



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Tenth periodic report submitted by Gabon under  
article 9 of the Convention, due in 1999\***

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\* The present document is being issued without formal editing.



## Introduction

1. In accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of Gabon has the honour to submit its tenth periodic report to the Committee on the Elimination of Racial Discrimination.
2. Gabon submitted four reports between 1985 and 1997, but has not submitted any since 1999. It therefore apologizes to the Committee for the delay and, through this report, undertakes to renew the dialogue in order to meet its obligations.
3. This report responds to the list of issues prior to reporting ([CERD/C/304/Add.58](#)) sent by the Committee to the Government under the simplified reporting procedure.
4. The report was drawn up by the National Committee for the Drafting of Human Rights Reports, which is composed of representatives of ministerial departments, the two chambers of Parliament, the National Human Rights Commission, the Economic, Social and Environmental Council, the High Authority for Communication, religious denominations and civil society organizations.
5. The report was validated by means of a participatory and inclusive approach involving representatives of State structures and civil society organizations.
6. It covers the period from 1999 to 2021 and provides updates on all the measures taken to implement the provisions of the Convention. In accordance with the guidelines, the first part of the document provides general information on the country, while the second part analyses the measures taken to comply with articles 1 to 7 of the Convention.

## Part 1

### I. General information

#### A. Changes to the legal framework

7. During the period under review, Gabon took appropriate legislative, administrative and judicial measures to bring its national legislation into line with international human rights instruments.
8. In addition to the international instruments ratified by Gabon, the Constitution and several legislative and regulatory texts provide better protection for different categories of the population.

#### The Constitution

9. The Constitution of Gabon sets out the main principles governing all human rights, whether first-, second- or third-generation.
10. Despite the changes that have taken place in its political regime, Gabon's constitutional system is characterized by genuine continuity. In this respect, the Constitution of 22 January 2001 enshrined and consolidated the heritage formed by the fundamental principles that guide all basic laws, including the country's resolute commitment to respecting and promoting human rights. This intention is expressed in the preamble to and the body of the Constitution, as follows:
  - The preamble to the Constitution of 22 April 1997 affirms the Gabonese people's commitment to the basic human rights and fundamental freedoms defined in the 1789 Declaration of the Rights of Man and Citizen and the 1948 Universal Declaration of Human Rights and embodied in the 1981 African Charter on Human and People's Rights and the 1990 National Charter of Freedoms
  - The proclamation in paragraph 3 of the preamble to the Constitution of 12 January 2011 of the Gabonese people's commitment to their deep-rooted social and traditional

values, to their cultural, material and spiritual heritage, and to respect for the freedoms, rights and duties of the citizen

### **Legislative, regulatory and other measures**

11. During the period covered by the report, several legislative and regulatory texts were adopted and implemented. These include:

- Act No. 05/98 of 5 March 1998 on the status of refugees
- Act No. 37/98 of 20 July 1999 on the Nationality Code
- Act No. 6/01 of 31 December 2001 on the Forestry Code
- Act No. 09/2004 of 21 September 2005 on preventing and combating trafficking in children
- Act No. 013/2006 authorizing the ratification of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- Act No. 21/2011 of 14 February 2012 providing general guidelines for education, training and research
- Act No. 034/PR/2007 of 23 January 2008 instituting a compulsory health insurance and social guarantee system
- Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018 of 5 July 2019 on the Criminal Code
- Act No. 003/2018 of 8 February 2019 on the Children's Code
- Act No. 022/2021 of 19 November 2021 on the Labour Code
- Act No. 028/2016 on the Social Protection Code
- Act No. 043/2018 of 5 July 2019 on the Code of Criminal Procedure
- Decree No. 000102/PR/MDHLCCLCI of 15 January 2007, on the establishment and organization of the National Committee for the Drafting of Human Rights Reports
- Decree No. 103/PR/MDHLCCLCI of 15 January 2007, instituting National Human Rights Day
- Decree No. 0290/PR/MSASSF of 18 February 2011 on the creation, remit and organization of the Mobile Social Emergency Service
- Decree No. 000241/PR/MSF of 4 October 2018 on the organization of mobile healthcare
- Decree No. 00243/PR/MASSNBE of 12 April 2002 instituting the free distribution of school textbooks

12. A number of general policy measures were also adopted, including:

- The “Gabon égalité” national strategy for promoting equality between women and men, in 2021
- The National Health Development Plan, for the periods 2011–2015 and 2017–2021
- The Equal Opportunities Programme, in 2016
- The National Youth Policy, in 2012
- The Indigenous Peoples Development Plan, in 2005
- The holding of a regional seminar for member States of the Economic and Monetary Community of Central African States (CEMAC) from 27 to 29 July 2005 in Libreville on combating racism, racial discrimination, xenophobia and related intolerance: the role of inclusive participation in public life

**International and regional instruments that have been ratified**

13. Gabon ratified several international and regional human rights instruments during the period under review.

14. At international level:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 8 September 2000, and its Optional Protocol, on 22 September 2010
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 5 November 2004
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 24 September 2009
- Convention on the Protection of All Persons from Enforced Disappearance, on 19 January 2011
- Convention on the Rights of Persons with Disabilities, on 17 September 2007, and its Optional Protocol, in 2014
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 21 September 2010
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 1 October 2007
- United Nations Convention against Transnational Organized Crime, on 10 December 2004
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, on 15 May 2007

15. At regional level:

- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, on 14 August 2000
- Convention on the Prevention and Combating of Terrorism, on 25 February 2005
- African Charter on the Rights and Welfare of the Child, on 18 May 2007
- African Youth Charter, on 17 July 2007
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, on 10 January 2011
- African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), on 26 January 2011

**B. Changes to the legal framework**

16. At institutional level, Gabon has seen the establishment of several State and non-State structures working to promote and protect human rights.

**State structures**

- Directorate General for Equal Opportunities
- Directorate General for the Protection of Widows and Orphans
- Directorate General for Cultural Heritage
- Directorate General for Human Rights

- National Commission for Refugees
- National Commission for Combating Illicit Enrichment
- National Human Rights Commission
- Office of the Ombudsman
- National Youth Council
- High Authority for Communication
- National Council for Rites and Traditions
- Economic, Social and Environmental Council

17. Following the Committee's consideration of the previous report of Gabon, the Government organized a feedback workshop for various ministerial departments, members of parliament and civil society organizations.

18. In preparing the present report, the Government also consulted widely with civil society organizations working in the field of human rights.

### **Population**

19. According to the latest General Population and Housing Census, the country's population grew from 1,014,976 in 1993 to 1,811,079 in 2013. The population had thus increased by more than three-quarters in the 20 years between 1993 and 2013, with an average annual growth rate of 2.9 per cent.

20. During this period, the population grew by an average of 43,000 inhabitants per year, of whom 32,000 through natural growth and 11,000 through net migration. If this trend is maintained, 24 years later, in 2037, Gabon will have just over 3.6 million inhabitants.

21. The population is made up of slightly more men (934,072) than women (977,007). The overwhelming majority of the population (1,694,545) live in urban areas, compared with 116,534 in rural areas. The most populous province is Estuaire, where the national capital is located. The resident population of Gabonese nationality is 1,458,464, with a majority of women (752,047) and slightly fewer men (706,417).

22. The Gabonese State does not recognize the existence of minorities with legal status as such. This concept is based on the constitutional principles of equal rights for citizens, which implies non-discrimination, and the unity and indivisibility of the nation, in terms of both the territory and the population. Furthermore, the production of statistics broken down by racial or ethnic origin is contrary to the preamble to the Constitution; such figures are therefore not available.

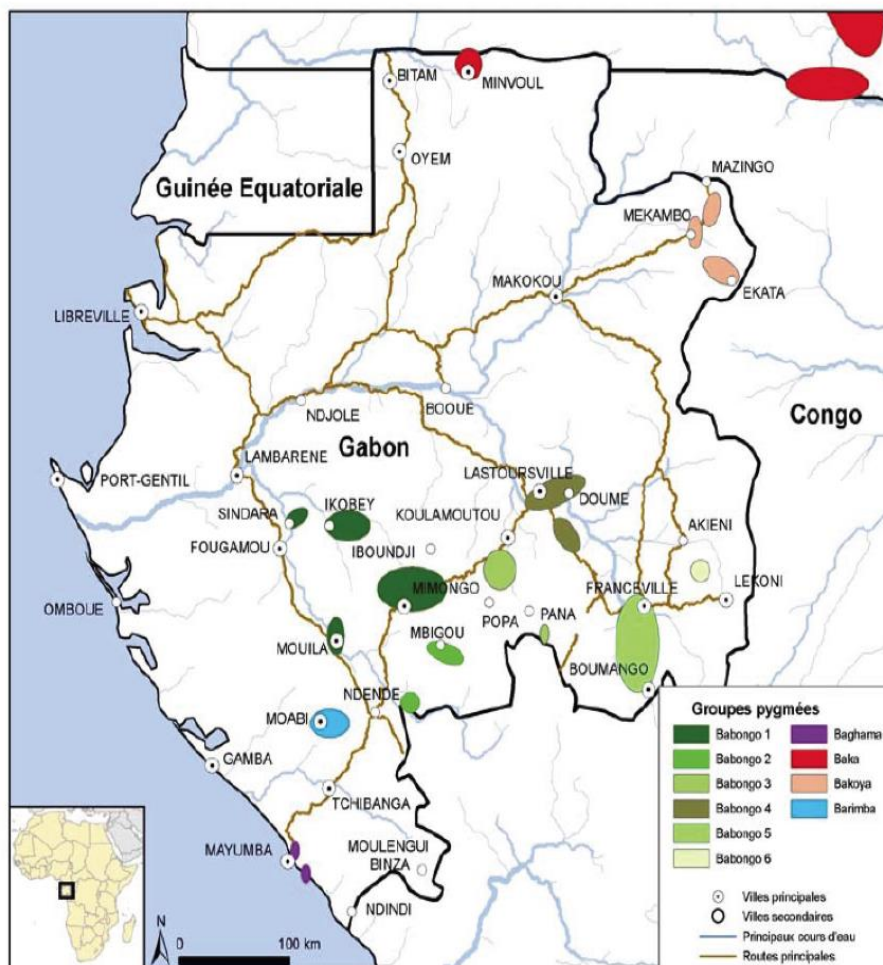
### **Ethnic groups and languages**

23. Gabon is a multi-ethnic State with some 50 national languages, most of which belong to the Bantu family. Each of the groups of Bantu origin (Fang, Myené, Kota, Merié, Mbede and Okandé) has several dialect varieties (see Table 1, annexed). The only non-Bantu language spoken by indigenous peoples is Baka (Niger-Congo).

24. There are as many ethnic groups as there are languages. Each ethnic group has its own culture, language and traditions. There is not a single culture, but many Gabonese cultures. French is the official language of Gabon.

### **Indigenous peoples**

25. There are also indigenous peoples throughout Gabon, comprising numerous ethnic groups: Baka, Babongo, Bakoya Baghame, Barimba, Akoula and Akwoa. These communities, which differ in language, culture and location, can be found both in towns and in forested areas.



**Carte 1. Localisation des groupes pygmées du Gabon recensés lors du projet ANR « La mobilité ancestrale face à la percée des routes forestières en Afrique centrale : le cas des chasseurs-cueilleurs pygmées ».** (Source : Sylvain Théry & Sylvie Le Bomin, 2009. D'après les repérages de Serge Bahuchet, Suzanne Fürniss, Sylvie Le Bomin, Marine Robillard, Magali de Ruyter et Beatriz Soengas)

26. In addition to the indigenous population, the Hausa are a primarily trading community who arrived in Gabon, in the province of Woleu-Ntem, in the 1890s. In May 2015, the Gabonese authorities naturalized the third generation of this community, and formally recognized the Hausas on Gabon's linguistic map and in adopting the name "Gabonese Hausa".

27. Although they originally came to Woleu-Ntem province (Oyem, Bitam, Minvoul, Mitzic), they are now found in Ogooué Ivindo (Makokou, Booué, Mekambo), Estuaire (Libreville), Moyen-Ogooué (Ndjolé) and Ogooué Lolo (Lastourville) provinces.

