



Economic and Social Council

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Committee on Economic, Social and Cultural Rights Pre-sessional working group

List of issues in connection with the consideration of the initial report of Gabon (E/C.12/GAB/1), adopted by the pre-sessional working group at its fifty-first session (21–24 May 2013)

I. General information

1. Please state whether the Covenant is directly applicable by courts in the State party. Give examples of national jurisprudence that refer to the Covenant.
2. Please describe the measures taken to ensure that the Gabonese Human Rights Commission is fully consistent with the Paris Principles, and that it has the necessary resources for the exercise of its functions. Please specify the complaints received, decisions adopted and measures taken by the Gabonese Human Rights Commission to protect and promote economic, social and cultural rights.

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Article 1

Self-determination and the right freely to dispose of natural wealth and resources

3. Please provide detailed information on how the rights of indigenous peoples are safeguarded and the mechanisms that exist in the State party to ensure the right of indigenous populations to prior informed consultation in decision-making processes concerning the exploitation of the natural resources of their ancestral lands. Please specify the measures taken to promote the right of the Baka, Fang and Sahrawi peoples to self-determination.

Article 2, paragraph 1
Obligation to take steps to the maximum of available resources

4. Please provide comparative statistical data on budget allocations for the implementation of economic, social and cultural rights.

Article 2, paragraph 2
Non-discrimination

5. Please describe the measures taken to extend the protection provided by national law against all forms of discrimination, not only racial, ethnic or religious discrimination, as provided for in article 1, paragraph 13, of the Constitution. In this connection, please indicate the scale of existing discriminatory practices against lesbians, homosexuals, bisexuals or transsexuals, particularly in regard to employment, health care and education. Please also describe the measures taken by the State party to prevent and punish such discriminatory practices and to guarantee full application of the law in this area.

6. Please describe the measures taken by the State party to promote the economic, social and cultural rights of marginalized communities in the State party, such as women and girls, persons with disabilities, children born out of wedlock, migrant workers and their families, and the pygmy communities. Indicate whether the projects developed in this area form part of a long-term strategy. In this connection, please provide up-to-date and detailed statistics on the number of migrant workers and their families currently living in the State party.

Article 3
Equal rights of men and women

7. Please provide detailed information on legislative amendments for the repeal of discriminatory provisions affecting women in all legislation, particularly in the Civil Code, the Criminal Code, the Labour Code and the Nationality Code. In addition, please describe the measures taken to implement the projects promoted by the Network of Women Deputies, such as those mentioned in paragraphs 27, 33 and 34 of the State party's report.

8. Please provide information on progress made in implementing the draft reforms mentioned in paragraph 42 of the State party's report, with regard to the abolition of the Family Council; criminalization of assaults against widows, by establishing the offence of dispossession and illegal appropriation of inheritance; amendments to the procedure for dividing up the lump-sum death benefit; the abolition of the rules on the order of devolution of property to family members; the establishment of a governmental body to take the place of the Family Council; and the establishment of a Family Code.

III. Issues relating to the specific provisions of the Covenant
(arts. 6–15)

Article 6
Right to work

9. Please specify the legislative provisions which the State party considers to be responsible for discriminatory practices against Gabonese nationals, giving preference to foreign workers. Provide details of the measures adopted in this regard and explain how the

State party guarantees their full compatibility with the principles set forth in articles 2 and 6 of the Covenant.

10. Please provide information on the measures adopted to establish a hiring mechanism “adapted to the real needs of the administration” (see paragraph 73 of the State party’s report). Similarly, please specify the measures taken to combat unemployment among young people who, according to information supplied by the State party, account for 60 per cent of the unemployed.

11. Given the level of job insecurity and the difficult conditions of work in the informal economy, please state what measures have been taken to combat this widespread phenomenon in the State party.

12. Please describe the measures taken to broaden the scope of protection provided by national legislation and assistance to all victims of trafficking in persons, without discrimination. Please also indicate the number of complaints received with regard to such acts, the number of investigations conducted, the types of sentences handed down, the compensation afforded to victims, and the measures taken to protect and rehabilitate all victims of trafficking. Please also indicate what legal and other obstacles are faced by the State party in its efforts to combat trafficking in women, children and adolescents, child prostitution and sex tourism.

Articles 7 and 8

Right to just and favourable conditions of work and trade union rights

13. Please provide detailed information on how the amount of the minimum wage is set and what mechanisms are in place to ensure that that amount guarantees an adequate standard of living for workers and their families.

14. Please specify the measures taken to ensure that all employers implement and comply with occupational safety and health standards. Please indicate to what extent the Labour Code is complied with in sectors where the majority of workers are foreigners, such as mining and forestry. Please also comment on the extent to which foreigners working in these sectors are forced to work in unhealthy conditions, without any protection of their rights.

