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Gabon

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I. Methodology and national consultation process

1. Gabon, a francophone country in Central Africa, is situated in the Gulf of Guinea and straddles the equator. It has a total surface area of 267,667 km². It is bordered by Cameroon to the north, Equatorial Guinea to the north-west, the Republic of the Congo to the east and south and the Atlantic Ocean to the west. It has a population of approximately 1.5 million people, with a population density of 5.9 inhabitants per km². In 2010, its gross domestic product (GDP) was \$16.7 billion and GDP per capita was \$11,045. It has a human development index of 0.674, while the regional average for Africa is 0.389. Its population growth rate is 1.9 per cent. Life expectancy at birth is 61.3 years, and the literacy rate for those aged 15 and over is 87 per cent.

2. Gabon has been independent since 17 August 1960; its capital is Libreville. The Gabonese Republic adopted its first Constitution on 21 February 1961. According to the Constitution (Act No. 3/91 of 26 March 1991, as amended by Act No. 01/94 of 18 March 1994, Act No. 18/95 of 29 September 1995 and Act No. 01/97 of 22 April 1997), the President of the Republic is the Head of State and is elected by direct universal suffrage for a seven-year term. He may be re-elected (Constitution, art. 9; Act No. 01/97 of 22 April 1997). The Constitution, as amended on 22 April 1997, established the post of Vice-President (Constitution, title II, art. 14 (a)). Article 14 (b), (c), (d) and (e) define the powers and functions of the Vice-President. The Prime Minister (Constitution, art. 15) is the Head of Government and as such directs and coordinates the Government's action in accordance with the wishes of the Head of State, which he translates into day-to-day action. He is accountable to the National Assembly. Legislative power is vested in a two-chamber parliament: the National Assembly (120 deputies) and the Senate (91 members). Deputies are elected for a five-year term by direct universal suffrage (Constitution, title III, art. 35). Senators are elected for a six-year term by indirect universal suffrage (Constitution, title III, art. 35). The judicial power is independent of the legislative and executive powers (Constitution, title V), and comprises the Constitutional Court, the Judicial Court, the Administrative Court, the Court of Auditors, the appeal courts, regular courts, the High Court of Justice and non-permanent courts of special jurisdiction. The Judicial Court comprises civil, commercial, social and criminal divisions.

3. Gabon began to prepare for its second universal periodic review (UPR) by taking part in seminars on the review process held in Rabat in April 2010, Dakar in July 2010 and Kigali in November 2011. Then, in collaboration with the United Nations Subregional Centre for Human Rights and Democracy in Central Africa, Gabon organized a seminar on follow-up to the implementation of the UPR recommendations and on strengthening cooperation with international and regional human rights mechanisms; the seminar was held on 28 and 29 November 2011. Lastly, briefings on the UPR were held on 19 April 2012 for all actors involved in human rights-related issues, including civil society organizations, and a national meeting was organized to review, improve and validate the draft report prior to its adoption by the Council of Ministers in June 2012. The report was therefore prepared in all transparency. The drafting of the report was coordinated by the National Committee for the Drafting of Human Rights Reports, established by Decree No. 000102/PR/MDHLCCLI of 15 January 2007. Accordingly, the approach to the drafting of the report was participatory and inclusive.

4. In May 2008, Gabon underwent its first review by the Human Rights Council. Thirty recommendations for action to uphold human rights were made. The present report aims to present an assessment of the implementation and follow-up of these recommendations and shows the progress achieved in the areas mentioned by the 22 States that made the recommendations.

5. Some related recommendations have been grouped together in order to provide responses that cover all the concerns expressed. The changes presented in this report demonstrate the importance that Gabon attaches to the UPR process, especially as it reflects the views of all public and civil society actors.

6. This report summarizes the responses to the 30 recommendations made to Gabon in 2008. The responses address the concerns related to United Nations legal instruments; equality and non-discrimination; the right to education; the rights of the child; human rights in prisons; freedom of the press; and the rights of minorities (Pygmies). Each response consists of an introduction, the recommendations and an explanation, the idea being to present the data and provide a framework for examining the concerns expressed in the recommendations. The report concludes with some observations and a non-exhaustive list of policies which are of particular importance to the Gabonese Government.

II. Recommendations made to Gabon in 2008 and the responses given by Gabon in 2012

A. United Nations legal instruments

7. Eight recommendations were made to Gabon in relation to United Nations human rights instruments, notably the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the International Covenant on Civil and Political Rights. The recommendations also concerned the death penalty, migrant workers and invitations to be extended to the special rapporteurs of the Human Rights Council.