### Migrants

28. Gabon has a long and active tradition of human mobility, which is reflected in a vast migratory movement. Indeed, the country's political and social stability and relative economic prosperity make it a popular destination for populations from the Central and West African subregions.

29. The number of migrants living in the country is estimated at 352,600, or 20 per cent of the resident population. The main destination for migrants is Estuaire Province, which hosts 192,766, or 56 per cent, of the country's 352,615 foreign residents. Ogooué-Ivindo Province has the fewest (less than 5,000). The percentage of foreign nationals in the resident population of each province varies significantly, from just 8 per cent in Ogooué-Ivindo Province to a high of 25 per cent in Haut-Ogooué Province.

30. Gabon is considered to be a host country, but also a transit country, for migrants, mainly from West and Central Africa: Benin, Burkina Faso, Côte d'Ivoire, Mali, Togo and Senegal.

Table 2

**Resident migrant population of Gabon, by gender**

<i>Resident migrant population by gender</i>	<i>Gender</i>		<i>Total</i>
	<i>Men</i>	<i>Women</i>	
	227 655	124 960	352 615

31. According to the United Nations Department of Economic and Social Affairs, the number of Gabonese nationals living abroad was estimated at 48,000/26,000 in 2021, with the following geographic breakdown:

<i>Geographic zones</i>	<i>Number</i>	<i>%</i>
Africa	3 631 385	96.5
Europe	102 000	2.7
Americas	1 705	0.1
Asia	26 550	0.7
<b>Total</b>	<b>3 761 640</b>	<b>100.00</b>

32. The country's national migration policy is framed by the policies of the Economic Community of Central African States (ECCAS) and the African Union. The policy has made it possible to harmonize practices and create a common vision for the free movement of goods and people. It has also led to a commitment to ensure better control of immigration throughout the country.

**Refugees and asylum-seekers**

33. In 1999, at the request of the Gabonese Government, the Office of the United Nations High Commissioner for Refugees (UNHCR) established a subregional delegation in Gabon. It subsequently became a regional representation, also covering Equatorial Guinea and Sao Tome and Principe, to meet the protection and assistance needs of refugees and asylum-seekers, of whom there were estimated to be over 20,000, including 9,500 from the Republic of the Congo. A cooperation agreement between UNHCR and Gabon was subsequently signed on 16 June 2000.

34. In 2005, an audit of the refugee population found 12,774 persons of more than 24 different nationalities, spread across the various provinces of Gabon, primarily in Estuaire (3,543), Haut Ogooué (3,993), Nyanga (2,243) and Ngounié (1,451) Provinces.

35. In March 2021, there were 534 refugees and asylum-seekers in Gabon, over half of them from Chad (271), with 96 from the Democratic Republic of the Congo, 67 from the Republic of the Congo and 35 from the Central African Republic.

36. As at 1 January 2022, Gabon had 331 refugees and asylum-seekers (278 refugees and 53 asylum-seekers), of whom 43 per cent were women and 57 per cent were men. The majority were nationals of Chad (30 per cent), followed by those from the Democratic Republic of the Congo (30 per cent), the Republic of the Congo (18 per cent) and the Central African Republic (9 per cent), with 13 per cent nationals of a dozen other countries. This population has been living in Gabon for decades, particularly in Libreville (81 per cent), but also in seven of the country's other provinces.

37. Under article 14 of the Civil Code, treaties acquire binding force on the national territory and can therefore be invoked before any court in the country. However, this issue does not come up frequently, so it is very unlikely to find examples of court decisions in which the Convention is referred to directly.

38. Training and education on human rights is a major focus of government policy. Various capacity-building activities are thus organized, with the ongoing support of the subregional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other partners, for staff of the law enforcement services, training establishments (such as the Legal Service Training College, the Gendarmerie Training College and the Police Training College) and members of civil society organizations. The activities have focused specifically on taking into account the provisions of the various international human rights instruments to which the country is party, including those relating to racial discrimination.

39. For example, the initial training offered by the Legal Service Training College includes training initiatives relating directly or indirectly to addressing racism and xenophobia, with the participation of members of the National Human Rights Commission and other experts.

40. Furthermore, the in-service education programme of the Legal Service Training College, launched at the start of the 2019 judicial year, offers training sessions aimed at raising the awareness of members of the Legal Service and prison security staff to racism and antisemitism, improving the management of cases involving discrimination and the provisions made for victims and improving knowledge of local and foreign cultures.

41. The defence and security forces also ensure that they provide training sessions for their personnel, aimed at dealing with cases of discrimination and providing better care for victims.

42. Gabon has not drawn up a plan of action to combat racial discrimination, but several measures have been taken to implement the Durban Programme of Action at national level.

## **Part two**

### **I. Implementation of articles 1 to 7 of the Convention**

#### **A. Definition of racial discrimination**

43. Gabonese positive law does not specifically define racial discrimination. However, the principles of non-discrimination and equality in law are enshrined in articles 1 (13) and 2 (2) of the Constitution, which read: “any act of racial, ethnic or religious discrimination and any regionalist propaganda prejudicial to the internal or external security of the State or the integrity of the Republic shall be punishable by law” and “the Gabonese Republic ensures the equality of all citizens before the law, without distinction based on origin, race, sex, opinion or religion”.

44. These constitutional provisions cover discrimination based on race, colour, descent or national or ethnic origin. The definition of discrimination contained in other domestic legal texts addresses distinctions, including direct and indirect forms of discrimination, based on the same criteria.

45. The country’s domestic legislation makes no distinction in treatment based on a person’s nationality or migratory status. The only exception concerns access to certain State functions and political rights, unless expressly exempted by legislation.

46. The preamble to the Constitution reiterates the principle of equality of all people before the law, regardless of gender, origin or ethnicity. As a result, the national legal framework includes all components of society.

47. Gabon has not taken any specific measures to protect or promote any particular racial or ethnic group. Some positive measures have been taken to promote the effective enjoyment of rights by certain categories of individuals, such as persons with disabilities, women and children. However, these measures are not aimed at a specific racial or ethnic group.



## B. Condemnation of racial discrimination

48. The Gabonese legal framework provides for the elimination of racial discrimination through article 1 (13) of the Constitution and article 55–6 of the Criminal Code, which reads as follows: “In the cases provided for by law, the penalties incurred for a crime or misdemeanour shall be increased when the offence is committed because of the victim’s actual or presumed membership or non-membership of a particular ethnic group, nation, race or religion. The aggravating circumstance defined in the first paragraph exists when the offence is preceded, accompanied or followed by words, writings, images, objects or acts of any kind prejudicial to the honour or consideration of the victim, or of a group of persons to which the victim belongs by reason of their actual or presumed membership or non-membership of a particular ethnic group, nation, race or religion”.

49. The country’s labour legislation (Act No. 22/2021 of 19 November 2021 on the Labour Code) prohibits all forms of discrimination in employment and provides in its article 9 that: “All workers are equal before the law and enjoy the same protection and guarantees. Any discrimination in terms of offers of employment, selection, recruitment, working conditions, remuneration, career management or dismissal based on race, colour, sex, pregnancy, religion, political opinion, trade union membership and/or activity, national or social origin or presumed or actual state of health is prohibited. For the purposes of this law, discrimination means any distinction, exclusion or preference which has the effect of destroying or altering equality of opportunity or treatment in employment or occupation”.

50. It should be noted that racial discrimination issues are rarely raised or discussed and remain largely absent in Gabonese courts and society.

51. The legal framework of the current National Commission on Human Rights is based on Act No. 19/2005 of 3 January 2006, which established and organized the Commission.

52. Although it is not compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the Commission is competent to combat discrimination, including racial discrimination, and to receive and examine complaints from individuals and victims.

53. To give effect to the recommendation to bring the Commission into line with the Paris Principles, Gabon has drafted a bill for its reorganization.

54. The bill aims to strengthen the Commission’s mandate in the light of the Paris Principles.

55. This bill is the result of a long and inclusive drafting process involving the administration and civil society, with technical support from OHCHR, the United Nations Subcommittee on Prevention of Torture and the Association for the Prevention of Torture.

56. The main innovations introduced in this new law concern the Commission’s mandate, missions, composition and organization, as well as the introduction of complaint mechanisms at the Commission and the adoption of repressive measures.

57. As far as the mandate is concerned, the bill strengthens the Commission’s independence. The Commission is thus defined as an “independent, pluralist and apolitical authority supporting democracy”. Along these lines, in carrying out its mission, it is subject only to the authority of the law and cannot take orders from any State body.

58. With regard to its missions, the Commission will now have more extensive investigative powers on all human rights issues and free access to any source of information required for it to carry out its work.

59. With regard to the composition of the Commission, the bill provides for a reduction in its membership, from 12 to 9. It also establishes the principle that all members serve in their personal capacity. Similarly, respect for the principle of parity between men and women will now be taken into account as part of a completely transparent appointment process.

60. Lastly, members will now be appointed for a five-year term, renewable once, and will perform their duties on a full-time and exclusive basis, after taking an oath before the parliament. They will also enjoy immunity and may be prosecuted for ordinary crimes and

misdeemeanours, with the exception of cases of flagrante delicto, only with the authorization of the Commission's Bureau and once their immunity has been lifted.

61. This change in the members' status is also reflected in the fact that they will now receive remuneration and benefits linked to their service.

62. In terms of operations, the Commission's independence has been strengthened with recognition of its budgetary autonomy, as evidenced by the inclusion in the Finance Act of its own budget line, managed by a public accountant appointed specifically for this purpose.

63. The law defines the procedure and conditions for referral by individuals or legal entities alleging human rights violations before the Commission.

64. Lastly, to ensure that the Commission's work is carried out smoothly, a range of criminal sanctions is provided for persons guilty of obstructing it in the performance of its duties, threatening, insulting or abusing its members, or bringing pressure to bear, intimidating, threatening, retaliating against or abusing persons providing it with information.

### **Article 3**

#### **Condemnation of racial segregation and apartheid**

65. Gabon is not affected by racial segregation and apartheid, but it condemns these practices, which violate basic human rights. Domestically, there are no specific provisions expressly condemning racial segregation and apartheid, but they are taken into account under article 55–6 of the Criminal Code, described above.

### **Article 4**

#### **Measures to prohibit incitement to racial hatred**

66. Article 1 (13) of the Constitution prohibits incitement to racial discrimination, providing that: "Associations, political parties, trade unions, companies, social institutions and religious communities whose activities are contrary to the law, morality or harmony between ethnic groups or communities may be banned under the law. Any act of racial, ethnic or religious discrimination, as well as any regionalist propaganda likely to undermine the internal or external security of the State or the integrity of the Republic, shall be punishable by law."

67. Several texts, including the Criminal Code and Act No. 019/2016 of 9 August 2016 establishing the Media Code, have made it a punishable offence to disseminate any idea based on the superiority of a race, racial hatred or any incitement to racial discrimination. The Criminal Code, and specifically its article 8, establishes that all acts of violence, or incitement to such acts, against persons or groups of persons on the basis of their race, colour, descent or national or ethnic origin are punishable offences.

68. That notwithstanding, article 88 of the Criminal Code partially covers the question, insofar as certain elements of this article relate partially to article 4 of the Convention. In future revisions of the Criminal Code, Gabon will address the issue of racial superiority.

69. This constitutional mandate is also reflected in a number of legislative provisions. Examples include Act No. 019/2016 of 9 August 2016 on the Media Code, which provides in article 185 (3) that "in the event of the broadcasting of incitements to hatred, violence, calls for murder, racism, tribalism, xenophobia, or attacks against privacy, national unity, social cohesion and the stability of institutions, the regulatory authority may take precautionary measures ranging from temporary withdrawal of the broadcasting licence for a maximum of 6 months, to its definitive withdrawal in the event of a repeat offence".

70. Act No. 019/2016 and the Criminal Code have made into a punishable offence all acts of violence or any incitement to commit such acts directed against any group of people on the grounds of race, colour, descent or national or ethnic origin.

