



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

Summary of stakeholders' submissions on Gabon

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 6 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations³ and cooperation with human rights mechanisms

2. Human Rights Foundation (HRF) recommended to ratify the Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.⁴

3. International Campaign to Abolish Nuclear Weapons (ICAN) welcomed that Gabon was among the 122 States which voted in favour of the adoption of the Treaty on the prohibition of nuclear weapons in 2017 and called it to sign and ratify this treaty, as a matter of international urgency.⁵

4. HRF called on Gabon to cooperate with regional and international human rights mechanisms, by allowing the special procedures mandate holders to carry out an independent assessment of the human rights situation in Gabon and advise the government accordingly.⁶

5. HRF recommended that Gabon allow the African Commission on Human and People's Rights and Special Rapporteurs on extrajudicial killings, freedom of expression, and access to information, to conduct unannounced and unobstructed site visits.⁷



B. National human rights framework

Constitutional and legislative framework

6. HRF called Gabon to harmonize the State's internal legislation to fully comply with all international human rights instruments it has signed or ratified.⁸

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Right to life, liberty and security of person, and freedom from torture

7. HRF noted that Gabon's government continued to use arbitrary arrest and detention as a means of silencing political opposition, human rights activists, and journalists, even though Gabon has ratified the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, which both prohibit arbitrary detention.⁹

8. HRF noted that one of Gabon's primary human rights violations occurred in its prisons, with numerous reports of overcrowding, substandard sanitation and ventilation, as well as poor food quality and healthcare.¹⁰

9. HRF called Gabon to ensure that people in detention receive humane treatment.¹¹

Administration of justice, including impunity, and the rule of law

10. HRF recommended to Gabon to protect the due process rights of every accused person to a fair, speedy, and public trial and ensure that, absent compelling evidence of criminal conduct, individuals who have been arbitrarily detained, in violation of their rights to freedom of expression and association, are released.¹²

Fundamental freedoms and the right to participate in public and political life

11. HRF noted that, despite the several provision which protect the freedoms of expression, assembly and association at the international, regional and national levels, the Gabonese government continued to crack down on citizens, activists, and politicians who criticized the government, and dissent of any kind was met with consequences.¹³

12. HRF noted that the Gabonese government has consistently used a variety of laws to curtail media freedom and freedom of expression.¹⁴

13. HRF noted that Gabonese media and journalists continued to be subjected to intimidation, censorship, and arbitrary practices by the government, and the concept of an independent media was far from being recognized.¹⁵ JS1 noted that the majority of media outlets in the country were pro-government and, although there were some private media operators, they were largely controlled by the opposition and their operations were closely monitored by the government.¹⁶ JS1 indicated that, according to the World Press Freedom Index by Reporters Without Borders, Gabon was ranked 105th out of 180 countries globally in 2022.¹⁷

14. JS1 noted that the 2017 Communication Code contained provisions prohibiting Gabonese nationals from working for media outlets outside Gabon and the use of aliases as well as provisions that imposed an obligation for the media to "contribute to the country's image and national cohesion".¹⁸ JS1 indicated that the code vaguely required journalists to have a qualification "approved by the state" (without providing further detail) or to have worked for five years in a media outlet "recognized by the state".¹⁹ JS1 underlined that the challenge with such a broad mandate was that the state had wide discretionary powers to interpret, decide and control whether or not information reported contributed to the good image of the country, which posed dangers of arbitrary bans and sanctions to information.²⁰

15. HRF and JS1 also noted that defamation laws were consistently used to discourage or punish criticism of the government, and to silence dissent.²¹

16. JS1 recommended to Gabon to amend the Communication Code in line with best practices for international human rights and in collaboration with stakeholders such as the press and media, local and international civil society and academia, irrespective of their political affiliations.²²

17. JS1 noted that print journalists and media houses resorted to self-censorship to avoid arrests, detentions and other punitive measures typically taken against government dissidents. Nonetheless, it noted that there were frequent arrests and sanctions disproportionately met against dissidents or government critics.²³

