



## Convention on the Rights of Persons with Disabilities

Distr.: General  
2 October 2015

Original: English

---

### Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Gabon\*

#### I. Introduction

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

#### II. Positive aspects

4. The Committee commends the State party for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2014.
5. The Committee also commends the State party on a number of initiatives taken to promote the rights of persons with disabilities, including:
  - (a) Act No. 21/11 establishing general guidelines for education, training and research of February 2012;
  - (b) The National Human Rights Commission, in operation since 2011;
  - (c) The decree on the accessibility of public buildings for persons with disabilities, in January 2010;
  - (d) Ordinance No. 18/PR/2010 of 25 February 2010 amending certain provisions of the Labour Code, and its ratifying Act No. 22/2010;
  - (e) Decree No. 304/PR/MCAEPRDH of 31 March 2008 on the establishment and organization of the Directorate-General of Human Rights.

---

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



### **III. Principal areas of concern and recommendations**

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

6. The Committee is concerned that the State party has no legal definition of “reasonable accommodation” nor “universal design”.

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

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

9. **The Committee recommends that the State party establish permanent mechanisms at the national and local levels for participation and consultation with organizations of persons with disabilities in relation to law and policymaking, by creating and ensuring the function of the National Committee for the Integration of Persons with Disabilities, establishing the monitoring and assessment commission on social development and guaranteeing the participation of organizations of persons with disabilities in its membership. The Committee also recommends that the State party provide organizations of persons with disabilities with sufficient, independent and continuous financial resources to ensure that they can provide the State party with information on the needs and views of persons with disabilities to be taken into account in future planning processes.**

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

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

(a) **Bring its national legislation in line with the Convention, including the provisions to enforce the Convention in domestic courts;**

(b) **Adopt a human rights model of disability in legislation and policies;**

(c) **Eliminate stigmatizing terminology.**

#### **B. Specific rights (arts. 5-30)**

##### **Equality and non-discrimination (art. 5)**

12. The Committee is concerned about the absence of:

(a) Explicit prohibition of discrimination on the grounds of disability and legal remedies and sanctions to uphold the right to non-discrimination by persons with disabilities;

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

(c) Appropriate labour laws and measures to end discrimination against persons with disabilities in the workplace.

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

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

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

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

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

#### **Women with disabilities (art. 6)**

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

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

#### **Children with disabilities (art. 7)**

16. The Committee is concerned that girls and boys with disabilities do not have access to services to ensure their development, protection and participation, such as suitable health care and education services, in particular in rural areas. It is also concerned at the inadequacy of resources to strengthen support services and information to families of girls and boys with disabilities to ensure their inclusion in the home and in the community.

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

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

19. **The Committee recommends that the State party establish a national mechanism to enable girls and boys with disabilities to express their views and receive support, if they request it, so as to fully participate in any decision-making concerning their lives.**

**Awareness raising (art. 8)**

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

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

**Accessibility (art. 9)**

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

23. **The Committee recommends that the State party implement legally enforceable accessibility standards, including effective sanctions for non-compliance; allocate adequate financial resources; and, in close consultation with organizations of persons with disabilities, develop a comprehensive national accessibility action plan with time frames, indicators, monitoring and evaluation benchmarks, and which is binding on all public procurement processes, in accordance with the Committee's general comment No. 2.**

**Right to life (art. 10)**

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

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

**Situations of risk and humanitarian emergencies (art. 11)**

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

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

**Equal recognition before the law (art. 12)**

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

29. **The Committee strongly recommends that the State party repeal the regimes of substituted decision-making enshrined in articles 618 and 640 of the Civil Code,**

among others, and replace them with supported decision-making regimes which uphold the autonomy, will and preferences of persons with disabilities.

#### **Access to justice (art. 13)**

30. The Committee is concerned at the lack of accessibility to the justice system, including physical access, legal aid and sign language interpreters in courtrooms, and procedural accommodation.

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

#### **Liberty and security of the person (art. 14)**

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

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

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

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

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

36. The Committee is concerned that the State party has not adopted a definition of torture, including mental torture, nor explicitly criminalized torture in the Criminal Code.