71. Thus, article 185 (3) of the Media Code mentions that "in the event of the broadcasting of incitements to hatred, violence, calls for murder, racism, tribalism, xenophobia, or attacks

against privacy, national unity, social cohesion and the stability of institutions, the regulatory authority may take precautionary measures ranging from temporary withdrawal of the broadcasting licence for a maximum of 6 months, to its definitive withdrawal in the event of a repeat offence”.

72. This measure is reinforced by articles 226 and 227 of the Criminal Code.

73. Gabon has no specific legislation on racial discrimination; however, the Criminal Code includes provisions on the circumstances that give rise to aggravating circumstances for sentencing, in article 55-6, which provides that: “In the cases provided for by law, the penalties incurred for a crime or misdemeanour shall be increased when the offence is committed because of the victim’s actual or presumed membership or non-membership of a particular ethnic group, nation, race or religion. The aggravating circumstance defined in the first paragraph exists when the offence is preceded, accompanied or followed by words, writings, images, objects or acts of any kind prejudicial to the honour or consideration of the victim, or of a group of persons to which the victim belongs by reason of their actual or presumed membership or non-membership of a particular ethnic group, nation, race or religion”.

74. Thus, racial discrimination mainly constitutes an aggravating circumstance in cases where the offence involves the elements mentioned above.

75. In the same vein, articles 284, 286 and 296 of the Criminal Code provide for sanctions.

76. Furthermore, the Gabonese Government will take this shortcoming into account and endeavour to address it in future revisions.

77. As mentioned above, Gabon has no specific legislation on racial discrimination. Nevertheless, articles 48 ff. of the Criminal Code provide for and punish any act of complicity.

78. Based on the human rights principle that any violation of human rights falls under the responsibility of the State, the Code of Administrative Justice makes it possible to hold the State, its central administrations and its institutions liable for acts committed by persons in the exercise of their functions. For its part, the State has the option, through recourse, of prosecuting the perpetrators.

79. To combat racial hate speech in the media, including on the Internet, several legislative and regulatory measures have been implemented, in particular the above-mentioned Act on the Media Code, which requires public and private media to respect ethnic, cultural and racial diversity.

80. Article 44 of this law provides that “All journalists are personally responsible for their writings and the information they disseminate. They must ensure that the information they disseminate is fair and accurate and avoid expressing comments and conjecture on unverified facts”.

81. Similarly, article 2 of Ordinance No. 00000015/PR/2018 of 23 February 2018 regulating cybersecurity and the fight against cybercrime defines “racist and xenophobic material as any digital medium that advocates or encourages hatred, discrimination or violence, against a person or group of people, on the grounds of race, colour, descent or national or ethnic origin or religion”.

82. This Ordinance establishes liability for hosting services and access providers when people use their services to disseminate contentious content online. Service providers have a special obligation to help combat offences involving the dissemination of child pornography, war crimes and crimes against humanity and incitement to racial hatred.

83. The Ordinance, in its articles 61 ff., punishes racism and xenophobia.

84. Gabon, like some other countries in the world, is virtually free of racial discrimination. Questions relating to racial discrimination are dealt with on the basis of procedures of ordinary law.

85. To date, there have been no rulings by the national courts on this subject.

86. The production of statistical data broken down by racial or ethnic origin is prohibited under article 2 of the Constitution.

87. No complaints on this point have been recorded by any of the departments mentioned.

## **Article 5**

### **Prohibition of all forms of racial discrimination**

#### **Right to equal treatment before tribunals and all other organs administering justice**

88. The Constitution guarantees all Gabonese citizens and all people living in Gabonese territory the equal protection of the law, without any distinction. All ethnic groups, including Indigenous Peoples, have the right to have their cases heard by independent and impartial courts.

89. Similarly, all accused persons are presumed innocent until proven guilty. These principles apply to both nationals and foreigners living in the country, regardless of race, colour, descent or national or ethnic origin.

90. Article 1 (2) of the Code of Criminal Procedure provides that any person who feels aggrieved may take legal action.

91. Article 3 of the Code of Civil Procedure states that action is open to anyone who has a legitimate interest in the success or rejection of the legal action.

92. The exercise of this right must, however, comply with conditions relating to legal capacity and status. This means that minors and incapacitated adults cannot themselves take legal action, but they can do so through their guardians or curators. Similarly, no persons may bring legal action unless they can show a personal and legitimate interest.

93. The right to take legal action is exercised without discrimination by anyone who feels their rights have been infringed.

94. The practice of racial profiling is contrary to the republican principle of equality. When the law authorizes police officers or gendarmes to carry out identity checks, they may not base the checks on any physical characteristic or distinctive sign, except in cases where the check is motivated by a specific description.

95. The preamble to the Constitution reiterates the principle of equality of all people before the law, regardless of gender, origin or ethnicity. This principle applies equally to nationals and foreigners living in the country, without distinction.

96. As such, all Gabonese people and any people living in the country are entitled to have their cases heard by the courts.

97. Similarly, all accused persons are presumed innocent until proven guilty. The rights of the defence are also guaranteed for all, before all courts.

98. Judicial and administrative claims are treated equally. Any persons living in the country who consider that their rights have been infringed may bring the matter before a judge, the administrative authorities initiating a decision against them or any other competent authority.

99. The conditions for referral to these authorities are defined by law and are identical for all.

100. However, articles 111 and 112 of the Code of Civil Procedure read as follows:

#### *Article 111*

Subject to international conventions and agreements, all foreign principal applicants or interveners are required, if the defender so requests before any exception, to provide personal security to cover the costs and damages which they may be ordered to pay.

101. In criminal matters, anyone who has been the victim of an offence can lodge a complaint with the criminal investigation department or the public prosecutor's office. They can also lodge a complaint with the investigating judge, as a civil party.

102. The assistance of a lawyer is mandatory in criminal cases. If accused persons cannot afford a lawyer, the State appoints one for them.

103. In civil and commercial matters, there are no specific conditions for referring a matter to a court, other than the court's jurisdiction.

104. In social matters, referral to a Labour Court requires the existence of a dispute between an employer and workers. In addition, articles 362 and 363 of the Labour Code provide that:

*Article 362*

Labour court proceedings shall be free of charge. In addition, workers shall be entitled to legal aid for the enforcement of judgments handed down in their favour. Deliberations must take place in the presence of the assessors who take part in the debates.

*Article 363*

An individual labour dispute may be referred to a Labour Court only in the event of a failure of conciliation before the labour inspector, or direct referral, as provided for in article 352, above. Legal action is initiated by an oral or written declaration made either to the labour court clerk's office by the plaintiff, or to the labour inspectorate, which forwards the request to the labour court, together with a copy of the report on the partial conciliation or the failure of conciliation. At the claimant's request, the labour inspector shall without delay transmit to the labour court the entire case file relating to the dispute submitted for conciliation.

105. These provisions apply to all workers governed by the Labour Code, regardless of race, ethnicity, origin, gender, etc.

106. Lastly, in recent years, the judicial map has gradually been improved to bring courts closer to the people, for instance by establishing other courts, such as juvenile courts, in the nine provinces and one commercial court per province.

107. In accordance with the principle of equality enshrined in the Constitution, the Gabonese justice system and its personnel make no distinction in the handling of cases.

**Right to security of person and protection by the State against violence or bodily harm**

108. The Constitution guarantees the right to personal security and the inviolability of the human person.

109. National security measures are designed to protect the entire population and are applied in a general and impersonal manner, in accordance with the country's laws and regulations.

110. Any abuses by police officers are punishable by criminal penalties, whoever the perpetrators may be.

111. During the period under review, no cases of racial discrimination relating to personal safety were recorded by the relevant services.

112. The non-refoulement of asylum-seekers is established in domestic law, particularly when they run the risk of being subjected to treatment contrary to article 7 of the Covenant.

113. Article 6 of Act No. 05/98 of 5 March 1996 on the status of refugees stipulates that beneficiaries of refugee status and asylum-seekers may not be expelled, turned back, refused entry at the border or exposed to any other measure that would force them to return to or remain in a territory where their life, freedom or physical integrity would be threatened. Article 8 follows on, providing that: "beneficiaries of refugee status or asylum-seekers may be expelled from Gabonese territory only for reasons of national security or public order...".

**Right to freedom of movement and choice of residence within the country**

114. The Constitution guarantees all citizens enjoying their civil and political rights the right to freely choose their place of residence and to move freely within the national territory. The right to enter and leave the country is guaranteed. Any restriction on these rights may be ordered only for a specific period and by a reasoned decision of a judicial authority.

115. This right also extends to foreign residents, on condition that they comply with the national law, in particular relating to entry and residence visas, with the exception of citizens of member countries of CEMAC, in accordance with the provisions of Additional Act No. 1/13-CEMAC-070U-CCE-SE of 25 June 2013 abolishing visas for all CEMAC nationals traveling within the Community area.

116. With regard to the right to leave the country, the only restrictions that may arise concern persons subject to legal proceedings in which an investigating judge has withheld travel documents for reasons connected with the investigation. Only judicial authorities are empowered to prohibit people from leaving the country. No citizens can be prevented from returning to their country.

117. With regard to refugees in particular, Act No. 05/98 of 5 March 1996 on the status of refugees in Gabon guarantees all refugees enjoyment of the rights set out in the United Nations Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees, as well as the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

118. Since 15 May 2022, the Gabonese authorities have been issuing blue CEMAC biometric passports to refugees living in Gabon.

### **Right to nationality**

119. The Gabonese Nationality Code was amended in 1999 to give effect to the provisions of the treaties to which Gabon is a party. The amendment introduced measures to reduce statelessness by granting nationality of origin to any child born in Gabon of unknown or stateless parents. It also recognizes Gabonese nationality in combination with other nationalities. Lastly, the amendment now allows Gabonese citizens of either sex to pass on their nationality to a foreign spouse.

120. The conditions for granting and acquiring Gabonese nationality are defined by law in articles 11 ff.; they make no mention of discrimination based on race, origin, ethnicity or any other subjective criterion. This means that anyone born in Gabon to foreign parents can have Gabonese nationality recognized as their nationality of origin. Similarly, any foreigner living in Gabon can apply for citizenship by naturalization.

### **Right to marriage and choice of spouse**

121. The revised Constitution of 2018, in article 1 (14), provides that “the family is the natural basic unit of society, and marriage – a union between two persons of different sexes – is its legitimate basis. Family and marriage are placed under the special protection of the State.”

122. The revision of the Civil Code by Act No. 04/2021 of 15 September corrected discriminatory provisions by raising the marriageable age of girls from 15 to 18 and reinforcing equality between men and women in matters of marriage.

123. In the same vein, the new articles 264 and 279 of the Criminal Code now apply criminal penalties to any person who gives in marriage or marries a non-consenting woman or a female minor under the age of 18.

124. In practice, there are three types of marriage in Gabon: customary, civil and religious, celebrated respectively by the family, the civil status registrar and the future spouses in the presence of a priest. In all cases, the man and woman freely choose their spouse and enter into marriage only with their free and full consent.

### **Property rights and the right to inherit**

125. The right to property is guaranteed for both natural and legal persons, and no persons may be deprived of their property, except when this is required by legally established public necessity and subject to fair and prior compensation.

126. Anyone whose property rights have been infringed is free to take legal action. Property may be acquired by purchase, donation, will, adverse possession, inheritance or the decision of a court.

127. Every person has the right to inheritance based on their family ties with the decedent.

128. Much progress has been made to put an end to customs and practices that exclude women and children from inheritance. Thus, at the legislative level, the new article 647 of Act No. 002/2015 of 25 June 2015, amending and repealing certain provisions of Act No. 19/89, which adopted the second part of the Civil Code, introduces conservatory measures immediately upon the decedent's death. These include a prohibition against the eviction of surviving spouses and orphans from the family home and the replacement of family councils with succession councils, which gives pride of place to the legal heirs, i.e. the surviving spouse and descendants, and their own descendants or representatives.

129. Awareness-raising and training activities are also carried out for the various persons involved.

130. Moreover, the advocacy of the First Lady of Gabon on the issue of widow disinheritance led to the institution in 2010 by the United Nations General Assembly of International Widows' Day, celebrated every year on 23 June.

131. On an institutional level, a Directorate General for Protection of Widows and Orphans has been established within the Ministry of Social Affairs.

