



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

List of issues prior to submission of the tenth periodic report of Gabon*

General information

1. Please provide information on any significant developments in the legal and institutional framework through which human rights, in particular those covered by the Convention, are promoted and protected at the national level. Please indicate how the Committee's previous concluding observations¹ have been taken into account in realizing those developments and whether civil society organizations have been involved in this process.
2. Please provide updated information on the ethnic composition of the State party's population, including non-citizens such as asylum seekers, refugees, stateless persons and migrants. Please clarify whether there are groups that are officially considered to be national or ethnic minorities or indigenous peoples in the State party and, if so, which groups, taking into account the Committee's general recommendations No. 8 (1990), concerning the interpretation and application of article 1 (1) and (4) of the Convention and relating to self-identification, and No. 24 (1999), concerning article 1 of the Convention.
3. Please provide information on the status of the Convention in the domestic legal order and indicate, providing examples, whether it can be directly invoked in domestic courts. Please describe measures taken to raise awareness of the Convention among judges, lawyers, prosecutors and other law enforcement officials, as well as to raise public awareness of the rights and protection to which individuals are entitled under the Convention.
4. Please provide information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Article 1

5. Please indicate:
 - (a) Whether the definition of racial discrimination in domestic law covers discrimination based on race, colour, descent and national or ethnic origin, as set out in article 1 of the Convention;
 - (b) Whether the definition of racial discrimination in domestic law covers direct and indirect forms of discrimination;
 - (c) Whether domestic law provides for differential treatment based on citizenship or migration status and the compliance of any such differentiation with article 1 (2) and (3) of the Convention.

* Adopted by the Committee at its 103rd session (19–30 April 2021).

¹ CERD/C/304/Add.58.



6. Please indicate whether the State party's legal system allows for the adoption of special measures to ensure the adequate advancement of individuals and groups protected by the Convention and, if so, please describe these measures and provide information on the results achieved through their application.

Article 2

7. Please provide information on the legal framework, policies and legislative, judicial, administrative and other measures adopted to eliminate racial discrimination and give effect to article 2 of the Convention.

8. Please provide information on the National Human Rights Commission, including its mandate, and indicate whether it is competent to combat racial discrimination, including by considering individual complaints, and the types of assistance that are available to victims of racial discrimination. Please also provide information on the measures taken to bring the Commission fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), in particular the reforms undertaken to ensure its financial autonomy and guarantee its independence, including the procedure for the appointment of its members.

Article 3

9. Please indicate the measures taken to monitor and prevent segregation of persons and groups protected by the Convention, including ethnic minorities and non-citizens, in all areas, including education and housing.

Article 4

10. Please provide information on the legislative, judicial, administrative and other measures taken to give full effect to article 4 of the Convention, including those aimed at:

- (a) Criminalizing the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination;
- (b) Criminalizing all acts of violence or incitement to such acts against any group of persons on the grounds of race, colour, descent, or national or ethnic origin;
- (c) Criminalizing the provision of any assistance to racist activities, including the financing thereof;
- (d) Declaring the participation in organizations and in organized and all other propaganda activities which promote racial discrimination as an offence punishable by law;
- (e) Prohibiting public authorities and public institutions, national or local, from promoting or inciting racial discrimination.

11. Please indicate whether racial motives are considered an aggravating circumstance under domestic criminal legislation.

12. Please provide information on the tools that the State party has developed to combat racial hate speech in the media, including on the Internet, and on the results of the implementation of these tools, if any.

13. Please provide information on the measures taken to facilitate the submission of complaints involving acts of racial discrimination falling under article 4 of the Convention. Please also provide examples of decisions taken by national courts in such cases, if any. Please also provide statistical data, disaggregated by sex, age and national or ethnic origin, on complaints filed, inter alia, with the police, on prosecutions initiated and sentences handed down for acts prohibited under article 4 of the Convention and on the reparations provided to the victims of such acts.

Article 5

14. Please provide information on the exercise of the rights enshrined in article 5 of the Convention by persons belonging to ethnic and ethnolinguistic minorities, by indigenous peoples and by non-citizens, including migrants, refugees, asylum seekers and stateless persons, focusing in particular on economic, social and cultural rights, including access to social services, health care and education.

15. Please indicate whether the State party intends to give legal or constitutional recognition to indigenous peoples. If so, please provide data on the participation of indigenous peoples in political and public affairs at the national and local levels, including in representative or elected bodies, in the administration and in government agencies. Please also provide information on the mechanisms and procedures set up to ensure that indigenous peoples are duly consulted when decisions are made that may affect their livelihoods, in particular in decision-making processes regarding the exploitation of natural resources in their traditional territories.