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

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

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

39. The Committee recommends that the State party draft and adopt new legislation on violence against women in line with the recommendations of the Committee on the Elimination of Discrimination against Women (see CEDAW/C/GAB/CO/6, para. 11), and which specifically addresses women and girls with disabilities, and include them in the consultation and drafting process. The Committee also recommends that the State party establish accessible services for persons with disabilities who are experiencing violence, such as shelters, victim support services, hotlines and complaint mechanisms, including in rural areas. It further recommends that the State party provide training for police officers, justice personnel, staff providing custodial care in prisons or other places of detention, social workers, health professionals and other interlocutors so as to ensure protection from and prevention of exploitation and abuse of, and violence against persons with disabilities, including on effective reporting channels with a view to ensuring that all interlocutors take victims seriously and provide support when requested, and that investigation, prosecution and sanctioning of perpetrators are conducted effectively to prevent recurrence.

#### **Protecting the integrity of the person (art. 17)**

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

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

#### **Liberty of movement and nationality (art. 18)**

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

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

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

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

45. **The Committee recommends that the State party develop comprehensive community-based services for persons with disabilities in close cooperation with them and their representative organizations, including in particular personal assistance services. The Committee also recommends that the State party adopt the necessary measures to prevent isolation or segregation of persons with disabilities from the community by being hidden in the family, in segregated institutions or in the so-called “*cités*”.**

**Personal mobility (art. 20)**

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

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

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

48. The Committee is concerned at the lack of availability of public information and mass media for persons with disabilities in accessible and usable formats, such as Braille, sign language, easy-to-read and others, and that no steps are being taken to officially recognise Gabonese Sign Language in the law.

49. **The Committee recommends that the State party develop and use accessible communication formats, as listed above, for mass media and public information, and allocate adequate funding accordingly. It also recommends that the State party officially recognize Gabonese Sign Language and Braille and take steps to provide training and certification for professional Gabonese Sign Language interpreters.**

**Respect for the home and family (art. 23)**

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

51. **The Committee recommends that the State party immediately repeal article 204 and related provisions of the Civil Code that restrict marriage for persons with disabilities on an equal basis with others. The Committee also recommends that the State party: (a) provide support to parents with disabilities to enable them to exercise their full parental rights; and (b) allocate adequate resources to strengthen services for children with disabilities, to support their families and to train professionals in the field.**

**Education (art. 24)**

52. The Committee is concerned that the education of children with disabilities is restricted to segregated schools and that inclusive quality education is not provided to children with disabilities in mainstream schools. The Committee is also concerned about the so-called verbo-tonal teaching method used exclusively in the education of deaf children, instead of providing education in the language of their choice.

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

**Health (art. 25)**

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

55. **The Committee recommends that the State party ensure that:**

(a) **All health services are accessible to persons with disabilities at all levels, in particular the community level;**

(b) **Information regarding all public health education and health services is accessible, in particular community-based health services, including for HIV/AIDS and sexual and reproductive health, including in rural areas;**

(c) **Strategies to raise awareness of the human rights model of disability among all health professionals are in place.**

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

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

**Work and employment (art. 27)**

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

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

**Adequate standard of living (art. 28)**

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

61. **The Committee recommends that the State party identify a social protection floor that covers the minimum content of the right to an adequate standard of living on an equal basis with others, ensure access of persons with disabilities to social**



protection programmes and take account of and cover the additional costs associated with disability and relating to the individual circumstances of each person.

#### **Participation in political and public life (art. 29)**

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

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

#### **Participation in cultural life (art. 30)**

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

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

### **C. Specific obligations (arts. 31-37)**

#### **Statistics and data collection (art. 31)**

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

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

#### **International cooperation (art. 32)**

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

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

#### **National implementation and monitoring (art. 33)**

70. The Committee is concerned about the specific role and mandate of the National Committee for the Integration of Persons with Disabilities (provided for in Decree No.

152/PR/MSNASBE, 04/02/2002) in relation to article 33 (1) of the Convention and that it has not yet been created. The Committee is also concerned at the lack of an independent monitoring mechanism, including measures to ensure the participation of persons with disabilities and their representative organizations.

71. **The Committee recommends that the State party designate bodies under article 33 (1) and (2) of the Convention, without delay. The body designated further to article 33 (2) must comply with the Paris Principles and guarantee the meaningful participation of persons with disabilities and their representative organizations in all processes of the implementation and monitoring of the Convention.**

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

72. By virtue of article 37 of the Convention, the Committee offers technical assistance to States parties for the implementation of the Convention, which is facilitated by the expert advice of its members through the Secretariat. States parties may also request technical assistance from United Nations specialized agencies based in the State party or in the region.

#### **Follow-up and dissemination**

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

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

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

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

#### **Next report**

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