### **Right to freedom of thought, conscience and religion**

132. The Constitution guarantees freedom of conscience, thought, opinion, expression and communication and the free practice of religion to all without distinction, subject to respect for public order.

133. The Constitution also establishes that Gabon is an indivisible, secular, democratic and social republic. It affirms the separation of State and religion and recognizes all beliefs, subject to respect for public order. It guarantees the free exercise of religion and the right to form religious communities which "regulate and administer their affairs independently, subject to respect for the principles of national sovereignty, public order and the moral and mental integrity of the individual".

134. Over 80 per cent of the Gabonese population is Christian, and there is no interreligious conflict. All religions coexist peacefully. Catholic, Protestant, Muslim and revivalist religious leaders meet regularly and attend each other's religious festivals. They also work together to encourage religious tolerance. To this end, every November, the Catholic and Protestant churches organize Christian Unity Week, during which the faithful of each denomination celebrate mass in the other's churches.

### **Freedom of opinion, expression and peaceful assembly and association**

135. During the period under review, freedom of opinion and expression, as enshrined in the Constitution, was strengthened by Ordinance No. 12/PR/2018 of February 2018 amending and supplementing certain provisions of the Media Code. Article 199 bis of the Ordinance ends the use of custodial sentences for press offences, which represents a major step forward.

136. In 2019, the commission responsible for granting cards to members of the press and cinema professionals examined 200 applications and issued 186 such cards. In 2021, 71 of the 93 applicants were granted press cards. The annual press subsidy, which varies between CFAF 200 and 500 million, continues to be disbursed despite the increased budgetary constraints following the coronavirus disease (COVID-19) pandemic.

137. Under Gabonese law, assemblies and demonstrations are subject only to the requirement of prior notification to the competent administrative authority.

138. At the legislative level, Act No. 35/62 of 10 December 1962 is the fundamental text underpinning the freedom and operation of associations in Gabon. The Minister of the Interior deals with numerous requests for the registration of associations each day, handling them without restrictions or discrimination.

139. Associations can be established simply by submitting a request to the Ministry of the Interior after depositing their statutes, by-laws, a list of members of the executive board and

a list of the founder members in four copies, together with a stamped envelope. They operate even before acknowledgement is received from the Ministry.

140. A bill that would modernize the law on associations is currently before the parliament. The main purpose of this bill is to ensure the better organization of the network of associations by separating religious associations from secular ones and providing associations with more flexible conditions for their legal establishment.

141. The existing legal framework enables all actors in public and political life and members of associations to freely organize their assemblies. This may explain the strong propensity to create associations and political organizations.

### **Political rights**

142. Political rights are guaranteed for all citizens, without discrimination. The exercise of these rights is governed by the Constitution and the relevant laws.

143. Citizens of both sexes are entitled to exercise these rights and, subject to certain requirements prescribed in the new Electoral Code of 2018, including an age requirement and the absence of any convictions suspending the enjoyment of civil and political rights, citizens of both sexes can vote in elections and be elected. The Constitution and electoral laws set out the rules governing the organization and conduct of elections, in addition to the conditions for participation.

144. Foreign nationals who have acquired Gabonese nationality are subject to certain requirements, which are set out in article 43 (2) of the Nationality Code. This article establishes, for example, that naturalized individuals may not hold an elected position in the 10 years that follow the signing of the naturalization decree. However, a decree reducing this period by half may be issued for naturalized foreigners who have performed outstanding services for Gabon or whose naturalization is of exceptional interest to the country.

145. The effectiveness of this right for women and young people has been strengthened through the adoption of Act No. 9/2016 of 5 September 2016 establishing quotas for the representation of women and young people in political elections and the representation of women in senior civil service posts. The quotas of 30 per cent established under the Act have helped increase the number of women and young people who directly and actively participate in political life. They have led to a rise in the representation of women and young people in the parliament, in local councils and on the boards of elected assemblies.

146. Gabon spares no effort to ensure the enjoyment of economic, social and cultural rights by all Gabonese citizens and all persons living in the country. The realization of these rights is guaranteed under article 1 of the Constitution and the relevant laws and regulations.

### **Right to housing**

147. The Gabonese Government is the main actor in the housing sector; few projects are run by the private sector. Government policy is implemented by the various departments and bodies under the Ministry of Housing.

148. The Government has set up a tripartite system that relies on collaboration among stakeholders in order to provide solutions to housing issues and tackle the challenges faced by the sector from several angles:

- The Gabon Housing Bank was established in the late 2000s to facilitate access to social housing by offering attractive financing options for low-income households. It offered 20-year loans with subsidized interest rates.
- The National Urban Planning, Topographic Measurement and Land Registration Agency, established in 2011, is mandated to facilitate the processing of land title applications and develop State-owned land. It provides a one-stop service window and has cut the time taken to obtain a title from five years to six months.
- The Société Nationale du Logement Social, the national social housing company, set up in 2013, offered housing for sale or rent to low-income households. It was also



responsible for developing serviced plots covered by a land title. In 2018, the national social housing company merged with the national real estate company.

149. The Public Deposit Office is another stakeholder with a mandate to finance affordable and social housing in Gabon. The Office manages the National Housing Fund, the resources of which are obtained through a quarterly levy of 2 per cent on salaries and are used to finance and subsidize the development and servicing of the land on which the Office is running projects.

150. Since March 2019, the Office has invited future buyers to participate in a two-year home savings plan with an interest rate of 0.5 per cent. Each participant deposits a minimum of CFAF 10,000 per month into the plan. The aim of this scheme is to provide financial support to households wishing to buy properties built under two of the Office's housing projects. This support is designed to help households to obtain access to credit by ensuring that they are able to make the down payment of 20 per cent that is required by banks to take out a loan.

151. The Gabonese authorities have embarked on land reform, with a view to developing a healthy and safe living environment through the promotion of housing that is accessible to the greatest number of Gabonese nationals and meets their needs, thereby helping to achieve sustainable development.

152. The reform process is comprehensive and covers the relevant laws and regulations, procedures, interministerial initiatives and the drafting of territorial planning documents.

153. The main laws and regulations adopted since the reform are:

- Act No. 001/2012 of 13 August 2012 establishing land development concessions
- Act No. 003/2012 ratifying Ordinance No. 000005/PR/2012 of 13 February 2012 establishing the land ownership system
- Decree No. 1019/PR/MECIT of 24 August 2011 on the establishment and organization of the Housing Guarantee Fund
- Decree No. 0249/PR/MRCIT of 19 June 2012 regulating the cession and leasing of State-owned land
- Decree No. 702/PRMPHPH-TAT of 17 July 2013 amending certain provisions of Decree No. 01500/PR/MHUEDD of 29 December 2011 on the establishment and organization of the National Urban Planning, Topographic Measurement and Land Registration Agency

154. The following steps have been taken to complement the legislative and regulatory framework:

- The provision, in 2015, of 872 homes in the commune of Angondje and, in 2020, 794 homes in the commune of Bikelé. These homes were made available to middle-income groups through the social housing programme financed by the Government to the tune of CFAF 300 billion. The acquisition of these homes was essentially contingent on whether applicants met the income requirements.
- The signing of several agreements with foreign property developers from countries such as the United States of America and Türkiye for the construction of housing in various price ranges, with the possibility of granting housing loans to enable individuals to purchase a property. Such agreements have reinforced the efforts made by the Gabonese Government.

155. Lessors or owners of houses for sale in no way discriminate between potential contracting partners on the basis of race, religion, ethnicity, culture or social class. According to the Government's social housing construction policy, the Government and housing agents pay little heed to such criteria when allocating housing.

156. In 2012, the housing allowance for public officials was increased from CFAF 75,000 to CFAF 150,000 for those classed as category A, from CFAF 45,000 to CFAF 75,000 for those belonging to category B and from CFAF 17,000 to CFAF 50,000 for those in category C.

### **Right to work**

157. The right to work is enshrined in article 1 (7) of the Constitution, which states that: “Every citizen has the duty to work and the right to obtain employment. No one may suffer prejudice at work on account of his or her origin, sex, race or opinions”.

158. In order to give effect to this provision, the Government implements two distinct but complementary policies that are overseen by the Ministry of the Civil Service and the Ministry of Labour, which deal with the public and private employment sectors, respectively. The purpose of these policies is to provide every citizen with a stable and decent job. They are implemented when recruiting civil servants and private sector employees.

159. Within the public administration, the General Civil Service Regulations, autonomous regulations and special regulations protect public officials from discriminatory acts.

160. The prohibition of racial discrimination is reaffirmed in the principle of equality of access to public employment, which prohibits discrimination between candidates on the grounds of religion, political opinion, ethnicity, race or sex.

161. Access to certain types of public employment, such as political positions and jobs in fields associated with the sovereignty of the State, is reserved for nationals.

162. Access to public sector jobs is by direct application or competitive examination, depending on the requirements laid down by law. The sectors that recruit the most are health, education, security and defence.

163. All individuals living in Gabon, regardless of their race or origin, have the right to work in the private sector. Article 9 of Act No. 022/2021 of 19 November 2021 on the Labour Code provides that all workers are equal before the law and enjoy the same protection and guarantees.

164. The same article prohibits any discrimination in terms of offers of employment, selection, recruitment, working conditions, remuneration, career management or dismissal based on race, colour, sex, pregnancy, religion, political opinion, trade union membership and/or activity, national or social origin or presumed or actual state of health.

165. Under this provision, discrimination means any distinction, exclusion or preference which has the effect of destroying or altering equality of opportunity or treatment in employment or occupation.

166. Article 9 (4) states that: “In order to ensure professional equality between women and men, employers are required to set goals and introduce measures aimed at guaranteeing equality of opportunity, in particular through the elimination of gaps in pay and access to jobs and in the professional training, career development and promotion opportunities and working and employment conditions they offer”.

167. With regard to youth employment, the efforts by the National Employment Office to integrate and reintegrate individuals into the labour market have involved the mobilization of its economic and institutional partners, mainly small and medium-sized enterprises and multinational companies, to promote the employment of young people. Two schemes have been set up for young jobseekers aged 16 to 35 years. One scheme is the youth apprenticeship contract, which enables young people to apply for jobs that require professional experience. The other is the assisted contract, which offers financial aid or tax or social security incentives to employers who enrol in a specific employment programme. The youth apprenticeship contract has benefited more than 5,480 young Gabonese citizens, with 3,329 being hired since its launch in 2016.

### **Right to form and/or join trade unions**

168. The right to form trade unions and the freedom of association are rights enjoyed by all, without distinction, under the conditions laid down by law. The right to form and join trade unions is recognized under the Constitution and existing laws.

169. In the public sector, the provisions governing the exercise of the rights to organize and to strike are codified in:

- Act No. 18/92 of 18 May 1993 laying down the conditions for the establishment and operation of trade union organizations for public officials
- Act No. 1/2005 of 4 February 2005 on the General Civil Service Regulations
- Act No. 14/2005 of 9 August 2005 on the Code of Ethics for the Civil Service

170. Pursuant to article 4 of the Act laying down the conditions for the establishment and operation of trade union organizations for public officials, such organizations are professional groups formed by public officials to defend common interests.

171. Article 6 of the Act establishes that any public official may freely join a trade union of his or her choice in relation to his or her occupation.

172. Although freedom to organize is protected under the Constitution, this right may be subject to limitations or derogations depending on the activity concerned. This is the meaning of article 68 of Act No. 1/2005, which states that: “Within the limits established by the laws in force, trade union rights, including the right to strike, may be exercised by public officials, with the exception of officials in leadership positions, members of the defence and security forces and prison administration staff”.

173. Persons exercising the right to strike must give advance notice by means of a specific procedure.

174. In the private sector, the general framework on the matter is governed by Act No. 35/62 of 10 December 1962 on associations and Act No. 022/2021 of 19 November 2021 on the Labour Code.

175. Articles 303 ff. of the current Labour Code establish the following:

*Article 303*

“Any worker or employer may freely join a trade union of his or her choice to defend the interests of his or her profession.”

*Article 304*

“All acts of interference or discrimination likely to undermine freedom to organize are prohibited.”

176. The public authorities must refrain from any interference which would restrict this freedom or impede the lawful exercise thereof.

