



International Convention on the Elimination of All Forms of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the tenth periodic report of Gabon

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report.¹ The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Statistics

2. Updated information on the demographic composition of the population, disaggregated by ethnic or national origin and languages spoken, and indicators relating to the socioeconomic situation of the different groups living in the State Party, in particular ethnic minorities, Indigenous Peoples and non-citizens, including migrants, refugees, asylum-seekers and stateless persons. Measures taken to strengthen the data-collection system, including through the incorporation of variables related to ethnic origin and the use of self-identification, and alternative tools developed or envisaged that allow for both more detailed information on the difficulties specific to certain groups, especially as regards racial discrimination and socioeconomic equalities, and an assessment of the implementation of the Convention.²

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 6)

3. Additional information on the status of the Convention in the domestic legal system and the possibility for the provisions of the Convention to be directly invoked before domestic courts. Examples of cases in which provisions of the Convention have been invoked and directly applied by domestic courts.³ Additional information on measures taken to raise awareness of the Convention among judges, public defenders, law enforcement officials, other public officials, lawyers and members of the public, including non-citizens, and the effects of the measures.⁴

¹ A/65/18, para. 85.

² CERD/C/304/Add.58, paras. 8 and 13; and CERD/C/GAB/10, paras. 19–32, 35, 36 and 86.

³ CERD/C/GAB/10, para. 37.

⁴ CERD/C/304/Add.58, paras. 12 and 17; and CERD/C/GAB/10, paras. 38–41 and 341–343.



4. Efforts made to prohibit racial discrimination in the State party's domestic legal system. Measures taken or envisaged to adopt comprehensive anti-discrimination legislation containing a clear definition of racial discrimination, including direct, indirect, multiple and intersecting forms of such discrimination, covering all fields of law and public life and all prohibited grounds of discrimination, in accordance with article 1 (1) of the Convention.⁵

5. Updated information on measures taken or envisaged with a view to adopting a national action plan to combat racism, racial discrimination, xenophobia and related intolerance.⁶

6. Steps taken recently to bring the National Commission on Human Rights into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Information on measures taken or envisaged to strengthen the Commission's mandate and activities, including in the area of the prevention and combating of racial discrimination, and on trends in the human, technical and financial resources allocated to the Commission so that it can carry out its mandate effectively and independently.⁷ Information on complaints of racial discrimination received by the Commission and their outcomes.

7. Additional information on measures taken or envisaged to ensure that the Criminal Code and other relevant laws are fully in line with article 4 of the Convention, including the provisions under which all dissemination of ideas based on racial superiority is to be declared an offence punishable by law, organizations that promote and incite racial discrimination are to be declared illegal and prohibited and the promotion of or incitement to racial discrimination by public authorities or institutions is to be made an offence, and that they cover all the grounds of discrimination referred to in article 1 of the Convention.⁸

8. Additional information on specific measures taken to prevent and combat racist hate speech and hate crimes and incitement to racial hatred and xenophobia, including in the media, on the Internet and on social networks.⁹ Updated information on the handling of cases relating to racist hate speech and hate crimes and acts of incitement to racial hatred and xenophobia, including in the media, on the Internet and on social networks, by the State party's civil, administrative and criminal courts, including on the complaints filed, investigations and prosecutions undertaken, convictions secured, penalties imposed and reparation granted to victims. Measures taken to improve the reporting and follow-up of hate crimes and racist and xenophobic hate speech, including the establishment of a data-collection and storage system.

9. Measures taken or envisaged to ensure, in law and in practice, that civil society organizations and human rights defenders, in particular those tackling racial discrimination and defending the rights of Indigenous Peoples and migrants, are protected so that they can carry out their work without hindrance. Information on the adoption of a law on the promotion and protection of human rights defenders.

10. Measures taken or envisaged, particularly at the legislative level, to prevent and explicitly prohibit racial profiling by law enforcement officers. Specific disciplinary and criminal measures to ensure that cases of racial profiling are investigated and punished in practice.¹⁰

Situation of ethnic minorities and Indigenous Peoples (art. 5)

11. Updated information on measures, including special measures or affirmative action, taken or envisaged with the aim of combating the inequalities and multiple forms of discrimination, including racial discrimination, suffered by ethnic minorities and Indigenous Peoples such as the Baka, Babongo, Bakoya Baghame, Barimba, Akoula and Akwoa peoples,

⁵ CERD/C/GAB/10, paras. 43, 44 and 49.

⁶ Ibid., para. 42.

⁷ Ibid., paras. 51–64.

⁸ CERD/C/304/Add.58, paras. 9 and 14; and CERD/C/GAB/10, paras. 66–77.