18. HRF and JS1 noted that, in February 2018, the Haute Autorité de la Communication (HAC) was established as “an independent Administrative Authority responsible for regulating the Communication sector and enjoying financial management autonomy”, whose mandate includes respect for freedom of the press, citizens’ access to free communication, and fair treatment by the media to political parties.²⁴ However, HRF and JS1 noted that since its formation, the HAC has primarily silenced the communications sector, rather than expanded freedom of the press.²⁵

19. JS1 recommended to implement a comprehensive and rigorous reform of the HAC, including a review of the established law of the authority to cure all loopholes that allow for repression and the use of state resources for personal/civil issues as well as the development of international human rights training for HAC officers.²⁶

20. HRF and JS1 noted that, in January 2019, following the coup attempt, the internet and broadcasting services were shut down by the government, making it impossible for journalists to carry out their work safely and efficiently and depriving Gabonese citizens of access to reliable information during a time of crisis and decision making.²⁷ HRF also noted that, following President Bongo’s stroke in October 2018, any speculations on his ill-health, particularly by media outlets and journalists, were penalized.²⁸

21. HRF noted that freedom of assembly was limited by the regime, which denied permits for meetings and used tactics such as tear gas and arbitrary arrests of protestors. HRF indicated that, in August 2017, the Parliament enacted Law 001/2017 that placed restrictions on freedom of assembly and that has been used by authorities to prevent opposition leaders from meeting in a privately-owned facility. HRF noted that, in February 2021, police fired tear gas and stun grenades into a crowd in Libreville and Port Gentil that was protesting against the government’s COVID-19 restrictions.²⁹

22. HRF noted that the process for registering NGOs, for example, was extremely onerous and was implemented inconsistently, in an attempt to deter NGOs, especially those affiliated with human rights work, from operating.³⁰

23. HRF called Gabon’s government to protect, respect, and promote, without reservation, the rights of all individuals to freedoms of expression and association, and ensure that activists, journalists, and opposition groups can operate peacefully and safely within Gabon, without fear of retribution in the form of censorship, harassment, arbitrary arrest and detention, torture, ill-treatment, extrajudicial killings, and enforced disappearances, among other types of punishment.³¹ JS1 recommended to grant and prioritise access to independent journalists to work freely and safely at governmental events.³²

24. HRF noted that the ruling elite has been in power for more than 40 years, has acquired enormous wealth and economic control of Gabon, which enabled it to sustain political patronage networks that fund vote-buying during elections, as well as security forces that ensured it remained in power. HRF noted that these security forces continued to intimidate opposition members, and to detain and threaten them with violence.³³

25. HRF recommended to ensure that elections are free and fair, and that Gabonese government guarantee the independence of the electoral body, allow international and independent observers to participate in future electoral processes, and cease all forms of harassment and intimidation against political opponents, journalists, and members of civil society.³⁴

26. HRF called Gabon to engage in constructive national dialogue with all political, social, and religious groups in Gabon, particularly opposition groups, to generate a sustainable solution to ensuring peace and protection of human rights within the country.³⁵

Right to privacy

27. JS1 indicated that Gabon enacted a Data Protection Law in 2011 to uphold data protection and privacy as part of the collection, processing, use, disposal, transmission and storage of personal data, as well as an Electronics Communications Law in 2019, which addressed data protection. JS1 noted that the National Commission for the Protection of Personal Data was in charge of regulating data protection in Gabon, imposing fines ranging from CFA 1 million in January 2019.³⁶

28. JS1 noted that, in October 2018, Gabon joined the Consultative Committee of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data as an observer, becoming one of the only 4 African countries observing the Committee.³⁷