*Article 307*

“Unemancipated minors over the age of 16 years may join the trade unions of their choice, unless their legal representatives object.”

177. Members responsible for the administration or management of a trade union enjoy the same protection against arbitrary dismissal and transfer as staff representatives.

178. Gabon has 24 trade union confederations and more than 300 professional unions.

**Right to health**

179. The right of all citizens to health is enshrined in article 1 (8) of the Constitution. This principle is incorporated in article 4 of Act No. 12/95 of 14 January 1995 on health policy, which establishes that the Government must, according to its capacities, protect the health of all citizens.

180. Ordinance No. 0022/PR/2007 instituting a compulsory health insurance and social guarantee system also contributes to the enjoyment of the right to health by guaranteeing access to care for the most disadvantaged groups and equity in financial contributions to treatment.

181. Access to quality healthcare is a priority for the Government, whose work in that area is supported by development partners. To complement the aforementioned laws, a number of measures were taken during the period under review. Such measures include the development

and launch of three national health development plans, which have gradually allowed for new priorities, such as the health of adolescents and older persons, the monitoring and handling of epidemic outbreaks and the fight against non-communicable diseases, to be addressed.

182. The Gabonese healthcare system is made up of three sectors:

- Public (civilian and military)
- Semi-public (National Social Security Fund)
- Private (profit-making and non-profit services, including traditional medicine)

183. The civilian public health sector has a three-tier pyramidal structure:

- The central or strategic level is composed of all national departments, programmes, institutes and facilities providing care and top-level diagnostic services.
- The intermediate or technical support level is essentially made up of 10 regional health departments and nine regional hospitals or hospital centres located in the regional capitals. These regional hospital centres treat persons who have been referred by establishments at the first level of the health pyramid.
- The peripheral or operational level, also known as the health department level, is the first level of the health pyramid and is made up of medical centres, clinics, district or urban health centres and health huts. Patients at this level are referred to medical centres located in the departmental capital. The country has 52 health departments.

184. The Ministry of Defence is directly responsible for managing the military public health sector. Services are provided by two modern hospitals (the Omar Bongo Ondimba Military Teaching Hospital and the Akanda Military Teaching Hospital), military health centres, a vast network of infirmaries and the Military Health Service Training School in Libreville. The military health service may also set up field hospitals.

185. There are also prison infirmaries, whose staff report to the Ministry of Justice.

186. The semi-public sector has two general hospitals (the Jeanne Ebori Foundation Hospital in Libreville and the Paul Igamba Hospital in Port-Gentil) and seven medical and social centres located across the country.

187. The private, non-profit sector is made up of the Franceville International Medical Research Centre, the Albert Schweitzer Hospital in Lambaréné, the Bongolo Evangelical Hospital in Ngounié and clinics run by non-governmental organizations (NGOs) and Catholic and Protestant missions.

188. The private, for-profit sector includes polyclinics, clinics, medical, dental and nursing practices, medical analysis laboratories, pharmaceutical wholesale distributors, pharmacies, pharmaceutical warehouses, a drug manufacturing unit and a rehabilitation and orthopaedic equipment centre.

189. A system for organizing traditional medicine services, which are used by a large proportion of the population, is currently being set up.

190. Gabon has close to a thousand healthcare facilities, from health huts to university hospitals, across all sectors. There are almost 700 primary healthcare facilities (clinics, infirmaries and medical practices) and four university hospitals. The coverage of the country by public health facilities is relatively good, with a few exceptions, such as the north health region, where the ratio of health facilities to the population is unsatisfactory. The number of beds available across the entire health system is estimated at around 4,000, representing a ratio of 25 beds per 10,000 inhabitants.

191. The country is believed to have around 12,000 health workers, 11,385 of whom work in the public sector.

192. The national ratio of doctors per person is 1 general practitioner per 6,610 persons, which is within the range recommended by the World Health Organization (WHO) of 1 doctor per 5,000 to 10,000 inhabitants. An analysis of ratios in each health region reveals a number of disparities; some regions, such as Libreville-Owendo and the west and south

regions, have achieved scores above the national average, while the ratios in others, such as the maritime and north regions, are much lower.

193. The national ratio of midwives per woman of childbearing age is 1 midwife per 823 such women, which is well above the WHO recommended ratio of 1 midwife per 4,000 inhabitants.

194. The ratios for the Libreville-Owendo and west health regions are above the national average, while the ratios in the other health regions are below it.

195. The national ratio of government-registered nurses per person is 1 nurse per 1,925 persons, which is more than twice the WHO recommended ratio of 1 government-registered nurse per 4,000 inhabitants.

196. The ratios for the south and north health regions exceed the internationally recommended ratio, while those for the central and maritime health regions are far below it.

197. There is no discrimination in the health sector, in accordance with article 1 (8) of the Constitution, which recognizes the right to health and the right to the highest attainable standard of physical and mental health. The Government oversees the introduction of measures to ensure the provision of medical services and assistance to all citizens in the event of an emergency.

198. Pursuant to article 5 of Act No. 19/95 of 13 February 1996 on the organization of the social protection system for persons with disabilities, individuals living with a disability pay less for treatment in public health facilities.

199. With regard to immunization, Gabon has enjoyed vaccine independence for several years and ensures that there is a regular supply of vaccines and consumables for children under 1 year old and pregnant women. However, the lack of vaccine storage equipment in some local facilities compromises the cold chain and prevents the continuous provision of immunization services in the capitals of certain departments. Efforts have been made to draw up a comprehensive multi-year plan, which is supported by WHO and the United Nations Children's Fund (UNICEF). The capacities of the individuals involved in the expanded immunization programme have been strengthened. Routine immunization, polio eradication and acute flaccid paralysis surveillance activities have been intensified.

200. With respect to universal health coverage, major advances have been made in terms of social protection, financial protection for the most vulnerable groups and healthcare provision. The introduction of compulsory health insurance, which now covers almost 80 per cent of the population (including two thirds of the economically disadvantaged population), as well as refugees, represents a major step forward. Equal treatment for all households has been a guiding principle in the introduction of health insurance. All households contribute in line with their means and receive the same services, regardless of the condition being treated.

201. Between 90 and 100 per cent of the costs of treating certain long-term health conditions, such as hypertension and cancer, and providing certain treatments, such as dialysis, are covered. All maternity costs are covered.

202. Between 2017 and 2022, Gabon implemented a comprehensive strategy to improve medical care. The implementation of the strategy led to the development of mobile healthcare services and mobile units providing vaccination against COVID-19 to reach as many people as possible, the establishment of free childbirth services, the development of the work of the emergency social services, the strengthening of the plan for combating HIV/AIDS and enhanced efforts to combat cancers affecting women.

203. The following measures were taken to boost the mobile medicine strategy, which is focused on general medical care, minor surgery, laboratory tests and prenatal and postnatal consultations:

- 162 Cuban doctors were recruited and deployed in the provinces
- 30 double cabin, four-wheel drive vehicles were delivered to the provincial directorates

- Over 6,000 persons received medical care
- Over 500 children aged under 1 year were vaccinated
- Family planning outreach activities were carried out

204. Between 2018 and 2020, 29,539 women benefited from free maternity delivery services, which remain available.

205. During the pandemic, Gabon took a number of measures aimed at helping all persons living in the country, without distinction, to deal with COVID-19:

- The Health Emergency Act was adopted
- A steering committee was established for the plan to monitor and combat the COVID-19 pandemic
- A toll-free number, 1410, was set up for persons with symptoms
- Information about the epidemiological situation and updates on data, challenges and appropriate solutions were made available daily
- 19 doctors and 40 members of medical staff received training at the Military Health Service Training School in Libreville
- 55 intensive care doctors and 100 paramedical staff members received training on treating severe cases
- A national plan on preparing for and responding to COVID-19 was developed
- An outreach and communication strategy with a focus on prevention was formulated to reach the most isolated communities
- COVID-19 clinical protocols were approved and periodically updated

206. Mobile units vaccinated 76,226 persons against COVID-19, without distinction.

207. The emergency social services, which were established in 2007, contribute to the realization of the right to health throughout the country, providing access to quality care on a strictly free-of-charge basis, and without any distinction whatsoever, to those who are completely destitute (older persons, single women with or without children, isolated children, those in physical or psychological distress and women victims of violence).

208. The mission of the emergency social services is to reach out to persons who face geographical and economic barriers in obtaining access to the national health system, offering them basic care and social support and facilitating their access to referral health units. To that end, the emergency social services operate a toll-free number (1488), an emergency shelter, a mobile assistance team and a psychological medical centre.

209. As at 31 December 2019, 25 per cent of the population, or 351,500 persons, had received care throughout the country. In 2020, this figure increased, with an additional 250,000 persons receiving health and social services free of charge.

210. The Government developed a national strategic plan for the period 2018–2022 in order to improve the efficiency of efforts to tackle HIV/AIDS and achieve the 90-90-90 target. The plan's action line on the intensification of work to prevent and treat HIV/AIDS provided for comprehensive measures focused on:

- The prevention of HIV transmission among key population groups (sex workers, men who have sex with men and persons who inject drugs)
- The prevention of HIV transmission among the prison population
- The prevention of HIV transmission among the most vulnerable adolescents and young people

211. As part of the multisectoral programme to combat AIDS, from 12 to 14 March 2012, the Government ran a campaign to raise awareness among owners of hairdressing and nail salons in Oyem. The campaign reached 103 beauty salons, 26 of which were hairdressing salons and 77 of which were nail salons.

212. The Government funds the purchase of antiretroviral drugs and other equipment and consumables needed to care for patients through the State budget. It has made care free for persons living with HIV, including women and children.

213. Between 2012 and 2017, government spending on the fight against HIV/AIDS, including staff remuneration, rose by 19.5 per cent.

214. The Government has adopted WHO recommendations on the conditions for starting antiretroviral therapy and taken a number of measures concerning access to treatment, which seek to ensure:

- The free provision of antiretroviral therapy
- The coverage of 90 per cent of the medical expenses of persons living with HIV who are insured under the National Health Insurance and Social Protection Fund
- The decentralization of care to all healthcare facilities, rather than just the outpatient treatment centres<sup>1</sup>

215. Efforts to implement the plan against HIV/AIDS included the following:

- The adoption of the “Test and Treat” policy, the decentralization of treatment and the provision of comprehensive care for HIV-positive pregnant women
- The inclusion of Dolutegravir in the first-line regimen, including for pregnant and breastfeeding women
- The use of GeneXpert devices for early diagnosis (polymerase chain reaction) and HIV viral load testing in all provinces

216. These measures led to significant progress between 2012 and 2016:

- The number of new infections among children from 0 to 14 years old fell from 569 in 2012 to 243 in 2016
- The same trend was observed among young people aged between 15 and 24 years, with the number of new infections decreasing from 975 in 2012 to 789 in 2016, representing a fall of 19 per cent
- The number of patients (adults and children) on antiretroviral drugs doubled from 31 to 60 per cent
- The number of pregnant women living with HIV who had access to antiretroviral drugs rose from 36 to 75 per cent
- The mother-to-child transmission rate fell from 11.02 per cent in 2012 to 4.44 per cent in 2016

217. All staff at departmental and district hospitals and health centres have been trained in caring for persons with HIV, with a view to effectively tackling stigmatization and facilitating such persons’ access to quality care. These efforts have led to an improvement in patients’ access to antiretroviral therapy.

218. The right to social security is governed by Act No. 6/75 of 25 November 1975 on the Social Security Code and Act No. 28/2016 of 6 February 2017 on the Social Protection Code, which consolidates and harmonizes all laws in the area of social protection. These laws establish a social protection system that is designed to protect all workers in each sector and their dependants.

219. Article 11 of the Social Protection Code establishes that:

The social protection system aims to cover the following groups of persons living in the country:

<sup>1</sup> Gabon has 10 outpatient treatment centres. The services offered by these centres to persons living with HIV include counselling, testing, medical follow-up, the provision of antiretroviral drugs and psychosocial, nutritional and community support.