⁹ CERD/C/GAB/10, paras. 66–83 and 350–354.

¹⁰ Ibid., paras. 94 and 343.

and ensuring that these groups effectively enjoy their rights throughout the country.¹¹ Updated information on measures taken to uphold the rights of ethnic minorities and Indigenous Peoples, including the necessary legal recognition and protection.

12. Measures taken to promote and protect the rights of Indigenous Peoples, including the adoption of specific legislative, institutional and public policy measures, and to ensure the participation of Indigenous Peoples in the design, implementation and evaluation of these measures and policies.¹²

13. Measures taken to provide effective access to birth registration services for members of ethnic minorities and Indigenous Peoples and to ensure that they are issued with official identity documents and passports, in particular in remote areas of the State party's territory.¹³ Measures taken to increase the participation of members of Indigenous Peoples and other minorities and Gabonese citizens of foreign origin, in particular women belonging to these groups, in political life and public affairs at all levels of government and to ensure that they are more represented in decision-making positions in both the public and private sectors, and specific information on the impact of these measures.¹⁴ Measures taken to safeguard, in law and in practice, the rights to stand for election, to take part in government and the conduct of public affairs at all levels and to enjoy equal access to public office, without discrimination.

14. Information on measures taken to reduce poverty levels among Indigenous Peoples and other minorities and to ensure that persons belonging to these groups have effective access to basic services, including housing, water and sanitation, health and education.¹⁵ Specific information on the impact of such measures and relevant statistical data. Measures taken to put in place basic social services that are adapted to the ways of life and culture of Indigenous Peoples.

15. Measures taken to combat racial discrimination in employment, which mainly affects members of Indigenous Peoples and other minorities, and to improve these groups' access to the formal sector of the economy, to ensure that they enjoy fair and satisfactory working conditions and to prevent and combat unfair labour practices and exploitation, and information on the impact of these measures. Updated information on measures taken to ensure the effective application of the Labour Code, in particular with regard to the prohibition of all forms of discrimination in employment.¹⁶

16. Additional information on measures taken to ensure the provision of education in minority languages and on the extent to which pupils from ethnic minorities, including Indigenous Peoples, receive education in their languages in practice.¹⁷ Measures taken to promote the dissemination of and respect for the traditions and culture of the various ethnic groups and to protect and encourage the use and preservation of Indigenous languages such as Baka and Koya.

17. Updated information on measures taken to ensure, in law and in practice, the establishment of consultation procedures for obtaining the free, prior and informed consent of Indigenous Peoples and the establishment of adequate mechanisms to carry out such consultations, particularly in relation to legislative or administrative measures and infrastructure or natural-resource exploitation projects that may affect the rights of Indigenous Peoples.¹⁸ Situation of Indigenous Peoples affected by the implementation of infrastructure projects and the exploitation of natural resources, such as mining and logging, and the reparation provided to them.

¹¹ Ibid., paras. 23–27, 47 and 231.

¹² Ibid.

¹³ Ibid., para. 231.

¹⁴ Ibid., paras. 237 and 238.

¹⁵ Ibid., para. 231.

¹⁶ Ibid., para. 49.

¹⁷ Ibid., paras. 23, 24, 229, 336–340 and 349.

¹⁸ Ibid., paras. 22 and 232–236.

18. Measures taken to promote the rights of Indigenous Peoples to own, develop, control and use their traditionally occupied or used lands, resources and communal territories, including with respect to tenure rights and land demarcation.

19. Measures taken to combat the multiple and intersecting forms of discrimination faced by women belonging to ethnic minorities and Indigenous Peoples, and by migrant, asylum-seeking, refugee and stateless women, particularly with respect to their access to education, employment and healthcare services. Impact of Act No. 006/2021 of 6 September 2021 on the elimination of violence against women and the 2018 National Strategy to Combat Gender-based Violence in terms of preventing and tackling violence against women belonging to the aforementioned groups.¹⁹ Information on the investigation of cases of gender-based violence, the prosecution and punishment of the perpetrators and the protection and reparation afforded to the victims, including the establishment of shelters in rural and remote areas and the provision of comprehensive care services.

Situation of non-citizens, including migrants, refugees, asylum-seekers and stateless persons (art. 5)

20. Measures taken to harmonize national legislation, including Act No. 5/86 of 17 June 1986 establishing the rules for the entry and stay of foreign nationals in Gabon, and, in particular, provisions making irregular migration a criminal offence, with the relevant international obligations.²⁰ Measures taken to raise awareness among civil servants and law enforcement officials of the rights of migrants, asylum-seekers, refugees and stateless persons.