Prohibition of all forms of slavery, including trafficking in persons

29. Broken Chalk (BCN) noted that child trafficking was still a significant problem in Gabon.³⁸ BCN noted that Gabon did not fully meet the minimum standards to eliminate human trafficking in its country. Although Gabon managed to convict more traffickers than before and identified more child victims of trafficking, BCN noted that there was still room for improvement as the Government failed to adopt the anti-trafficking plan for the second consecutive year.³⁹

30. BCN and European Centre for Law and Justice (ECLJ) noted that the most common forms of trafficking in Gabon for young girls was for domestic work, servitude, and forced early marriage, and for boys auto mechanics and hard labour.⁴⁰ BCN noted that some criminals gave false documents to child trafficking victims, identifying them as older than 18 years old, to avoid prosecution in child trafficking law.⁴¹

31. ECLJ indicated that Gabon had a long history of child labour, which caused this crime to be overlooked and often ignored and that, according to one judge, even “some of his peers overlooked certain abuses on the grounds that child labour was an old social tradition and less of a criminal act than child marriage”. ECLJ noted that, in addition, traffickers will try and bribe magistrates if they are caught.⁴²

32. BCN and ECLJ recommended to fight child trafficking and corruption in the police department.⁴³ ECLJ recommended to Gabon to allocate resources and training for authorities to be able to properly identify human trafficking so they can help the victims and prosecute the perpetrators.⁴⁴ BCN also recommended to consult with UNICEF for the creation of centres to help victims of trafficking.⁴⁵

Right to an adequate standard of living

33. BCN noted that Gabon gathered information about water, sanitation, and hygiene in schools for the first time ever in September 2021 and that the results of the survey showed that around 3 out of 10 public schools (27%) did not have improved water points, 1 out of 5 public schools (19,9%) did not have toilets, in 1 out of 3 schools (36,5%) there were signs of defecation in the open because of lack of infrastructure, 15% of the schools had still no handwashing devices on their territory, and 29% of the public schools had no supply of water or soap.⁴⁶

34. BCN noted that, before the reopening of schools which were closed because of COVID-19, the Government supplied 757 schools with handwashing devices as part of the “Water Support project”.⁴⁷

35. BCN noted that access to clean water, toilets, and safe infrastructure still required great attention and that the survey was a significant commitment that will allow the problem to be tackled specifically, as the Gabonese Government was aware of the schools that lacked certain mandatory supplies.⁴⁸

36. BCN recommended to improve hygiene in schools and to provide clean water, soap, and toilets for every school in the country.⁴⁹

37. BCN recommended to work towards minimalizing poverty.⁵⁰

Right to health

38. ECLJ noted that Gabon reformed its penal code on July 2019 to legalize abortion before 10 weeks if the baby would be born with an incurable physical deformity, if the life of the mother is in danger, or in cases of rape, incest, “or when the minor is in a serious state of distress”.⁵¹

Right to education

39. BCN noted that Gabon had significantly improved a lot of aspects since 1960, including making education free and compulsory, an essential step in building a mechanism that gives children the opportunity to develop themselves and become an equal part of society. Even though the system aims to have all kids at school, BCN noted that the reality was much different than the expectations. BCN noted that primary school enrolment was 90%, but by the time learners reached secondary school, the enrolment rates dropped to 57% of girls and 48% of boys.⁵²

40. BCN indicated that such low rates could be caused by numerous factors that applied to most African countries, such as school bullying, poverty, child prostitution, child trafficking, or family-related matters and that, although education was free, learners needed to provide for their supplies which may be a challenge for numerous households in the country.⁵³

41. The UPR Project at BCU (UPR BCU) noted that the pandemic had widened educational inequalities for vulnerable children and adolescents living in poor and/or remote rural areas as well as girls, refugees, those with disabilities, and those who are forcibly displaced.⁵⁴

42. BCN recommended to give support to children in need who cannot pay for their school supplies and to help teachers improve their knowledge and skills so they can provide children with better education.⁵⁵ BCN also recommended to Gabon to prevent human rights violations in school institutions.⁵⁶