- Private sector employees
- Self-employed and mobile workers
- Civil servants
- Public sector employees
- Unemployed persons
- Persons with disabilities
- Economically inactive minors and adults
- Retirees

220. The following laws define the specific scope of each system or scheme according to its objectives and nature:

- Act No. 1/2005 of 4 February 2005 on the General Civil Service Regulations
- Act No. 022/2021 of 21 September 2021 on the Labour Code

221. In the private sector, the social protection system is managed by the National Social Security Fund, which has set up an insurance scheme that all workers are required to join. The same applies to all public and private sector workers and contractual employees who are covered by the Labour Code, in addition to temporary government workers.

222. The social security protection that the Pension and Family Allowances Fund for State Employees provides for public sector workers is governed by a number of laws that establish a social security scheme for civil servants and other public sector employees. Such laws include:

- Act No. 1/2005 of 4 February 2005 on the General Civil Service Regulations
- Decree No. 0236/PR/MBCP of 8 July 2014 on the establishment and organization of the Pension and Family Allowances Fund for State Employees
- Act No. 028/2016 of 6 February 2017 on the Social Protection Code

### **Right to equal participation in cultural activities**

223. The Constitution recognizes the right of all persons to take part in cultural life without discrimination. The State fosters and encourages the engagement by all groups protected by the Convention in activities that preserve and advance their cultures.

224. There is no discrimination in practice against any specific minority group in terms of its members' ability to freely practice their culture.

225. Cultural associations work to promote the country's different cultures. They carry out their activities freely, in accordance with the laws in force. Those activities contribute to cultural development and social cohesion.

226. Through its cultural policy, Gabon seeks to bolster the country's national cultural identity and ensure social cohesion, while respecting the diverse cultures of all segments of the population.

227. The main steps taken to implement the policy include:

- The establishment of the Gabonese Coalition for Cultural Diversity in 2007
- The establishment of the Directorate General for the Arts and Cultural Industries in 2015
- The introduction in 2008 of the Festival of Cultures, which was intended to promote tolerance, understanding and dialogue among the different ethnic groups and was held regularly across the country, strengthening national unity through the celebration and recognition of the value of the country's diverse traditions and cultures, encouraging exchanges between cultural communities and giving a boost to cultural cooperation
- The launch of the Libreville International Carnival in April 2013



- The roll-out of the “Gabon: Nine Provinces” concept in 2017
- The holding, in August 2022, of the first National Festival of Cultures, which combined the Festival of Cultures and “Gabon: Nine Provinces” events

228. The following measures are also noteworthy:

- The reorganization of the Ministry of Culture, the Arts and Civic Education
- The establishment of the Directorate General for the Arts and Cultural Industries in 2015 for the purpose of developing and implementing government policy on art and cultural industries
- The establishment of the Directorate General for Cultural Heritage
- The adoption, under decision No. 25/CEEAC/CCEG/15 of 25 May 2015, of a subregional strategy on the development and promotion of culture in Central Africa

229. The media also play a role: national radio and television broadcasters reserve time slots daily for disseminating information in national languages and sharing the cultural and artistic heritage of the country’s different ethnic groups and regions.

#### **Right of access to any place intended for use by the general public**

230. Public places can be accessed freely, without discrimination. By law, no limitation or restriction may be placed on the right of access to public places on the grounds of race, colour or ethnicity.

### **C. Specific measures for vulnerable groups**

#### **Indigenous Peoples**

231. With a view to protecting and promoting the rights of Indigenous Peoples, the State, in collaboration with UNICEF, rolled out an integrated development project in Pygmy communities in the provinces of Woleu-Ntem (Minvoul) and Ogooué-Ivindo (Lopé, Zadié and Ivindo). The work done under the project in 26 villages focused on the following:

- The issuance of birth certificates for close to 90 per cent of Indigenous children
- The vaccination of 80 per cent of children under 5 years old
- The introduction of basic social welfare services, including healthcare, literacy and village water services, in Pygmy communities
- The training of 52 traditional health and hygiene counsellors
- The holding of information and awareness-raising sessions on HIV/AIDS and sexually transmitted infections

232. The principles of consultation and participation are fundamental elements of democratic governance and inclusive development. They enable the public in general, and vulnerable groups in particular, to fully participate in decisions that affect them.

233. An environmental impact assessment must generally be conducted before any natural resource development project can be carried out. The basic principles for conducting such assessments are set out in Decree No. 539/PR/MEFEPEPN of 15 July 2005 and applied by the Directorate General for the Environment and the Protection of Nature.

234. As part of an environmental impact assessment, public hearings are held with affected groups, including Indigenous Peoples, to discuss any environmental issues before a project begins.

235. Initiatives that have been developed in accordance with those principles and involved the Indigenous population include:

- A project under the Indigenous Peoples Plan relating to the use of fibre optics, put together by the Government and the World Bank Group in 2013

- A cooperation agreement signed with the Forest Stewardship Council on 31 January 2020 to provide for the participation of local citizens, including Indigenous Peoples, in sustainable forest management and forest certification

236. Indigenous Peoples have also been consulted in connection with the following:

- A programme to provide assistance, with support from UNICEF, to primary school students from Indigenous families in the provinces of Ngounié, Ogooué-Ivindo and Woleu-Ntem and reduce school dropout rates, under which 2,000 school kits have been distributed
- Activities carried out in the provinces of Ogooué-Ivindo and Woleu-Ntem in February 2022 by the team responsible for the Establishing a Legal Basis for Sustainable Forests and Livelihoods Project to build capacity among community technical assistants and communities in the management of community forests
- The revision of the Social Security Code, which led to the creation of a category of independent and mobile workers who enjoy specific social protection
- A sustainable development plan for Indigenous Peoples in the provinces of Woleu-Ntem, Ngounié, Ogooué-Ivindo and Haut-Ogooué
- A campaign conducted in Minvoul in 2020 to raise awareness of HIV/AIDS, with support from the Joint United Nations Programme on HIV/AIDS (UNAIDS)
- Campaigns conducted in 2021 to raise awareness of coronavirus disease (COVID-19)

237. In terms of participation in politics and public life, members of the Indigenous community in the department of Ivindo were elected deputy and senator in the legislative elections of 2018 and the local elections of 2021.

238. In addition, capacity-building activities to promote the inclusion of Indigenous persons in the electoral process and in all other fields are regularly held for the relevant entities.

### **Stateless persons**

239. The Citizenship and Social Protection Project was implemented over a period of four years, with support from UNICEF, to enable stateless persons, particularly children not registered at birth, to obtain civil status documents. The Project was initially focused on the province of Estuaire and was then extended to all nine provinces with the support of the United Nations through the Joint Sustainable Development Goals Fund.

240. The project was carried out in two phases: the identification of persons without birth certificates by social workers and doctors in the various provinces, and the issuing of declaratory judgments and the transcription of birth certificates through one-stop service windows staffed by legal professionals and town hall staff.

241. Ultimately, 15,000 children and parents from both the most isolated areas and urban areas were able to obtain their birth certificates and register with the National Health Insurance and Social Protection Fund.

242. In the provinces of Ogooué-Ivindo, Ngounié, Woleu-Ntem, Nyanga and Haut-Ogooué, Indigenous children, as well as their parents or other family members, have been identified and registered with the National Health Insurance and Social Protection Fund.

243. Article 169 of Act No. 004/2021 of 15 September 2021, which extended the time limit for registering births from three days to two weeks in municipalities and from two weeks to one month in the rest of the country and requires medical facilities to issue birth certificates free of charge, is part of the same framework.

### **Refugees**

244. During the period under review, Gabon spared no effort in the reception and protection of some 700 refugees and asylum-seekers who live, without discrimination, alongside local communities.

245. There are no conditions on the healthcare provided to refugees and asylum-seekers in public and private facilities, where they can receive both primary and specialized care throughout the country. Refugee children are included in nationwide immunization campaigns. In addition, persons living with HIV/AIDS have access to public medical facilities and antiretroviral drugs.

246. Furthermore, this segment of the population is covered by article 11 of Ordinance No. 0022/PR/2007 instituting the country's compulsory health insurance and social guarantee system.

247. Civil registration services are available to refugees and asylum-seekers. Births of refugee and asylum-seeking children that take place in Gabon are notified to and recorded in civil registry offices in the same way as those of Gabonese children. The authorities are required to issue civil status documents to persons of concern to the Office of the United Nations High Commissioner for Refugees (UNHCR). Such documents are issued by the registrar – the mayor in urban centres and the prefect in other places in the provinces.

248. Refugees and asylum-seekers who fail to register their children within the legal time limits can seek a declaratory judgment from a court under the same conditions that apply to Gabonese children. In 2020, declaratory judgments were issued for 18 refugee children.

249. As indicated above, refugee children do not have difficulty obtaining access to education. In 2019, 214 refugee children were enrolled in school, with 115 of them in public schools.

250. Most refugees who have been living in Gabon for around 30 years receive support for local integration or voluntary repatriation. By 2020, 189 eligible refugees had been granted residence permits.

251. In recent years, Gabon has also granted nationality to long-term refugees who have shown a genuine desire to integrate.

252. In terms of socioeconomic integration, Gabon is working with UNHCR to significantly improve living conditions. In addition, more than 300 refugees have benefited from measures taken with support from UNHCR to provide refugees with vocational training and microloans.

### **Migrants and trafficking in persons**

253. Under the Labour Code, the Children's Code and the Criminal Code, forced child labour is prohibited in Gabon, for both Gabonese and foreign nationals.

254. The country's labour laws do not expressly set a minimum age for hazardous work but specify that no child under the age of 16 may be employed in work considered to be among the worst forms of child labour, particularly work which, by its nature or the circumstances in which it is carried out, is likely to harm his or her health, safety or morals. The foregoing also applies to all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.

255. The Labour Code, the Children's Code and the Criminal Code prohibit forced or compulsory child labour.

256. Migrant children engaged in child labour are generally victims of trafficking. On 21 September 2004, the Government stepped up its efforts to counter that scourge through its adoption of Act No. 9/2004 on preventing and combating trafficking in children in Gabon. The Act punishes trafficking in children and sets out the four strategic aims that constitute the focus of the Government's national policy against trafficking in children:

- The introduction of measures to protect and assist victims of trafficking
- The training of persons involved in the combat against trafficking in children
- Prevention
- The fostering of inter-State cooperation

257. To bolster the Act, Gabon, taking into account international standards, issued a national procedural manual on assisting victims of trafficking in children, which defines the roles and responsibilities of all parties involved in providing assistance to child victims, from the freeing of the victims to their repatriation or, where applicable, their reintegration in Gabon.

258. Children recovered by the security services are generally sent to shelters such as the Centre for Children in Difficult Circumstances and the Arc-en-ciel and Espoir Centres in Libreville and Mission Nissi in Port-Gentil. The children receive medical care and psychological support at the shelters.

259. Between 2004 and 2014, the monitoring committee for the combat against child trafficking identified more than 750 girls and boys who had been freed from trafficking rings and reintegrated locally or repatriated to their countries of origin (Benin, Togo and Nigeria).

260. Between 2004 and 2016, government agencies working with UNICEF rescued some 850 children from situations of exploitation, trafficking and smuggling.

261. Regarding the impact of the application of Act No. 21/2011 of 11 February 2012 establishing general guidelines for education, training and research, there is no doubt that access to education and training in Gabon is completely non-discriminatory; everyone is entitled to them. Article 2 of the Act states that “education and training are compulsory in Gabon. All young people between the ages of 3 and 16 residing in Gabon, whether Gabonese or foreign nationals, shall have access to education and training.”

262. In addition, article 3 of the Act provides that “the right of equal access to education, instruction, culture and training is guaranteed to all, regardless of belief, religion, race, sex, political affiliation or any other social differences”.

263. The heads of school districts, the directors of the provincial education authorities and the Inspectorate General of Services are empowered to ensure compliance with the Act.

264. Students are oriented on the basis of aptitude. Guidance is provided to Gabonese and foreign students under the same conditions, in accordance with articles 90 ff. of the Act.

265. In addition, article 4 of Act No. 003/2018 of 8 February 2019 on the Children’s Code confirms the right to education without distinction on the basis of factors such as race, ethnicity, colour, sex, language, religion, political opinion, nationality, social origin or disability.