21. Measures taken or envisaged to prevent and combat racial discrimination and xenophobia against migrants, asylum-seekers, refugees and stateless persons. Impact of the policies and programmes designed to facilitate the integration of non-citizens, and measures taken to ensure, in law and in practice, that migrants, asylum-seekers, refugees and stateless persons have access to health services, education and the labour market.²¹ Measures taken to ensure that the “Gabonization” of jobs does not lead to discrimination in recruitment processes and the dismissal of employees based on their race, colour, descent or national or ethnic origin.

22. Measures taken or envisaged to develop and implement standard operating procedures for determining refugee status and for identifying and providing information and guidance to persons seeking international protection who arrive by land or sea.²² Information on measures taken or envisaged to strengthen the National Commission for Refugees, including on trends in the human, technical and financial resources allocated to it so that it can carry out its mandate effectively. Additional information on measures taken to ensure access to health services for asylum-seekers and refugees, including on the steps taken to extend access to primary healthcare to asylum-seekers who are awaiting a decision on their refugee status.²³

23. Additional information on measures taken to prevent and reduce statelessness and to protect stateless persons, including on the legal framework, the mandate and resources of the National Committee for the Eradication of Statelessness and the development of a national action plan to prevent and reduce statelessness.²⁴

24. Updated information on measures taken to prevent and combat trafficking in persons, particularly non-citizens and non-citizen children, including for the purposes of labour exploitation, sexual exploitation and domestic servitude, in addition to information on initiatives to improve the identification of victims and provide them with appropriate protection and assistance.²⁵ Information on the human, technical and financial resources allocated to the National Commission to Prevent and Combat Trafficking in Persons to ensure

¹⁹ Ibid., paras. 12 and 47.

²⁰ Ibid., paras. 114 and 115.

²¹ Ibid., paras. 28–32, 114, 115, 117, 197, 200, 244–252 and 265.

²² Ibid., paras. 112, 113 and 117.

²³ Ibid., paras. 244–246.

²⁴ Ibid., paras. 119 and 239–243.

²⁵ Ibid., paras. 253–284.

that it is able carry out its mandate effectively, and on those earmarked to ensure the effective implementation of the National Plan against Trafficking. Information on complaints, investigations, prosecutions, convictions, penalties and reparation and rehabilitation measures for victims of trafficking.²⁶

Access to justice (arts. 5 and 6)

25. Updated information on cases involving racial discrimination and related offences brought before the courts or other national institutions, including the National Commission on Human Rights, and on the results of the investigations conducted, the penalties imposed and the reparation granted to the victims.²⁷ Information on measures taken or envisaged to facilitate the lodging of complaints of racial discrimination, including reversal of the burden of proof in favour of victims.²⁸

26. Additional information on concrete measures taken to improve access to justice for members of ethnic minorities and Indigenous Peoples and non-citizens, including migrants, asylum-seekers and refugees, in particular measures aimed at eliminating obstacles in the judicial system that complicate victims' access to justice, including the complexity of procedures, the lack of specific measures to provide information on the remedies available, distance from centres for the administration of justice and language barriers.²⁹ Updated information on the steps taken by the State party towards making the optional declaration provided for in article 14 of the Convention.³⁰

Training, education and other measures to combat prejudice and intolerance (art. 7)

27. Additional detailed information on measures taken to promote human rights education, specifically with regard to the Convention and combating racial discrimination, racism and xenophobia, in school curricula and vocational training programmes, and information on the impact of these measures.³¹ Information on whether textbooks and curricula at all levels contain representations of ethnic minorities, Indigenous Peoples and migrants and address their contributions to the development and national history of the State party.³²

28. Concrete measures taken to prevent and tackle the dissemination of racial and xenophobic stereotypes and prejudices that lead to racial discrimination against ethnic minorities, Indigenous Peoples and non-citizens, in particular migrants, asylum-seekers and refugees, including in the media and on social networks.³³ Measures taken to raise awareness among the public, civil servants and law enforcement officials of the importance of cultural diversity, tolerance and inter-ethnic understanding.³⁴

²⁶ Ibid., para. 273.

²⁷ CERD/C/304/Add.58, paras. 11 and 16; and CERD/C/GAB/10, paras. 50, 84–87 and 299.

²⁸ CERD/C/GAB/10, para. 304.

²⁹ Ibid., paras. 88–111 and 291–303.

³⁰ Ibid., para. 305.

³¹ Ibid., paras. 331–333.

³² Ibid., paras. 334 and 335.

³³ Ibid., paras. 226, 227, 229, 306 and 344–354.

³⁴ CERD/C/304/Add.58, paras. 12 and 17; and CERD/C/GAB/10, paras. 38–41, 341 and 342.