2. Rights of specific persons or groups

Women

43. UPR BCU welcomed that, in 2021, Gabon revised its 1972 Civil Code to enhance legal equality for married women, including by recognising gender-based violence as legitimate grounds for divorce.⁵⁷

44. UPR BCU noted that Civil Code made reference to the changes in financial inclusion of women, prevention of economic discrimination and preventing violence against women.⁵⁸

45. UPR BCU made recommendations to the Government of Gabon on the implementation and the achievement of Sustainable Development Goals 4 and 5, which aim for “gender equality and empowering all women and girls” and “inclusive and equitable quality education and promote lifelong learning opportunities for all.” It also recommended to adopt a COVID-19 response strategy that extends beyond health and prioritises the prevention and elimination of ‘Child, Early and Forced Marriage’ CEFM, paying particular attention to the impact of COVID-19 on vulnerable adolescents, girls, and women.⁵⁹

Children

46. ECLJ and UPR BCU noted that Article 203 of the Civil Code established the minimum age for marriage of boys at eighteen, and fifteen for girls, violating the principles enshrined in international treaties to which Gabon is a party, particularly the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁶⁰

47. UPR BCU underlined that marriage below those ages was allowed subject to the authorisation of the President of the Republic, or the President of the Supreme Court and that Article 205 provided that “even if the conditions required by article 203 are met, the young man or the young woman who has not reached the age of 21 may not contract marriage without the consent of his father and mother”.⁶¹

48. UPR BCU indicated that Child marriage was prevalent in Gabon, with girls disproportionately affected.⁶² UPR BCU and ECLJ noted that national data indicated that 22% of girls were married before the age of 18 and 6% before the age of 15, whilst 5% of boys were married before the age of 18.⁶³

49. Despite still permitting underage marriage for girls, ECLJ recognized that Gabon has been taking action on this issue and was among the countries experiencing the greatest decline in child marriages within the region.⁶⁴ ECLJ and UPR BCU noted that Gabon drafted a Children’s Code to raise the minimum age for marriage of girls to 18 in 2019, which is pending adoption by the Gabonese Parliament.⁶⁵ UPR BCU recommended to prioritise passing the Children’s Code into law.⁶⁶

50. ECLJ and UPR BCU urged Gabon to revise its marriage laws in order to meet international norms, by raising the minimum age of marriage for both girls and boys to eighteen to further protect girls from the practice of child marriage.⁶⁷

51. UPR BCU recommended to conduct, in consultation with relevant stakeholders, awareness raising and education programmes aimed at addressing the negative implications of Child, Early and Forced Marriage and how to effectively address the issue, and to develop a strategy for the dissemination of knowledge on Child, Early and Forced Marriage, including awareness-building and mechanisms for reporting and obtaining assistance, by utilising mass media, community radio, and social media platforms.⁶⁸

52. UPR BCU indicated the lack of a National Action Plan to deal with Child, Early and Forced Marriage providing an integrated vision and clear direction to all sectors, at various levels, involved in addressing CEFM in Gabon and identifying clear national goals, objectives, strategies and key interventions across different sectors in order to help Gabon adopt an incremental approach to the elimination of the practice.⁶⁹ UPR BCU recommended to Gabon to establish a National Action Plan to End Child Marriage in Gabon, including regular monitoring and tracking of progress against targets set under the Plan.⁷⁰

53. UPR BCU indicated that Gabon had implemented recommendations issued during the previous cycle to “intensify efforts to provide easy and free access to registration of birth to all children” (A/HRC/37/6, 118.85) and to “continue its good cooperation with civil society organizations and United Nations agencies, especially UNICEF, for the full registration of children at birth” (A/HRC/37/6, 118.86).⁷¹ Gabon has established an effective birth registration system, which can act as vital proof and also help protect children against Child, Early and Forced Marriage. UPR BCU indicated that, in November 2021, in greater Libreville, the Ministry for Social Affairs and Women’s Rights, with support from UNICEF, established the ‘Citizenship and Social Protection’ programme as part of its efforts to register children without birth certificates.⁷²

