommends drafting and adopting new legislation on violence against women in line with (CEDAW/C/GAB/CO/6, para. 11), which specifically addresses women and girls with disabilities, and includes them in the consultation and drafting process. Furthermore, the Committee recommends establishing accessible services for persons with disabilities experiencing violence, such as shelters, victim support services, hotlines and complaint mechanisms including in rural areas. It also recommends the training of police, justice personnel, staff providing custodial care in**

prison or other places of detention, social workers, health professionals and other interlocutors to ensure protection from and prevention of exploitation, violence and abuse of persons with disabilities including on effective reporting channels with a view to ensuring that all interlocutors take victims seriously and provide support when requested, and that investigations, prosecutions and sanctioning of perpetrators are conducted effectively to prevent recurrence .

Protecting the integrity of the person (art. 17)

40. The Committee is concerned that, according to information provided by the State party delegation, the practice of female genital mutilation “only affects women and girls with disabilities who are foreigners”, considering this a "cultural issue".

41. **The Committee recommends that the State party adopt all appropriate legal and administrative measures to eradicate female genital mutilation, for all women and girls, including women and girls with disabilities, whatever their country of origin, in accordance to the Committee on the Elimination of Discrimination against Women’s General Recommendation No. 14 (1990).**

Liberty of movement and nationality (art. 18)

42. The Committee is concerned by the absence of data on the number of children with disabilities whose birth is not registered and may not have identity documents, in particular girls.

43. **The Committee strongly recommends that the State party establish records to ensure that the birth of all children with disabilities is recorded and that it promptly initiate programmes to provide identity documents to all persons with disabilities.**

Living independently and being included in the community (art. 19)

44. The Committee is concerned that community-based services aimed at enabling persons with disabilities to live and participate in the community with choices equal to others have yet to be developed. It is also concerned about the lack of measures aimed at persons with disabilities who are abandoned by their families, especially in and around the capital in so-called ‘*cités*’.

45. **The Committee recommends that the State party comprehensively develop community-based services for persons with disabilities in close cooperation with them and their representative organisations including, in particular, the service of personal assistance. It also recommends that it adopt the necessary measures to prevent isolation or segregation of persons with disabilities from the community hidden in the family, in segregated institutions, and in the so-called ‘*cités*’.**

Personal mobility (art. 20)

46. The Committee is concerned about the lack of affordable assistive devices available to persons with disabilities.

47. **The Committee recommends that the State party establish, for all persons with disabilities, the mandatory provision and maintenance of assistive devices which are affordable or free of charge according to those persons’ means.**

Freedom of expression and access to information and communication (art. 21)

48. The Committee is concerned at the lack of availability of public information and mass media for persons with disabilities in accessible and usable formats such as Braille,

sign language, easy to read, and others and at the absence of steps being taken to officially recognise Gabonese Sign Language in the law.

49. **The Committee recommends that the State party develop and use accessible communication formats, as listed above, for mass media and public information, allocating adequate funding accordingly, and officially recognising Gabonese Sign Language and Braille and taking steps to establish training and certification for professional Gabonese Sign Language interpreters.**

Respect for the home and family (art. 23)

50. The Committee is concerned that Article 204 of the Civil Code restricts persons with psychosocial disabilities (“*aliénés interdits*”) from marrying on an equal basis with others. In addition, the Committee is concerned about: a) Inadequate support measures for parents with disabilities to exercise their parental rights; and b) The fact that parents of children with disabilities are not able to access specific support for health, education and training.

51. **The Committee recommends that the State party immediately repeal Article 204 and related provisions of the Civil Code restricting marriage on an equal basis with others. Furthermore, the Committee recommends that the State party a) Provide support to parents with disabilities to exercise their full parental rights, and b) Allocate adequate resources to strengthen services for children with disabilities, to support their families and for training of professionals in the field.**

Education (art. 24)

52. The Committee is concerned that the education of children with disabilities is restricted to segregated schools and about the lack of provision of inclusive, quality education to children with disabilities in mainstream schools. It is further concerned about the so-called verbo-tonal teaching approach applied exclusively in the education of Deaf children instead of providing education in the language of their choosing.

53. **The Committee recommends that the State party adopt all necessary measures, including those of legislative nature, to ensure the provision of inclusive, quality education to children with disabilities in mainstream schools within their communities, based on the way and method of communication of their choosing. It also recommends that the State party allocate the appropriate resources, provide reasonable accommodation, accessible curricula, and ensure the mandatory pre-service and in-service training of all teachers and other educational personnel on inclusive, quality education.**

Health (art.25)

54. The Committee is concerned that health services and information on public health education are not accessible to persons with disabilities, in particular in rural areas. It is also concerned about the lack of training for all health professionals on the human rights of persons with disabilities.

55. **The Committee recommends that the State party ensure that: a) All health services are accessible to persons with disabilities at all levels, in particular at the community level; b) Information for all public health education and health services be accessible, in particular community-based health services, including HIV/AIDS and sexual and reproductive health services, including in rural areas; c) Strategies to raise awareness of the human rights model of disability among all health professionals are in place.**

56. The Committee is concerned that persons with psychosocial or intellectual disabilities, especially women and girls with disabilities, do not have equal access to the highest attainable standard of health, nor exercise their right to free and informed consent regarding health interventions.