Recommendations and implementation

“To sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance”

8. Gabon signed the International Convention for the Protection of All Persons from Enforced Disappearance on 25 May 2007.

9. Gabon deposited its instrument of accession to the Convention with the Secretary-General of the United Nations on 10 January 2011.

“To ratify the Rome Statute of the International Criminal Court”

10. Gabon ratified the Rome Statute of the International Criminal Court on 8 September 2000 and, under Act No. 36/2010 of 25 November 2010, introduced title VI, on cooperation with the International Criminal Court, into the Code of Criminal Procedure.

11. After ratifying the Rome Statute, Gabon organized two workshops on implementing it. Work is currently being undertaken to draw up amendments to the Criminal Code to include the crimes of genocide, crimes against humanity and war crimes.

12. The activities mentioned above demonstrate Gabon’s strong commitment to the principle of complementarity, the United Nations system and the International Criminal Court, as well as international humanitarian law.

13. The Code of Criminal Procedure adopted under Act No. 36/2010 of 25 November 2010 established the procedure for prosecuting the offences set out in the treaty establishing

the International Criminal Court. The Ministry of Justice plans to revise the Criminal Code to include the offences in question, on the basis of the work already done.

“To ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in the near future”

14. The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was signed on 15 December 2004 and ratified in 2010. In addition, the national report (2006–2011) under the Convention was submitted to the Committee against Torture in October 2011.

“To ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty”

15. With a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Gabon has adopted a law abolishing the death penalty (Act No. 3/2010 of 15 February 2010).

“To take urgent measures to transform the decision to abolish the death penalty into law as soon as possible”

16. Act No. 3/2010, on the abolition of the death penalty, has been in force in Gabon since 15 February 2010.

“To ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”

17. With regard to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and pending the conclusions of discussions held at all levels since Gabon signed the Convention in December 2004, Gabon ensures that the concepts expressed in the multiple international instruments to which it has acceded or which it has ratified are strictly applied. Notwithstanding the fact that it has yet to ratify the Convention, Gabon guarantees fundamental rights to all migrant workers and members of their families. In addition, Gabonese law satisfies the international requirements with regard to the rights of migrant workers and their families, thanks in particular to a legal framework that covers the whole country.

18. Gabon endeavours to accommodate all peoples from Africa and the world in accordance with its international commitments and in keeping with its tradition of hospitality. Its misgivings about the Convention stem from the fact that the Convention does not distinguish between regular migrant workers and those in an illegal situation. The debate at country level feeds into the regional discussions on the free movement of persons and goods within the Central African Economic and Monetary Community (CAEMC). In any case, Gabon is very actively engaged in the international debate on migrant workers and their families and ensures that any such workers living in its territory are treated in the best possible way, with guaranteed access to the courts, employment, housing, health care, education, etc. Moreover, the Office of the United Nations High Commissioner for Refugees in Gabon exercises unrestricted oversight of migration-related problems.

19. Between 6 and 8 December 2010, Gabon took part in subregional talks in Yaoundé, Cameroon, on migration and human rights in Central Africa. The talks were organized by the Subregional Centre for Human Rights and Democracy in Central Africa of the United Nations High Commissioner for Human Rights.

“To consider extending a standing invitation to all special procedures of the Human Rights Council”

20. The Government agreed to visits in 2012 by the Special Rapporteur on trafficking in persons, especially women and children, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The Special Rapporteur on trafficking in persons carried out her visit from 14 to 18 May 2012. Given that the fundamental rights set out in the Universal Declaration of Human Rights are clearly reflected in the preamble of the Gabonese Constitution and are one of the key features of the Head of State’s blueprint for a society based on the rule of law, invitations will be extended to other special procedures of the Human Rights Council in the future.

“To consider the request of the Special Rapporteur on the right to education favourably and allow the Special Rapporteur’s visit”

21. The Ministry of Education issued an invitation to the Special Rapporteur on the right to education on 24 April 2012 via the Ministry of Foreign Affairs.

B. Recommendations on equality and non-discrimination

22. Five recommendations were made to Gabon regarding equality and non-discrimination, with a focus on legal reforms, discrimination against women and gender equality.