266. The legal framework addressing trafficking in persons was set out in 2020 in Act No. 006/2020 of 30 June 2020 amending Act No. 042/2018 of 5 July 2019 on the Criminal Code, with the definition of and penalties for trafficking in persons provided for in articles 225 ff.

267. Article 225 states the following:

Trafficking in persons is the recruitment, transport, transfer, accommodation or reception of a person in exchange for remuneration or any other consideration, or for the promise of remuneration or other consideration, in order to place that person at the disposal of an identified or unidentified third party for the purpose of:

- Allowing the commission against the person of the offences of procuring, sexual assault or exploitation or the subjection of the person to begging or living or working conditions inconsistent with human dignity
- Or compelling the person to commit any offence or assisting him or her to immigrate or emigrate

268. Articles 225-1 to 225-7 set out the penalties for perpetrators of trafficking and their accomplices.

269. The penalties for trafficking in minors appear in the last part of article 225-1, which provides that such trafficking is punishable by up to 15 years’ imprisonment and by a fine of up to CFAF 100 million.

270. Trafficking in minors is punishable by 20 years’ imprisonment when the offence is committed in any of the circumstances listed in points 1 to 7 above.

271. Perpetrators of trafficking in persons are liable to 30 years' or life imprisonment and a fine of up to CFAF 50 million when torture or barbarous acts are used to commit the offence.

272. The custodial sentence applicable to the perpetrators of, or accomplices to, one of the offences defined in this title is reduced by half if they have alerted the administrative or judicial authorities and thereby prevented the offence from continuing or resulting in death or permanent disability and, where possible, enabled other perpetrators or accomplices to be identified.

273. Two special criminal court sessions were held in 2020, allowing 11 cases involving child exploitation offences committed in Gabon to be tried.

274. With respect to the issue of trafficking as it affects minorities, Indigenous Peoples and non-nationals, the above-mentioned provisions of the Criminal Code make it possible to combat trafficking constructively and effectively.

275. A bill is being drafted on the establishment, organization and functioning of a national commission to prevent and combat trafficking in persons in Gabon.

276. Gabon signed several cooperation agreements regarding trafficking during the period under review:

- The Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa, signed in July 2006
- A cooperation agreement on combating trafficking in children signed by the Governments of Gabon and Togo in New York on 25 September 2018
- A cooperation agreement on combating trafficking in children signed by the Governments of Gabon and Benin in Libreville on 8 November 2018

277. The two latter agreements seek to prevent and punish trafficking in children through effective cooperation between the two States and States of transit, with a view to protecting and rehabilitating victims and reintegrating them into their home environments.

278. In the agreement between them, Gabon and Benin undertook to provide assistance to each other in the investigation, arrest, prosecution and extradition of offenders through the competent authorities of each State.

279. Gabon and Benin plan to cooperate with States of transit in order to, for example:

- Identify areas of transit and routes and dismantle child trafficking networks
- Prosecute and punish persons engaged in trafficking in children
- Through specialized units, provide child victims of trafficking with temporary care pending their repatriation

280. Article 9 provides for the creation of a standing monitoring committee for the purpose of following up on and evaluating measures taken under the agreement and formulating opinions and recommendations.

281. The committee has 12 members, with 6 from each State. Of the six, four represent the Government, one is from a technical and financial partner, and one is a member of civil society working on the issue.

282. The committee could not effectively be launched owing to the COVID-19 public health emergency and the measures taken to respond to it.

283. The two agreements mentioned above address only matters relating to trafficking in children.

284. The Council for the Prevention and Fight against Trafficking in Children, provided for under Act No. 009/2004, has been put in place but has not yet begun operating.

## **D. Impact of the COVID-19 pandemic on the persons most vulnerable to discrimination and the various groups protected by the Convention**

285. Various local and international stakeholders, including the groups protected under the Convention, were involved in the design and implementation of the response to the COVID-19 pandemic.

286. With support from various groups, campaigns to raise awareness of preventive and protective measures to be taken against COVID-19 were carried out across the country using a variety of channels, including radio, television, messaging services, posters, social media and talks.

287. For example, radio and television messages were broadcast in different languages and in sign language. Along the same lines, outreach campaigns to reach Indigenous Peoples living in remote areas were conducted in local languages.

288. A number of measures were taken to mitigate the socioeconomic impact of the COVID-19 pandemic on the public, without discrimination, including the following:

- CFAF 4 billion was made available to help the most vulnerable and economically disadvantaged persons pay their electricity bills
- CFAF 2 billion was made available for the payment of all water bills for the most vulnerable and economically disadvantaged persons
- The payment of rent was suspended for persons with no income
- A fund in the amount of CFAF 2.5 billion was set up to assist small-scale landlords
- State-run ground transportation companies provided transportation free of charge
- Workers' purchasing power was kept steady (50 and 70 per cent of gross monthly income excluding bonuses)
- Small incomes (between CFAF 80,000 and CFAF 150,000) were maintained in full
- Trade taxes and the comprehensive single tax on small businesses and companies providing care services were reduced by 50 per cent
- Tax exemptions were granted for one-time bonuses paid to employees working during the period of lockdown
- Sixty testing centres were set up around the country
- Testing was provided free of charge at public facilities

## **E. Guarantee of remedies**

289. As mentioned in the general information section above, article 1 (13) of the Constitution, part of the preliminary title on fundamental principles and rights, provides that any act of racial, ethnic or religious discrimination and any regionalist propaganda prejudicial to the internal or external security of the State or the integrity of the Republic will be punishable by law.

290. Similarly, article 2 states that all citizens are equal before the law, without distinction as to their origin, race, sex, opinions or religion.

291. While Gabon has no law specifically addressing racial discrimination, there is a legal framework that protects and makes remedies available to victims of such discrimination, as highlighted in articles 55-6, 284, 286 and 296 (1) of the Criminal Code, which were mentioned above (see article 1 recommendation).

292. In addition, the Code of Administrative Justice allows for actions against the State and its authorities to be brought before administrative courts for any human rights violations, including racial discrimination.

293. Remedies are available in Gabon through judicial and non-judicial mechanisms.

294. The judicial mechanisms include the courts of first instance, the courts of appeal, the Court of Cassation and the Constitutional Court. The non-judicial mechanisms include the Office of the Ombudsman and the National Commission on Human Rights.

295. Citizens whose rights have been violated may choose either type of mechanism.

296. To allow all citizens with limited resources to have access to justice, Decree No. 253/PR/MJGSDHRC of 10 June 2012 on the organization and functioning of legal aid offices provides for the establishment of such offices in all judicial, administrative and special courts. The legal aid provided for under the Decree includes exemptions from court fees and legal assistance.

297. Article 58 of the Code of Criminal Procedure requires that “any person taken into custody shall immediately be informed by a criminal investigation officer or a staff member supervised by such an officer of his or her rights while in custody. If the person does not speak French, this information must be provided to him or her by a sworn or ad hoc interpreter.”

298. With respect to the foregoing, it should be noted that the legal framework meets the requirements of the recommendation, even if the criminal law framework is not specific to racial discrimination. Currently, a victim can obtain reparation by suing for damages in criminal proceedings, as provided for under article 11 of the Code of Criminal Procedure. Furthermore, fair and adequate reparation can be obtained by means of the actions for damages allowed against the State and its authorities under article 35 of the Code of Administrative Justice.

299. As the practice is not very widespread in Gabon, precise data are very hard to obtain. Judgments relating to acts of racial discrimination are virtually non-existent in Gabon.

300. In its drive to promote rights, Gabon has carried out numerous campaigns and training courses with a view to providing an education on the culture of human rights.

301. These include the activities carried out by the Directorate General of Human Rights and the National Commission on Human Rights, with support from the Subregional Centre for Human Rights and Democracy in Central Africa, for the various stakeholders involved in the promotion and protection of human rights and government stakeholders, as well as training programmes specifically targeting certain groups, such as members of the security and defence forces and the judiciary.

302. Gabon will be working to roll out mechanisms for the protection of complainants in connection with reforms currently being planned.

303. For the time being, reparation and restitution can be obtained by filing a claim for damages in civil proceedings or invoking the official liability of the State. To date, no such cases have been reported.

304. Under ordinary law, in the light of article 131 of the old Civil Code and article 16 of the Code of Civil Procedure, the burden of proof lies with the party making a claim. In other words, it falls to the victim to provide proof.

305. The Government is working to take steps to comply with article 14 of the Convention.

#### **Non-discrimination in the fields of teaching, education, culture and information**

306. During the period under review, no specific legislative or administrative measures were taken in the field of education and training to combat prejudices which lead to racial discrimination.

307. The right to education without discrimination is enshrined in article 1 (18) and (19) of the Constitution.

308. Education is open not only to Gabonese citizens but also to foreign nationals. There is no discrimination in the drafting or implementation of education policies and curricula.

309. The field of education is now governed by Act No. 21/2011 of 14 February 2012 establishing general guidelines for education, training and research, which was adopted after the last review.

310. Article 23 of the Act refers to four levels within the Gabonese education system: pre-primary and primary education, secondary education (middle schools, regular and science high schools and the national high school for academic excellence), technical and vocational education (technical high schools and vocational centres) and higher education (universities, professional schools and institutes).

311. Education is provided at the various levels by public schools falling under various ministries and by secular and religious private schools.

312. Schools at the first three levels of education are managed by the central Government, but the management takes place at the provincial level, through the regional education inspectorates – of which there are nine in the country – and 19 school districts administered by a primary school inspector. The regional education inspectorates are responsible for steering education policy at the pre-primary, primary and secondary levels.

313. The majority of schools are public, serving 68 per cent of primary school students. However, the number run by the private sector is increasing, especially at the level of pre-primary and primary education, where so-called “secular” private schools exist alongside traditional religious schools. There are three types of the latter: Catholic schools, which account for the majority, Protestant schools and Islamic and revivalist centres, which have appeared in recent years and are few in number.

314. Private secondary schools, whether religious or secular, receive State funding once they are recognized as serving the public good. In addition, a mechanism for making teachers from the public sector available in religious private schools has been in place for many years.

315. The level of pre-primary and primary education covers children between 3 and 5 years of age, and there are essentially two types of State-run centres for them: they fall under the Ministry of Education and the Ministry of Social Affairs, which has two day-care centres in Libreville and 39 kindergartens spread across the country. There are also centres run by private and charitable institutions.

316. Primary education, for children between the ages of 6 and 11 years, runs from the first to the fifth grade and culminates in a primary school certificate.

317. Secondary education encompasses schools with both general and science-based curricula. It lasts seven years and is divided into two stages, the first leading to a certificate of completion of that stage and the second to a baccalaureate diploma.

Table 3

**Summary of general education enrolment by gender, level of education and province (year 2021/22)**

Province	Number of students by gender											
	Pre-primary			Primary			Secondary			Total		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
Estuaire	20 264	20 372	40 636	55 461	53 574	109 035	62 213	78 154	140 367	137 938	152 100	290 038
Haut Ogooué	2 984	2 874	5 858	16 547	15 604	32 151	10 660	12 241	22 901	30 191	30 719	60 910
Moyen Ogooué	972	1 060	2 032	6 159	5 615	11 774	4 231	4 601	8 832	11 362	11 276	22 638
Ngounié	1 069	1 135	2 204	8 860	8 619	17 479	6 777	7 308	14 085	16 706	17 062	33 768
Nyanga	446	424	870	4 450	4 002	8 452	2 889	2 977	5 866	7 785	7 403	15 188
Ogooué Ivindo	460	460	920	6 123	5 546	11 669	4 370	4 614	8 984	10 953	10 620	21 573
Ogooué Lolo	497	493	990	4 835	4 423	9 258	3 367	3 650	7 017	8 699	8 566	17 265
Ogooué Maritime	3 989	4 066	8 055	11 665	11 058	22 723	13 038	16 657	29 695	28 692	31 781	60 473
Woleu-Ntem	1 822	1 936	3 758	10 429	9 675	20 104	8 916	9 175	18 091	21 167	20 786	41 953
<b>Total</b>	<b>32 503</b>	<b>32 820</b>	<b>65 323</b>	<b>124 529</b>	<b>118 116</b>	<b>242 645</b>	<b>116 461</b>	<b>139 377</b>	<b>255 838</b>	<b>273 493</b>	<b>290 313</b>	<b>563 806</b>



318. The Gabonese education system also includes a number of specialized public organizations, such as the National School for Hearing-Impaired Children and Libreville Military Academy.