57. **The Committee recommends that the State party take the necessary steps to repeal legislation restricting the right of persons with disabilities to free and informed consent and enact laws which explicitly recognise this right of the individual and that it prohibit the substitution of consent by a third party. The Committee also recommends that the State party adopt measures to ensure that all persons with disabilities, in particular persons with psychosocial or intellectual disabilities, especially women and girls with disabilities, have access to the highest attainable standard of health on an equal basis with others and to conduct regular training of hospital and health care staff on the rights of persons with disabilities, including their right to free and informed consent and reasonable accommodation in all healthcare settings.**

Work and employment (art. 27)

58. The Committee is concerned by the low employment rate of persons with disabilities, the lack of inclusive employment policies and provision of reasonable accommodation, including in recruitment procedures, and the certification process used to declare if persons with disabilities are ‘fit for employment’.

59. **The Committee recommends that the State party implement Act No.19/95 and adopt the necessary policies and measures, including of a legal nature, to further promote employment in the open labour market in public and private sectors beyond the current quota system, and the provision of reasonable accommodation and training on it. It also recommends that it increase vocational training and adopt legislation with effective remedies and sanctions with respect to disability-based discrimination in recruitment, promotion and retention of employees.**

Adequate standard of living (art. 28)

60. The Committee is concerned that the existing allocation of social protection for persons with disabilities and their families is insufficient to ensure an adequate standard of living.

61. **The Committee recommends that the State party identify a social protection floor that covers the minimum content of the right to an adequate standard of living, on an equal basis with others; ensure access of persons with disabilities to social protection programmes; and take account of and cover the additional costs of disability for the individual circumstances of each person.**

Participation in political and public life (art. 29)

62. The Committee is concerned that the Electoral Code contains restrictions on the right of persons with disabilities to vote, including those subjected to “*interdiction*” or any other kind of deprivation of legal capacity. Furthermore, the Committee is concerned about physical and informational barriers in the voting process.

63. **The Committee recommends that the State party repeal the relevant provisions in the Electoral Code in order to enable all persons with disabilities to vote, restoring legal capacity as required, and to ensure that all stages of elections are made fully accessible, including in political campaigns and their materials, the act of voting and guaranteeing secrecy of voting.**

Participation in cultural life (art. 30)

64. The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which allows access to published material to blind persons, persons with visual impairments or print disabilities in having access to printed materials.

65. The Committee recommends that the State party adopt all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.

Statistics and data collection (art. 31)

66. The Committee is concerned that the State party does not systematically collect disaggregated data across all sectors according to sex, age, disability, indigenous peoples (such as Pygmies) and geographic location. In particular, the Committee is concerned at the low estimated numbers of persons with disabilities, especially in rural areas.

67. The Committee recommends that the State party systematically facilitate the collection, analysis and dissemination of disaggregated data across all sectors including health, education, employment, political participation, access to justice, social protection, and violence by disability and according to other categories listed above, and amend the census questions, in close cooperation with organisations of persons with disabilities, to accurately reflect the population.

International cooperation (art. 32)

68. The Committee is concerned that international development efforts are not inclusive of persons with disabilities.

69. The Committee recommends that the State party ensure that the implementation of the post-2015 development framework is fully inclusive of persons with disabilities, from the design of programs and policies, to monitoring and evaluation and that organisations of persons with disabilities are systematically consulted by the State party and international development actors.

Cooperation between States parties and the Committee (art. 37)

70. **By virtue of article 37 of the Convention, the Committee offers technical assistance to the State party, to be facilitated by the expert advice of its members, through the Secretariat. Furthermore, the State party may likewise request technical assistance from specialized agencies of the United Nations based in the State party or in the region.**

C. Special obligations**National implementation and monitoring (art. 33)**

71. The Committee is concerned about the specific role and mandate of the National Committee on Insertion of Persons with Disabilities (foreseen in Decree n°52/PR/MSNASBE, 04/02/2002) in relation to article 33(1) and that it has not been created. In addition, the Committee is concerned at the lack of an independent monitoring mechanism, including measures to ensure the participation of persons with disabilities and their representative organisations.

72. The Committee recommends that the State party immediately designate bodies under article 33(1) and 33 (2). The latter adhering to the Paris Principles, as well as

that it guarantee the meaningful participation of persons with disabilities and their representative organisations in all processes of the implementation and monitoring of the Convention.

D. Follow-up and dissemination

73. The Committee requests that the State party, within 12 months and in accordance with article 35, paragraph 2, of the Convention, provide information on the measures taken to implement the Committee's recommendations as set forth in paragraph 13 and 15 above.

74. The Committee requests that the State party implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

75. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

76. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, and to make them available on the government website on human rights.

E. Next report

77. The Committee requests the State party to submit its combined second, third and fourth periodic reports by no later than 1 November 2021 and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.