Recommendations and implementation

“To accelerate the progress of legal reforms to eliminate discriminatory provisions, especially from the civil and criminal codes; and to increase efforts to amend legislation regarding gender equality in accordance with Gabon’s international obligations, including the Convention on the Elimination of All Forms of Discrimination against Women”

“To consider harmonizing its civil and criminal codes with international human rights norms, particularly regarding marriage, family relations, patrimony and succession”

“To take the necessary measures to follow up on the recommendations of the Committee on the Elimination of Discrimination against Women, notably by enshrining gender equality in its Constitution and by criminalizing domestic violence, and to place particular attention on gender issues in the preparation of policies”

“To integrate, in a systematic manner, a gender perspective in the UPR follow-up process”

“To sensitize the police, the judiciary, the public administration and the general population to the importance of gender equality”

“To adopt as a matter of priority legislative and other measures to guarantee gender equality and strengthen efforts to eradicate customs and traditions that discriminate women, and [ensure] that the minimum legal age for marriage of girls is increased to 18 years”

23. These five recommendations are being addressed, notably with the adoption by the Council of Ministers of a national strategy paper on equality and gender in August 2010. The objectives of this document include: achieving the relevant Millennium Development Goal; reviewing and amending certain articles of the civil, criminal and labour codes, and

State pension schemes; and educating and informing the populace about the prohibition of gender-based discrimination.

24. In addition, the issue of gender equality is fully taken into account in the UPR follow-up process in Gabon. It is in this spirit that on 16 February 2011 the Council of Ministers adopted a bill amending and abrogating certain provisions relating to the rights of widows and orphans contained in Act No. 6/75 of 25 November 1975 of the Social Security Code. Furthermore, on 1 June 2011, the Council of Ministers examined a bill amending and abrogating certain provisions contained in Act No. 19/89 of 30 December 1989 adopting the second part of the Civil Code. This piece of legislation reaffirms the principle of equality while taking into account the interests of men, women and children. It has thus made it possible to strengthen criminal legislation on the protection of widows and orphans, as well as to enhance the powers and rights of the surviving spouse and orphans vis-à-vis family heirs and to reorganize the Family Council, which has become the “Inheritance Council”.

25. On 16 April 2011, the First Lady, Sylvia Bongo Ondimba, established the Sylvia Bongo Ondimba Foundation for the family, which campaigns for State reforms to prevent the dispossession and ill-treatment of widows and orphans. She also campaigned for the adoption by the United Nations General Assembly of International Widows’ Day, which is celebrated annually on 23 June.

26. Gender is now taken into account in criminal investigations, thanks to the establishment of a specialized squad in certain judicial police units (e.g. the vice and youth unit of the judicial police). However, there is still some fundamental work to be done at this level.

27. Lastly, the bill amending certain provisions of the Criminal Code related to sexual assault, which has been examined by the Council of Ministers, demonstrates a desire to eradicate all forms of violence against women and to preserve their dignity. The punishments for indecent assault and sexual assault have been strengthened accordingly.

28. Since October 2009, the Government has been pursuing a more practical policy to fight discrimination against women and has been trying to increase public awareness of the conventions ratified by Gabon in the area of the rights of women and children. As for sensitizing the public administration to the importance of gender equality, training on the laws that prohibit and punish gender-based discrimination has gradually been introduced for the officials referred to in the recommendation. The Criminal Code and the Code of Criminal Procedure are taught at both the Legal Service Training College, on courses for police officers, and the National School of Administration, so that future officials will be better informed and more aware of these issues.

29. Moreover, since 5 August 2011, there has been debate at Government level on issues related to ethics and the judicial environment. Officials of the Ministry of Justice are expected to treat detainees more fairly and humanely and with greater understanding, without resorting to gender-based discriminatory practices. In the same spirit, police officers attend initial, in-service and advanced courses to improve their skills and know-how; attendance at such courses is considered both a right and a duty.

30. On 12 and 13 October 2010, a capacity-building seminar for all actors listed in recommendation 14 and for many others was organized by the National Network of Women Deputies in an effort to halt discrimination against women in the public arena. The topics addressed at the seminar covered women and politics, legal provisions that discriminate against women, and how to draft laws.

31. Article 170 of the Labour Code provides that women have the same rights and the same obligations under labour legislation, subject to the special provisions in the law.

Article 140 of the Labour Code states that, for equal working conditions, qualifications and performance, the base salary is the same for all employees, regardless of sex. Equal pay for male and female workers for a job of equal value and of the same nature is based on fixed rates of pay with no discrimination based on sex.