15. Please inform the Committee of the criteria applied in defining the annual subsidy granted by the Government to trade union federations pursuant to Order No. 0022/MTE/CAB of 23 September 2005 and specify the measures taken to ensure that this measure is implemented in a manner fully consistent with obligations under the Covenant.

Article 9

Right to social security

16. Please inform the Committee of progress achieved in the implementation of the mandatory health insurance and social security scheme. Please indicate whether the reforms envisaged enable the State party to fulfil its obligations under the Covenant, in accordance with article 9 of the Covenant and taking into account the Committee’s general comment No. 19 (2007) on the right to social security, in particular as regards universal coverage and minimum benefit amounts.

17. Please indicate what progress has been made in ensuring effective universal health insurance coverage under the National Health Insurance and Social Protection Fund, in particular for refugees and asylum seekers, as well as for the pygmy communities and all persons living in rural areas.

Article 10

Protection of the family, mothers and children

18. Please specify what targeted measures have been taken by the State party to prevent child labour and address its root causes. Please provide statistical data, disaggregated by year since 2008, by sex and by region, on the number of children who have benefited from the initiatives undertaken by the State party to combat child labour.

19. Please inform the Committee of the impact of measures taken to eliminate the practice of forced marriage. Please also describe the measures taken to combat domestic violence, particularly against women and children with disabilities.

20. Please inform the Committee of the impact of measures taken to eradicate harmful traditional practices. Please describe the measures taken to ensure implementation of Act No. 0038/2008 of 29 January 2009 on combating and preventing female genital mutilation.

Article 11

Right to an adequate standard of living

21. Please provide information on progress made in defining housing policy, as mentioned in paragraph 151 of the State party's report. Please state whether the number of housing units made available by virtue of the construction projects referred to in paragraphs 149, 151 and 152 meets the demand for social housing. Please also provide information on the existence of other housing programmes.

22. Please inform the Committee of the results of the measures taken by the State party to ensure that the right to water and sanitation is always guaranteed – including from the standpoint of availability, accessibility and quality, particularly in the context of the implementation of Act No. 27/2010 ratifying Ordinance No. 17/PR/2010 of 25 February 2010 on the establishment, role, organization and functioning of the Regulatory Agency for Drinking Water and Electricity in Gabon. Please inform the Committee of the existence of any strategy and of targeted policies and programmes for the provision of water, sanitation and electricity in rural areas.

23. Please provide information on the minimum subsistence level in the State party. Please indicate to what extent poverty reduction initiatives have contributed to reducing the high number of persons living in poverty and extreme poverty. Please also indicate whether the State party has adopted an overall plan to combat poverty.

24. Please inform the Committee of the results of measures taken to alleviate poverty among older persons, as mentioned in paragraph 123 of the State party's report. Please indicate the number of persons benefiting from those measures and provide specific information on the mechanisms put in place to extend assistance to older persons, particularly those not covered by the social security system.

Article 12

Right to health

25. Please inform the Committee about the availability and affordability of sexual and reproductive health services, including for adolescents. Please provide information on existing sexual and reproductive health education programmes in schools. Please also provide statistical information for the past five years, disaggregated by year and by geographic zone, on the number of unwanted pregnancies among adolescent girls and the

measures taken to address their adverse effects on the girls' education, health and well-being.

26. Please provide detailed information, including statistical data, about tobacco smoking, substance abuse and alcohol consumption among adolescents. Please provide information on available treatment and assistance. Please also provide information on the progress achieved in implementing the World Health Organization Framework Convention on Tobacco Control, which was ratified by the State party in February 2009.

Articles 13 and 14

Right to education

27. Please provide information on the proportion of public expenditure allocated to education since the initial report of the State party. Please describe the measures that have been taken to improve the quality of teaching, including through an effective system of teacher skills and career development. Please also describe the measures taken to establish an independent system for the evaluation of the quality of teaching.

28. Please provide information on the measures taken to reduce the high level of school dropout rates, mainly in rural areas. Please indicate what measures have been taken to eliminate impediments to girls' access to formal education. Please also provide information on the measures taken to ensure effective access to education for children with disabilities, including in terms of infrastructure, educational support and allocation of financial resources.

Article 15

Cultural rights

29. Please provide information on the impact of measures taken to enable those living in the State party, in particular the most disadvantaged and marginalized, to have access to and enjoy the right to take part in cultural life.

30. Please indicate what measures have been taken by the authorities to guarantee the protection of the cultural heritage of the various ethnic groups in the State party. Please also provide information on how the cultural heritage is included in the school curriculum and in the cultural events and activities organized in the State party.