Notes

¹ See A/HRC/37/6 and the addendum A/HRC/37/6/Add. 1, and A/HRC/37/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

BCN	Broken Chalk, Amsterdam (Netherlands);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
HRF	Human Rights Foundation, New York (United States of America);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
UPR BCU	The UPR Project at BCU, Birmingham (United Kingdom of Great Britain and Northern Ireland);

Joint submissions:

JS1	Joint submission 1 submitted by: Paradigm Initiative, Lagos (Nigeria); Small Media Foundation, London (United Kingdom of Great Britain and Northern Ireland); CIPESA, Kampala (Uganda).
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³ *The following abbreviations are used in UPR documents:*

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women.
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- ⁴ HRF, para. 31.
⁵ ICAN, p. 1.
⁶ HRF, para. 31.
⁷ HRF, para. 31.
⁸ HRF, para. 31.
⁹ HRF, para. 27.
¹⁰ HRF, para. 29.
¹¹ HRF, para. 31.
¹² HRF, para. 31.
¹³ HRF, para. 15.
¹⁴ HRF, para. 16.
¹⁵ HRF, para. 19.
¹⁶ JS1, para. 15.
¹⁷ JS1, para. 10.
¹⁸ JS1, para. 6.
¹⁹ JS1, para. 22.
²⁰ JS1, para. 16.
²¹ HRF, para. 16 and JS1, para. 11.
²² JS1, p. 7.
²³ JS1, para. 17.
²⁴ HRF, para. 21 and JS1, para. 8.
²⁵ HRF, para. 21 and JS1, paras. 8 and 23–25.
²⁶ JS1, p. 7.
²⁷ HRF, para. 22 and JS1, para. 7.
²⁸ HRF, para. 23.
²⁹ HRF, para. 17.
³⁰ HRF, para. 18.
³¹ HRF, para. 31.
³² JS1, p. 7.
³³ HRF, para. 28.
³⁴ HRF, para. 31.
³⁵ HRF, para. 31.
³⁶ JS1, paras. 28–30.
³⁷ JS1, para. 31.
³⁸ BCN, para. 8.
³⁹ BCN, para. 6.
⁴⁰ BCN, para. 7 and ECLJ para. 24.
⁴¹ BCN, para. 7.
⁴² ECLJ, para. 29.

- 43 BCN, para. 16 and ECLJ, para. 32.
 - 44 ECLJ, para. 32.
 - 45 BCN, para. 17.
 - 46 BCN, para. 4.
 - 47 BCN, para. 4.
 - 48 BCN, para. 5.
 - 49 BCN, paras. 14–15.
 - 50 BCN, para. 13.
 - 51 ECLJ, para. 8.
 - 52 BCN, para. 3.
 - 53 BCN, para. 3.
 - 54 UPR BCU, para. 27.
 - 55 BCN, paras. 12 and 18.
 - 56 BCN, para. 19.
 - 57 UPR BCU, para. 16.
 - 58 UPR BCU, para. 16.
 - 59 UPR BCU, pp. 2 and 6.
 - 60 ECLJ, para. 6 and UPR BCU, para. 8.
 - 61 UPR BCU, para. 7.
 - 62 UPR BCU, para 6.
 - 63 UPR BCU, para. 6 and ECLJ, para. 13.
 - 64 ECLJ, para. 14.
 - 65 ECLJ, para. 15 and UPR BCU, para. 18.
 - 66 UPR BCU, p. 6.
 - 67 ECLJ, para. 30 and UPR BCU, page 6.
 - 68 UPR BCU, p. 6.
 - 69 UPR BCU, paras. 22–23.
 - 70 UPR BCU, p. 6.
 - 71 UPR BCU, para. 20.
 - 72 UPR BCU, para. 21.
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