32. Substantial progress has been made in the area of gender equality, particularly with regard to women's access to health care, education and senior posts in the public administration or the private sector and in decision-making bodies such as the Government, the National Assembly, the Senate, the Constitutional Court, the Economic and Social Council, the National Media Council, etc.

33. There are three types of marriage in Gabon: civil marriage, religious marriage and customary marriage. However, only civil marriage is actually recognized by law. A bill was therefore proposed in 2009 to legalize customary marriage and give it the same status as civil marriage. Although customary marriages have social legitimacy, they are marginalized by Gabonese law; Gabon is taking steps to put an end to this "legal hypocrisy". It was subsequently suggested that each customary marriage should be registered by a court official at the location where the marriage ceremony takes place. The spouses would then submit this duly signed document to a registry office to have the marriage officially recognized. To move things along, at a meeting of the Council of Ministers on 28 June 2011, the President of the Republic, Ali Bongo Ondimba, decided to set up a special commission to consider the practical aspects of legal recognition of customary and religious marriages.

34. Act No. 21/63-94 prohibits forced prostitution of adults and prescribes sufficiently stringent penalties of 2 to 10 years' imprisonment, which are commensurate with those prescribed for other serious crimes, such as rape.

C. Recommendations on the right to education

35. Only one recommendation was made to Gabon regarding the right to education. The recommendation was related to raising the school attendance rate and developing educational facilities.

Recommendations and implementation

"To raise the school attendance rate and develop facilities at the various levels of education, while favouring gender equality and access to education, with technical and financial assistance provided by the international community"

36. Article 1, paragraph 18, of the Constitution addresses the concerns expressed in this recommendation. Legal provisions guarantee this right to all children.

37. The school enrolment rate is among the highest in sub-Saharan Africa. In May 2010, the Government organized a national conference on education, training and research in order to make schools more attractive and capable of meeting the economic, social and cultural needs of Gabon. In response to the recommendations made at the conference, the President and Head of State promulgated Act No. 21/2011 of 14 February 2012, on general education, training and research policy. Pursuant to article II of this law, education is compulsory for all Gabonese children and foreign children residing in Gabon between the ages of 3 and 16.

38. The national conference led to the development of an education policy that is based on a 10-year agreement (2010–2020) and aims to:

- Make pre-primary education widely available

- Achieve universal quality primary education
- Increase secondary education capacity
- Redesign curricula to meet the needs of scientists and vocational training courses
- Improve the quality of technical and vocational training
- Develop and diversify higher education and high-quality research in the context of the bachelor's/master's/doctorate system

39. Achieving these objectives will require the recruitment of staff, the training of trainers and capacity-building in terms of infrastructure and equipment.

40. Gabon is strongly committed to raising the school attendance rate and developing facilities at the various levels of education, while at the same time promoting gender equality and access to education. Having speeded up the reform of technical and vocational training between 2008 and 2011, the Government is committed to raising the school attendance rate, promoting education and protecting pupils everywhere. Technical and vocational training is the same for students of both sexes. The following steps have been taken in this area: vocational schools became technical schools in October 2010; Léconi Technical High School was opened in February 2011; and Decree No. 0275/PR/METFP was adopted in February 2011.

41. It should also be noted that, in the mainstream education system, seven schools were built: day-care centres were built in Gamba, Mbigou and Iboundji, a junior high school in Malinga, and the Lycée Mabignat and a junior high school in Lébamba.

42. In the field of higher education, there are plans to open a faculty of veterinary medicine and to establish an institute for advanced training in oil- and gas-related trades, a school of mines in Franceville and a school of woodworking. The National School of Health and Health Work (ENSAS) became the National Training Institute for Health Work (INFAS) pursuant to Act No. 20/2010, and the Owendo Institute of Higher Studies will be open in time for the new school year.

43. Within the framework of cooperation with development partners, cyberschool projects have been launched in partnership with the New Partnership for Africa's Development in four junior high schools and two high schools, and teacher-training has been strengthened under the Priority Solidarity Fund project, in partnership with the United Nations Children's Fund (UNICEF).

44. With regard to the above-mentioned recommendation, between 2006 and 2010, two technical high schools were built in Ntoum and Bikélé with the support of the African Development Bank. In addition, construction, woodworking and agriculture courses were provided for school dropouts in three phases, in March 2008, March 2011 and July 2011, with support from the European Union. Seven technical education centres were renovated between 2006 and 2010 with funding from the African Development Bank.