319. Founded in 1985 under the dual supervision of the Ministry of Education and the Ministry of Social Affairs, the National School for Hearing-Impaired Children provides preschool and primary education, as well as rehabilitation for hearing-impaired children aged 3–12 years and over.

320. Libreville Military Academy is a secondary education establishment providing a general education that prepares students for the certificate of completion of the first stage of secondary education and the baccalaureate diploma, in addition to providing military training. It recruits children of both sexes through a special entrance examination for the first year of secondary school. Students at this school are traditionally called “army children”, and receive a physical and moral education that prepares them for careers as officers.

321. Technical and vocational education comprises three subcycles: a short cycle, an intermediate cycle and a long cycle. It is provided exclusively at public schools in all provinces of Gabon.

322. It should be recalled that this sector falls under the responsibility of several ministries. In addition to the establishments operated by the Ministry of Education, which account for around two thirds of the total number, the Ministry of Higher Education and the Ministry of Vocational Training and Social Reintegration manage a number of these establishments. In addition, there are private schools, which are sometimes linked to companies, and centres attached to other ministerial departments.

323. With a view to supporting these establishments, in 2014, the Government began reorganizing the education system to ensure that training is better adapted to employment needs and address the issue of youth unemployment.

324. As a result, four centres for basic and enhanced vocational training specializing in the timber and forestry sector, construction and public works, transport and logistics and information and communication technologies have been operational since the start of the 2020/21 academic year in the cities of Libreville, Franceville and Port-Gentil. These centres have a capacity of 1,000 places each and two training cycles: the secondary training cycle, which prepares students for the vocational baccalaureate, and the higher cycle, which is accessible to those who already have the baccalaureate diploma.

325. Higher education is provided by universities, which include faculties, higher professional schools and doctoral schools. In addition, postdoctoral institutions carry out training and collaborate with other bilateral and multilateral partner organizations.

326. In recent years, there has been a significant change in the university landscape, which is now open to private entities that receive State subsidies.

327. In the 2018/19 academic year, 63.5 per cent of higher education establishments were private; 97 per cent of such establishments were secular and 2.5 per cent were Protestant.

328. In addition, under article 1 (19) of the Constitution, freedom of education is guaranteed for all, and any person is entitled to open a preschool, primary, secondary or higher education establishment or a university under the conditions prescribed by law. There are educational establishments for the French, Turkish, Nigerian, Muslim and other communities.

329. By way of illustration, a large number of public schools, notably in Libreville, Owendo, Port-Gentil and Franceville, are accredited by the State, under an agreement between Gabon and France. These establishments are governed in line with Gabonese regulations and fall under the administrative and educational supervision of the Ministry of Education. Such schools each have between 100 and 600 pupils, of whom 69 per cent are Gabonese, 29 per cent are French and 6 per cent are of other nationalities.

330. No racial discrimination has been observed with respect to the enrolment and retention of students in the education system as a whole. The same applies to the recruitment, training

and posting of teachers. The teaching staff includes many teachers who are foreign nationals. In 2020, 214 refugee children attended school in the country, 115 of them in public schools.

331. With regard to human rights education in schools, it should be noted that curricula from the primary level to the secondary level include modules on so-called emerging topics.

332. The Ministry of Education and the Ministry responsible for human rights are working to introduce human rights education into school curricula. Studies are currently being carried out with a view to developing curricula and lesson content and training teachers for this purpose. The resulting programmes will integrate all aspects of human rights, in particular discrimination.

333. With regard to higher education, during the 2014/15 academic year, a partnership agreement was signed between the Ministry responsible for human rights and the Omar Bongo University with a view to introducing the teaching of human rights at the Faculty of Law and Economic Sciences. Although, for reasons related to costs and opportunities, this initiative only lasted for a year, it nevertheless led to the creation of a student league for human rights at the University in 2019.

334. Reform is currently being considered with a view to integrating endogenous knowledge, particularly aspects of it linked to the history, culture and traditions of different ethnic groups and indigenous populations, into educational curricula, while still remaining open to the world.

335. At the same time, it should be noted that, in certain subjects, such as French, following approval by the National Pedagogical Institute, several works on culture and history by Gabonese writers are regularly studied at educational institutions. The same applies to theatre clubs, which help promote Gabonese culture and traditions.

336. Since 2006, the Government has been engaged in a vast programme for introducing national languages into the education system. To this end, a department of national languages has been established at the National Pedagogical Institute with a view to developing teaching manuals and giving consideration to teaching national languages as native languages and as non-native languages. A scientific alphabet and orthography for these languages have been established.

337. Seven of the country's approximately 60 national languages have been selected for trial use in secondary schools. In practice, this policy will not be fully implemented; only Fang, Ipu and Myene will be integrated as school subjects at some Catholic establishments, such as Quaben junior secondary school, Bessieux junior secondary school, the Immaculate Conception Institute and Nelson Mandela senior secondary school.

338. This inaction on the part of institutions has resulted in the flourishing of African and Gabonese (NGOs) that are committed to teaching, promoting and safeguarding the various local languages of Gabon online. As a space in which numerous linguistic interactions take place and diverse contributions to discourse are made, the Internet is becoming an alternative educational and media solution that NGOs can use to promote these local languages.

339. At tertiary level, and more specifically at the Omar Bongo University, it may be noted that the Fang, Nzebi, Myene and Ipu languages are now being taught as part of undergraduate courses in the department of anthropology.

340. A subdivision of the department of language sciences dedicated to national languages was also established in 2001. In the same period, the faculty of liberal arts opened a department of African literature.

341. As stated above, capacity-building activities for law enforcement officials are held on a regular basis with technical support from the Office of the United Nations High Commissioner for Human Rights and other entities of the United Nations. These human rights training courses include training on the subject of racial discrimination.

342. The training courses are gradually contributing to a better understanding of human rights, which are now taken into account in procedures and in the follow-up to cases.

343. In addition, training modules on the prevention and elimination of racial profiling are provided at police and gendarmerie academies as part of the initial and ongoing training of law enforcement personnel.

344. The Government's cultural policy is aimed at making culture an important resource in the service of social cohesion, peace and promoting creativity towards the comprehensive development and flourishing of the Gabonese nation, with the objective of preserving the traditional values of communities through a permanent dialogue with other world cultures.

345. Civil society organizations, which are included in the major areas of the cultural policy, are key players in the preservation, promotion and maintenance of cultural diversity.

346. Their mission is to effectively take up and multiply cultural development efforts led by the authorities. Their experience and skills are therefore a valuable source of information for the State and local authorities in formulating and monitoring cultural policy.

347. Associations recognized by the administration work to combat racial prejudice and promote understanding between the groups in the country by organizing various activities, among which the following should be mentioned:

- Thematic days and trade fairs during which the cultures of the peoples living in Gabon are showcased through their art, particularly in fields such as cooking, sculpture and basketry
- General assemblies of civil society held in May 2007 which led to the development and establishment of the Gabonese Coalition for Cultural Diversity

348. In addition, traditional dances such as the Okuyi or the Elone, which bring people together without discrimination, are held by various fellowships in neighbourhoods and villages during the dry season. The traditional chiefs of the different ethnic groups are essential actors in such activities.

349. Journalists and other media workers play a key role in disseminating information intended to combat prejudices that lead to racial discrimination. Time slots are set aside for programmes with themes related to respecting human dignity and the basic principles involved in doing so. Steps are also taken to ensure that the various events held in connection with this issue receive media coverage and that information is disseminated in local languages.

350. A number of measures have been taken with a view to raising awareness among persons working in all sectors of the media of their particular responsibility not to encourage prejudices and to avoid reporting incidents involving individual members of groups protected under the Convention in a way that blames such groups as a whole.

351. In this context, in December 2012, at the initiative of the Government, media workers active in Gabon adopted a new charter of ethics to govern their profession.

352. In the same vein, any speech by journalists and media workers that incites hatred or discrimination is punishable under article 179 of the Act on the Media Code, which governs media professions. In addition, individuals who incite hatred and discrimination are subject to criminal penalties under the Criminal Code.

353. Under the country's partnership with United Nations bodies and agencies, training workshops on human rights and ethics have been held for journalists and media workers, most recently on 16 March 2021 at Georges Rawiri House.

354. Like those of other countries in the Central African subregion, the various professionals who comprise the Gabonese media industry have participated actively in a series of regional meetings on preventing and combating hate speech that have been held in Douala, Bangui and Kinshasa.

## Annex

Table 1  
The main ethnic groups of Gabon and their locations

<i>Name</i>	<i>Province</i>	<i>Location</i>
Andesa	Haut Ogooué	South of Franceville
Apindji	Ngounié	North of Mouila
Bekwil	Ogooué Ivindo	Along the River Ivindo, from the Gabon-Congo border to Makokou
Duma	Several provinces, but mainly in Ogooué Lolo	Mostly in Lastourville From north of the Forest of Bees to Bakouma From Lébamba to Mounana
Evea	Ngounié	Around Fougamou
Fang Ntumu	Woleu-Ntem	Mostly from Oyem to Bitam
Subgroups		
Mekaa		Mekaa: Mitzié
Mveny		Mveny: Minvoul
Okok		Okok: Medouneu
Related ethnic group	Ogooué Ivindo	Around the River Ogooué, in Makokou and Booué
Nzaman		
Galwa	Moyen Ogooué	Lakes Onangué, Avanga and Ezanga and Lambaréné
Related ethnic groups		
Adjumba		Lake Azingo
Enanga		Lake Zilè
Hausa	Woleu-Ntem	Oyem/Minvoul
	Moyen Ogooué	Ndjole
	Ogooué Lolo	Lastourville
	Ogooué Ivindo	Mekambo, Booué
Kande	Moyen Ogooué	Between the confluence of the Ogooué and Okano rivers and Booué
Kaningi	Haut Ogooué	Franceville
Kele	Moyen Ogooué Ngounié	Between Lambaréné and Ndjolé Fougamou
Kota	Haut Ogooué Ogooué Ivindo	Okondja
		Mékambo
Lumbu	Nyanga	Tchibanga
		Between Setté-Cama and Mayumba
Mahongwe	Ogooué Ivindo	Mékambo
Makaa	Ogooué Ivindo	Around Port Boué

<i>Name</i>	<i>Province</i>	<i>Location</i>
Mbaama	Haut Ogooué	Beside the River Sembé, Akiéni, Okondja and Franceville
Mbangwe	Haut Ogooué	North of Franceville
Myènè	Estuaire and Ogooué Maritime	
Subgroups		
Mpongwe		Libreville and Pointe Denis
Orungu		Cap Lopez and Port-Gentil
Nkomi		Fernan Vaz
Ajumba		Lake Azingo
Enenga		Lake Zilè
Ndambomo	Ogooué Ivindo	South of Ogooué Ivindo Province
Nduumo	Haut Ogooué	Franceville, Moanda
Ngom	Ogooué Ivindo	Mékambo
	Ogooué Lolo	Koulamoutou
Nzébi	Ngounié	Mimongo, Mbigou
	Ogooué Lolo	Koulamoutou
	Haut Ogooué	Bakoumba
Punu	Ngounié Nyanga	Mouila, Moabi, Ndende, Tchibanga
Puvi	Ogooué Lolo	West of Koulamoutou
Sangu	Ngounié	Mimongo and Mbigou
Shake	Ogooué Ivindo	Makokou
	Ogooué Lolo	Lastourville
Shira	Ngounié	The plains of the River Ngounié
Teke-kali	Haut Ogooué	Lekoni, Franceville
Tsogo	Ngounié	North of Mouila, the right bank of the River Ngounié, Sindara
Vili	Nyanga	Mayumba
Vungu	Ngounié	West of Mouila
Wanzi	Haut Ogooué	Moanda
	Ogooué Lolo	Lastourville
Wumbu	Haut Ogooué	The northern plateaus of Téké
Wumbvu	Ngounié	Malinga and Sindara