16. Please provide information on access to domestic courts by persons belonging to the most disadvantaged and marginalized ethnic groups, including indigenous peoples, and indicate to what extent they benefit from the legal aid system.

17. Please indicate the specific measures taken to uphold the right of migrants to fair and satisfactory conditions of work, including in the mining and timber sectors, and to combat the forced labour of migrant children. Please indicate the outcomes of such measures. Please also provide information on the steps taken to ensure migrants' access to education, in particular the impact of the implementation of Act No. 21/2011 of 11 February 2012 establishing general guidelines for education, training and research.

18. Please provide information on the prevention of racial discrimination against persons belonging to these groups, including on stigmatization and arrests during police checks, as well as on access to economic, social and cultural rights, in particular access to health, education and housing. Please also indicate the measures taken to ensure that all refugee and asylum-seeking children have access to adequate medical care and obtain birth certificates promptly, especially in rural areas.

19. Please provide data, disaggregated by sex and ethnic or national origin, on the scale of trafficking in persons affecting foreigners, minorities and indigenous peoples in Gabon, including women and girls, and in particular trafficking for the purpose of sexual exploitation and domestic servitude. Please provide information on the implementation and impact of agreements concluded with other States to combat trafficking in persons, including in victim identification, information-sharing, joint investigations and judicial cooperation. Please clarify whether such agreements cover all forms of trafficking in persons and whether they protect both adults and children from trafficking.

20. Please provide information on the legal framework for combating trafficking in persons, in particular non-citizens, ethnic minorities and indigenous peoples, and indicate the extent to which it penalizes all forms of trafficking in persons. Please include statistical data on cases reported, complaints filed, investigations conducted, prosecutions carried out, penalties imposed on perpetrators, remedies provided and protection measures offered to victims of trafficking, including shelters and protection from retaliation. Please provide information on the status of the establishment and on the functions of the Council for the Prevention and Fight against Child Trafficking provided for in Act No. 009/2004 and, where appropriate, provide information on its activities and achievements.

21. Please provide information on the impact of the coronavirus disease (COVID-19) pandemic on the persons most vulnerable to discrimination and the various groups protected by the Convention, including non-citizens, indicating, in particular, the measures taken to:

(a) Ensure their participation in the design and implementation of the response to the COVID-19 pandemic;

(b) Protect them against the effects of the COVID-19 pandemic;

(c) Protect them against discriminatory acts and counter hate speech and stigmatization in connection with the COVID-19 pandemic;

(d) Mitigate the socioeconomic impact of the COVID-19 pandemic on these persons and groups.

Article 6

22. Please provide information on the legislative, judicial, administrative and other measures which give effect to article 6 of the Convention. In particular, please provide information on the practice and decisions of the courts and administrative bodies relating to cases of racial discrimination as defined under article 1 of the Convention.

23. Please indicate the measures taken to inform the public of the various remedies available in relation to acts of racial discrimination, promote the filing of complaints and ensure the prevention of and protection from reprisals against complainants and authors of complaints.

24. Please provide information, including examples, on the types of reparation that are considered adequate in domestic law in cases of racial discrimination. Please also provide information on the burden of proof in civil proceedings for cases involving racial discrimination.

25. Please indicate whether the State party intends to make the optional declaration provided for in article 14 of the Convention and, if not, please provide information on the obstacles to making such a declaration.

Article 7

26. Please provide information on the legislative and administrative measures taken to combat prejudices that lead to racial discrimination, including general information on the education system. Please also provide information on human rights education in schools, including in relation to the principles underpinning the Convention. Please also provide information on measures taken to ensure that school curricula integrate references to the history, culture and traditions of the various ethnic groups and indigenous peoples.

27. Please provide information on the steps taken to provide law enforcement officers with comprehensive human rights training, including training on racial discrimination, and describe the impact of any such training. Please specify the training provided to law enforcement officials on the prevention and elimination of racial profiling.

28. Please provide information on the measures taken to promote tolerance, understanding and dialogue among different ethnic groups or indigenous peoples and other groups living in the territory of the State party and indicate the results of any such measures. Please include information on the role of any institutions or associations working to transform national culture and traditions in order to combat racial prejudice and promote understanding, tolerance and friendship among all groups within the State party's territory, regardless of their culture. Please also describe the role of the official media in disseminating information to combat prejudices that lead to racial discrimination and the steps taken to raise awareness among professionals of all 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.