45. Lastly, on 30 March 2011, the Council of Ministers established the National Agency of Scholarships and Work Experience to replace the Directorate-General of Scholarships and Work Experience. The National Agency is responsible for applying the new policy of support for training, which is based on the principles of employment-related training; promotion on merit; assistance for the most vulnerable population groups; and control of the public payments system, to avoid the problems experienced by Gabonese students. All Gabonese youngsters, regardless of the social situation of their family, now have the opportunity to fulfil their academic potential in accordance with their natural aptitudes. On 16 August 2011, the President announced the creation of merit-based scholarships and incremental increases in grants for Gabonese students, starting with an increase of 10 per

cent for Gabonese students abroad and 25 per cent for students enrolled locally as from the school year 2011/12.

D. Recommendations on the rights of the child

46. In 2008, three recommendations were made to Gabon in the area of the rights of the child. They were related to child trafficking, corporal punishment of children and the Convention on the Rights of the Child.

Recommendations and implementation

“To bring the criminalization of child trafficking in line with international standards”

47. Following the Special Session on Children of the General Assembly of the United Nations, and its outcome document “A World Fit for Children”, Gabon implemented a number of measures, backed by an appropriate legal framework. In order to adapt Gabonese legislation to the principles of the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 and ratified by Gabon on 9 February 1994, Act No. 09/2004 on preventing and combating child trafficking in Gabon was adopted, together with implementing decree No. 000024/PR/PME of 6 January 2005 establishing the conditions for controls, investigations and searches in the fight against child trafficking in Gabon. The Act establishes trafficking as a crime. Article 20 of the Act punishes child traffickers with imprisonment and a fine of 10 to 20 million CFA francs.

“To prohibit by law the worst forms of corporal punishment of children in all places”

48. The ministry responsible for social affairs is in the process of drafting a social welfare code. In 2011, the National Observatory for Children’s Rights, established by Decree No. 000873/PR/MFPEPF of 17 November 2006, presented the main findings of a study on violence against children in Gabon. The origins and causes of such violence are social (64.6 per cent), economic (5.2 per cent), cultural (9.4 per cent) and political (1.1 per cent). To counter such abuse of children, articles 230 to 235 of the Criminal Code provide for stiff penalties designed to restore order and protect children from such forms of punishment. Punishment ranges from a prison term of 2 months to life imprisonment, together with fines. During 2010 and 2011, the Government organized awareness-raising campaigns and workshops for student supervisors in Libreville, Owendo, Makokou and Oyem, in collaboration with UNICEF. The main aim of these activities was to ensure that the worst forms of corporal punishment of children are banned in schools.

“To amend domestic legislation to conform to the principles of the Convention on the Rights of the Child”

49. The Convention is clearly one of the instruments that underpin the Gabonese legal system. The country’s adoption of the Convention is reflected in article 1, paragraphs 8, 16, 17, 18 and 19, of the Constitution. Numerous legislative measures have been introduced, in particular Act No. 09/2004 of 21 September 2005 on preventing and combating child trafficking; Act No. 39/2010 of 25 November 2010 establishing legal regulations for the protection of minors; Decree No. 000024/PR/MTE of 6 January 2006 establishing the conditions for controls, investigations and searches in the fight against child trafficking in Gabon; Decree No. 0031/PR/MTEFP of 8 January 2002 on combating child labour; Decree No. 00243/PR/MASSNBE of 12 April 2002 on the free distribution of school textbooks; Decree No. 000873/PR/MFPEPF of 17 November 2006 on the establishment, responsibilities and structure of a national observatory for children’s rights; Order No. 001/SEAS/UNFG on healthy children’s homes; and Decision No. 0001/PM/MESI/PDM of

3 June 2006 establishing the procedure for the care and repatriation of trafficked children in the province of Ogooué-Maritime.

50. Moreover, on 1 June 2011, the Head of State gave the Government firm instructions to tighten up the Criminal Code in order to combat more effectively the upsurge of social ills, such as drug abuse, sexual abuse and the dispossession of orphans. A bill outlawing sexual assault was submitted to Parliament after being endorsed by the Council of State, to tackle the situation of child victims of sexual abuse by introducing harsher penalties, particularly for rape. Similarly, the committee reviewing the Criminal Code is proposing that the statute of limitations should begin to run only when the victim comes of age.

51. In 2007, Gabon established the National Observatory for Children's Rights to coordinate the implementation of the Convention on the Rights of the Child. Article 3 of the above-mentioned Decree No. 000873/PR/MFPEPF establishing the Observatory states that: "The National Observatory for Children's Rights is responsible for monitoring the implementation of the United Nations Convention on the Rights of the Child in order to permanently promote the rights of children in all areas, particularly: the right to life; the right to a family; the right to health; the right to education; the right to legislation; the right to leisure and culture; the right to free expression; and the right to protection against all forms of exploitation and abuse."

E. Recommendations on human rights in prisons

52. Human rights in prisons were the subject of three recommendations made to Gabon in 2008. They are mainly related to juvenile courts and detention and prison conditions.

Recommendations and implementation

"To take further steps to ensure that juvenile courts are set up and that children are separated from adults in detention facilities"

"To create a judicial system for minors and improve their situation, including the separation of minors from adults in prisons"

"To bring detention and prison conditions in line with articles 9 and 10 of the International Covenant on Civil and Political Rights and with the Standard Minimum Rules for the Treatment of Prisoners, making these rules available to the police, the armed forces, prison staff and anyone else responsible for conducting interrogations, as well as to persons deprived of their liberty"

53. Act No. 39/2010, establishing legal regulations for the protection of minors, is now in force in Gabon. It makes provision for the administration of juvenile justice and the relevant judicial bodies as well as protective measures for promoting the rehabilitation and social reintegration of such persons. To give effect to this protection, the Act calls for the separation of minors from adults in prisons and for alternatives to detention. This commitment is in line with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. Juvenile courts have been established and judges appointed to them.

54. The Government has decided to build new prisons in the provinces, which will meet current human rights standards, in order to bring prison conditions into conformity with article 10 of the International Covenant on Civil and Political Rights and to take account of the Standard Minimum Rules for the Treatment of Prisoners.

55. In June 2010, an initiative to give inmates vocational training was launched following the establishment of the National Committee on Education and Vocational Training in Prisons by Order No. 00353/PM of 6 May 2010. Courses on the legal

provisions prohibiting and punishing the use of torture were organized for police officers, soldiers, justice officials and prison officers. The Government has been discussing ethical questions and the judicial environment since 5 August 2011. As a result, the Public Prosecutor has launched a general campaign on the fair, humane and tolerant treatment of suspects and convicted prisoners by police officers, gendarmes and prison officers. The Legal Service Training College has been reorganized to meet the people's expectations for a more credible system of justice. As required by their own rules, police officers and soldiers undergo initial, in-service, advanced and specialized training courses to improve their skills and attitudes.

56. Act No. 36/2010 establishing the Code of Criminal Procedure, promulgated by Decree No. 0805/PR of 25 November 2010, was published in the Official Gazette on 30 December 2010, thereby abrogating Act No. 35/61 of 5 June 1961. The Code updates several procedural stages that had become obsolete, notably police custody procedures. The reform creates a new balance between two constitutional requirements: the security of person referred to in article 3 of the Universal Declaration of Human Rights and respect for the freedoms guaranteed by the Constitution. A witness should be held only for the period strictly necessary for a hearing. The initial period is set at 48 hours and custody may no longer be extended orally; it can only be extended now with the written authorization of the Public Prosecutor, and then for no longer than 48 hours. Moreover, persons remanded in custody have certain rights, of which they must be informed immediately in a language that they understand, preferably in written form. These rights include the right to proper food and hygiene, the right to speak with a lawyer as soon as they are taken into custody, and the right to be examined by a doctor.

57. For the celebration of National Human Rights Day in 2012, the Government selected "Human rights in prisons" as the theme. This year, the fifth time the day has been held, provided an opportunity to organize discussions at Libreville Central Prison and make prison officers and prisoners more aware of rights and duties in prisons. During the discussions, the following sub-themes were discussed by the president of the National Human Rights Commission, prisoners and prison officers: the right of prisoners to physical and moral integrity; the right to appropriate living conditions; prisoners' right to health; the need to make Gabonese prisons safer; keeping prisoners occupied; prisoners' contact with the outside world; observance of the rules on special categories of prisoners (women, men, minors); support for persons in detention while awaiting trial; and support for prison administration and prison personnel. It was an opportunity to report on the efforts made by the Government in this area and also to establish the responsibilities and duties of all concerned in order to protect and strengthen human rights in prisons.

F. Recommendations on freedom of the press

58. The following four recommendations cover freedom of the press, and censorship in particular.

Recommendations and implementation

"To bring legislation in line with article 19 of the International Covenant on Civil and Political Rights by doing away with censorship and penalties against organs of the press and ensuring that journalists may safely exercise their functions"

"To take measures to follow up on the recommendations of the Human Rights Committee, by putting an end to censorship of the press and to the harassment of journalists"

“To revoke laws on defamation, which limit the capacity of civil society to express a diversity of views”

“To provide a full response about allegations of arbitrary detention and restrictions on press freedom”

59. The Constitution guarantees freedom of conscience, thought, opinion, expression and communication, subject to respect for public order and the freedom and dignity of citizens.

60. The Government’s commitment to the continued freedom and pluralism of the media is evident from the approximately 60 newspapers registered at the National Media Council, even though only about 10 of them appear on a regular basis. Various measures contribute to ensuring that the Gabonese press is both free and plural. A revised version of the Media Code has been in force since 2001. The National Media Council, which regulates the audiovisual and written media, was established by Act No. 14/19 of 24 March 1992. The following should be mentioned here: the Charter on the Rights and Duties of Journalists; the National Fund for the Development of the Press and Audiovisual Media; the Press Code, drafted in collaboration with media professionals, including their trade unions; the Gabonese Association of Journalists and Written and Audiovisual Media Agents; the Gabonese Media Observatory; the Gabonese branch of the International Francophone Press Union; and the Association of Women Journalists. All these national institutions help to provide positive responses to the concerns expressed in the above-mentioned recommendations.

61. By law, the Gabonese press has a certain amount of freedom; it may freely write and disseminate any information as long as it respects public order and individuals’ privacy. Journalists are regularly sued for libel. To avoid being found guilty, they must provide the court with proof of the truth of their allegations. If found guilty, their punishment ranges from fines to imprisonment.

62. The real question here is whether press offences should be decriminalized, but this is a step that the Government is reluctant to take given the lack of maturity of the media, which regularly attack the honour of persons without being able to prove the published allegations.

63. Each time a journalist has been sued, the victim has initiated legal proceedings which have led to a conviction. However, it should be noted that in the majority of cases the Head of State has pardoned the person convicted. Lastly, it should be noted that a media training centre has been set up at Omar Bongo University.

G. Recommendations on the rights of minorities (Pygmy population)

64. Two recommendations on the rights of minorities, and the Pygmy population in particular, have caught the attention of the Gabonese Government: the integration of the Pygmy population and ending discrimination against them.

Recommendations and implementation

“To redouble efforts to integrate the Pygmy population in the mainstream society, particularly in the area of educational development and provision of other basic amenities”

“To put an end to the discrimination against the Pygmy minority and to grant them basic human rights, and to follow the provisions of articles 2 and 25 of the International Covenant on Civil and Political Rights and articles 6, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights”

65. Gabon protects and defends the linguistic, cultural and religious identities of all its peoples, including the Pygmies, and seeks to create the conditions for the promotion and protection of their identities. In fact, there is no discrimination at this level, as all the peoples of Gabon fully participate in the country's development. Pygmies have very active associations, such as the Association for Development of the Culture of Pygmy Peoples of Gabon (ADCPPG), the Gabonese Aid Association for Indigenous Women and the Poor (AGAFI) and the Movement of Indigenous and Pygmy Minorities in Gabon (MINAPYGA). Pygmies are able to practise their cultural traditions undisturbed. They exercise both their individual and collective rights in Gabon.

66. Drawing on the United Nations Declaration on the Rights of Indigenous Peoples, Gabon, together with civil society and a number of development partners, is taking steps to protect the rights of indigenous peoples through public debates and the provision of medical, educational and economic assistance.

67. In 2007, a development project was launched in an area where Pygmies live. Its achievements include: the establishment of birth certificates for Pygmy children; the vaccination of Pygmy children; and the introduction of basic social services for Pygmy communities, in areas such as education, health, literacy, electricity and village water supplies. The project was implemented in the provinces of Ogooué-Ivindo and Woleu-Ntem. It is clearly in line with public policies towards Pygmy communities and encourages them to participate in the evolution of Gabonese society.

H. Recommendations on national reports to treaty bodies

68. Three recommendations on the national reports expected by treaty bodies were made to Gabon, as detailed below.

Recommendations and implementation

“To submit regular reports to the treaty bodies, in particular to the Committee against Torture, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination”

“To prepare, through its National Committee for the Drafting of Human Rights Reports, the outstanding initial and subsequent periodic reports to the Committee on Economic, Social and Cultural Rights”

“To report back to the Human Rights Council on the concrete steps taken to implement the action plan mentioned in the report and on the difference this has made for the situation on the ground”

69. In order to make the latest data on human rights in Gabon available to the relevant international bodies, the National Committee for the Drafting of Human Rights Reports has prepared and submitted three national reports to United Nations bodies. The first was a national report on human rights in Gabon (2003–2010), which was a general overview of the human rights situation in Gabon. The other reports were subject-specific: the national report on the implementation of the International Covenant on Economic, Social and Cultural Rights (2011); and the initial report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2006–2011).

70. Other national reports are nearing completion, namely the reports under the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

III. Assessment and outlook

71. The commitment under the first key element of the blueprint for society laid out by President Ali Bongo Ondimba, entitled *L'Avenir en confiance* ("Forward with confidence"), places Gabon squarely at the heart of human rights. The Government is unequivocally committed to making Gabon a political and social space where its people can build a common future, regardless of their different backgrounds and beliefs, against a background of respect for human rights.

72. Since 2009, other important measures have been implemented by both the Government and civil society:

- The National Human Rights Commission, established by Act No. 19/2005 of 3 January 2006, became operational on 14 September 2011. The Commission's regulations have been revised to bring them into line with the Paris Principles. Accordingly, the Commission's secretariat includes a department responsible for investigating and combating human rights violations. Among other things, this department receives petitions from individuals or groups of people whose human rights have been violated.
- Non-governmental organizations have set up networks to improve their performance, including:
 - The National Network for the Promotion of the Rights of the Child in Gabon (RESPEG), which was one of the outcomes of the first consultation on thematic networking of civil society working on children's rights, organized by the Ministry of Human Rights and UNICEF and held on 4 November 2010
 - The National Network for the Protection of the Rights of the Child, which was also established following those consultations
- Insecurity and crime have been reduced thanks to the recruitment of more law enforcement officers (gendarmes and police), a better quality police service, and the implementation of the Government's crime-fighting strategies since April/May 2012.
- The upsurge in "ritual" crimes has been vigorously tackled by the Government since May 2012: regular criminal court hearings have been held throughout the country in an effort to deny impunity to the guilty parties; and more effective strategies have been implemented by the national defence forces to put a stop to such practices.

73. Turning to the future, Gabon is committed to pursuing the following public policies, which have already begun to be implemented:

- An effective public policy for persons with disabilities that relies more on legislation and measures aimed at giving persons with disabilities, particularly children, access to health care and education, providing help to families of children with disabilities, mainstreaming children with disabilities in ordinary schools, and raising public awareness of the fundamental rights of persons with disabilities.
- A public policy for widows and orphans.
- A public policy that considers children to be important to development at all levels.
- A public policy that covers and takes account of indigenous peoples (Pygmies) at the institutional level.
- A public policy based on harnessing the work of NGOs.

- A public policy based on collaboration between the State and civil society in the area of human rights.
- A public policy based on the State's strengthening of the legal framework for human rights.
- A policy that takes account of Gabon's treaty-related commitments and the effective application of its laws.
- A policy based on unstinting efforts to raise awareness of human rights.
- An educational and civic policy that will, by 2016, cover the integration and teaching of human rights in the Gabonese education system (primary, secondary and higher). With this in mind, in July 2005, Gabon adopted the Action Plan for 2005–2009 of the World Programme for Human Rights Education, which focuses on the national school system. Representatives of the Government and the National Human Rights Commission reaffirmed this commitment during the workshop on human rights education in Brazzaville on 11 and 12 June 2010, which was organized for countries in Central Africa by the African Union Commission.
- A policy to combat trafficking in persons, based on prevention, prosecution and the international legal framework. In this connection, alongside the awareness-raising activities, the Government is paying particular attention to compliance with court judgements in cases of trafficking, the protection of victims and witnesses during legal proceedings, and the strengthening of partnerships with countries in the subregion through the exchange of information and mutual legal assistance.

74. Today in Gabon, public opinion is mindful of human rights. Human rights are no longer only a matter for the State but also for civil society. The path followed by Gabon in the field of human rights since it first underwent the universal periodic review in 2008 is encouraging, although more work is needed to enable these rights and freedoms to flourish.

75. This national report provides the key tools for understanding the implementation of the 30 recommendations made by various States to Gabon when it underwent the universal periodic review in 2008. As required for the purposes of the review, the aim of this report has been to present a structured overview of the implementation of the recommendations made to Gabon; the approach taken is one that allows a country to prepare for a review like the universal periodic review.
